

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of May 7, 2019**

**SUBJECT: Amendments to Chapter 55 (Unified Development Code) to correct errors in the permitted use table, consideration of parkland donations in lot area calculations, the R5 district maximum front setback requirement, and amend the definition of front lot line.**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code, Sections 5.15, 5.17 and 5.37 to correct errors in the permitted uses table, consideration of parkland donations in lot area calculations, and the R5 district maximum front setback requirement, and to amend the definition of front lot line.

**STAFF RECOMMENDATION:**

Staff recommends that the amendments to the Unified Development Code be **approved**.

**SUMMARY:**

Three corrections and two amendments to the Unified Development Code are proposed.

Corrections include:

1. In Section 5.15, Table 5-15, the cell for Medical Marijuana Processor use in the M1A district is blank. It should indicate P for permitted.
2. In Section 5.17.3.A, lot area incorrectly includes parkland. It should state that lot area includes land donated or to be donated to the City for public park purposes, which is acceptable to the City.
3. In Section 5.17.5, Table 5:17-5, the cell for maximum front setback in the R5 district requires none. It should require 50 feet and reference footnote F.

Amendment Proposed:

1. Changing the definition of Front Lot Line to clarify that the word street, for the purposes of defining a lot line, does not include highways or alleys. Lot lines adjacent to highways and alleys will be considered as side or rear lot lines depending on the orientation of the parcel.

## **PROPOSED AMENDMENTS:**

### **1. Correction to Permitted Use Table**

In **Section 5.15, Table 5-15**, the cell for Medical Marijuana Processor use in the M1A district is blank. This is incorrect. It should indicate P for permitted. Ordinance 17-21 was adopted on December 18, 2017, allowing medical marijuana processors as a permitted principal use in the M1 district, thus also allowing medical marijuana processors as a permitted principal use in the M1A district per Section 5.10.25(2)(a) of Chapter 55 Zoning Ordinance. That version of Chapter 55 Zoning Ordinance was repealed and replaced with Chapter 55 Unified Development Code. No changes to the regulation of medical marijuana processors were intended with the adoption of the Unified Development Code.

Staff also propose to separate Table 5-15 into three tables, one for primary uses, one for accessory uses and one for temporary uses. This change will make future amendments to the use tables easier because, then, only one table would need to be included in any future proposed ordinance amendment. This will facilitate compliance with Section 7.3.g of the City Charter, which directs: "If a section of an ordinance is amended or revised it shall be reenacted and published at length."

It is also consistent with the separated approach currently used for the dimensional standard tables for zoning groups. Table 5-15's reference number is proposed to be amended as well, changing from 5-15 to 5:15 for consistency with other tables in the document.

### **2. Correction to Parkland donation**

In **Section 5.17.3.A**, "Lot Area does not include the area of dedicated or proposed Public Right-of-Way and parkland, or the area of private street easements in the R1 and R2 districts." This is incorrect. Per Ordinance 49-85, approved on December 2, 1985, "Lot area includes land donated or to be donated to the City for public park purposes, which is acceptable to the City." It appears the final edition of the repealed version of Chapter 55 Zoning Ordinance contained this error, and the error was carried through with the adoption of Chapter 55 Unified Development Code.

### **3. Correction to Nonresidential and Special Purpose Zoning Districts Area, Height and Placement Regulations**

In Section 5.17.5, Table 5:17-5, the maximum front setback in the R5 district is none. This is incorrect. The maximum front setback in the R5 district is 50 feet for new buildings, applicable to one front lot line if there is more than one. See Ordinance 10-34, approved on January 3, 2011.

Several corrections to the footnotes of Table 5:17-5 are also proposed for consistency, correctness, and clarity.

#### 4. Amendment to Definition of Front Lot Line

The definition of front lot line is provided in Chapter 55 Unified Development Ordinance, Section 5.37.2.

*Front Lot Line.* The lot line separating a lot from a street.

The definition of street is provided in Chapter 1 Adoption, Contents, and Interpretation, Section 1:8.

*Street, highway, alley.* The entire width subject to an easement for public right-of-way, or owned in fee by the city, county, or state, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right for purposes of public travel. The word, "alley," shall mean any such way or place providing a secondary means of ingress and egress from a property.

Taken together, a front lot line is any line that abuts a public right-of-way or easement for public travel including a highway or alley. Front setback dimensional standards, and front setback area and front yard allowances and restrictions, have been applied to lot lines abutting highways. Buildings on lots abutting highways must meet the minimum and maximum front setback standards. Fences along highways are subject to the front yard maximum height and opacity requirements. Restrictions to the design of parking lots between buildings and highways – the front setback area and front yards of lots abutting highways – are applied.

In response to increasing questioning of the purpose and benefit of applying front setback and yard standards to lot lines abutting highways and alleys, and because the Zoning Board of Appeals has granted several variances for fence height and opacity where abutting highways, staff initiated an amendment to the definition of front lot line. This change proposes to exclude the three highways surrounding the city and alleys from qualifying as front lot lines and was reviewed by the Ordinance Revisions Committee on November 27, 2018. With this amendment, any lot line abutting I-94, U.S. 23 or M-14 or an alley will be considered a side or rear lot line.

Staff also propose to separate Section 5.37.2 into subsections for each letter group, again so that future amendments are more efficient because only the affected letter group would need to be amended, similarly to the proposed changes in the use table described in 1. above.

Prepared by Alexis DiLeo  
Reviewed by Brett Lenart  
5-3-19

Attachment: Ordinance to Amend Chapter 55 Unified Development Code

c: City Attorney's Office

UNIFIED DEVELOPMENT CODE  
(PERMITTED USE TABLE, PARKLAND DONATIONS,  
DIMENSIONAL STANDARDS TABLE, FRONT LOT LINE)

AN ORDINANCE TO AMEND SECTIONS 5.15 (Table 5-15), 5.17.3.A, 5.17.5 (Table 5:17-5), 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 5.15, Table 5-15, of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended as follows:

**TABLE 5-155:15-1: PERMITTED PRIMARY USE TABLE**

P= PERMITTED      E = SPECIAL EXCEPTION      A= PERMITTED ACCESSORY USE      BLANK CELL = PROHIBITED

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

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

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

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

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

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

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

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



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

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

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

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	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
<b>INDUSTRIAL</b>																																	5.16.5	
<b>Agricultural</b>																																		
Agriculture/Greenhouse	P																																	
Barns	P																																	
Borrow Pits	E																																	
Medical Marijuana Grower																	P	P	P	P													5.16.3G	
<b>Manufacturing, Processing, Assembly, and Fabrication</b>																																		
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																	E	
Coal and Coke Dealer																																	P	
Food and Beverages																														P	P	P		
Heavy Manufacturing																																P	5.16.5A	
Laundry and Dry Cleaning Plant																																P		
Light Manufacturing																													P	P	P		5.16.5B	
Medical Marijuana Processor																												E	E	P	P		5.16.3G	
Marijuana-Infused <sup>1</sup> Product Processor																							E	E									5.16.3G	
Oil and Gas Wells																																	5.16.5C	

<sup>1</sup> Ordinance No. ORD-18-22, effective November 4, 2018.



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USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS					
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
Warehousing and Storage																																			
Outdoor Storage																																			
Warehousing and Indoor Storage																							P	P						P	P	P			

**TABLE 5-15.5.15-2 PERMITTED ACCESSORY USE TABLE**

P= PERMITTED E = SPECIAL EXCEPTION A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED

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

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

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

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
<b>ACCESSORY USES</b>																																		5.16.6
All Accessory Buildings																																		5.16.6A;
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																				5.16.6A
Community Recreation									A	A	A	A	A	A																				5.16.6A;
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																				5.16.6A; 5.16.6A.3; 5.16.6B
Drive-Through Facility																E					E	E	E	E									5.16.6A; 5.16.6A.3; 5.16.6C	
Dwelling Unit, Accessory		A	A	A	A	A																												5.16.6A; 5.16.6D
Dwelling Unit, Manager's																														A	A	A		5.16.6A; 5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6A; 5.16.6F
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6A; 5.16.6G
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6A; 5.16.6H
Incidental Services																A									A				A					5.16.6A; 5.16.6I

**TABLE 5-15.5:15-2 PERMITTED ACCESSORY USE TABLE**

P= PERMITTED E = SPECIAL EXCEPTION A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED

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

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

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

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
Management/Maintenance Office and Storage								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A					5.16.6A	
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G	
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G	
Office, Administrative/Executive																										A			A	A	A		5.16.6A;	
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6J	
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A										5.16.6A; 5.16.6K	
Parking Attendant Building																										A							5.16.6A;	
Restaurant, Bar, Food Service																									A								5.16.6A; 5.16.6L	
Retail Sales, General Merchandise																												A	A	A	A		5.16.6A; 5.16.6M	
Roadside Stand	A																																5.16.6A	
Solar Energy System	A							A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		5.16.6A 5.16.6N	
Solar Energy System, Personal-Scale		A	A	A	A	A	A	A	A	A																								5.16.6A 5.16.6O
Wireless Communication Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		5.16.6A; 5.16.6P	



**TABLE 5-15.5:15-3 PERMITTED TEMPORARY USE TABLE**

P= PERMITTED E = SPECIAL EXCEPTION A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED

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

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

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

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

Section 2. That Section 5.17.3 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.17.3 Residential Zoning Districts**

**A. Determination of Number of Dwelling Units**

The determination of the permitted number of Dwelling Units in the "R" Residential zoning districts shall be made as follows: The Lot Area of the parcel in question is divided by the "minimum Lot Area per Dwelling Unit" for the type of unit desired (or by the average for a variety of types) with the quotient being the number of Dwelling Units permitted. Lot Area includes land donated or to be donated to the City for public park purposes, which is acceptable to the City. Lot Area does not include the area of dedicated or proposed Public Right-of-Way ~~and parkland~~, or the area of private street easements in the R1 and R2 districts.

Section 3. That Section 5.17.5, Table 5:17-5, of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**5.17.5 Nonresidential and Special Purpose Zoning Districts**

Dimensional standards for nonresidential and special purpose zoning districts are provided in Table 5:17-5.

TABLE 5:17-5: NONRESIDENTIAL AND SPECIAL PURPOSE ZONING DISTRICTS									
NOTE: The requirements in this table may be superseded by the standards in Section 5.18 .									
DIS-TRICT	MAXIMUM LAND COVERAGE OF STRUCTURE	MAXIMUM DENSITY/FAR	REQUIRED SETBACK (FT.)				MAXIMUM HEIGHT FT.	MINIMUM GROSS LOT DIMENSIONS	
			MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R5	None	Minimum 900 sq. ft. of Lot Area per bedroom	15[A]	None 50 [E][H]	25 [B]	15 [B]	50 [C]	20,000	100
P	None	None	10 [A]	None	2.5 [D]	2.5	Equal to lowest maximum height (ft.) of abutting residential zoning district [E]	None	None
PL	None	None	None	None	None	None	None	None	None
RE	None	75	25 [A]	50 [FE][H]	0 [GF]	0 [EG]	None [HG]	60,000	150
ORL	None	75	25 [A]	50 [E][H]	0 [FG]	0 [FG]	None [HG]	60,000	150
M1 and M1A	40	75	15 [A][H]	None	0 [J]	0 [KJ]	35	13,000	100
M2	30	60	15 [A]	None	0 [J]	30 [LK]	35	125,000	200
PUD	See Sections 5.13.9 and 5.29.10								
NOTES:									
[A] See additional regulations in Section 5.19.8 <a href="#">Design of Vehicle Parking Facilities</a> and Section 5.20.3 <a href="#">Vehicular Use Area Landscaping and Screening</a> .									
[B] Plus one foot of additional setback for each foot of Building Height above 30 feet when abutting residentially zoned land.									
[C] Except 80 feet for Buildings with parking below at least 35% of the Building.									
[D] <del>Except 15 feet</del> when abutting residentially zoned land, consistent with the conflicting land use buffer requirements in Section 5.20 (Landscape, Screening, and Buffering).									
<del>[E] Garages may not exceed height limit of any abutting zoning districts.</del>									
<del>[FE] For new freestanding Buildings constructed or site planned after January 16, 2011, otherwise none.</del> Maximum setbacks shall apply to at least one Lot Line for new freestanding Buildings constructed or site planned after January 16, 2011, on parcels with more than one Front Lot Line.									
[GF] Except 100 feet minimum setback, plus one foot of additional setback for each foot of Building Height above 30 feet, where a Lot Line abuts a residential zoning district.									
[HG] Except 55 feet and 4 stories where Lot Line abuts residentially zoned land.									
[H] For new freestanding Buildings constructed or site planned after January 16, 2011, otherwise none.									
[J] Except <del>minimum setback of</del> 30 feet plus one foot of additional setback of Building Height above 30 feet, where a Lot Line abuts residentially zoned land.									
[KJ] Except 50 feet <del>minimum setback</del> plus one foot of additional setback of Building Height above 30 feet, where a Lot Line abuts residentially zoned land.									
<del>[LK] 30, e</del> Except 100 feet when abutting residentially zoned land.									

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Section 4. 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 to read as follows:

#### 5.37.2 Specific Terms

##### A.

##### **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 5.16.6D.

##### **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.

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**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.

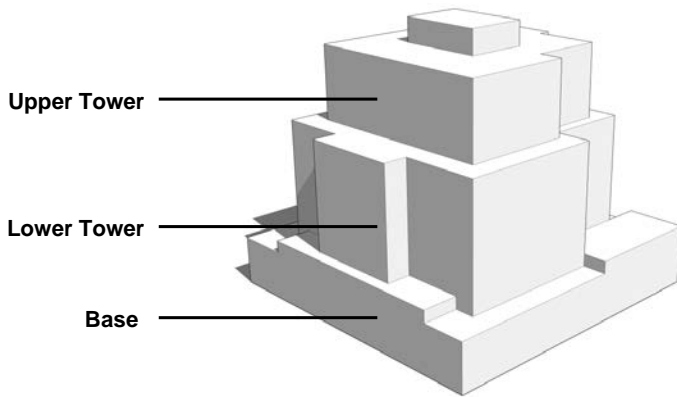
**B.**

**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**

**Beauty Salon**

A Personal Services establishment that provide beauty treatments such as hair cutting, coloring and styling; hair removal; manicure; pedicure; skin care; and therapeutic massage.

**Bed and Breakfast (Principal)**

A type of Hotel in which the operator typically lives and provides, but is not required, to serve meals to guests.

**Bed and Breakfast (Accessory)**

A Building designed as a Single-Family dwelling in which the operator lives and provides guestrooms of lodging accommodations by prior arrangement to no more than 3 guests for compensation to nonfamily members where occupancy of the dwelling including guests complies with the requirements for the zoning district in which the dwelling is located. It may or may not include serving of meals to guests.

**Bicycle Parking Space**

An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks that meet the requirements the for bicycle parking in this chapter.

**Billboard**

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

**Bioretention**

A storm water infiltration system capable of retaining and infiltrating runoff from the first one-half (1/2) inch of rainfall during any storm event.

**Boarding House**

See Group Housing.

**Borrow Pit**

An area from which soil or other unconsolidated material are removed and used, without additional Processing, as Fill for other Development-related activities.

**Building**

Any Structure having a Roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, Equipment, goods or materials of any kind. When 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.

**C.****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.

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**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.

**D.****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.

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**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.

**E.****Earth Change**

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

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**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.

**F.****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.

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**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.<sup>2</sup>

**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.

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<sup>2</sup> Ordinance No. ORD-18-06, effective July 29, 2018.

#### **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.

#### **G.**

##### **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 marihuana for sale to a processor or provisioning center.

##### **Grubbing**

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

##### **Guest House**

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

#### **H.**

##### **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

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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 Trailer**

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

**Housekeeping Unit**

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

**I.**

**Illuminated or Illumination**

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

**Impervious Surface**

All paved or hard surfaced areas, such as areas covered by Buildings and Structures; roads and drives; Parking Lots; formed curb and gutters; Vehicular Use Areas; brick or gravel surfaces; sidewalks; bike paths; patios; and any areas of concrete or asphalt or non-absorbent material.

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**Incidental Sales and Services**

Incidental and accessory Sales and Services intended for the convenience of occupants of the district, including newsstands, coffee shops, snack shops, Indoor Recreational facilities, dry cleaning, shoe shining, Beauty Salon or spa Child Care Centers, Restaurants, and medical and Dental Offices.

**Indoor Recreation**

An indoor establishment having as its principal or predominant use the offering of sporting-related, participatory or spectator entertainment, and which may or may not sell alcohol for consumption on the Premises. Sandwiches, light meals, snacks, and/or full service meals may be available for consumption on the Premises but are not the principal or predominant use of the establishment. Examples include, without limitation: court game facilities, swimming pools, skating rinks, health clubs, and bowling alleys.

**Industrial Plants, Manufacturing, Processing, Assembling**

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

**Institution of Higher Learning, Private**

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

**Institution of Higher Learning, Public**

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

**Invasive Species**

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

J.

K.

L.

**Laboratory**

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the Laboratory.

**Landmark Tree**

Any tree of 24-inch DBH or greater, or that is a type and DBH equal to or greater than shown on the Landmark Tree list in the land Development regulations, and that has a health and condition standard factor of over 50% based on the standards established by the Internal Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the Structure of the tree, the presence of insects or disease, the crown Development, and the life

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expectancy. The definition of a Landmark Tree shall not include any tree identified as an Invasive Species on the City's Invasive Species list.

**Laundry, Cleaning, and Garment Service**

An establishment where laundry or dry cleaning is dropped off and picked up by customers and that also includes on-site laundry and/or cleaning activities and garment tailoring services.

**Laundry and Dry Cleaning Plant**

An industrial facility where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

**Lawn Extension**

The unimproved portion of any Public Right-of-Way.

**Library**

A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

**Licensee**

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

**Light Manufacturing**

An Industrial, Manufacturing, Processing, or Assembling plant using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety Hazards outside of the Building or lot where such assembly, manufacturing, or processing takes place, where such processes are housed entirely within a Building.

**Limits of Soil Disturbance**

A line marking the perimeter of the area within which there will be construction activity and any disturbance to the soils on a Site.

**Lot**

A parcel of land, not including a public or private street, that may be a platted Lot of a recorded subdivision, a site condominium Lot, or a parcel of land that meets the requirements of this Code.

**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, excluding Lot Lines separating I-94, U.S. 23, and M-14, and alleys.

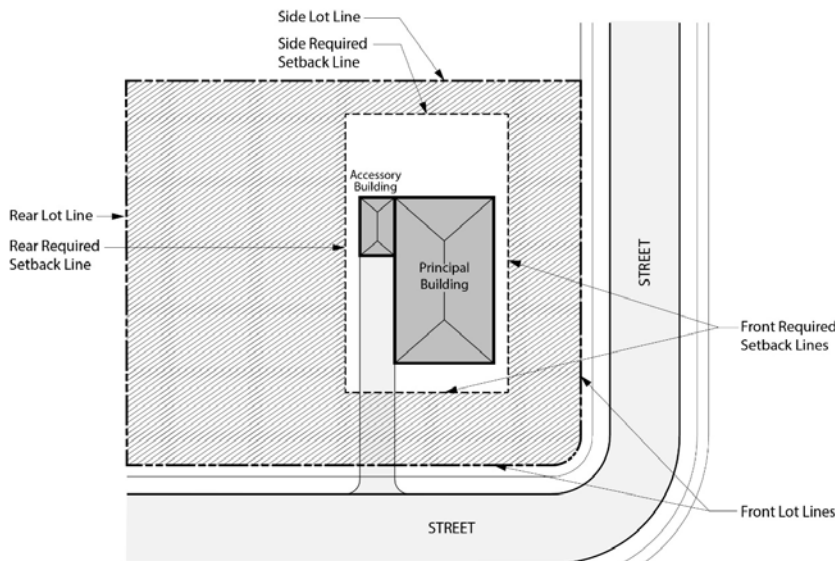
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**Rear Lot Line**

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 2: Mid-Block Lot and Setback**

**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.

**M.**

**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.

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**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**

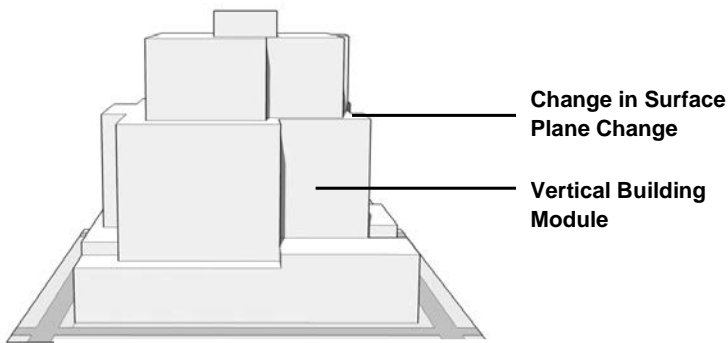
A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101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

**Marijuana**

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

**Massing Articulation**

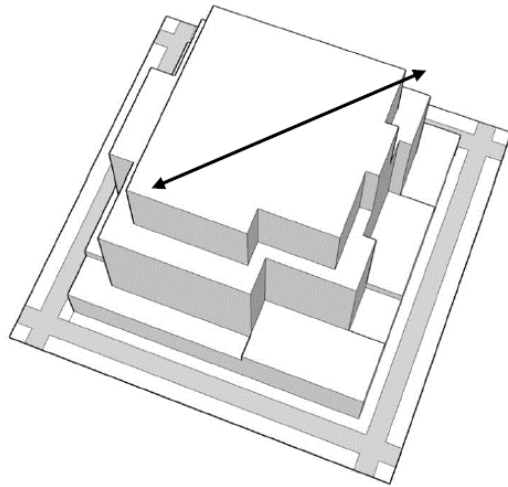
The way in which a Building wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 3).



**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.

**N.****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.

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**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.

**O.**

**Office, General**

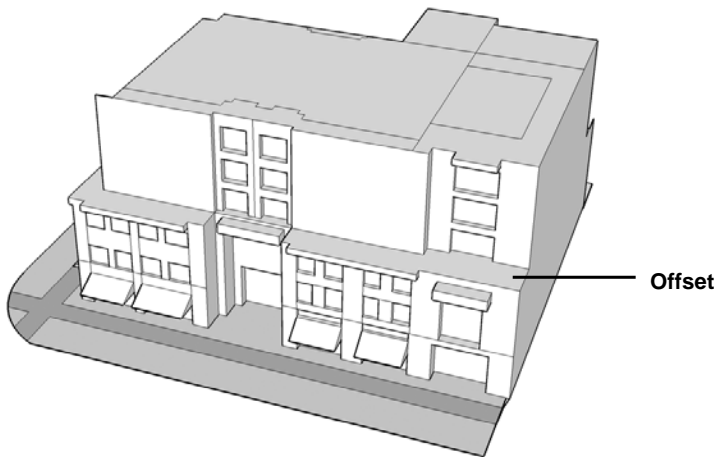
An establishment in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, but is intended for the conduct or service by a commercial enterprise, or space for the conduct of professional or Business Service. Examples include, but are not limited to, Administrative, 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**

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**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.

**P.**

**Parking Attendant Building**

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

**Parking Lot**

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

**Parking Space**

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

**Parking Structure**

A Building or Structure used to store motor vehicles.

**Parks, Recreation, and Open Space**

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

**Partially Nude**

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

**Permanent Open Space**

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

**Permanent 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.

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**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 5.9.1 as they existed immediately prior to the adoption of this chapter.

**Processor, Marijuana-Infused Product**

A licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale marihuana-infused products to licensed Provisioning Centers or other Processors.<sup>3</sup>

**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.

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<sup>3</sup> Ordinance No. ORD-18-22, effective November 4, 2018.

**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.

**Q.**

**Qualifying Patient**

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

**R.**

**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.

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**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.

**S.****Safety Compliance Facility**

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

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**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 License**

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

**Steep Slope**

A naturally occurring landform with a vertical change in elevation of ten feet or more, a slope of 20% or more, and a length of 50 feet or more measured parallel to the contour lines.

**Story**

That portion of a Building included between the surface of any Floor and the surface of the Floor next above it, or if there be no Floor above it, then the space between the Floor and the ceiling next above it and including those basements used for the Principal Use.

**Stockpiling**

The depositing of earth materials or rock for temporary periods of time for the purpose of facilitating construction operations.

**Storm Water Management System**

A system that is designed and constructed or implemented to control runoff, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overland flow, environmental degradation, and water pollution or otherwise affect the quality and quantity of the discharges. The Storm Water Management System includes but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, infiltration devices, swales, and pumping Stations.

**Storm Water Retention/Detention Basin**

An artificial impoundment constructed in upland that serves to restrain or filter storm water runoff.

**Street Frontage**

The length of a Premises abutting one or more streets.

**Streetwall**

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



**Figure 7: Streetwall and Streetwall Height**

**Streetwall Height**

The height of the Streetwall portion of the Building, as measured in stories above the street Grade (see Figure 6).

**Stripping**

Any activity that removes or significantly disturbs the vegetative surface cover, including Clearing and Grubbing operations.

**Structural Amenity**

When used in the context of landscaping, a non-plant element in the landscape that adds to the public benefit of the proposed landscape plan, such as outdoor art, benches, sculptural solar lighting, water features, and similar items.

**Structure**

A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

**Student Cooperative Housing**

A facility for housing students who largely perform their own household maintenance and meal preparation and who have a vote in the operation, maintenance and management of their household affairs. Such housing must be an organized legal entity, such as a corporation, and recognized by the national association for student cooperatives..

**Superintendent**

The Superintendent of the department of Parks and Recreation.

**Supplemental Regulations**

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

**T.**

**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.

**U.**

**V.**

**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.

**W.**

**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

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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.

X.

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**Xeriscaping**

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

Y.

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**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 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).

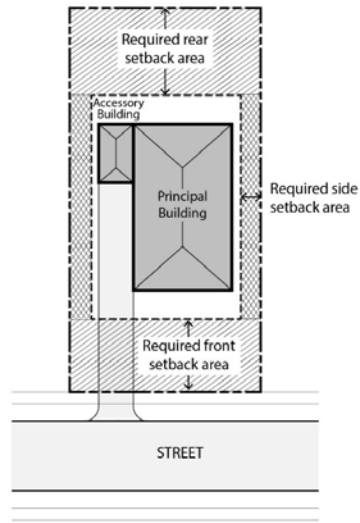


Figure 8: Mid-Block Lot Setback Areas

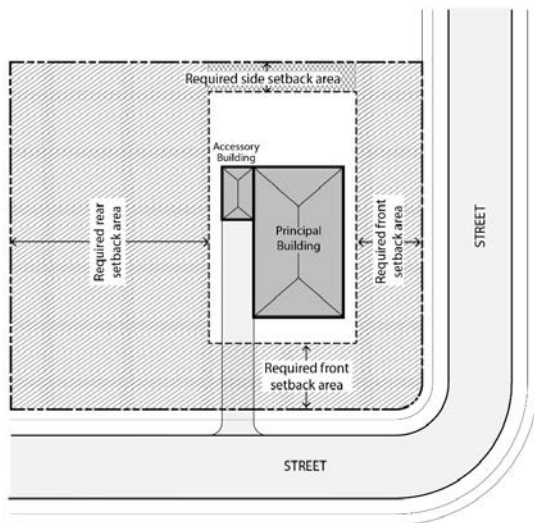


Figure 9: Corner Lot Setback Areas

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Section 5. That cross-references be renumbered consistent with this ordinance and other contemporaneous ordinances amending these sections.

Section 6. This ordinance shall take effect and be in force on and after ten days from legal publication.