

## NONCONFORMING STRUCTURES

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

The City of Ann Arbor ordains:

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

#### 5.32.2 Nonconforming Structure

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

**Commented [BL1]:** Section organized into 3 lettered items.

1. Alterations to nonresidential nonconforming structures - The *alteration* is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

**Commented [BL2]:** Headings maintained from previous draft.

2. Alterations to residential nonconforming structures - ~~The alteration~~
  - a. The alteration does not expand an existing nonconformity.
  - b. The alteration does not create a new nonconformity on the lot.
  - c. The alteration maintains compliance with all other dimensional standards of the zoning district for the lot on which it is located.
  - d. The alteration will meet all other code and ordinance requirements. is approved by the Planning Manager upon a finding that it conforms to all the requirements of this chapter and is made to a building which will be a single family dwelling on completion of the alteration and is located in an R1, R2, R3 or R4 district.

**Commented [BL3]:** Section 1 remains a discretionary decision of the ZBA.

**Commented [BL4]:** Section 2 is a statement of standards by which an alteration can be made, without discretion.

B. For purposes of this Section 5.32.2, *alteration* shall mean any change in a *building* that results in additional *floor area* being fit for occupancy, a greater number of *dwelling units* or rooming units or an increase in the exterior dimensions of the *building*.

C. A *nonconforming structure* shall not be replaced after damage or destruction of the *nonconforming structure* if the estimated expense of reconstruction exceeds 75%

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of the appraised value, as determined by the Building Official, of the entire *building* or *structure*, exclusive of foundations.

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