

UNIFIED DEVELOPMENT CODE  
(PLANNED PROJECT SITE PLAN MODIFICATIONS)

AN ORDINANCE TO AMEND SECTION 5.18 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

Section 1. To amend Section 5.18 of Chapter 55 Unified Development Code as follows:

**5.18 Special Dimensional and Site Layout Standards**

This section provides dimensional standards that supplement or modify the standards contained in the dimensional tables in Section **Error! Reference source not found.**above.

**5.18.1 Within Yards and Setback Areas**

**A. General**

Except as specifically provided in this chapter, Setback Areas shall be open, unoccupied, and unobstructed by any permanent Structure or any part of a Structure from the ground to the sky.

**B. Exceptions**

**1. All Zoning Districts**

The following types of Structures may be located anywhere on a Lot, including in any Setback Area:

- a. Open and unroofed terraces, patios, stoops and steps, ramps for Building access
- b. Awnings
- c. Flagpoles
- d. Trellises
- e. Retaining walls
- f. Fountains
- g. Outdoor cooking equipment
- h. Sidewalks
- i. Mailboxes
- j. Light poles
- k. Fences in accordance with Section **Error! Reference source not found.**
- l. Parking Lots and drives if permitted by Sections 5.19 and **Error! Reference source not found.**

## **2. Residential Zoning Districts**

In residential zoning districts, the following types of Structures may be located anywhere on a Lot except in the required Front Setback Area:

- a. Solid waste containers (unless approved under Section 2:4 of Chapter 26);
- b. Fire escapes; and
- c. Mechanical Equipment.

## **3. Architectural Feature Projections**

Certain architectural features, such as cornices, eaves, gutters, bay windows, and chimneys may project up to two feet into any Setback Areas.

## **4. Front Porches**

Unenclosed porches, decks and platforms covered by a roof or canopy which do not extend above the first floor of a residential structure, nor extend more than eight feet in depth from any point along the principal building, and located in an R1A, R1B, R1C, R1D, R1E, R2A, or R4C District may project up to eight feet into the Required Front Setback Area. No unenclosed porch, deck, or platform shall be located within five feet from the Front Lot Line. For premises on which such encroachment occurs, the principal Established Front Building Line will continue to establish the existing Required Front Setback.<sup>1</sup>

### **5.18.2 Lots with Frontage on More than One Street**

The minimum Required Front Setback, and the regulations pertaining to the Front Yard and the Front Setback Area, of the zoning district in which a Lot is located shall be applied to every Lot Line abutting a public street.

### **5.18.3 Additional Area, Height, and Placement Standards**

- A. No portion of a Lot used in connection with a Building, Structure or use and necessary for compliance with the area, height, and placement regulations of this chapter, shall, through sale or otherwise, be used again as a part of the Lot required for any other Building, Structure or use, except as provided in Subsections B or C below.
- B. After an official site plan approval of attached Single-Family Dwellings, Two-Family Dwellings, or Townhouse Dwellings, or condominium Buildings in conformity with all area, height, and placement regulations, applicable to the primary Building(s) the platting and/or conveyance of individual Dwelling Units within the primary Structure shall not be deemed to render either the primary Building(s) or any individual Dwelling Unit a Nonconforming Structure. Platting

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<sup>1</sup> Ordinance No. ORD-19-17, effective July 21, 2019.

and/or conveyance of individual Dwelling Units shall be subject to the provisions of Section 2:33, Chapter 27, Title II of this Code relating to multiple services.

### **C. Sustainable Flexibility**

The Required Setback, including Front, Side, and Rear, may be flexed up to 50% more or less in situations where such flexibility would provide a more sustainable design and meets all of the following criteria below.

1. The flexibility is part on an approved site plan.
2. The cumulative Required Setback Area, including Front, Side and Rear, is provided by the development.
3. Any screening and buffer required by Section 5.20 is provided.
4. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided and maintained.
5. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.

~~C.D.~~ Nothing in this section is intended to allow a greater density of population, greater intensity of land use, or less required Open Space than that provided in the approved site plan or plat.

#### **5.18.4 Exceptions to Height Limits**

##### **A. Certain Architectural and Mechanical Features**

The height limits of this chapter shall apply to spires, belfries, cupolas, penthouses, domes, water Towers, observation Towers, power transmission lines and Towers, Roof-mounted Dish Antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling Towers, and other similar mechanical appurtenances. However, if such facilities are proposed specifically to house and disguise Wireless Communications Facilities, their height limits shall be those in Section **Error! Reference source not found.** The applicable height limit of the zoning district in which such a facility is proposed may be modified by the Zoning Board of Appeals.

##### **B. Wireless Communications Antennas**

Wireless Communications Antennas are not subject to the height limits of this chapter, except when attached to Wireless Communications Towers. Wireless Communications Towers and their associated facilities are subject to the height limits found in Section **Error! Reference source not found.**

### **C. Sustainable Flexibility**

The height limits of this chapter may be flexed up to 30% more in situations where the increased height provides a more sustainable design and meets all of the following criteria below.

1. The flexibility is part of an approved site plan.
2. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided and maintained.
3. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.
4. If the building(s) with increased height are within 300 feet of Single-Family Zoning District, the building(s) must be additionally set back from the Lot Line adjacent or nearest to the Single-Family Zoning District equal to the increased height.

#### **5.18.5 Averaging an Established Front Building Line**

In Single-Family, Two-Family and the R4C zoning districts, where the average of the Established Front Building Line of Structures on all adjacent Lots that are located within 100 feet of either side of a Lot and on which there are existing Buildings is greater than the Required Front Setback specified in this chapter, a Required Setback Line shall be provided on the Lot equal to this greater average depth but not to exceed 40 feet. Where the average of the Established Front Building Line is less than the minimum Required Front Setback, the Required Setback Line may be reduced to this lesser average depth, but shall not be reduced to less than ten feet. For the purpose of computing the average: (a) an adjacent vacant Lot shall be considered as having the minimum Required Front Setback specified for the zoning district in which it is located; (b) Lots on the opposite side of the street, or another block of the same street, and Lots fronting on a different street shall not be included when computing the average; and (c) on Corner Lots, the average of the Established Front Building Line for each frontage shall be computed separately.

#### **5.18.6 Premiums**

A premium is an increase in allowable Floor Area to exceed the normal maximum Floor Area Ratio established by this chapter for Structures in the C1A, C1A/R, D1 and D2 Zoning Districts.

*[Remainder of this Section deleted to shorten draft ordinance.]*

Section 2. To amend Section 5.18 of Chapter 55 Unified Development Code as follows:

## 5.19 Parking Standards

### 5.19.1 Applicability

- C. No new Building shall be erected unless the parking for bicycles and motor vehicles required by this Section 5.19 is provided.
- D. No Building shall be altered so the Floor Area is increased unless the minimum required parking for the entire Building is provided.
- E. The minimum parking required by this chapter shall be provided for the entire Building if the use classification or number of Dwelling Units in the Building is changed and the Parking Space required for the new use exceeds that required for the previous use.
- F. The area outside a Building occupied by Bicycle Parking Spaces shall be considered Open Space and be included in the calculation of Open Space of a Site. When Bicycle Parking Spaces are provided within a Building, the Floor Area used for Bicycle Parking Spaces shall not be included in the Floor Area used for calculating off-street parking requirements.

### 5.19.2 Required Parking

Each land use listed in Table 5.19-1 shall provide the amount of off-street parking indicated in that table, unless those requirements are modified by another provision of this chapter, in which case the modifications shall apply. Parking for vehicles and bicycles in the amount specified in this section shall be provided on the same Lot as the Principal Use or on a separate Lot within 500 feet of the Principal Building if zoned "P" or zoned for the same uses as allowed on the property of the Principal Use. No Lot zoned other than "P" shall have parking as its Principal Use, excepting Lots containing approved Parking Lots or Structures in the D1 or D2 districts. An off-site permanent parking easement must be recorded if required parking is provided on another Lot. An off-site parking easement may not include Parking Spaces or Bicycle Parking Spaces required to keep another property in compliance with this chapter. Any fraction of a required Parking Space or Bicycle Parking Space shall be considered a full space. Required bicycle parking shall meet the design requirements for Class A, B and C facilities provided in Section **Error! Reference source not found.** Property owners may provide a higher class of bicycle parking facility than is required by this section.

*[Table 5.19-1 deleted to shorten this draft ordinance.]*

### 5.19.3 Special Parking Districts

Lots located in the D1 or D2 downtown zoning districts are considered a special parking district and are subject to the following standards:

- G. No off-street motor vehicle parking is required in the special parking district for Sites that do not exceed the normal maximum permitted Floor Area Ratio or for Sites zoned PUD with Floor Area that does not exceed 300% of the Lot Area. Structures that exceed the normal maximum Floor Area by providing Floor Area premiums, or PUD-zoned Sites that exceed 300% of Lot Area, shall provide Parking Spaces for the Floor Area Ratio in excess of the normal maximum permitted. This parking shall be provided at a rate of one off-street Parking Space for each 1,000 square feet of Floor Area.
- H. Each Parking Space reserved, signed and enforced for a car-sharing service may count as four required motor vehicle Parking Spaces. For the purpose of this section, a car sharing service is a type of car rental service where people rent cars for short periods of time, such as by the hour.
- I. Off-street bicycle parking is required for residential uses in the special parking district at a rate of one off-street Bicycle Parking Space for each 2,500 square feet of Floor Area shall be provided in compliance with the requirements of Sections 5.19.2 and **Error! Reference source not found.** for Class A spaces. Off-street bicycle parking is required for nonresidential uses in the special parking district at a rate of one off-street Bicycle Parking Space for each 10,000 square feet of Floor Area and shall be provided in compliance with the requirements of Sections 5.19.2 and **Error! Reference source not found.** for Class C spaces.
- J. The required bicycle or motor vehicle parking shall be provided on-site, off-site as described in this chapter, or through the execution of a contract for parking permits within the City's public parking system, or payment of a contribution in lieu of required parking consistent with the requirements adopted by City Council, or any combination thereof.
- K. Approval of a contribution in lieu of required motor vehicle or bicycle parking, or a contract for parking permits within the City's public parking system, shall be conditioned upon the execution of a Development Agreement. Payment of the contribution in lieu for required parking shall be made prior to the issuance of a certificate of occupancy.
- L. The Applicant may request, as part of a site plan, to meet all or a portion of the bicycle parking requirements by installing Bicycle Parking Spaces in the Public Right-of-Way and/or a public Parking Structure. City Council may approve this request if there is sufficient space in the Right-of-Way and/or Parking Structure and the location is convenient to bicycle users.
- M. Parking Structures that are available solely to residents or employees of the Building are not subject to the stall and aisle standards of Section **Error! Reference source not found.**

#### 5.19.4 Access

The Parking Spaces and Bicycle Parking Spaces required by this chapter shall be accessible to a public Street or Alley and shall be kept available for the use of occupants, employees or other users of the Building for which the space was provided. Nothing in this section shall preclude a

reasonable charge to the occupants of the Building for use of the Parking Spaces and/or Bicycle Parking Spaces.

### **5.19.5 Deferred Parking Requirements**

If the Parking Spaces or Bicycle Parking Spaces required by this chapter are determined by the owner to be in excess of the immediate need for parking, the provision of up to 40% of the required Parking Spaces or Bicycle Parking Spaces may be deferred if shown on an approved site plan. If the Planning Manager determines that some or all of the deferred Parking Spaces or Bicycle Parking Spaces are needed, these spaces must be installed.

### **5.19.6 Sustainable Flexibility for Parking**

When Parking Spaces are for sustainable developments, flexibility in the eliminating the minimum vehicle parking spaces required by Table 5.19-1 may be allowed if all of the following criteria are met.

- A. The flexibility is part of an approved site plan.
- B. At least the minimum number of bicycle parking spaces are provided.
- C. Adequate curbside management, person drop-off and package delivery provisions have been provided.
- D. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided and maintained.
- E. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.

### **5.19.65.19.7 Barrier Free Parking**

All Parking Lots shall have Barrier free Parking Spaces as required by and in conformity with state law (MCL 125.1352).

### **5.19.75.19.8 Use of Off-Street Parking Facilities**

- A. Motor vehicles shall only be parked on a Driveway, in a Structure or within an approved Parking Space or Parking Lot.

*[Remainder of this Section and all following Sections deleted to shorten this draft ordinance.]*