

ORDINANCE NO. ORD-18-08

First Reading: April 16, 2018
Public Hearing: June 4, 2018

Approved: July 16, 2018
Published: July 19, 2018
Effective: July 29, 2018

STREETS AND CURB CUTS, ZONING, PROHIBITED LAND USES
SUBDIVISION AND LAND USE CONTROL, OFF-STREET PARKING,
WETLANDS, SIGNS AND OUTDOOR ADVERTISING, LANDSCAPING
AND SCREENING, SOIL EROSION AND SEDIMENTATION CONTROL,
FENCES, AND UNIFIED DEVELOPMENT CODE

AN ORDINANCE TO REPEAL SECTIONS 4:16 THROUGH 4:20 AND SECTION 4:30 OF CHAPTER 47 (STREETS AND CURB CUTS) OF TITLE IV; AND CHAPTER 55 (ZONING), CHAPTER 56 (PROHIBITED LAND USES), CHAPTER 57 (SUBDIVISION AND LAND USE CONTROL), CHAPTER 59 (OFF-STREET PARKING), CHAPTER 60 (WETLANDS), CHAPTER 61 (SIGNS AND OUTDOOR ADVERTISING), CHAPTER 62 (LANDSCAPING AND SCREENING), CHAPTER 63 (SOIL EROSION AND SEDIMENTATION CONTROL), OF TITLE V; AND CHAPTER 104 (FENCES) OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR AND TO AMEND THE CODE OF THE CITY OF ANN ARBOR WITH A NEW CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF SAID CODE

The City of Ann Arbor ordains:

Section 1. That Sections 4:16 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

~~4:16. Building projections.~~ Reserved.

~~Awnings, canopies, marquees, balconies, cornices and other above-grade projections from buildings permitted by Chapter 98 of this Code do not require additional permission pursuant to this chapter.~~

Section 2. That Section 4:17 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

~~4:17. –Compliance with Chapter 57.~~ Reserved.

~~No site plan shall be approved under Chapter 57 of this Code unless said site plan shows curb cuts or openings consistent with the requirements of this chapter.~~

Section 3. That Section 4:18 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

~~4:18. –Compliance with chapter required for occupancy.~~ Reserved.

~~No certificate of occupancy for any building will be issued under Chapter 98 of this Code unless the applicant for said certification shall have complied substantially with the requirements of this chapter and related land development regulations and have substantially completed the installation of curb cuts contained in any plat or site plan approved for said applicant.~~

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Section 4. That Section 4:19 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

~~4:19. -Non-conforming curb cuts.—Reserved.~~

~~Curb cuts lawfully made prior to the effective date of this chapter which do not meet the standards of this chapter shall be considered non-conforming but may be maintained except as provided in section 4:20(6), (8) and (9) of this chapter.~~

Section 5. That Section 4:20 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

~~4:20. -Curb cuts and driveway approaches.—Reserved.~~

~~No curb cut or driveway approach shall be made to a public dedicated street or right-of-way without first obtaining a permit from the City Administrator or his designee. Issuance of such permits shall be made only in accordance with the following regulations:~~

~~(1) Definitions. As used in this section, the following definitions apply:~~

- ~~(a) The term "approach" shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.~~
 - ~~(b) The term "curb cut" shall mean 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.~~
 - ~~(c) The term "opening" shall mean 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.~~
 - ~~(d) The term "site" shall mean all contiguous land under the same ownership or 1 whole lot in the case of land for which a recorded plat exists.~~
 - ~~(e) "Street frontage" shall mean the length of the property abutting 1 or more streets.~~
- ~~(2) Number of openings. The number of openings listed in the chart below shall be maximum for any site, lot or parcel.~~

Total Street Frontage	Up to 100'	101' to 200'	201' or Over

Number of Openings	(1)	(2)	(2) for the first 200' plus (1) for each additional 600' of total street frontage thereafter.

~~(3) Location of openings.~~

- ~~(a) No opening shall be closer than 15 feet to the right-of-way line of an intersecting street or extension of the street right-of-way of a street ending at the intersection, provided that no part of any approach shall encroach on any intersection turning area, except as otherwise required by this section.~~
- ~~(b) No opening shall be closer than 10 feet from the right-of-way line of an alley, except in the case of a joint approach and provided the total width of the combined opening does not exceed that permitted in subsection (4) of this section.~~
- ~~(c) No opening shall be closer than 4½ feet to the adjacent property line. No approach shall be so constructed that any part of same extends in front of property belonging to another person unless both property owners sign a joint application for a permit.~~
- ~~(d) Any 2 openings shall be at least 9 feet apart; provided that this requirement shall not apply to openings for existing driveways on residential property.~~
- ~~(e) All openings and approaches shall be so located as to provide adequate vertical and horizontal sight distances for safe access to the street in accordance with the design standards for sight distance, copies of which are on file with the department of streets, traffic and parking.~~

~~(4) Design criteria.~~

- ~~(a) The angle of the driveway approach to the street shall be 90 degrees, except as otherwise provided for herein.~~
- ~~(b) Driveways for single and 2-family uses shall be constructed as follows: (i) Minimum permitted width of openings: 10 feet.~~
 - ~~(ii) Maximum permitted width of openings: 24 feet.~~
 - ~~(iii) Maximum permitted curb cut width: 44 feet. (iv)~~
 - ~~Minimum turning radius: 5 feet.~~
- ~~(c) Driveways for all other uses shall be constructed as follows: (i)~~
 - ~~Minimum permitted width of openings: 24 feet.~~
 - ~~(ii) Maximum permitted width of openings: 30 feet.~~
 - ~~(iii) Maximum permitted curb cut width: 60 feet.~~
 - ~~(iv) Minimum permitted width of 1-way drives: 15 feet. (v) Maximum permitted width of 1-way drives: 20 feet. (vi) Minimum turning radius at pavement edge: 5 feet.~~

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- (vii) ~~Maximum turning radius at pavement edge: 15 feet.~~
- (d) ~~Upon a finding that traffic conditions would otherwise cause unnecessary congestion or practical difficulties, the City Administrator or his designee may permit the following design features:~~
- (i) ~~One of the driveway openings on each abutting street may be channelized with a separating island a minimum of 10 feet in width to form a separate opening for entrance and exit lanes; provided that the total of both lanes shall not exceed the maximum permitted width.~~
- (5) ~~Standard for parking lots. The following requirements shall apply to parking lots having more than 4 car spaces:~~
- (a) ~~The minimum distance to intersections as measured from the extension of the street right-of-way line to the nearest edge of the driveway opening shall be 50 feet.~~
- (b) ~~Where 2 or more openings are permitted, signs shall be erected, making 1 or more openings 1-way.~~
- (c) ~~No opening shall be so located as to conflict with an existing opening on the opposite side of the street.~~
- (6) ~~Traffic hazards. Any openings which are found to be a traffic hazard may be closed, modified, or relocated by resolution of City Council.~~
- (7) ~~Traffic control order. The direction and turning movement of traffic entering and exiting through openings shall be subject to traffic control orders issued pursuant to Chapter 126 of Title X of this Code.~~
- (8) ~~Useless curb cuts. If at any time a curb cut ceases to be functional, the curb shall be replaced and the approach removed by the adjoining property owner. No building permit shall be issued pursuant to Chapter 98 of this Code where, as a result of the construction, a curb cut would become nonfunctional, unless said permit provides for the replacement of the curb and removal of the approach. If a useless curb is not replaced by curbing and the approach removed, said work may be done by the city. The cost of said work shall be assessed in accordance with Chapter 13 of this Code against the site formerly served by the curb cut.~~
- (9) ~~Variance and exceptions. The Zoning Board of Appeals shall have the authority to interpret this chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this chapter providing such variance or exception is in harmony with the general purpose and intent of this chapter. Appeals under this chapter shall be made in accordance with procedures outlined under sections 5:99 and 5:102 of Chapter 55.~~

Section 6. That Sections 4:30 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

4:30. - ~~Private street standards.~~ Reserved.

- (1) ~~Private streets may be provided to access lots, as defined in section 5:1, subject to the following standards and requirements: A private street shall be located within a minimum 30-foot wide recorded access and utility easement. Additional width or additional easements may be necessary to satisfy all of the standards and requirements of this section, such as the requirement to provide sidewalks.~~
- (2) ~~The street shall be designed and constructed in accordance with the City of Ann Arbor Public Services Standard Specifications, as amended, except that curb and gutter shall~~

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- not be required when the street serves 8 lots or less.
- ~~(3) Traveled lanes shall be a minimum of 11 feet in width.~~
 - ~~(4) The width of a 2-way private street shall be a minimum of 25 feet from the face or curb to the face of curb or 14 feet for a 1-way private street.~~
 - ~~(5) Where a private street serves more than 8 lots, a minimum of 1 parking space per dwelling unit shall be provided along the private street. These parking spaces shall be located within the street easement and meet either of the following standards:
 - ~~(a) Two traveled lanes and parking on 1 side of the street shall be provided and shall have a minimum pavement width of 30 feet from face of curb to face of curb, or 20 feet for a 1-way private street; or~~
 - ~~(b) May be provided in parking bays that meet parking standards.~~~~
 - ~~(6) Minimum radius at street intersections shall be 20 feet, as measured along the back of curb.~~
 - ~~(7) A turnaround shall be provided for culs-de-sac. Minimum radius for a circular turnaround at pavement edge shall be 30 feet where no on-street parking is provided, or 44 feet where parking is provided.~~
 - ~~(8) Private streets and parking areas within the street easement shall meet city illumination standards for new parking areas and new public streets.~~
 - ~~(9) All private streets shall be signed to city standards, with names approved by the Community Services Area.~~
 - ~~(10) All private streets shall meet city standards for traffic control devices.~~
 - ~~(11) A sidewalk system shall be provided which connects to the public walkway system when the private street serves more than 8 lots. All private sidewalks shall be at least 4 feet in width.~~
 - ~~(12) Street trees shall be provided as required by Chapter 62 (Landscape and Screening).~~

Section 7. That Chapter 55 of Title V of the Code of the City of Ann Arbor is repealed.

Section 8. That Chapter 56 of Title V of the Code of the City of Ann Arbor is repealed.

Section 9. That Chapter 57 of Title V of the Code of the City of Ann Arbor is repealed.

Section 10. That Chapter 59 of Title V of the Code of the City of Ann Arbor is repealed.

Section 11. That Chapter 60 of Title V of the Code of the City of Ann Arbor is repealed.

Section 12. That Chapter 61 of Title V of the Code of the City of Ann Arbor is repealed.

Section 13. That Chapter 62 of Title V of the Code of the City of Ann Arbor is repealed.

Section 14. That Chapter 63 of Title V of the Code of the City of Ann Arbor is repealed.

Section 15. That Chapter 104 of Title VIII of the Code of the City of Ann Arbor is repealed.

Section 16. That a new Chapter 55 (Unified Development Code) of Title V of the Code of

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the City of Ann Arbor is adopted (Attachment A).

Section 17. That this ordinance shall take effect and be in force on the 10th day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of July 16, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on July 19, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk