

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 23, 2017

SUBJECT: Amendments to the Zoning Ordinance, Chapter 55, Section 5:10.23 (C3 Fringe Commercial District) regarding fueling stations as a principal permitted use, and Section 5:59 (Accessory Buildings) regarding prohibiting placement in front of principal buildings.

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, Section 5:10.23 regarding fueling stations in the C3 district.

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, Section 5:59 regarding accessory buildings in the front open space.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment to Chapter 55, Section 5:10.23 of the City Code be **approved** because it will correct an unintended omission from a previous amendment.

Staff recommends that the proposed amendment to Chapter 55, Section 5:59 of the City Code be **approved** because it will further protect the character and integrity of affected residential zoning districts and is consistent with accepted and sound land use planning and development principles.

DESCRIPTION

Section 5:10.23 C3 Fringe Commercial District

Staff propose an amendment to the permitted principal uses allowed in the C3 (Fringe Commercial) district to again allow fueling station, which were inadvertently omitted from the permitted uses by a past ordinance amendment related to drive-thru facilities.

Amendments approved in 2014 to clearly separate the principal and special exception uses permitted in the C2B (Business Service) and C3 (Fringe Commercial) districts, and to require special exception use approval for a drive-thru facility as well as provide some basic guidelines for the design of the drive-thru. Before this amendment, the C2B permitted uses language referenced special exception use approvals with principal uses. Also, the C3 district simply referred back to the C2B district for its permitted principal uses.

When the C2B district was amended to distinguish between principal and special exception uses, “automobile service and filling stations and car washes” were made special exception uses. While the C3 district was amended to also distinguish between principal and special exception uses, and made drive-thru facilities special exception uses, no amends were proposed to the C3 principal uses. The C3 district’s principal uses still pointed back to C2B, but which no longer included automobile service and filling stations.

The proposed amendment language to correct this unintended omission and restore automobile service and filling stations as principal uses in the C3 district is attached. Staff suggests the term “fueling station” instead of “automobile service and filling station” as “fueling station” will be the term used in the forthcoming Unified Development Code.

Section 5:59 Accessory Buildings

Staff propose an amendment to Section 5:59 to change the allowed placement of an accessory building in the front open space of a lot in all residential zoning districts and the P (Parking) district. Accessory buildings are currently allowed to be placed in front of a principal building as long as the accessory building is behind the required or average front setback line. With the proposed amendment, accessory buildings will no longer be permitted anywhere in front of a building. Accessory buildings will continue to be allowed to the side of a principal building as long as it is not in the side setback area, and behind (to the rear) of the principal building.

To accomplish the change in placement ability, only one word is proposed to be deleted from the current language. Where the language currently reads, “Accessory buildings shall not be erected in *any required front open space*,” the proposed language is, “Accessory buildings shall not be erected in *any front open space*.”

The “required front open space” is defined as the area between the front lot line and the front setback line. The “front open space” is defined as the area between the front lot line and the front of the principal building. For homes that are at the minimum setback of their zoning district, the proposed amendment will have no effect – the required front

open space is effectively the same as the front open space. However, the proposed amendment will affect any homes that are set back more than 40 feet from the front lot line.

Generally speaking, when homes are not placed at the minimum setback line they are still set back in line with neighboring homes. The average setback line then replaces the minimum setback of the district, up to 40 feet. The required front open space, the area between the front lot line and the 40-foot front setback line, is not the same as the front open space, which extends to the front of the house. In some cases, there is enough space to place an accessory building behind the setback line yet still in front of the house. The proposed amendment will no longer allow accessory buildings to be placed in areas where the required front open space is less than the front open space.

The change in placement regulations may also effect corner lots and double-frontage (or through-lots).

STAFF COMMENTS

Both proposed amendments were discussed and recommended for consideration by the Ordinance Revisions Committee at their meeting on January 10, 2017.

Staff believes the proposed amendments resolve an inadvertent omission of a previous amendment. Further, the amendments further promote preservation of neighborhoods and orderly development. Staff recommends approval.

Prepared by Alexis DiLeo
2/16/17

Attachment: Proposed Ordinance Draft

c: City Attorney
Systems Planning
File

AN ORDINANCE TO AMEND SECTIONS 5:10.23 AND 5:59 OF CHAPTER 55
(ZONING ORDINANCE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR
RELATED TO FUELING STATIONS IN THE C3 DISTRICT AND ACCESSORY
BUILDINGS

The City of Ann Arbor ordains:

Section 1. That Section 5:10.23 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.23. - C3 fringe commercial district.

(1) *Intent.* The design and regulations of this district are set up to provide for certain types of commercial activities which have characteristics in common. In this district, the customer usually comes directly to the particular establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the central business district. Since there is little essential interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own automobile parking. Good automobile accessibility is essential to these districts. The uses permitted, because of their lack of intense pedestrian activity and their required contact with auto access, would be incompatible in the central business district.

(2) *Permitted principal uses.*

(a) Any principal use permitted in the C2B business service district.

(b) Fueling station

(c) Car wash

(3) *Special exception uses pursuant to section 5:104.*

(a) The temporary outdoor sales or display of goods and services, not covered by section 5:10.15(h) that cannot meet the standards of section 5:10.15(f), may be approved as a special exception use pursuant to section 5:104.

(b) A drive-thru facility that is an accessory to a permitted principal use in the C3 fringe commercial district, provided that the facility is not located between a street and the principal building, and the vehicular circulation to

enter and exit the facility does not impair the general circulation on the site or the pedestrian circulation on and off the site.

(4) *Permitted accessory uses.*

- (a) Those allowed in the R3 district.

Section 3. That Section 5:59 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:59. - Accessory buildings.

- (1) Accessory buildings in the R-1, R-2, R-3, R-4, R-5, R-6, and P zoning districts shall conform to the following regulations, except as may otherwise be provided in this chapter:
 - (a) Accessory buildings shall not exceed 21 feet in height.
 - (b) Accessory buildings shall not be erected in any ~~required~~ front open space.
 - (c) Accessory buildings may occupy required side open space provided that such buildings are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting said required side open space; provided, however, that such accessory buildings are not closer than 3 feet to any lot line.
 - (d) Accessory buildings may occupy required rear open spaces provided that such buildings do not occupy more than 35% of the required rear open space and are not closer than 3 feet to any lot line.
 - (e) On any corner lot in a residential zoning district, no part of any accessory building shall be nearer the exterior side lot line than the required open space as regulated in section 5:58.
 - (f) An attached garage or carport shall not occupy any portion of the required side open space.

Section 3. This ordinance shall take effect and be in force on and after ten days from legal publication.