

ORDINANCE NO. ORD-18-06

First Reading: April 2, 2018
Public Hearing: May 7, 2018

Approved:
Published:
Effective:

MODIFY THE DEFINITION OF FRATERNITY OR
SORORITY HOUSE AND
AMEND CORRESPONDING SPECIAL EXCEPTION
USE STANDARDS

AN ORDINANCE TO AMEND SECTIONS 5:1 AND 5:10.4 OF CHAPTER 55 (ZONING)
OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR
The City of Ann Arbor ordains:

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

5:1. - Definitions.

- (1) *Accessory dwelling unit (ADU)*. A dwelling unit for not more than 1 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 5:10.2(4)(d).
- (2) *Accessory use*. A land use which is incidental to a principal land use.
- (3) *Affordable housing*. Housing units where the occupant is paying no more than 30% of gross income for housing costs, including taxes and utilities.
- (4) *Agriculture*. The production of crops.
- (5) *Boarding house*. A dwelling, other than a hotel or dormitory, where lodging and meals are provided for more than 75% of the people in residence for compensation and by prearrangement for definite periods of 30 days or more.
- (6) *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.
- (7) *Building, accessory*. A subordinate structure, whether attached or detached, on the same lot as the principal building.
- (8) *Building, principal*. A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.
- (9) *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.
- (10) *Building frontage*. The portion of a building facing any adjacent public street.
- (11) *Building height*. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.
- (12) *Child care center*. A facility, receiving 1 or more children for care for periods of less than 24 hours a day.

- (13) *Church*. A building owned by a religious organization which is principally used for public worship.
- (14) *Dish antenna*. A signal-sending or receiving device for communicating with orbiting satellites.
- (15) *Distances between principal buildings on a lot*. In addition to the required setback lines, the horizontal distance between multiple-family buildings shall not be less than 20 feet.
- (16) *Drive-thru 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.
- (17) *Dwelling unit*. One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by 1 family.
- (18) *Dwelling, multi-family*. A building containing 3 or more dwelling units arranged either side by side or 1 above the other.
- (19) *Family*. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of section 5:7.
- (20) *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.
- (21) *Fraternity or sorority house*. A building used by a college fraternity or sorority as a principal place of residence for its members. Such a 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.
- (22) *Funeral home*. A building used for the preparation of the deceased and for ceremonies taking place prior to burial or cremation.
- (23) *Group day care home*. A private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.
- (24) *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.
- (25) *Home occupation*. An accessory use of a nonresidential nature which 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 1 additional employee.
- (26) *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.
- (27) *Housekeeping unit*. A dwelling unit organized as a single entity in which the members of the household share common facilities.

- (28) *Lot*. A parcel of land, not including a public or private street, which may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel of land that meets the requirements of this chapter.
- (29) *Lot, corner*. A lot or parcel of land abutting upon 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.
- (30) *Lot line*. The boundary of a lot.
- (31) *Lot line, front*. The lot line separating a lot from a street.
- (32) *Lot line, rear*. The lot line opposite and most distant from the front lot line; or in the case of irregularly-shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (33) *Lot line, side*. Any lot line other than a front or rear lot line.
- (34) *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 which exists as described therein. (See section 5:61 for regulations.)
- (35) *Lot width*. The length of a straight line drawn between the points where the front setback line cuts the side lot lines.
- (36) *Lower income households*. References made collectively to low and very low income households or individuals. Encompasses all households with income levels less than 80% of City of Ann Arbor median income as defined by the United States Department of Housing and Urban Development.
- (37) *Nonconforming structure*. A lawfully-established building or structure that does not conform to the regulations of this chapter.
- (38) *Nonconforming use*. A lawfully-established use of land which does not conform to the use regulations of this chapter.
- (39) *Nursery school*. A daytime group facility which 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.
- (40) *Open space, required*. The portion of a lot between the required setback line and the lot line.
- (41) *Open space, permanent*. 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 is 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.
- (42) *Open space*. The portion of a lot which is devoted to outdoor recreation space, greenery, and space for 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 area covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.

- (43) *Open space, active.* The portion of open space devoted to and suitable for outdoor recreation and household activities measuring at least 6 feet by 10 feet if intended for common or shared use by all households and at least 4 feet by 10 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.
- (44) *Principal use.* The primary use of any lot.
- (45) *Private school.* A building used for the purpose of elementary or secondary education.
- (46) *Public utility.* Private enterprise with a franchise for providing a public service.
- (47) *Rooming house.* A building, other than a hotel or dormitory, where for compensation and by prearrangement for definite periods, lodging is provided for more than 3 roomers.
- (48) *Rooming unit.* Any room or group of rooms forming a single habitable unit, but which does not contain cooking facilities.
- (49) *Setback, established front.* The minimum or maximum distance at which an existing building is located from the street right-of-way line.
- (50) *Setback, required.* The minimum or maximum distance specified by this chapter which must be provided between a lot line and a structure.
- (51) *Setback line, established front.* A line parallel to the street, extending from the point at which an existing building is closest to the street right-of-way line outward to the lot lines.
- (52) *Setback line, required.* A line parallel to a property line representing the minimum required setback from that property line.
- (53) *Single-family dwelling.* A detached building containing 1 dwelling unit.
- (54) *Special exception use.* A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.
- (55) *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.
- (56) *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.
- (57) *Student cooperative housing.* A facility used for housing students who therein 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 is registered with The University of Michigan.
- (58) *Townhouse.* A building containing 3 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.
- (59) *Two-family dwelling.* A detached building containing 2 dwelling units.

- (60) *Usable floor area, nonresidential.* Usable floor area for nonresidential uses shall be measured to the exterior face of the exterior walls for all floor areas that are accessible by a fixed stairway, ramp, escalator or elevator, which may be made fit for occupancy. The measurement shall include the floor area of any accessory buildings and above-grade parking structures, except those portions of a parking structure used for required premium or PUD parking. Below-grade parking cellar areas shall not be counted as usable floor area. For the purpose of this subsection, the definitions of cellar and grade contained in Chapter 98 of this Code shall apply.
- (61) *Usable floor area, residential.* The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories having more than 90 inches of headroom that are accessible by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of garages, accessory buildings, attics, breezeways and unenclosed porches.
- (62) *Wireless communications antenna.* An antenna 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.
- (63) *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.
- (64) *Wireless communications tower.* A tower, including, but not limited to, self-supporting lattice, guyed, or monopole which elevates the wireless communications antenna and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

Section 2. That Section 5:10.4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.4. - R2B two-family dwelling district and student housing district.

- (1) *Intent.* Intended to permit 1- and 2-family dwellings as well as to permit in the vicinity of The University of Michigan Campus the operation of fraternities, sororities and student cooperatives affiliated with the university as well as privately-owned fraternities, sororities and student cooperatives. It is the further intent of this zoning district to preserve the unique character and quality of the physical environment in this area of the city. The area is characterized by the presence of many large and architecturally distinctive houses set on relatively large lots. Many sites housing such structures are characterized by large front yard setbacks, mature and harmonious tree growth, and a uniformity in architectural characteristics such as scale and use of materials. Any alteration to existing structures and/or construction of

new facilities should harmoniously reflect the overlying character of the surrounding environs.

- (2) *Permitted principal uses.*
 - (a) Any permitted principal use or special exception use allowed in the R1C districts, subject to all the regulations that apply in that district.
 - (b) Two-family dwellings.
- (3) *Special exception uses pursuant to section 5:104.*
 - (a) Fraternities, sororities and student cooperatives subject to the following standards:
 1. A resident manager shall be employed or appointed. For purposes of this section, a resident manager is one who lives on-site, serving in a regular or full-time capacity.
 2. A minimum lot size of 8,500 square feet subject to a minimum of 350 square feet of lot area per occupant shall be provided.
 3. The floor area of the structure shall exceed 5,000 square feet of usable floor area. Single or 2-family structures containing 5,000 square feet or less at time of adoption of this ordinance may not be converted to fraternities, sororities or student cooperatives.
 4. A fraternity, sorority or student cooperative adjacent to a single or 2-family structure shall have a hedge, berm, fence or wall, forming a continuous screen at least 6 feet high between it and the residential units, to be located adjacent to the lot line from the front of the structure to the rear property line, except in required front open space and where restricted by other ordinance provisions. Screening which continues into the required front open space shall be consistent with Chapter 104, Fences.
 5. ~~Density increases require a special exception use permit. The maximum number of occupants shall be established by the special exception use, and any increase in occupancy shall require a new special exception use permit.~~
 6. Kitchen facilities, common areas for meeting and social space, or handicap accessibility may be expanded by 10% of the floor area or 1,000 square feet, whichever is less, without securing a special exception use permit if current parking ordinance standards for fraternities, sororities and student cooperatives are met.
 - (b) Club headquarters subject to the following standards:
 1. To be used only by members and guests.
 2. Lodging is not permitted.
 3. The service of meals, except as necessary for club activities, is prohibited.
 - (c) Boarding houses subject to the following standards:
 1. A resident manager must be employed or appointed if the owner does not reside at the house.
 2. The floor area of the structure must exceed 5,000 square feet.

(4) *Permitted accessory uses.*

(a) Those allowed in R1 districts, with the exception of accessory dwelling units which are not permitted.

Section 3. That this ordinance shall take effect on the tenth day following legal publication.