

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of May 7, 2019

SUBJECT: Amendments to Chapter 55 (Unified Development Code) to correct errors in the permitted use table, consideration of parkland donations in lot area calculations, the R5 district maximum front setback requirement, and amend the definition of front lot line.

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 Unified Development Code, Sections 5.15, 5.17 and 5.37 to correct errors in the permitted uses table, consideration of parkland donations in lot area calculations, and the R5 district maximum front setback requirement, and to amend the definition of front lot line.

STAFF RECOMMENDATION:

Staff recommends that the amendments to the Unified Development Code be **approved**.

SUMMARY:

Three corrections and one amendments to the Unified Development Code are proposed.

Corrections include:

1. In Section 5.15, Table 5-15, the cell for Medical Marijuana Processor use in the M1A district is blank. It should indicate P for permitted.
2. In Section 5.17.3.A, lot area incorrectly excludes parkland. It should state that lot area includes land donated or to be donated to the City for public park purposes, which is acceptable to the City.
3. In Section 5.17.5, Table 5:17-5, the cell for maximum front setback in the R5 district requires none. It should require 50 feet and reference footnote F.

Amendment Proposed:

1. Changing the definition of Front Lot Line to clarify that the word street, for the purposes of defining a lot line, does not include highways or alleys. Lot lines adjacent to highways and alleys will be considered as side or rear lot lines depending on the orientation of the parcel.

PROPOSED AMENDMENTS:

1. Correction to Permitted Use Table

In **Section 5.15, Table 5-15**, the cell for Medical Marijuana Processor use in the M1A district is blank. This is incorrect. It should indicate P for permitted. Ordinance 17-21 was adopted on December 18, 2017, allowing medical marijuana processors as a permitted principal use in the M1 district, thus also allowing medical marijuana processors as a permitted principal use in the M1A district per Section 5.10.25(2)(a) of Chapter 55 Zoning Ordinance. That version of Chapter 55 Zoning Ordinance was repealed and replaced with Chapter 55 Unified Development Code. No changes to the regulation of medical marijuana processors were intended with the adoption of the Unified Development Code.

Staff also propose to separate Table 5-15 into three tables, one for primary uses, one for accessory uses and one for temporary uses. This change will make future amendments to the use tables easier because, then, only one table would need to be included in any future proposed ordinance amendment. This will facilitate compliance with Section 7.3.g of the City Charter, which directs: "If a section of an ordinance is amended or revised it shall be reenacted and published at length."

It is also consistent with the separated approach currently used for the dimensional standard tables for zoning groups. Table 5-15's reference number is proposed to be amended as well, changing from 5-15 to 5:15 for consistency with other tables in the document.

2. Correction to Parkland donation

In **Section 5.17.3.A**, "Lot Area does not include the area of dedicated or proposed Public Right-of-Way and parkland, or the area of private street easements in the R1 and R2 districts." This is incorrect. Per Ordinance 49-85, approved on December 2, 1985, "Lot area includes land donated or to be donated to the City for public park purposes, which is acceptable to the City." It appears the final edition of the repealed version of Chapter 55 Zoning Ordinance contained this error, and the error was carried through with the adoption of Chapter 55 Unified Development Code.

3. Correction to Nonresidential and Special Purpose Zoning Districts Area, Height and Placement Regulations

In Section 5.17.5, Table 5:17-5, the maximum front setback in the R5 district is none. This is incorrect. The maximum front setback in the R5 district is 50 feet for new buildings, applicable to one front lot line if there is more than one. See Ordinance 10-34, approved on January 3, 2011.

Several corrections to the footnotes of Table 5:17-5 are also proposed for consistency, correctness, and clarity.

4. Amendment to Definition of Front Lot Line

The definition of front lot line is provided in Chapter 55 Unified Development Ordinance, Section 5.37.2.

Front Lot Line. The lot line separating a lot from a street.

The definition of street is provided in Chapter 1 Adoption, Contents, and Interpretation, Section 1:8.

Street, highway, alley. The entire width subject to an easement for public right-of-way, or owned in fee by the city, county, or state, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right for purposes of public travel. The word, "alley," shall mean any such way or place providing a secondary means of ingress and egress from a property.

Taken together, a front lot line is any line that abuts a public right-of-way or easement for public travel including a highway or alley. Front setback dimensional standards, and front setback area and front yard allowances and restrictions, have been applied to lot lines abutting highways. Buildings on lots abutting highways must meet the minimum and maximum front setback standards. Fences along highways are subject to the front yard maximum height and opacity requirements. Restrictions to the design of parking lots between buildings and highways – the front setback area and front yards of lots abutting highways – are applied.

In response to increasing questioning of the purpose and benefit of applying front setback and yard standards to lot lines abutting highways and alleys, and because the Zoning Board of Appeals has granted several variances for fence height and opacity where abutting highways, staff initiated an amendment to the definition of front lot line. This change proposes to exclude the three highways surrounding the city and alleys from qualifying as front lot lines and was reviewed by the Ordinance Revisions Committee on November 27, 2018. With this amendment, any lot line abutting I-94, U.S. 23 or M-14 or an alley will be considered a side or rear lot line.

Staff also propose to separate Section 5.37.2 into subsections for each letter group, again so that future amendments are more efficient because only the affected letter group would need to be amended, similarly to the proposed changes in the use table described in 1. above.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
5-3-19

Attachment: Ordinance to Amend Chapter 55 Unified Development Code

c: City Attorney's Office