

ORDINANCE NO. ORD-20-33

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UNIFIED DEVELOPMENT CODE  
(FLOODPLAIN MANAGEMENT OVERLAY DISTRICT AND REGULATIONS)

AN ORDINANCE TO ADD SECTIONS 5.14.2 AND 5.27 AND AMEND SECTIONS 5.18.4, 5.18.6.D, 5.23.4, 5.29.1, 5.29.3.F, 5.29.8.C, 5.29.12.D, 5.37.2.B, 5.37.2.C, 5.37.2.F, 5.37.2.L, 5.37.2.N, 5.37.2.M, AND 5.37.2.S OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That a new Section 5.14.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be added as follows:

**5.14.2 Floodplain Management Overlay Zoning District**

**A. Purpose and Intent**

The purpose of this overlay zoning district is to regulate development in the Flood Hazard Areas of the City of Ann Arbor. These Flood Hazard Areas are subject to periodic inundation, which may result in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for Flood protection, relief and emergency response; and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

This overlay zoning district is intended to preserve the natural characteristics and functions of watercourses and Floodplains in order to moderate Flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**B. National Flood Insurance Program Compliance**

These regulations are adopted to comply with the rules and regulations of the National Flood Insurance Program (codified as 44 Code of Federal Regulations Parts 59—78) so as to maintain eligibility in the National Flood Insurance Program.

**C. Applicability**

The Floodplain Management Overlay Zoning District shall apply to all Development within and extending 50 feet from Flood Hazard Areas in the City of Ann Arbor. The Floodplain Management Overlay Zoning District is divided into a Floodway Zone and Flood Fringe Zone.

**1. Floodway Zone.**

The Floodway Zone includes those areas designated as Floodway on the Flood Insurance Rate Map adopted in Section 5.14.2.D.

**2. Flood Fringe Zone.**

The Flood Fringe Zone includes those areas designated as Flood Hazard on the Flood Insurance Rate Map adopted in Section 5.14.2.D, including Zones A and AE but being located outside of the floodway.

**D. Incorporation of Maps by Reference.**

The following maps together with all attached material are hereby adopted by reference and declared to be a part of the City of Ann Arbor zoning map and this ordinance. The attached material includes the Flood Insurance Study for Washtenaw County, Michigan, and Incorporated Areas, and the Flood Insurance Rate Map panels enumerated below, dated April 3, 2012, prepared by the Federal Emergency Management Agency. These materials are on file with the City.

Flood Insurance Rate Maps panel number(s) of 26161C0234E, 26161C0235E, 26161C0241E, 26161C0242E, 26161C0244E, 26161C0253E, 26161C0261E, 26161C0262E, 26161C0263E, 26161C0264E, 26161C0266E, 26161C0268E, 26161C0382E, 26161C0401E, 26161C0402E, 26161C0406E.

**E. Interpretation of Boundaries.**

The boundaries of the Floodway Zone are determined by the scaling distances on the Flood Insurance Rate Map. The boundaries of the Flood Fringe Zone are determined by the Flood elevations shown on the Flood Insurance Study.

1. Where a conflict exists between the Floodplain limits illustrated on the Flood Insurance Rate Map and actual field conditions, the Flood elevations shown on the Flood Insurance Study shall be the governing factor. The Floodplain Administrator shall interpret the boundary location based on the ground elevations that existed before construction and the Flood elevations shown on the Flood Insurance Study for Washtenaw County, Michigan.

**F. Warning and Disclaimer of Liability**

These regulations do not imply that areas outside the Floodplain Overlay District or land uses permitted within the district will be free from flooding or Flood damages. These regulations do not create liability on the part of the City of Ann Arbor or its officers or employees for any Flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

**G. Using This Overlay District**

**1. Existing Regulation in Underlying Zones.**

Uses otherwise permitted in underlying zones shall not be allowed unless also permitted in, and developed in accordance with, the provisions of the Floodplain Management Overlay District.

## **2. When this Overlay District Applies.**

If the applicant is seeking site plan approval or a building or grading permit, and any part of the development is within the Floodplain Overlay District, as defined in Section 5.14.2.C, then the ordinance applies and the applicant must furnish the required materials listed in Section 5.29.D and adhere to the relevant provisions.

## **3. Compliance with State Law for Watercourse Alteration.**

For any activities involving filling or otherwise occupying a riverine Floodplain or altering the channel of any watercourse, the applicant must comply with applicable sections of Michigan's Natural Resources and Environmental Protection Act (MCL § 324.30101-§ 324.31713.)

## **4. Determination of Zone and Applicable Standards.**

Using the process described in Section 5.14.2.E, the applicant determines whether the proposed development will occur in the Floodway Zone or Flood Fringe Zone. Where field surveyed topography indicates that ground elevations are below the Base Flood Elevation, even in areas not delineated as a special Flood Hazard Area on a FIRM, the area shall be considered as Flood Fringe Zone and subject to the requirements of these regulations. If the proposed development will occur in the Floodway Zone, the requirements of Section 5.14.2.H apply; if the development will occur in the Flood Fringe Zone, then the requirements of Section 5.14.2.I apply.

## **5. Exemption to Applicability.**

An applicant may be exempt from the requirements of the Floodplain Management Overlay District and subject only to the normal site plan approval standards or building or grading permitting process where:

- a. The project is not a new development or an expansion of existing construction, does not include any new prohibited uses or improvements, does not change the grades, and is not a Substantial Improvement; or
- b. The Floodplain Administrator can determine, without any additional information provided by the applicant, that the development is not within the Floodplain based on the Flood Insurance Rate Map and the actual elevations of the property; or
- c. The applicant is able to demonstrate that the development is not in the Floodplain based on the Flood Insurance Rate Map and actual survey elevations, after undertaking the process described in Section 5.14.2.E.

## **6. Letter of Map Amendment.**

An applicant may apply to FEMA for a Letter of Map Amendment if, using the process outlined in Section 5.14.2.E, the actual survey elevations demonstrate that the development is outside the Floodplain, but Flood Insurance Rate Map shows the development to be within the Floodplain. The applicant may be exempt from this ordinance if a Letter of Map Amendment, that removes the

development area from the Floodplain, is obtained and submitted to the City, prior to the issuance of permits.

### **7. General Requirements for New Construction and Substantial Improvement.**

In conformity with the Michigan Building Code and Michigan Residential Code, if the proposed development is within the Flood Fringe Zone or Floodway Zone, all new construction and Substantial Improvements shall be:

- a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Constructed with materials and utility equipment resistant to Flood damage;
- c. Constructed by methods and practices that minimize Flood damage

## **H. Floodway Zone**

### **1. Prohibited Uses.**

The following uses and Artificial Obstructions are prohibited in the Floodway:

- a. Critical Facilities.
- b. New or expanded residential uses.
- c. New buildings, except in the case of redevelopment that meets the criteria in Section 5.14.2.H.4.
- d. Additions that expand the building footprint of any existing structure if any portion of the structure is to remain in the Floodway.
- e. Modifications to an existing building that would increase the enclosed floor area of the building.
- f. Creating habitable space below the Flood Protection Elevation in existing structures, such as Basement conversions.
- g. Egress windows and doors below the Flood Protection Elevation.
- h. New accessory buildings, garages, sheds, dumpsters, and fences.
- i. Structures without a foundation such as: House Trailers, construction trailers, cell on wheels, and temporary facilities.
- j. Toilets connected to the sanitary sewer system, with an elevation below the Flood Protection Elevation.
- k. Fill within the Floodway, unless it can be demonstrate that the change will improve the Flood conveyance and Floodplain function.

- l. Principal use parking lots built at grade where the depth of flooding at the Base Flood event will exceed 2.0 feet.
- m. Parking lots accessory to residential uses built at grade where the depth of flooding at the Base Flood event will exceed 2.0 feet.
- n. Construction or permanent storage of an object subject to floatation or movement during flooding.
- o. Storage of toxic, flammable, hazardous, or explosive materials.
- p. New solid or hazardous waste disposal facilities.

**2. Floodway Zone Permitted Uses.**

Subject to the standards set forth in Section 5.14.2.H.3 and 4, all uses not prohibited in Section 5.14.2.H.1 are permitted uses if otherwise allowed in the underlying zoning district and any applicable overlay district.

**3. Standards for Floodway Permitted Uses.**

A permitted use is one that complies with the following criteria. The Floodplain Administrator determines whether a particular use is a permitted use.

- a. The use shall not obstruct Flood flows or increase Flood elevations.
- b. The volume of space which will be occupied by the authorized fill or structure below the Base Flood elevation shall be compensated for and balanced by a hydraulically equivalent excavation taken from below the Base Flood elevation.
- c. Lost Floodway storage must be compensated in the Floodway and the applicant shall demonstrate that the change will improve the Flood conveyance.
- d. There shall be no reduction in Floodway surface area as a result of a Floodway modification, unless such modification is necessary to reduce overall flooding.
- e. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of Flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

**4. Standards for Floodway Zone Redevelopment.**

Existing structures in the Floodway may be replaced or Substantially Improved if the following criteria are met in addition to the other requirements of Section 5.14.2.H.

- a. The new or Substantially Improved Structure contains no residential use.
- b. The new or Substantially Improved Structure is not a Critical Facility.

- c. The footprint of the new or Substantially Improved Structure, within the Floodway may not be larger than the footprint of the existing Structure within the Floodway.
- d. Buildings and structures must have the Lowest Floor of the entire structure elevated to, or above, the Flood Protection Elevation.
- e. The new Structure is placed on the lot in a manner that minimizes the Floodway and Floodplain encroachment.
- f. A hydrologic study shows that the overall development will result in no increase in the Base Flood Elevation, and will not reduce the conveyance of the Floodway.

**I. Flood Fringe Overlay Zone**

**1. Prohibited Uses.**

The following uses and obstructions are prohibited in the Flood Fringe:

- a. Critical Facilities.
- b. New solid and hazardous waste disposal facilities.
- c. Non-residential storage of highly toxic, flammable, hazardous, or explosive materials.
- d. New Structures without a foundation such as House Trailers, construction trailers, cell on wheels, and temporary facilities.
- e. Egress windows and doors below the Flood Protection Elevation.
- f. Toilets connected to the sanitary sewer system, with an elevation below the Flood Protection Elevation.
- g. Construction or permanent storage of an object subject to floatation or movement during flooding.
- h. Structures or fill prohibited by any other statute, regulation, or underlying zone.

**2. Permitted Uses.**

Subject to the standards set forth in Section 5.14.2.I.3, all uses not prohibited in Section 5.14.2.I.1 are permitted uses if otherwise allowed in the underlying zoning district and any applicable overlay district.

**3. Standards for Flood Fringe Permitted Uses.**

- a. Residential Structures and all related heating, cooling, or other mechanical equipment shall be elevated so that the Lowest Floor is at or above the Flood Protection Elevation.
- b. All non-residential Structures, including Accessory Buildings, shall be elevated so that the Lowest Floor is at or above the Flood Protection Elevation, or floodproofed to the Flood Protection Elevation.

- c. Accessory Buildings such as sheds, barns, shelters, gazebos and garages shall be adequately anchored to prevent floatation, include the required Flood openings, and all electrical facilities shall be placed above the Flood Protection Elevation.
- d. If a Structure is elevated on fill, the finished fill elevation for Structures shall be no lower than the Flood Protection Elevation and the fill shall extend at the same elevation at least 15 feet beyond the outside limits of the Structure.
- e. The use shall not obstruct Flood flows or increase Flood elevations.
  - i) The volume of space which will be occupied by the authorized fill or Structure below the Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent excavation taken from below the Base Flood Elevation.
  - ii) If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of Flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
- f. Fill material placed in the Floodplain shall be stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material, and appropriate for the purpose of supporting the intended use and/or permanent structure.

**Section 2. That Section 5.18.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

**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 5.16.5.D. 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 5.16.5.D.

**C. Elevating Buildings in the Floodplain**

Buildings in the Floodplain may be elevated to bring the Lowest Floor above the Floodplain and may exceed the height limit by the depth of the Flood Protection Elevation.

**Section 3. That Section 5.18.6.D of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

**D. Floor Area Premium Options**

In the C1A, C1A/R, D1 and D2 zoning districts, the normal maximum Floor Area Ratio set forth in Table 5.17-2 may be exceeded on Lots located entirely outside of an historic district and Floodplain when amenities as described in this section are provided, subject to the premium limits designated in Table 5.17-4.

**1. General Regulations**

- a. Premium options may be applied only to Lots that are located entirely outside of an historic district, as designated by Chapter 103 and that contain no part of a ~~100-Year~~ Floodplain, according to City's adopted Floodplain map as designated by Chapter 100 and Section 5.14.2.D.
- b. Premium options apply only to any Structure located on the same Lot as the amenities or land uses, or both, which give rise to the premium.
- c. The use of multiple options to acquire premiums is permitted.
- d. All amenities or land uses used to acquire a Floor Area premium shall remain for the life of the Structure. The feature(s) shall only be diminished or discontinued if the additional Floor Area is permanently removed or if another premium option(s) of at least equivalent Floor Area value, as described in this section, is approved as part of a site plan.
- e. Any property that received additional Floor Area through a premium option(s) which was lawfully established prior to, and lawfully continuing in existence on the effective date of this section, shall be deemed a conforming use and/or Structure. When modifications to any such property are requested, compliance with the current premium options is required.
- f. As a condition of receiving the additional Floor Area through a premium option, the Building must comply with the following energy efficiency standards for the construction of all new Floor Area:
  - i) A minimum of two points must be achieved under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1. The most recent version in effect at the time of site plan approval shall be applied.
  - ii) Compliance with this requirement shall be verified and documented by the property owner using an industry standard



software energy modeling tool (EQUEST or equivalent) prior to the issuance of building permits.

- g. Provisions implementing the premium options, and ensuring future compliance with the premium options, where applicable, shall be included as a condition to the approval of a site plan, and in a Development Agreement, or both, as determined by the City Attorney.

**2. Affordable Residential Unit Premium Option**

- a. In the D1 and D2 districts, additional Floor Area may be earned to exceed the normal maximum FAR when Affordable Housing Dwelling Units are included in a Development as provided below.

TABLE 5.18-1: AFFORDABLE RESIDENTIAL UNIT PREMIUM OPTION		
AMENITY	ADDITIONAL FLOOR AREA	SPECIFIC STANDARDS
15% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units	D1 District: 150% of Lot Area D2 District: 100% of Lot Area	<ul style="list-style-type: none"> <li>• Residential Floor Area of the Development must equal at least 150% of the Lot Area in the D1 district or 100% in the D2 district.</li> <li>• Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</li> </ul>
20% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units	D1 District: 300% of the Lot Area D2: 200% of the Lot Area	<ul style="list-style-type: none"> <li>• Residential Floor Area of the Development must equal at least 300% of the Lot Area in the D1 district or 200% in the D2 district.</li> <li>• Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</li> </ul>
30% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units	D1 District: 500% of the Lot Area D2 District: Not available	<ul style="list-style-type: none"> <li>• Residential Floor Area of the Development must equal at least 250% of the Lot Area in the D1 district.</li> <li>• The maximum height limit of the character overlay district may be increased by 15%</li> <li>• Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund</li> </ul>

- b. Every sleeping room in the Building shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every sleeping room shall not be less than 8% of the Floor Area of such room.
- c. Affordable Housing Dwelling Units shall be provided on-site or, to the extent allowed as provided in Table 5.18-1, by payment of an affordable housing contribution in lieu of on-site units consistent with a formula adopted by resolution of City Council.
- d. If Dwelling Units constitute a portion of a mixed use Building, Dwelling Units must be completed and receive a certificate of occupancy in advance

or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the provisions of Section **Error! Reference source not found.**

- e. The conditions to the approval of a site plan, or Development Agreement, or both, as required in Section g shall include provisions to implement and maintain Dwelling Units meeting the requirements for Affordable Housing Dwelling Units for 99 years from the date of issuance of the final certificate of occupancy or make payments for contributions in lieu of on-site units, or both.
- f. The total Floor Area of the Affordable Housing Dwelling Units shall be subtracted from the total premium Floor Area when calculating off-street motor vehicle parking in Section **Error! Reference source not found.** Special Parking Districts.
- g. Failure to maintain the required Floor Area of Affordable Housing Dwelling Units in compliance with this Section shall be a violation of this ordinance. The penalty for such violation shall be a fine deposited into the Affordable Housing Fund of five times the current payment for affordable housing contributions in lieu of on-site units adopted by resolution of City Council at the time of the violation of the applicable area of Dwelling Units.

### **3. Green Building Premium Option**

- a. In D1 and D2 districts, Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed in the following increments for Site and/or Buildings achieving the following levels of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) Certification for new construction (NC) or existing Buildings. The most recent version in effect at the time of site plan approval shall be applied.
  - i) LEED Silver Certification, with a minimum of four points in Energy & Atmosphere Credits No. 1 and 2: 50% of Lot Area.
  - ii) LEED Gold Certification, with a minimum of 6 points in Energy & Atmosphere Credits No. 1 and 2: 150% of Lot Area.
  - iii) LEED Platinum Certification, with a minimum of 8 points in Energy & Atmosphere Credits No. 1 and 2: 250% of Lot Area.
- b. Prior to issuance of any building permits, the Applicant shall submit proof of LEED registration and a letter in a form satisfactory to the City Attorney stating his/her commitment to achieving the requested LEED Certification and to demonstrating compliance with that commitment.
- c. Within six months of receiving the final certificate of occupancy, the Applicant shall submit to the Planning Manager documentation of the credits earned from the U.S. Green Building Council and achievement of the requested Certification This time period may be extended by the Planning Manager at his or her discretion for a period not to exceed

three months if additional time is needed to complete the LEED Certification process, and the Applicant has been diligently working towards completion.

- d. Failure to submit documentation from the U.S. Green Building Council within the required time period demonstrating the Applicant's achievement of the requested LEED Certification premium shall be a violation of this ordinance. The penalty for such violation shall be \$500 per day from the date when the report was due to the date it is submitted.
- e. Failure to demonstrate full compliance with the Applicant's commitment to achieve the requested LEED Certification premium shall be a violation of this ordinance. The penalty for each violation is an amount determined by the following formula:

$$P = [(LC-CE) / LC] \times CV \times GPUP$$

Where:

P is the penalty;

LC is the minimum number of credits to earn the requested LEED Certification;

CE is the number of credits earned as documented by the U.S. Green Building Council report;

CV is the construction value, as set forth on the Building permit for the new Structure;

GPUP, the Green Premium Utilization percentage, is the greater of (i) 0.075; or (ii) a fraction, the numerator of which is LEED FAR, the denominator of which is TFAR.

LEED FAR is the minimum amount of Floor Area proposed that is attributable to the Green Building Premium;

TFAR is the total Floor Area proposed.

- f. Failure of the Applicant to comply with the Applicant's commitment to achieve the requested LEED Certification premium shall not affect the right to occupy any of the premium Floor Area if a penalty is paid to the City in the amount determined in this section. No additional penalty shall be imposed for failure to comply with the commitment.
- g. If, within 90 days, or such longer period as the Planning Manager may allow for good cause, the application shall demonstrate, through a supplemental report from the U.S. Green Building Council that is has made sufficient alternations to improvements to earn the requested LEED Certification, or to earn more credits toward such a Certification, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final.

#### 4. **Historic Preservation Premium Option**

In D1 and D2 districts, additional Floor Area of up to 50% of the Lot Area shall be allowed in excess of the normal maximum Floor Area Ratio for a development that preserves a historic resource, as defined in Chapter 103, that is currently listed on or eligible for the National Register of Historic Places and/or the State Register of Historic Sites. For purposes of calculating the maximum Floor Area Ratio for the Lot, the Floor Area of the historic resource shall not be counted in the total.

**5. Pedestrian Amenity Premium Option**

**a. General**

In C1A, C1A/R and D1 districts, ten square feet of Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed for each square foot of pedestrian amenity improvements, up to a maximum of 8,000 square feet of additional Floor Area. Any space in which a pedestrian amenity is used to acquire a premium shall not be used for the off-street parking of any vehicle, including but not limited to automobiles, bicycles, motor bikes, and scooters; nor shall such area be used for access drives, loading, or trash collection stations, except as noted in Section 5.1.2C.5.iv) Interconnections of pedestrian amenities between two or more Lots are required to the extent feasible. A public Open Space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public Open Space premiums which are open at night. Pedestrian amenities may include the options listed below.

**b. Inner Arcade**

**i) General**

A non-publicly owned, continuous, covered space that runs through or along a non-Street side of a Building and connects public Streets, arcades, Open Space, or Sidewalks and is readily accessible and identifiable from the public Street, arcade, or Sidewalk. An arcade shall meet the following requirements:

- (a) Connect and be accessible from at least two public Streets, or a public Street and a public or non-public arcade fronting on another public Street, or a public Street and a public or non-public plaza fronting on another public street, or a public or non-public arcade and another public or non-public arcade fronting on another public Street; or a public parking garage and a public Street; and
- (b) Measure not less than 12 feet wide; and
- (c) Have an open and unobstructed headroom of at least 12 feet in height; and
- (d) Remain open for use by the general public during all business hours common in the area.

**ii) Art Work**

Art works may occupy up to five percent of the total arcade area if a minimum clearance of 6 feet for circulation is provided.

**c. Plaza**

A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public Street or public Sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to 2/3 of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:

- i) Have a minimum dimension of ten feet; and occupy not less than 500 square feet; and
- ii) Be at the same Grade as the adjacent public Sidewalk or not more than 24 inches above or below the Grade of adjoining public Sidewalk for no more than 50% of either length of the sides adjoining and measured at the Lot Line; and
- iii) Be readily identifiable from the public Sidewalk; and
- iv) A portion of a plaza may be used for the parking of bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each two bicycles parked, and permanently-installed bicycle facilities are provided; and
- v) When seating and/or tables are provided, they shall be available for use by the general public at all times the space is open.

**6. Public Parking Premium Option**

In the D1 district, the Floor Area of above-Grade Parking Structures reserved for vehicular Parking Spaces in excess of the minimum requirement shall not be counted toward the maximum Floor Area Ratio, up to a maximum of 200% of the Lot Area, if the following conditions are met:

- a. The Parking Spaces are made available to the general public;
- b. The number, location, size, access, layout and design of the Parking Spaces meet standards for public parking, as determined by the Downtown Development Authority;
- c. The property owner signs and records a Development Agreement or other document approved by the City Attorney outlining the operating conditions for this parking.

Section 4. That Section 5.23.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

#### 5.23.4 Floodplains ~~(100-Year)~~

Floodplains serve to minimize damage to land and water resources because of their capacity to store water. In so doing they control Erosion, silting, and contamination of water features and aquatic wildlife. Healthy, stable plant life is important in determining a Floodplain's capacity and function in slowing, filtering, and cooling water moving through them. Floodplains also may qualify as Wetland or Watercourse Natural Features.

##### A. Identification

~~Floodplains, Floodways and Watercourses that have watersheds two square miles or larger are officially mapped and regulated under provisions of federal and state statutes.~~ Floodplain and Floodway boundaries are available on Flood Insurance Rate Maps (FIRM), produced by the Federal Emergency Management Agency (FEMA). The City may request, and if requested an Applicant shall provide, investigation and mapping of flooding zones along Watercourses on Sites not officially mapped. If ~~substantial~~ flooding potential exists, and Buildings and Structures are proposed in the Floodplain, the City may request, and if requested an Applicant shall provide, formal hydrological studies to determine the long-term safety and the hydrological and environmental soundness of a proposed project.

##### B. Protection Priorities

###### 1. Highest Concern

Floodplains with natural plant life and natural landform conditions are very important to protect from Development. They involve native Floodplain forest fragments (extremely rare), or native sedge or fen meadows (rare and important natural areas, potentially habitats for rare species in the City). These areas not only are rich biologically, but provide Floodplain function.

These Floodplains of highest concern should be preserved as part of any Development proposal (which means not only is there no disturbance to soils, but there is no disturbance to surface and subsurface hydrological regimes). In cases where these habitats exist and are being invaded by exotics, every reasonable effort should be taken to restore the habitat as part of a Development proposal. Where enhancement of capacity and function can be done, it should be.

###### 2. Midlevel Concern

Forested Floodplains dominated by exotics, including black alder, several willows, and Floodplain meadows dominated by cattails or purple loosestrife are of midlevel concern. Even with the presence of exotics, forested Floodplains are vital to the continued function/capacity of the Floodplain. Whenever possible, these areas should be left undisturbed. Restoration of these areas with native plants is usually useful in enhancing its function, appearance, and wildlife value.

Floodplains of midlevel concern should not be built upon. In any case, the Floodplain's function and capacity should not be diminished. Where enhancement of capacity and function can be done, it should be.

### 3. Lowlevel Concern

Floodplains characterized by paving or turf or otherwise cleared land are of low level concern. ~~They can further be developed or redeveloped as necessary. A key concern to guide such decisions should be whether there are flooding and water quality problems in the watershed, and what opportunity exists for mitigation to address these problems through the proposed Development or redevelopment.~~ The key concern to guide development decisions should be whether there are opportunities for mitigation of flooding and water quality problems.

#### C. Protection Measures

1. Soil Erosion on any construction Site in any Floodplain should be minimized to the maximum extent practicable. Special, effective soil Erosion and Flood protection techniques should be devised and required in each instance, during construction and for as long afterward as it takes for vegetation to become very well established and for soils to be stable during storm/flooding events. These techniques and devices need careful design and maintenance to protect against washout in storm events and damage to water resources. Soil stockpiles and construction trailers may not be placed within Floodplain areas.
2. Barrier fencing shall be installed at the Limits of Soil Disturbance including any Floodplain. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until authorized to be removed. No filling, excavating or storage of materials, Debris or equipment shall take place within the fenced area.

#### D. Mitigation

In addition to meeting the requirements of Section 5.14.2 of this chapter, Floodplain areas shall be mitigated to provide no net loss of Flood storage capacity and shall comply with any conditions of a valid permit from the Michigan Department of Environment, Great Lakes, and Energy Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended to date. If mitigation is proposed off-site, it shall be hydrologically equivalent and located in the same watershed as the development Site. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

#### E. Guidelines for Best Mitigation Practices

1. Where the actual volume/land area of a Floodplain is affected by a proposed Development, the volume/land area of the Floodplain lost should be restored elsewhere on the Site or in the watershed.
2. Where paved surfaces are proposed in a Floodplain, they should be minimized to the fullest extent possible. The area of paved surface on a Site in a Floodplain should be mitigated by new Floodplain with native Floodplain species installed elsewhere on the Site or elsewhere in the

watershed, or it should be mitigated by a landscape design for the Site that enhances Floodplain function.

3. Where forest fragments, fen and sedge meadows are removed or disturbed, they should be mitigated to replicate equally valuable Natural Features on the Site or in some other location in the watershed.
4. Lesser quality plant communities should also be replaced, but the level of diversity of the mitigation may be less (using native associations is more desirable).
5. To the fullest extent possible, regardless of existing conditions, landscape design for a project proposed in a Floodplain should avoid turf and use (preferably native) associations of plant materials that can become effective on the Site as healthy Floodplain plant communities.
6. Alternate mitigation (when these procedures are not possible) could include management of other Natural Features on the Site or restoration work on Floodplain elsewhere on the Site or within the watershed. They might include addition of storm water control facilities beyond other code requirements.

**Section 5. That a new Section 5.27 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be added as follows:**

**5.27.7 Floodplain Administrator**

- A. The City of Ann Arbor shall designate a Certified Floodplain Manager as the Floodplain Administrator to oversee the implementation of all Floodplain regulations. All proposed development within the Floodplain Overlay District as defined in Section 5.14.2 or identified on the Flood Insurance Rate Map shall be approved by the Floodplain Administrator prior to site plan approval or issuance of building, or grading permits by the Building Official.
- B. Record of First Floor Elevation. The Floodplain Administrator shall maintain a record of the elevation of the Lowest Floor (including Basement) of all new structures, Substantial Improvements, and additions to existing structures in the Floodplain. The Floodplain Administrator shall also maintain a record of the elevation to which new structures, Substantial Improvements, and additions to structures have Floodproofing.
- C. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Floodplain Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

**Section 6. That Section 5.29.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**



### 5.29.1 Zoning Permit

A zoning permit shall be required in the following circumstances. When a building permit is also required, the building permit may serve in place of the zoning permit without separate zoning permit approval. When Special Exception Use approval is also required, separate zoning permit approval is not required unless specifically required by the Special Exception Use approval.

#### A. Buildings or Structures

A zoning permit is required for the construction, moving, Alteration, or repair (except ordinary repairs as defined in Chapter 100 of this Code) of any Building or other Structure, including an Accessory Structure, costing more than \$100.00 or is between 100 and 200 square feet in area. A building permit is required when the Building or Structure exceeds 200 square feet in area or is an addition of any size to an existing Building. Site plan approval may be required prior to issuance of a Zoning Permit or Building Permit.

#### B. Land Uses

A zoning permit is required to change a land use, change the use or type of occupancy of any Building, to establish or expand outdoor sales, or to extend any use on any Lot on which there is a non-conforming use, subject to the standards and regulations in this chapter for that use.

#### C. Fences and Dumpsters

A zoning permit is required for the construction of Fences consistent with Section **Error! Reference source not found.** and for the placement of locations for dumpsters used for commercial recyclables and related screening consistent with Section 5.20.6 and Chapter 26, Section 2:5(4).

#### D. Floodplain Management

When a zoning permit is required for any activity in the Floodplain Overlay Zoning District as provided in Section 5.14.2., the following information shall be included as part of the zoning permit application:

1. A topographic survey, as well as determine the Base Flood, 0.2 percent annual chance, and Flood Protection Elevations from the Flood Insurance Study, plot actual boundaries of the Floodplain on a topographic survey based on Base Flood Elevations from Flood Insurance Study, and plot the Floodway boundary based on Flood Insurance Rate Map Floodway boundaries.
2. An elevation certificate for each existing building.
3. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and natural features.
4. Location of fill or storage of materials in relation to the Floodplain.
5. Cut and fill calculations for all Floodplain alterations.
6. Floodproofing Certificate, if applicable. Floodproofing Certificate requirements are found in FEMA's Technical Bulletin 3, Non-Residential Floodproofing - Requirements and Certification (1993).

7. Copies of any required county, state or federal permits or approvals.
8. If a proposed project involves fill, a new structure, or an addition to an existing structure that displaces any part of the existing Floodplain, the applicant shall obtain a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) prior to approval by the City.
9. If Floodplain elevations, Floodplain boundaries, or Floodway boundaries will be altered by the proposed project, the applicant shall obtain a Conditional Letter of Map Revision from FEMA prior to the issuance of permits by the City. For projects that receive a Conditional Letter of Map Revision, a final Letter of Map Revision is required to be obtained from FEMA and a copy provided to the City prior to the issuance of a certificate of occupancy or final permit approval.
10. If the proposal is located in a Floodway where the EGLE does not have jurisdiction, a hydrologic study must be submitted to demonstrate that structures and fill will not (1) increase the Flood level during occurrence of the Base Flood discharge, and (2) reduce the conveyance of the Floodway.
11. Other relevant information requested by the Floodplain Administrator as necessary to properly evaluate the permit application.
12. Prior to the issuance of a C of O or final permit approval, a certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. This is usually handled with an Elevation Certificate.

#### **D.E. Certification**

Each zoning permit shall include a Certification of the Planning Manager's determination that plans, specifications, and the intended use for such Structure conform to the provisions of this chapter.

#### **E.F. Advisory Opinions**

If application for zoning permit is made prior to the application for a Building permit, a zoning permit may be considered to be only an unofficial advisory opinion of the Planning Manager that does not carry any guarantee or obligation on the part of the City. A record of all such applications shall be kept on file in the PDSU.

#### **F.G. No Waiver**

Issuance of a zoning permit shall not be construed as waiving any provision of this chapter.

#### **G.H. Period of Validity**

Any zoning permit issued under the provisions of this chapter shall be valid only for a period of six months following the date of the issuance.

### **H.I. Applications Requiring ZBA Action**

When the Planning Manager receives an application for a zoning permit as part of an application that requires Zoning Board of Appeals approval, the application and all supporting information shall be conveyed by the Planning Manager to the Zoning Board of Appeals.

### **H.J. Criteria for Approval**

The Planning Manager shall issue a zoning permit if it determines that the application complies with this chapter and with all other applicable laws and regulations of the City.

## **Section 7. That Section 5.29.3.F of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

### **F. Criteria for Approval**

The soil Erosion and Sedimentation controls and Storm Water Management Systems shall be designed to the criteria in this chapter to the satisfaction of the Planning Manager. Grading Permits shall be issued if the Planning Manager determines that all of the following standards are met:

1. The proposed Grading will not cause Hazard to public safety and/or welfare.
2. The proposed work will not damage adjacent public or private property, or alter any existing drainage in such a manner as to damage adjacent or off-site property, or result in deposition of Debris or Sediment off-site, or result in deposition into any Wetland, Watercourse, Storm Water Management System, or Public Right-of-Way.
3. The area for which Grading is proposed is not subject to Erosion, settlement, slope instability or any other Hazard that cannot be protected against during the permitted Grading activities.
4. The land area for which the Clearing and/or Grading is proposed does not lie within a designated ~~100-Year~~ Floodplain or unmapped **Flood** prone area of any lake, pond, or Watercourse, unless the proposed Clearing and/or Grading is consistent with the ~~current City~~ Floodplain Management ~~Resolution sections of this ordinance or any subsequently adopted Floodplain Management Ordinance~~ and is determined to have no detrimental influence upon the overall function of the watershed.
5. Disturbance to any Natural Feature is consistent with any approved site plan, final preliminary plat, or PUD site plan.
6. A soil Erosion and Sedimentation control plan is provided that meets the provisions of this chapter.

## **Section 8. That Section 5.29.8.C of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

**C. Conceptual Dimensional Layout Plan – For Area Plans Only**

Drawings and written descriptions of the proposed Development, including the following:

1. Existing and proposed topography at five foot or best available contour intervals and Limits of Soil Disturbance.
2. Orientation and general location of all proposed improvements.
3. Vertical sections through the Site showing existing and proposed improvements will result in a significant change in a Steep Slope.
4. Proposed pedestrian, vehicle, and service circulation patterns on the Site
5. Proposed Lot lines and Required Setback Lines.
6. Areas of natural features which are proposed to be removed or distributed and a general description of mitigation plans.
7. An inventory of site conditions including:
  - a. Soil types and site vegetation.
  - b. A description of all Natural Features on the Site and within the area 50 feet beyond the property line, including:
    - i) The nature and extent of Engangered Species Habitat
    - ii) The location of any 100-year **Floodplain**.
    - iii) The location, size and species of all Landmark Trees.
    - iv) The location of all Steep Slopes.
    - v) The location of all existing Watercourses.
    - vi) The boundary and character of all Wetlands.
    - vii) The boundary and basal area estimate, based on field samples, of any Woodlands.
  - c. Existing and proposed general drainage pattern of the Site and adjoining area.
8. A summary in the form of an overlay showing how the proposed land use or activity relates to the graphic description of the existing Site conditions including Natural Features.

Section 9. That Section 5.29.12.D of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**D. Alternative Criteria for Specific Types of Variances**

Variances to the following types of standards shall require that the ZBA make an affirmative finding that the application meets the specific criteria listed below that are applicable to that type of variance application.

## 1. Dish Antennas

In the case of an application for a variance from the Dish Antenna standards of Section 5.16.6.A.3, the topographic features or special characteristics of the Site create special conditions such that the strict application of those standards will prevent the reception of usable satellite Signals.

## 2. Floodplain

a. In a case of an application for a variance from the Floodplain overlay zoning district regulations in Section 5.14.2, the evidence considers the following factors:

- iii) The potential danger to life and property due to increased Flood heights or velocities caused by encroachments.
- iv) The danger that materials may be swept onto other lands or downstream to the injury of others.
- v) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.
- vi) The susceptibility of any proposed use and its contents to Flood damage and the effect of such damage on the individual owner.
- vii) The importance of the services to be provided by the proposed use to the community.
- viii) The requirements of the facility for a waterfront location.
- ix) The availability of viable alternative locations for the proposed use that are not subject to flooding.
- x) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- xi) The relationship of the proposed use to the Comprehensive Land Use Plan and Floodplain management program for the area.
- xii) The safety of access to the property in times of Flood for ordinary and emergency vehicles.
- xiii) The expected heights, velocity, duration, rate of rise and sediment transport of the Flood waters expected at the site.

b. Adherence to State Floodplain Management Standards. A variance shall not allow a use that is not allowed in that zone, permit a lower degree of flood protection than the Flood Protection Elevation for the particular area, or permit standards lower than those required by state law or other applicable codes in Section 5.6.2..

a.c. Flood Insurance Notice. The Zoning Board of Appeals ZBA shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the Base Flood Elevation will result in

increased premium rates for flood insurance; and 2) Such construction below the Base Flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

### **2.3. Storm Water Management**

In the case of an application for variance from the storm water management standards in Section 5.22, that Storm Water Management Systems have been provided to the maximum extent feasible with the goals of meeting the Rules of the WCWRC related to storm water management.

### **3.4. Wireless Communications Antennas**

A variance may be granted from the height limits found in Section 5.16.5.D only to the minimum extent demonstrated as necessary to comply with operational needs and applicable federal regulations.

### **4.5. Wetlands**

In the case of an application for a variance from the Wetlands protection standards of Section 5.23.9, evidence supports at least one of the following affirmative findings:

- d. The general variance criteria in Section 5.29.12.C have been met.
- e. The public benefit intended to be served by the standards in Section 5.23.9 will be retained, despite more disruption of the Wetland than permitted by those standards.
- f. The topographical features or special characteristics of the Site create conditions such that strict application of the standards in Section 5.23.9 will result in less protection of the Wetland.
- g. The application of the standards in Section 5.23.9 would deny all reasonable use of the property.

### **5.6. Signs**

For a Building or property that is designated as historic by Federal, State, or local government, the Zoning Board of Appeals may consider it to be a hardship or practical difficulty and may grant a variance if the Historic District Commission has made a determination that a proposed Sign is necessary and integral to the historic character of a property.

### **6.7. Parking Standards**

In the case of an application for a variance from the parking requirements of Section 5.19, a variance may be granted if the variance is in harmony with the general purpose and intent of the requirements.

### **7.8. Landscaping, Screening and Buffering**

In the case of an application for a variance from the landscaping, screening and buffering requirements of Section 5.20, a variance may be granted from the strict application of that section when the evidence supports that the public benefit intended to be secured will exist with less than the required landscaping or screening.

Section 9. That Section 5.37.2.B of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**B.**

**Bank, Credit Union, Financial Services**

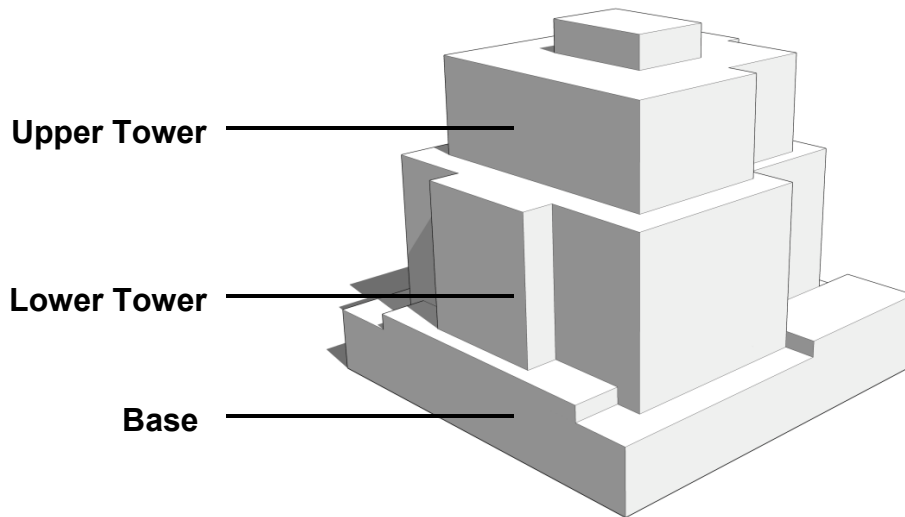
An establishment that provides retail Banking, mortgage lending, and Financial Services to individuals and Businesses, and including check-cashing facilities. Accessory Uses may include automatic teller machines and Administrative Offices.

**Barn**

An agricultural Building required to serve the farm on which it is located.

**Base**

The portion of a Building located between the street Grade and the Streetwall Height (see Figure 1).



**Figure 1: Base, Lower Tower, and**

**Base Flood**

The Flood having a 1% chance of being equaled or exceeded in any given year. The Base Flood is also known as the 100-year frequency Flood event.

**Base Flood Elevation**

The elevation shown on the Flood Insurance Study that indicates the water surface elevation resulting from a Flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement**

Any area of a Structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Beauty Salon**

A Personal Services establishment that provide beauty treatments such as hair cutting, coloring and styling; hair removal; manicure; pedicure; skin care; and therapeutic massage.

**Bed and Breakfast (Principal)**

A type of Hotel in which the operator typically lives and provides, but is not required, to serve meals to guests.

**Bed and Breakfast (Accessory)**

A Building designed as a Single-Family dwelling in which the operator lives and provides guestrooms of lodging accommodations by prior arrangement to no more than 3 guests for compensation to nonfamily members where occupancy of the dwelling including guests complies with the requirements for the zoning district in which the dwelling is located. It may or may not include serving of meals to guests.

**Bicycle Parking Space**

An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks that meet the requirements the for bicycle parking in this chapter.

**Billboard**

An Off-Premises Sign with a Sign Area in excess of 200 square feet.

**Bioretention**

A storm water infiltration system capable of retaining and infiltrating runoff from the first one-half (1/2) inch of rainfall during any storm event.

**Boarding House**

See Group Housing.

**Borrow Pit**

An area from which soil or other unconsolidated material are removed and used, without additional Processing, as Fill for other Development-related activities.

**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. When separated by division walls from the ground up without openings, each portion of such Structures shall be deemed a separate Building.

**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.

**Building Frontage**

The portion of a Building facing any adjacent public street.



**Building Height**

The vertical distance of a Building measured from the Finished Grade to the highest point of the Roof surface of a flat Roof; to the deck line of a mansard Roof; and to the average height between the eaves and the ridge of the highest Roof section for a gable, hip and gambrel Roof.

**Business**

Any legal use of a Building by a Person other than for a Religious Assembly, Child Care Center, school, Home Occupation, or residence. Although contained in the same Building as another Business and owned by the same Person, a use may be treated as a separate Business if it is physically separated, uses different personnel, and provides different products or services.

**Business Center**

A group of five or more Businesses that collectively has a name different than the name of any of the individual Businesses and that has common private parking and entrance facilities, or that is a platted Business subdivision.

**Business Frontage**

The length of the portion of a Building occupied by a single Business facing a street adjacent to the Premises on which the Business is located.

**Business Services**

Service rendered to Business establishment or individual on a fee or contract basis including but not limited to actuarial, advertising, janitorial, Office or Business Equipment rental, photocopying, and other such services.

**Section 10. That Section 5.37.2.C of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

**C.****Canopy**

For purposes of Natural Features and Storm Water Management, the area within the outermost spreading vegetative layer of any woody plant(s) delineated by the Critical Root Zone.

For purposes related to Structures and Buildings, a rooflike Structure covered with canvas supported by poles extending over or in front of a place such as over a sidewalk or patio or in front of a door, to provide shelter from the elements.

**Cemetery**

Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundaries of the Cemetery.

**Certification**

A signed, written statement by the Planning Manager that specific improvements, inspections, or tests, where required, have been performed and that they comply with the applicable requirements of this chapter or regulations adopted pursuant to this chapter.

**Changeable Copy**

That portion of a Sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the Sign.

**Child Care Center**

A facility that receives one or more children for care for periods of less than 24 hours a day.

**Christmas Tree Sales**

A temporary Retail Sales operation, generally conducted wholly outside, that offers for sale Christmas trees and related holiday items, such as wreaths and tree stands.

**Clearing**

The severing of Woody Plants above ground level, leaving root system and stumps intact.

**Club Headquarters or Community Centers**

Buildings and facilities owned or operated by a corporation, association, Person, or Persons for a place of meeting, social, cultural, or educational, or Recreational purposes, to which membership or residency requirements are required for participation.

**Coal and Coke Dealer**

Establishment engaged in the sale or distribution of coal and coke.

**Community Recreation**

Use of a Buildings and facilities accessory to townhouse and Multiple-Family Dwellings for a social, educational, or Recreational purpose, to which residency of the townhouse or Multiple-Family Dwellings are required for participation and that does not render a service customarily carried on as a Business.

**Conceptual PUD Plan**

A graphic depiction in plan form of the elements of a planned unit development district that illustrates the PUD Development Program and the district's Supplemental Regulations.

**Conference Center**

A facility used for service organizations, Business and professional conferences, and seminars, and limited to accommodations for conference attendees.

**Contractors, General Construction and Residential Builders**

Individuals or Businesses offering services related to construction of Buildings and Development of land such as Residential Trade Contractors and home builders, highway and street, heavy construction and general Buildings; Coal and Coke Dealers.

**Corner Lot**

See Lot, Corner.

**Correctional Facility**

A publicly or privately operated facility to house Persons awaiting trial or Persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

**Critical Facilities**

As referenced in the Michigan Building Code, Critical Facilities are typically any facility which is critical to the health and welfare of the population and, if flooded, would create an added

dimension to the disaster. This category of buildings corresponds to Type III and Type IV buildings as defined in the ASCE 24-14. Critical Facilities include, but are not limited to, schools hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a Flood; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during, and after a Flood; public and private utility facilities important to maintaining or restoring normal services before, during, and after a Flood; and those structures or facilities which produce, use, or store highly volatile, flammable, explosive, toxic, and/or water reactive materials.

### **Critical Root Zone**

The circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the Critical Root Zone is, in feet, the same numerical value as the tree's Diameter at Breast Height (DBH) in inches, and is measured outward from the center of the tree. For example, the Critical Root Zone of a 12-inch DBH tree has a radius of 12 feet.

### **CSA**

Community Services Area.

### **Cultural Services**

A facility, such as a Museum, art gallery, or similar public or semi-public use, that displays, preserves, and exhibits objects of community, cultural, or scientific interest.

### **Curb Cut**

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.

### **Cut or Excavation**

Any act, by which soil or rock is Cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

## **Section 11. That Section 5.37.2.F of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

### **F.**

#### **Family**

An individual or group of individuals occupying a Dwelling Unit as a single Housekeeping Unit, or a group of persons whose right to live in a single Dwelling Unit is protected by the federal Fair Housing Act Amendments of 1988.

#### **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.

#### **Fence**

Any artificial permanent Fence, partition, Structure, or gate erected as a dividing marker, Barrier, or enclosure.

**Fill**

A deposit of soil or rock placed or replaced by people or machine.

**Final Acceptance**

Certification by the City Administrator that all obligations and work set forth in an approved site plan and Development Agreement, if any, have been satisfactorily performed.

**Finished Grade**

The level of the ground adjacent to the Structure if the ground is level. If the ground is not level, the Finished Grade shall be determined by averaging the elevation of the ground for each side of the Structure using the highest and lowest point of each side, as measured five feet from the exterior walls of the Structure.

**~~Floodplain, 100-Year~~**

~~An area which has a 1% chance of flood occurrence in any given year.~~

**~~Floodway~~**

~~The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to store and discharge the base flood without cumulatively increasing the water surface elevation more than 0.1 feet, as designated by the Michigan Department of Environmental Quality and indicated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.~~

**Flood**

A temporary increase in the flow or stage of a stream or in the state of a wetland or lake that results in the inundation of normally dry areas.

**~~Floodplain, 100-Year~~**

~~An area which has a 1% chance of flood occurrence in any given year.~~

**Floodplain**

The lands within the City of Ann Arbor, typically adjacent to a body of water or watercourse, that are subject to inundation by the Base Flood.

**Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents that meets the requirements of the Michigan Building Code.

**Floodway**

The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to store and discharge the **Base Flood** without cumulatively increasing the water surface elevation more than 0.1 feet, as designated by the Michigan Department of Environmental Quality and indicated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

**Flood Fringe**

That portion of the Floodplain outside of the Floodway. Flood Fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Washtenaw County, Michigan.

### **Flood Hazard Areas**

The land area covered by the floodwaters of the Base Flood is the Special Flood Hazard Area (SFHA) on National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's Floodplain management regulations must be enforced and the area where the mandatory purchase of Flood insurance applies. The SFHA includes Zones A, AO, AH, AE, and the 0.2 percent annual chance Flood hazard.

### **Flood Insurance Rate Map**

A map prepared by FEMA that depicts the Flood Hazard Areas within a community. This map includes insurance rate zones, Floodplains, Floodways, and Base Flood Elevation.

### **Flood Insurance Study**

The official report by FEMA providing an examination, evaluation, and determination of Flood hazards and corresponding Flood profiles and water surface elevations of the Base Flood. Also known as an FIS.

### **Flood Protection Elevation**

An elevation no lower than one foot above the elevation of the 0.2% annual chance Flood. The 0.2% annual chance Flood elevation is the elevation shown on the Flood Insurance Study that indicates the water surface elevation resulting from the Flood that has a 0.2% chance of equaling or exceeding that level in any given year. If the 0.2% annual chance elevation is not shown on the reach profile in the Flood Insurance Study, use 2 feet above the 1% annual chance Flood elevation.

### **Floor**

The top surface of an enclosed area in a Building (including Basement), i.e., top of slab in concrete slab construction and top of wood Flooring in wood frame construction.

### **Floor Area**

The sum of the area, in square feet, of the Floor of all stories of a Building or Structure measured from the exterior faces of the exterior walls or from the center line of walls separating two Buildings, excluding: stairwells (including landings), escalators, elevator shafts, ramps, vertical chases or chutes, and attics in which occupancy is prohibited under Chapter 105 (Housing Code) of City Code in Buildings that contain only residential uses.

### **Floor Area Ratio**

The sum of the Floor Area of all principal and Accessory Buildings and Structures on a Lot divided by the Lot area expressed as a percentage. When calculating Floor Area Ratio, the following shall be excluded: Floor Area used for required premium or PUD vehicle parking and required bicycle parking, and Floor Area used for below grade parking where below grade means more than half of the volume of that Story is below the Finished Grade.

### **Fraternity or Sorority House**

A Building used by a college fraternity or sorority as a principal place of residence for its members. Such 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.

**Fueling Station**

A facility for the sale or distribution of gasoline or equally inflammable fuel oils. This use does not include any services other than distributing the fuel or sales of any other goods except those directly related to fuel sales and distribution. Other services or sales shall be considered separately.

**Funeral Services**

A Building or place where ceremonies for the deceased are conducted.

**Functional Family**

A group of people plus their Offspring, having a relationship which is functionally equivalent to a Family. The relationship shall be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional Family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the Housekeeping Unit is temporary.

Section 12. That Section 5.37.2.L of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**L.****Laboratory**

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the Laboratory.

**Landmark Tree**

Any tree of 24-inch DBH or greater, or that is a type and DBH equal to or greater than shown on the Landmark Tree list in the land Development regulations, and that has a health and condition standard factor of over 50% based on the standards established by the Internal Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the Structure of the tree, the presence of insects or disease, the crown Development, and the life expectancy. The definition of a Landmark Tree shall not include any tree identified as an Invasive Species on the City's Invasive Species list.

**Laundry, Cleaning, and Garment Service**

An establishment where laundry or dry cleaning is dropped off and picked up by customers and that also includes on-site laundry and/or cleaning activities and garment tailoring services.

**Laundry and Dry Cleaning Plant**

An industrial facility where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

**Lawn Extension**

The unimproved portion of any Public Right-of-Way.

**Library**

A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

**Light Manufacturing**

An Industrial, Manufacturing, Processing, or Assembling plant using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety Hazards outside of the Building or lot where such assembly, manufacturing, or processing takes place, where such processes are housed entirely within a Building.

**Limits of Soil Disturbance**

A line marking the perimeter of the area within which there will be construction activity and any disturbance to the soils on a Site.

**Lot**

A parcel of land, not including a public or private street, that may be a platted Lot of a recorded subdivision, a site condominium Lot, or a parcel of land that meets the requirements of this Code.

**Lot Area**

The total horizontal land area in square feet within the Lot lines of a Lot, including land donated or to be donated to the City for public park purposes which is accepted by the City, and excluding any area of dedicated or proposed Public Right-of-Way and private street easements.

**Lot, Corner**

A Lot or parcel of land abutting two or more streets at their intersection, or two parts of the same street forming an interior angle of less than 135 degrees.

**Lot Line**

The boundary of a Lot (see Figures 2 and 3).

**Front Lot Line**

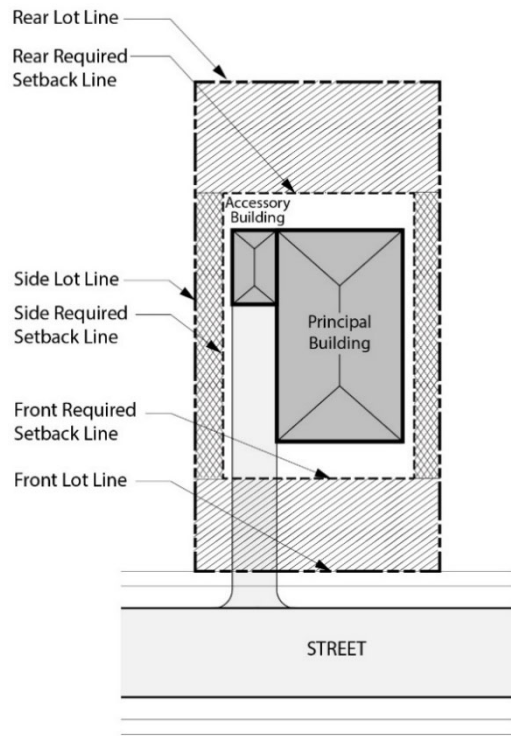
The Lot Line separating a Lot from a street, excluding Lot Lines separating I-94, U.S. 23, M-14, and alleys.

**Rear Lot Line**

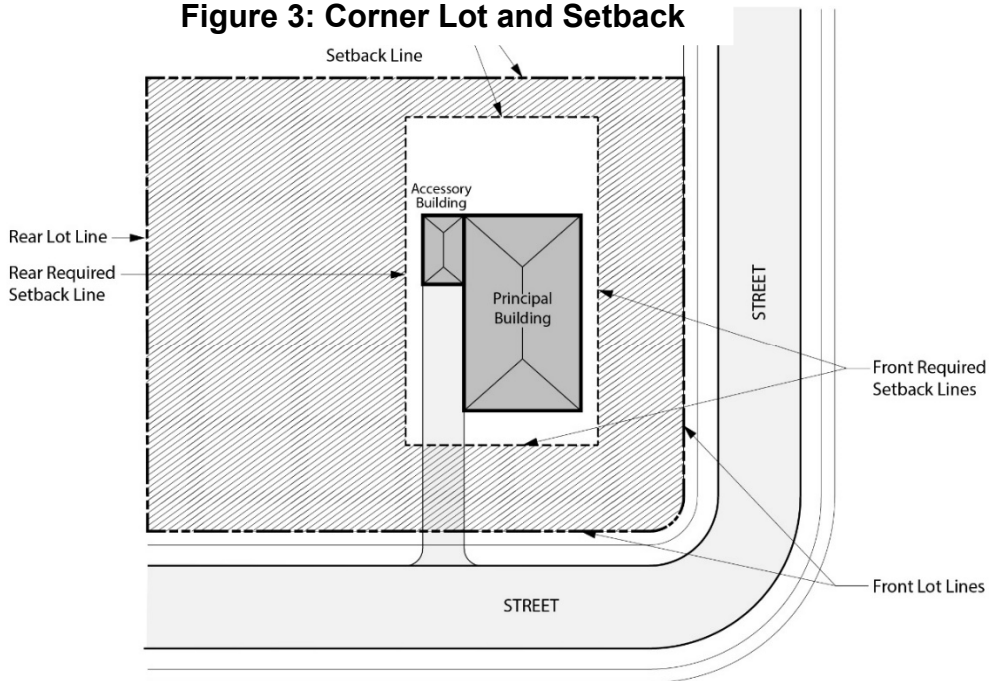
The Lot Line opposite and most distant from the Front Lot Line; or in the case of irregularly-shaped Lots, a line ten feet in length entirely within the Lot, parallel to and at a maximum distance from the Front Lot Line.

**Side Lot Line**

Any Lot Line other than a Front or Rear Lot Line.



**Figure 3: Corner Lot and Setback**





**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 that exists as described in those records.

**Lot Width**

The length of a straight line drawn between the points where the Required Front Setback Line cuts the Side Lot Lines.

**Lowest Floor**

The lowest floor of the lowest enclosed area (including Basement). An unfinished or Flood resistant enclosed area, used solely for parking of vehicles, building access, or storage in an area other than a Basement area, is not considered a building's Lowest Floor, provided that such enclosed area is not built so as to render the Structure in violation of other provisions of this ordinance.

Section 13. That Section 5.37.2.N of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

N.

**Native or Prairie Plantings**

The exclusive use of plants in a landscape planting that were in the City prior to European settlement in Michigan.

**Natural Feature**

Any one or more of the following: Endangered Species Habitat, ~~100-Year~~ Floodplain, Landmark Tree, Steep Slope, Watercourse, Wetland, and Woodland.

**Nit**

A measure of luminance equal to one candela per square meter.

**Nonconforming Lot**

A lawfully-established Lot that does not conform to the area or width regulations of this chapter.

**Nonconforming Structure**

A lawfully-established Building or Structure that does not conform to the area, height, or placement regulations of this chapter.

**Nonconforming Use**

A lawfully-established use of land that does not conform to the use regulations of this chapter.

**Nonconforming Sign**

A lawfully-established Sign that does not conform to the Sign regulations of this chapter.

**Noncontiguous Wetland**

A Wetland that is not "contiguous" as defined by law for Wetland regulation.

**Non-Erosive Velocity**

A speed of water movement that is not conducive to the Development of Accelerated Soil Erosion.

**Nonprofit Corporation**

An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

**Nursing Care Facility**

Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals, but not including Hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This use includes Guest Houses for relatives of Hospital patients.

**Nursery School**

A daytime group facility that 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.

Section 14. That Section 5.37.2.M of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**M.****Management/Maintenance Building**

Use within a principal or Accessory Building for storage of maintenance supplies to be used on the Site of the Principal Use, or occupied by a Person for day-use for the purpose of managing a property, Building, or facility.

**Marihuana**

That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, or as defined in the Michigan Regulation and Taxation of Marihuana Act, as applicable.

**Marijuana**

See definition of Marihuana.

**Designated Marijuana Consumption Facility**

A licensed commercial space where customers may consume, via smoking, ingestion, or other means, Marijuana as authorized by the Michigan Regulation and Taxation of Marihuana Act (and referenced as “Designated Consumption Establishment”).

**Licensee**

As used in the context of Marijuana, a person holding a State Marijuana License.

**Marijuana Facility**

A location at which a Licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.

**Marijuana Grower**

A Licensee that cultivates, dries, trims, or cures and packages Marijuana for sale to a Processor, Medical Marijuana Provisioning Center, or Marijuana Retailer as further defined by the Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as applicable.

**Marijuana Plant**

Any plant of the species *Cannabis sativa* L.

**Marijuana-Infused Product**

A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation, as further defined by the Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as applicable.

**Marijuana-Infused Product Processor**

A Licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale Marijuana-Infused Products to licensed Medical Marijuana Provisioning Centers, Marijuana Retailers, or other Processors.

**Marijuana Microbusiness**

A Licensee that cultivates, processes, and sells or transfers Marijuana directly to consumers, as further defined in the Michigan Regulation and Taxation of Marihuana Act.

**Marijuana Processor**

A Licensee that is a commercial entity located in this state that purchases Marijuana from a Marijuana Grower and that extracts resin from the Marijuana or creates a Marijuana-Infused Product for sale and transfer in packaged form to a Medical Marijuana Provisioning Center or Marijuana Retailer.

**Marijuana Safety Compliance Facility**

A Licensee that is a commercial entity that receives Marijuana from a Marijuana Facility or registered Primary Caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marijuana to the Marijuana Facility or Primary Caregiver.

**Marijuana Secure Transporter**

A Licensee that is a commercial entity located in this state that stores Marijuana and transports Marijuana between Marijuana Facilities for a fee.

**Marijuana Retailer**

A Licensee that purchases Marijuana from a Marijuana Grower or Marijuana Processor, or Marijuana-Infused Processor, and sells, supplies, or provides Marijuana to customers as further defined by and in compliance with the Michigan Regulation and Taxation of Marihuana Act.

**Medical Marihuana Facilities Licensing Act**

The Medical Marihuana Facilities Licensing Act, as amended, MCL 333.27101 *et seq.*, also referred to as the MMFLA, and the administrative rules authorized by the MMFLA.

**Medical Marijuana Home Occupation**

An Accessory Use of a nonresidential nature that is conducted by a registered Primary Caregiver who resides in the dwelling and (A) is performed within a Single-Family Dwelling or within an Accessory Building to that Single-Family Dwelling, (B) is for the purpose of assisting one or more registered Qualifying Patients with the Medical Use of Marijuana who do not reside in the dwelling, and (C) complies with the MMMA.

**Medical Marijuana Provisioning Center**

A Licensee that is a commercial entity located in this state that purchases Marijuana from a Marijuana Grower or Marijuana Processor and sells, supplies, or provides Marijuana to registered Qualifying Patients, directly or through the Qualified Patients' registered Primary Caregiver. This use includes any commercial property where Marijuana is sold at retail to registered Qualifying Patients or registered Primary Caregivers. A noncommercial location used by a Primary Caregiver to assist a Qualifying Patient connect to the Primary Caregiver through the department's Marijuana registration process in accordance with the MMMA is not a Medical Marijuana Provisioning Center.

**Medical Use of Marijuana**

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marijuana or paraphernalia relating to the administration of Marijuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Michigan Medical Marihuana Act**

The Michigan Medical Marihuana Act, as amended, MCL 333.26421 *et seq.*, also referred to as the MMMA, and the administrative rules authorized by the MMMA.

**Michigan Regulation and Taxation of Marihuana Act**

The Michigan Regulation and Taxation of Marihuana Act, as amended, MCL 333.27951 *et seq.*, also referred to as MRTMA, and the administrative rules authorized by the MRTMA.

**MMMA**

See Michigan Medical Marihuana Act.

**Primary Caregiver**

As used in the context of Marijuana, a person who is at least 21 years old and who has agreed to assist with a patient's Medical Use of Marijuana and who has never been convicted of a felony involving illegal drugs.

**Qualifying Patient**

As used in the context of Marijuana, a person who has been diagnosed by a physician as having a debilitating medical condition.

### **State Marijuana License**

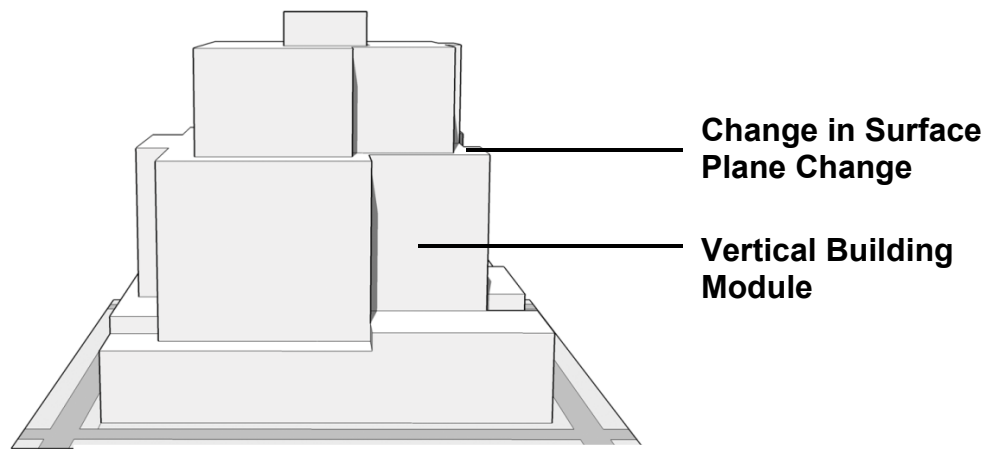
As used in the context of Marijuana, or unless the context requires a different meaning, “license” means a state operating license that is issued under the Medical Marijuana Facilities Licensing Act or a state license under the Michigan Regulation and Taxation of Marijuana Act.

### **Market Value**

The Market Value of a Structure is the true cash value as shown in the City of Ann Arbor Tax Assessor’s records. The Market Value of a Structure does not include the value of the land, or other Structures on the property.

### **Massing Articulation**

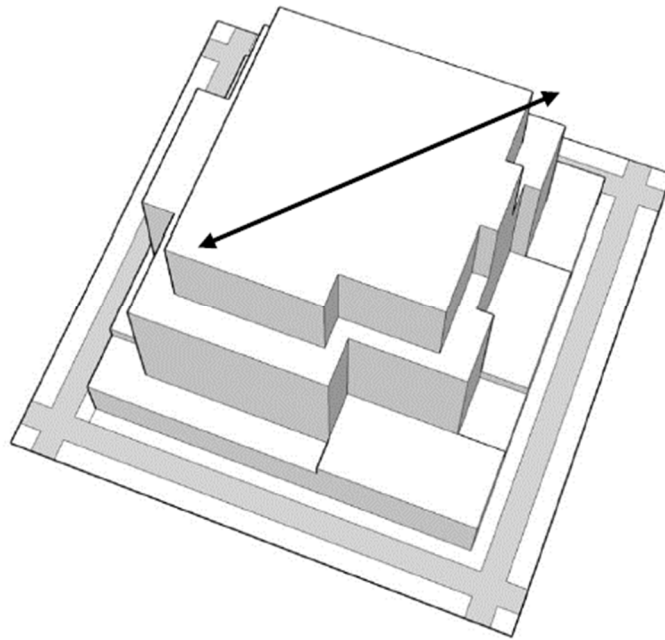
The way in which a Building wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 3).



**Figure 4: Massing Articulation**

### **Maximum Diagonal**

The longest horizontal dimension of a Building or Tower, as measured from corner to corner of a Story (see Figure 4).



**Figure 5: Maximum Diagonal**

**Medical Laboratory**

A facility or area for conducting medical research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the Laboratory.

**Medical or Dental Office**

An establishment where patients who are not lodged overnight are admitted for examination and treatment by an individual physician or dentist or a group of physicians and dentists in practice together.

**Medium Term Car Storage**

Parking of excess inventory of new, used or recalled vehicles owned by a licensed vehicle dealership for a specified period of time. Does not include storage of damaged vehicles, display of vehicles for customers, or retail sales of vehicles.

**Message Unit**

Each of the following equals one Message Unit: a word, an abbreviation, a number, a symbol, a geometric shape, a Person's initials, or a website or electronic mail address. Letters or numbers four inches or smaller in height and punctuation marks are not counted in computing a number of Message Units. When a Business has a Sign with identical Sign messages facing opposite directions, only the Message Units on one side of each such pair shall be counted in computing the permitted number of Message Units.

**Mobile Home Park**

A parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

**Mobile Food Vending Service**

Any vehicle or trailer, designed to be portable and not permanently attached to the ground, from which food is prepared and/or sold.

**Multiple-Family Dwelling**

A Building containing three or more Dwelling Units arranged either side by side or one above the other.

**Museum**

A Building having public significance by reason of its Architecture or former use or occupancy or a Building serving as a repository for a collection of natural, scientific, or literary objects of interest, or works of art, and arranged and designed to be used by members of the public for viewing, with or without admission charge, and which may include as an Accessory Use the sale of goods that are related in topic with the primary purpose of the Museum.

**Section 15. That Section 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:**

**S.****School, Private**

A private institution intended for the purpose of elementary or secondary education, but also including dance schools, and art schools, but not trade schools, and which does not secure the major part of its funding from public sources.

**School, Public**

A public institution intended for the purposes elementary or secondary education, including Public School academies (commonly known as charter schools) and similar institutions as recognized by state regulations.

**Security**

For non-Warranty purposes, cash or certified check or money order made payable to the City. For Warranty purposes, surety bond, cash or certified check or money order made payable to the City.

**Sediment**

Any solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been moved from its site of origin by the process of soil Erosion.

**Short Term Car Storage**

Parking of personal, privately owned vehicles in parking lots for up to 14 days. The use is typically associated with car sharing services or park-n-ride services.

**Sign**

A name, identification, description, display, light, balloon, banner, or illustration that is affixed to, or painted, or otherwise located or set upon or in a Building, Structure or piece of land and that communicates information or directs attention to an object, product, place, activity, Person, institution, organization, or Business and that is visible from any Public Right-of-Way,

Parks, Recreation, and Open Space, or other public property. The definition includes any support Structure, lighting, or other accessory features. The definition does not include goods displayed in a window. The definition does not include religious symbols or paintings that do not display lettering and do not advertise a Business, product or service.

**Sign Area (or other reference to square measure)**

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing representation, emblem, or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such Sign is placed. Where a Sign has two or more faces, the area of all faces shall be included in determining the area of the Sign. Where a Sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10% of the area of the Sign as otherwise computed shall be disregarded.

**Sign, Exterior**

Any Sign other than an Interior Sign.

**Sign, Interior**

A Sign within the walls of a Building.

**Sign, Illuminated**

A Sign lighted by any type of artificial light, whether emitted from the Sign or reflected off the Sign.

**Sign, Off-Premises**

A Sign other than an On-Premises Sign.

**Sign, On-Premises**

A Sign that advertises only goods, services, facilities, events, or attractions on the Premises where the Sign is located.

**Sign, Political**

A Sign whose message relates to a candidate for political Office, or to a political party, or to a political issue, or an ideological opinion.

**Sign, Temporary**

A Sign intended for a limited period of display.

**Site**

For purposes of applying site plan review and approval standards, one or more Lots that have been identified on a plan for existing or proposed Development.

For purposes of applying Grading and drainage standards, and Lot or parcel of land or combination of contiguous Lots or parcels of land where Grading is performed or permitted.

For purposes of applying streets and Curb Cut standards, all contiguous land under the same ownership or one platted Lot in the case of land for which a recorded plat exists.

**Soil Erosion Control Facility**

A facility placed or constructed as necessary for the successful control or abatement of Accelerated Soil Erosion.



**Solar Collector Surface**

Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface, is considered the front of the SES, and does not include frames, supports, and mounting hardware.

**Solar Energy**

Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

**Solar Energy System (SES)**

A system (including solar collector surface and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

**SES, Personal-Scale**

A ground-mounted or building-mounted SES that is accessory to the principal residential use on the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

**SES, Ground-Mounted**

A freestanding solar energy system that is not attached to and is separate from any building on the same parcel of land on which the solar energy system is located.

**SES, Building-Mounted**

A solar energy system that is attached to a building on a parcel as the principal method of physical support.

**Special Event Sales**

A temporary outdoor use on private or public property that is approved in conjunction with a special event designated by City Council resolution and often subject to special conditions that address the duration and impacts of the special event. Examples include, but are not limited to, art fairs, home football games at the University of Michigan Stadium, Sidewalk sales, festivals, and carnivals.

**Special Exception Use**

A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.

**Stabilization**

The establishment of vegetation or the proper placement, Grading, or covering of soil to ensure its resistance to soil Erosion, sliding, or other earth movement.

**Steep Slope**

A naturally occurring landform with a vertical change in elevation of ten feet or more, a slope of 20% or more, and a length of 50 feet or more measured parallel to the contour lines.

**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.

**Stockpiling**

The depositing of earth materials or rock for temporary periods of time for the purpose of facilitating construction operations.

**Storm Water Management System**

A system that is designed and constructed or implemented to control runoff, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overland flow, environmental degradation, and water pollution or otherwise affect the quality and quantity of the discharges. The Storm Water Management System includes but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, infiltration devices, swales, and pumping Stations.

**Storm Water Retention/Detention Basin**

An artificial impoundment constructed in upland that serves to restrain or filter storm water runoff.

**Street Frontage**

The length of a Premises abutting one or more streets.

**Streetwall**

The exterior face of a Building that fronts a street between the street Grade and the Streetwall Height (see Figure 7).



**Figure 7: Streetwall and Streetwall**

**Streetwall Height**

The height of the Streetwall portion of the Building, as measured in stories above the street Grade (see Figure 7).

**Stripping**

Any activity that removes or significantly disturbs the vegetative surface cover, including Clearing and Grubbing operations.

**Structural Amenity**

When used in the context of landscaping, a non-plant element in the landscape that adds to the public benefit of the proposed landscape plan, such as outdoor art, benches, sculptural solar lighting, water features, and similar items.

**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.

**Student Cooperative Housing**

A facility for housing students who 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 must be an organized legal entity, such as a corporation, and recognized by the national association for student cooperatives.

**Substantial Improvement**

As defined in the current Michigan Building Code and Michigan Residential Code as applicable, but calculated cumulatively over a 10-year period.

**Substantially Improved**

A level of improvement meeting the threshold of Substantial Improvement.

**Superintendent**

The Superintendent of the department of Parks and Recreation.

**Supplemental Regulations**

A written document that contains the zoning and site Development requirements that, once approved, become part of the ordinance establishing the PUD zoning district, and, in addition to current City regulations and ordinances, shall be in effect for the district.

Section 16. This ordinance shall take effect and be in force on and after ten days from 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 January 4, 2021.

\_\_\_\_\_  
(Date)

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Jacqueline Beaudry, Ann Arbor City Clerk

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Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on January 21, 2021.

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Jacqueline Beaudry, Ann Arbor City Clerk