

ORDINANCE NO. 12-07

First Reading : May 7, 2007
Public Hearing : June 4, 2007

Approved: June 4, 2007
Published: June 10, 2007
Effective: June 20, 2007

ZONING
(REGARDING REGULATIONS FOR SPECIAL EVENTS
TEMPORARY OUTDOOR SALES)

AN ORDINANCE TO AMEND SECTIONS 5:10.12 AND 5:10.15 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Section 5:10.12 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.12. O Office District

- (1) Intent. This district is primarily for office buildings. The office district classification will be applied as a transitional use buffer between residential uses and uses which would be incompatible in direct contact with residential districts.
- (2) Permitted principal uses.
 - (a) Executive and administrative offices for establishments whose plants, warehouses or outlets are not permitted in the "O" district.
 - (b) Any office in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, such as the following:
 1. Business offices of a public utility, real estate, insurance, commercial or industrial establishment.
 2. Offices of physicians, dentists and other health practitioners; legal, engineering, architectural and surveying services; accounting, auditing and bookkeeping services.
 3. Finance, insurance and real estate offices; travel bureau; and banks.
 4. Government offices.

5. Business services such as: advertising, consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services.
 6. Office of nonprofit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations and religious organizations.
 7. Veterinary hospitals and kennels providing medical, surgical, boarding, grooming and bathing facilities for small nonfarm animals such as dogs, cats and birds as a special exception use pursuant to section 5:104. All facilities must be completely enclosed in a sound proof building in such a way as to produce no objectionable odors at the lot lines.
- (c) Any permitted principal use of the "R" dwelling district, subject to all the regulations of the district in which such use first occurs.
- (d) Indoor court game facilities, including, but not limited to, handball, racquetball, paddleball, squash, ping-pong and similar uses, when located in an enclosed building shall be permitted as a special exception use pursuant to section 5:104.
- (e) Artists' studios, provided no more than 25 percent of the total floor area of the studio is used for the display and sale of articles which are produced in the studio.
- (f) Funeral homes.
- (g) Private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education.
- (h) The city council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. The resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property. A property owner who wishes to conduct outdoor sales and displays on his or her private property, as provided for in the council resolution, shall first apply for and receive a Zoning Compliance Permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the Zoning Compliance Permit issued to a property owner. Failure to comply with the conditions set in the resolution shall be a violation of this ordinance section and shall be grounds to revoke all permits granted to the property owner for the duration of the special event identified in the resolution.

- (3) Permitted accessory uses.
 - (a) Those allowed in the R3 district.
 - (b) Incidental services may be provided within office buildings for the convenience of occupants of that building, such as news, cigar or candy stands, delicatessens, restaurants, personal service shops and similar uses, provided the following conditions are fulfilled:
 - 1. Not more than 5 percent of the building's usable floor area is used for incidental services.
 - 2. All such incidental services shall be situated within the interior of the building so that no part thereof shall be directly accessible from the outside of the building.
 - 3. No sign or window display shall be discernible or visible from a public sidewalk or street.

Section 2. That Section 5:10.15 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.15. C1 Local Business District.

- (1) Intent. A business district designed solely to serve the needs of the surrounding residential neighborhood, providing goods that are day-to-day needs and are classed by merchants as "convenience goods and services." The normal spacing between these shopping districts is approximately 1 mile, and the total land area averages 2 acres. Businesses which might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land. To these ends, the regulations establish standards comparable to the standards for residential districts resulting in similar area, height and placement regulations.
- (2) Permitted principal uses.
 - (a) Any permitted principal use in the R4 multiple-family dwelling districts.
 - (b) Any permitted principal use in the "O" office district, subject to the regulations of the office district, provided each such use occupies a total gross floor area of not more than 8,000 square feet.

- (c) Retail sales of the following; provided each such use occupies a total gross floor area of not more than 8,000 square feet.
1. Food.
 2. Apparel and accessory items.
 3. Food and beverages at eating and drinking places having a total seating capacity of not more than 50 seats.
 4. Variety and general merchandise.
 5. Furniture, home furnishings and equipment stores.
 6. Auto parts items without service.
 7. Hardware and paint, glass and wallpaper.
 8. Miscellaneous retail items including but not limited to: drugs, alcoholic beverages from S.D.D. and S.D.M. licensed establishments; antiques; flowers; pets without outdoor facilities; bicycles and service; sporting goods; jewelry; gifts and novelties; books; cameras; other shopping goods stores.
- (d) Shops providing the following personal services including but not limited to the following, provided each use occupies a total gross floor area of not more than 8,000 square feet.
1. Barber and beauty.
 2. Dry-cleaning, laundry pick-up service and self-serve.
 3. Shoe shine and shoe repair.
 4. Garment alteration and repair.
 5. Photography.
- (e) Permanent outdoor sales or display of goods and services that are sold on a regular basis from within the principal building on the same lot, if the sales or display area is shown on an approved site plan.
- (f) Temporary outdoor sales or outdoor display of goods and services that are sold on a regular basis from within the principal building on the same lot, if the following standards are met:

1. The outdoor sales or outdoor display area shall not exceed 10% of the gross floor area of the principal building.
 2. The activity shall not be located in any required front, side or rear open space.
 3. The activity may be conducted for periods of up to 180 days in any 1 calendar year.
 4. Notwithstanding subsections 1. and 2. above:
 - a. Vending machines are permitted if within 10 feet of the principal building.
 - b. Sales of Christmas trees are permitted if not located in a required open space.
- (g) The temporary outdoor sales or display of goods and services, not covered by subsection (h) below that cannot meet the standards of subsection (f) above, may be approved as a special exception use pursuant to section 5:104.
- (h) The city council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. Said resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property. A property owner who wishes to conduct outdoor sales and displays on his or her private property, as provided for in the council resolution, shall first apply for and receive a Zoning Compliance Permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the Zoning Compliance Permit issued to a property owner. Failure to comply with the conditions set in the resolution shall be a violation of this ordinance section and shall be grounds to revoke all permits granted to the property owner for the duration of the special event identified in the resolution.
- (i) Neighborhood centers, provided each such use occupies a total gross floor area of not more than 8,000 square feet.
- (3) Permitted accessory uses.
- (a) Those allowed in the R3 district.

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

CERTIFICATION

I hereby certify that the Council of the City of Ann Arbor, Michigan, adopted the foregoing ordinance at its regular session of June 4, 2007.

Date

Jacqueline Beaudry, City Clerk

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Ann Arbor News on June 10, 2007.

Jacqueline Beaudry, City Clerk