

ORDINANCE NO. ORD-21-23

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UNIFIED DEVELOPMENT CODE (OUTDOOR LIGHTING)

AN ORDINANCE TO AMEND SECTIONS 5.25, 5.33, 5.37.2.B, 5.37.2.C, 5.37.2.F, 5.37.2.G, 5.37.2.I, 5.37.2.L, 5.37.2.P, 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 Section 5.25 (Outdoor Lighting) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

5.25.1 Applicability

~~Unless exempted by the terms of this Section 5.25, all outdoor lighting installed or modified in the following situations shall comply with the following standards:~~

- ~~A. Whenever a site plan is required;~~
- ~~B. Whenever the estimated expenses of construction exceeds 50% of the appraised replacement cost of the entire Building or structure, exclusive of foundation, prior to its improvement (as determined by the Building Official);~~
- ~~C. Whenever a shared Driveway is provided within an easement.~~

5.25.2 All Exterior Lighting

~~All exterior lighting devices shall be adequately shielded and screened so that no light will glare directly onto any Public Right-of-Way or property principally used for residential purposes. Lighting devices shall be arranged and kept at a level so that the amount of light projected onto property principally used for residential purposes does not exceed 0.10 of a foot candle.~~

5.25.3 Parking Lots

A. General

~~Outdoor lighting for Parking Lots shall comply with the following standards:~~

- ~~1. Shall be illuminated from one-half hour after sunset to one-half hour before sunrise at the levels specified in Table 5.25-1 below.~~
- ~~2. Shall be designed to provide illumination levels at all unobstructed points of the Parking Lots in accordance with Table 5.25-1.~~

~~Illumination levels shall be measured three feet above the Lot surface.~~

- ~~3. Shall be designed and maintained so the Illumination is evenly distributed.~~
- ~~4. Shall be designed and maintained so that it does not adversely affect the vision of motorists on public streets.~~

~~**B. Illumination Levels**~~

~~Lighting Illumination levels in Parking Lots shall comply with Table 5.25-1.~~

TABLE 5.25-1: ILLUMINATION LEVELS		
Use	MINIMUM ILLUMINATION LEVEL (FOOTCANDLES)	MAXIMUM UNIFORMITY RATIO
RESIDENTIAL, RELIGIOUS ASSEMBLY, SCHOOL, PRIVATE SWIMMING CLUB, AND CHILD CARE FACILITY		
All Parking Lots	0.4	10:1
OTHER NONRESIDENTIAL		
Small (5-10 spaces)	0.4	10:1
Medium (11-99 spaces)	0.6	10:1
Large (100 or more spaces)	0.9	10:1
Bicycle Parking Spaces	0.4	10:1

~~**C. Exceptions to Illumination Levels**~~

- ~~1. Nonresidential lighting levels may be reduced to 0.4 footcandle with a maximum uniformity ratio of not more than 10:1 after 2:00 a.m., or after established hours of operation as filed with the PDSU. Established hours of operation are one-half hour before to one-half hour after published Business hours.~~

~~2. Religious Assembly, school, private swimming club, and child care facility Parking Lots in residential neighborhoods may reduce lighting levels by up to 50% after midnight with the maximum uniformity ratio not to exceed 50:1. Lighting plans and specifications for such Illumination must be submitted pursuant to this Section 5.25 during the site plan approval process.~~

5.25.1 Purpose

The purpose of this Lighting Ordinance is to:

- A. Minimize adverse and unsafe impacts of lighting such as Light Trespass, Glare and Skyglow.
- B. Protect the natural environment from artificial light at night.
- C. Promote energy efficiency.
- D. Foster a safer environment that supports and/or enhances commerce and lawful nighttime activities.

5.25.2 Applicability

All lighting that causes exterior illumination after sunset and before sunrise shall be subject to the requirements of this Section except for the following:

- A. Any temporary light installation on private property is permitted for a total of 90 consecutive days in one calendar year. Examples include seasonal decorative lighting and lighting for temporary public art installations, screenings, performances, and special events. Temporary lighting installations shall be extinguished between 12am and 6am.

Any temporary light installation in Non-Residential Districts shall comply with Section 5.25.3.B.10

- B. Lighting for flags.
- C. Any light installation determined by the Historic District Commission to contribute to the historic character of a property listed in a local or state historic district or on the National Register of Historic Places.

5.25.3 Exterior Lighting Specifications

A. Color Spectrum Management

- 1. All permanent non-residential and multi-family lighting installations, with the exception of illuminated signs, shall have a minimum Color Rendering Index (CRI) of 70.
- 2. All permanent non-residential and multi-family lighting installations, with the exception of illuminated signs, shall have a Correlated Color Temperature (CCT) of no greater than 3000 K.

B. Luminaire Design and Installation

1. Light Trespass

- a. Light Trespass beyond the property line shall at no time exceed 0.1 Foot-Candles onto any property that is in a Residential Zoning District or zoned PL Public Land, or in the public right of way.

- b. In the D1 Downtown Core and D2 Downtown Interface districts, the total Illuminance from all sources at the property line shall not exceed eight Foot-Candles, except for under-canopy lighting.
 - c. In all other zoning districts, Light Trespass beyond the property line shall at no time exceed two Foot-Candles onto any property.
 - d. In D1 Downtown Core and D2 Downtown Interface districts, the Illuminance shall be measured facing up, at a distance three feet above the ground. In any other district, the illuminance shall be measured facing the Luminaire and measured at any point within the receiving property, including at any height above grade at the property line.
- 2. No Luminaire in any district shall cause Glare onto any property in a Residential Zoning District or zoned PL Public Land, or onto the public right of way.
- 3. Where lighting targets primarily the ground or horizontal targets, including but not limited to parking areas, loading docks, recreational areas, and site entrances, Luminaires shall meet Fully Shielded criteria, so that no light will cause Light Trespass as specified in this Section, or Glare.
- 4. Where lighting illuminates features on an above grade or vertical target, including but not limited to architectural features, signs, landscaping, fountains, and sculptures, Luminaires shall be Partially Shielded and shall be installed and aimed to minimize their output past the object being illuminated, skyward or otherwise. Such lighting shall not cause Light Trespass as specified in this Section, or Glare.
- 5. If a building façade is more than 10 feet from the property line, the maximum average Illuminance on the facade shall be 1 Foot-Candle on any property in a Residential Zoning District, and 3 Foot-Candles on any property in any other zoning district, as measured at a distance of 10 feet from the facade, provided that the Illuminance does not violate the Light Trespass limit specified above in Section 5.25.4.B.1. The measurement shall be made facing the facade. Facade illumination shall be provided from above, rather than below, and shall be shielded from Glare as specified above in Section 5.25.4.B.3. Facades in D1 and D2 districts, and facades situated less than 10 feet from a building on the same parcel are exempt from this Section 5.25.4.B.5. Signs

painted on a façade shall also be exempt from this Section 5.25.4.B.5, but Section 5.24.4.D Sign Illumination shall apply.

6. Decorative Building Façade and Landscape Illumination

a. For properties in a Residential Zoning District, Illumination for building facades and/or landscapes whose primary purpose is decorative is prohibited between 12:00 am and 6:00 am.

b. In all other districts, Illumination for building facades and/or landscapes whose primary purpose is decorative is prohibited between 12:00 am and 6:00 am except during Business Hours. The lighting shall be controlled by an automated timer system.

7. Motion-activated lighting systems shall not be activated by movement beyond the property boundary.

8. Under-canopy lighting for applications such as gasoline service stations, hotel or theater marquees, or Drive Through Facilities shall be Fully Shielded. The average maintained horizontal Illumination in the area directly below the canopy shall not exceed 20 Foot-Candles, with no value exceeding 30 Foot-Candles.

9. Wall- or pole-mounted floodlights shall be aimed no higher than 45 degrees below horizontal, and they shall comply with shielding and Light Trespass limits as specified in Section 5.25.3.B.1 and 5.25.3.B.2.

10. The following lighting systems are prohibited: Any dynamically changing lights, including strobe lights, or lights that are programmed to be flashing, blinking, or moving; except that lighting systems may dim or brighten in response to changes in ambient light as permitted in this Code.

C. Parking Lots

1. Parking lots shall not exceed maximum Illuminances at all unobstructed points of 6 Foot-Candles at any time after sunset and before sunrise. Illuminances shall be measured facing upward, three feet above the lot surface.

2. Lighting for parking areas and vehicular and pedestrian traffic ways on sites that contain no residential uses shall be extinguished nightly beyond Business Hours. For after-hours site safety lighting, or uses with no Business Hours, lighting after sunset and before sunrise shall not be in excess of 2 Foot-Candles.

5.25.5 Indoor Lighting

Indoor lighting shall not be the source of exterior Light Trespass or Glare as specified in Section 5.25.3.B.1 and 5.25.3.B.2 above.

Section 2. That Section 5.33 (Special Standards) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

5.33.1 Nonconforming Off-Street Parking

- A. Nonconforming Parking Lots and Driveways lawfully constructed prior to January 1, 1986, may be maintained and continued as Nonconforming Uses. All Parking Lots or additions to existing Parking Lots legally constructed after January 1, 1986, must meet the requirements of this chapter.
- B. Nonconforming Bicycle Parking Spaces lawfully installed prior to November 26, 1995, may be maintained and continued as Nonconforming Uses. All new bicycle parking areas or additions to existing bicycle parking areas legally constructed after November 26, 1995, must meet the requirements of this chapter.

5.33.2 Nonconforming Signs

- A. Unless otherwise provided in this chapter or other applicable law, Nonconforming Signs may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming, subject to the provisions in Subsections B through D below.
- B. No Nonconforming Sign:**
 - 1. Shall be changed to another Nonconforming Sign.
 - 2. Shall have any change made in the Structure, shape, size, type, design, or mechanical or electrical equipment of the Sign unless the change brings the Sign into compliance with this chapter; however the Building Official may order repair of a Nonconforming Sign for safety.
 - 3. Shall be re-established or maintained after the Premises, Building, Business, Lot, Dwelling Unit or use that which it is associated has been unoccupied for 90 days or longer.
 - 4. Shall be repaired or erected after being damaged if the repair or erection of the Sign would cost more than 50% of the cost of an identical new Sign.

5. Shall have any change made that would result in different type of or greater illumination of an illuminated Sign or change a non-illuminated Sign to an illuminated Sign.
 6. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.
- C.** If the owner of a Sign or the Premises on which a Sign is located changes the location of a Building, Lot Line or Sign or changes the use of a Building so that any Sign on the Premises is rendered a Nonconforming Sign, such Nonconforming Sign must be removed or made to conform to this chapter.
- D.** A freestanding Sign over 200 square feet lawfully existing as of April 10, 2013 (referred to as “billboards” in prior versions of this Code), may be maintained or repaired in the same form and type so as to continue use in the same manner as its use as of April 10, 2013, however such Signs may not be expanded, enlarged, or extended and may not be altered to add illumination, Changeable Copy, or other features that were not lawfully present as of April 10, 2013. Such a nonconforming Sign may be removed for maintenance or repair purposes in accordance with this subsection 5.33.2D upon obtaining a permit from the City, however, if the Sign is not reinstalled within 90 days of removal, the Nonconforming Use of the Sign shall be deemed abandoned and may not be reinstalled. The Sign Area of such a nonconforming Sign shall not be included in the calculation of any maximum Sign Area permitted under this Code.

5.33.3 Nonconforming Activities on Wetlands

A use or activity regulated by Section 5.23 that was lawfully begun before the passage of the predecessor regulations to Section 5.23 on December 5, 1994, and that is not in conformity with the provisions of Section 5.23, may be continued subject to the following:

- A.** The use or activity shall not be expanded or enlarged in any way unless it is permanently changed to a conforming use.
- B.** If a Nonconforming Use or activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.
- C.** If Nonconforming Use or activity is destroyed, it shall not be resumed except in conformity with the provisions of this chapter.

5.33.4 Nonconforming Curb Cuts

Curb Cuts lawfully made prior to August 2, 1976 that do not meet the standards of this chapter shall be considered non-conforming but may be maintained except as provided in Sections 5.21.2D, 5.21.2E, and 5.21.2F.

5.33.5 Nonconforming Easements

Where access and utility easements exist that are not in conformance with this chapter, the existing easement shall be considered a legal nonconforming access and may continue to serve the existing Lots associated with it. Any division of Lots served by a legal nonconforming access and utility easement shall conform to the requirements of Section 5.21.

5.33.6 Nonconforming Short-Term Rental, Non-Principal Residence

A Non-Principal Residence Short-Term Rental lawfully established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 5.32.1.

5.33.7 Nonconforming Outdoor Lighting

Nonconforming Luminaires may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming. Replacement of any Non-Conforming Luminaire shall require compliance with Section 5.25 Outdoor Lighting. Application for any site plan or plat shall require full site compliance with Section 5.25.

Section 3. That Section 5.37.2.B (Specific Terms - B) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

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.

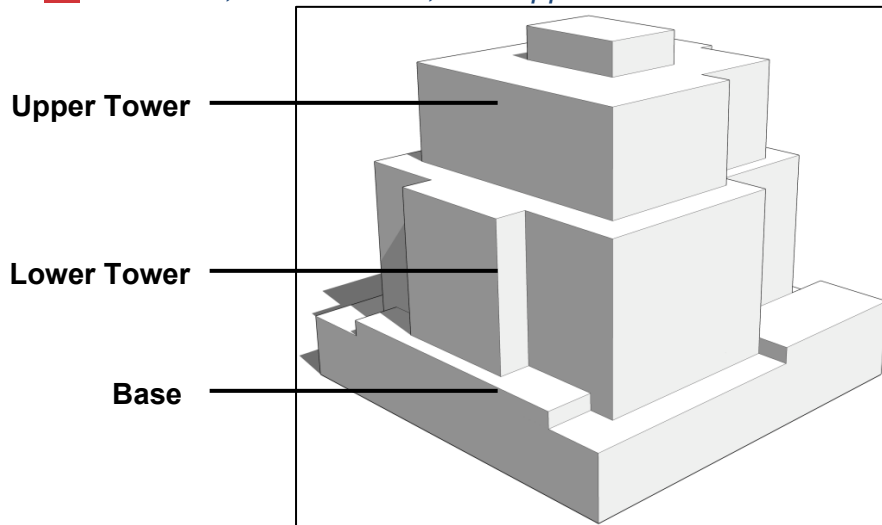
Barn

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 [437-1](#)).

Figure 3637-14: Base, Lower Tower, and Upper Tower



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 for bicycle parking in this chapter.

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 Hours

The period from one-half hour before to one-half hour after established hours of operation.

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, or in the case of a multiple tenant Building, a single Business facing a shared access drive or parking area.

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 4. That Section 5.37.2.C (Specific Terms - C) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

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, Buildings, and Signs, a rooflike Structure supported by poles extending over or in front of a place such as over a Vehicular Use Area, sidewalk, patio, door, or entryway, usually 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 graphics that can be readily changed or rearranged by manual, mechanical, or electronic means. This definition does not include Electronic Message Signs.

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 is required for participation.

Coal and Coke Dealer

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

Color Rendering Index (CRI)

A standard measure of how closely the color spectrum of a light source corresponds to that of a pure thermal spectrum, for sources having CCT < 5000 K. A value of CRI = 100 indicates perfect correspondence.

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.

Correlated Color Temperature (CCT)

Quantity describing the perceived color of light. It is specified by the temperature of a pure thermal spectrum having the same perceived color. The corresponding thermal temperature is ordinarily given in degrees Kelvin.

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.

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 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 5. That Section 5.37.2.F (Specific Terms - F) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

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.

Flag

A piece of cloth or fabric, typically attached to a flagpole or staff, that displays a message or symbol (e.g. American flag, State of Michigan flag).

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

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.

Foot-Candle

Measurement unit for Illuminance, corresponding to one Lumen of light falling on a one square-foot surface. This brightness is measurable with a light meter. One foot-candle = 10.76 Lux. One foot-candle is the Illuminance of a surface by a candle at a distance of one foot.

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.

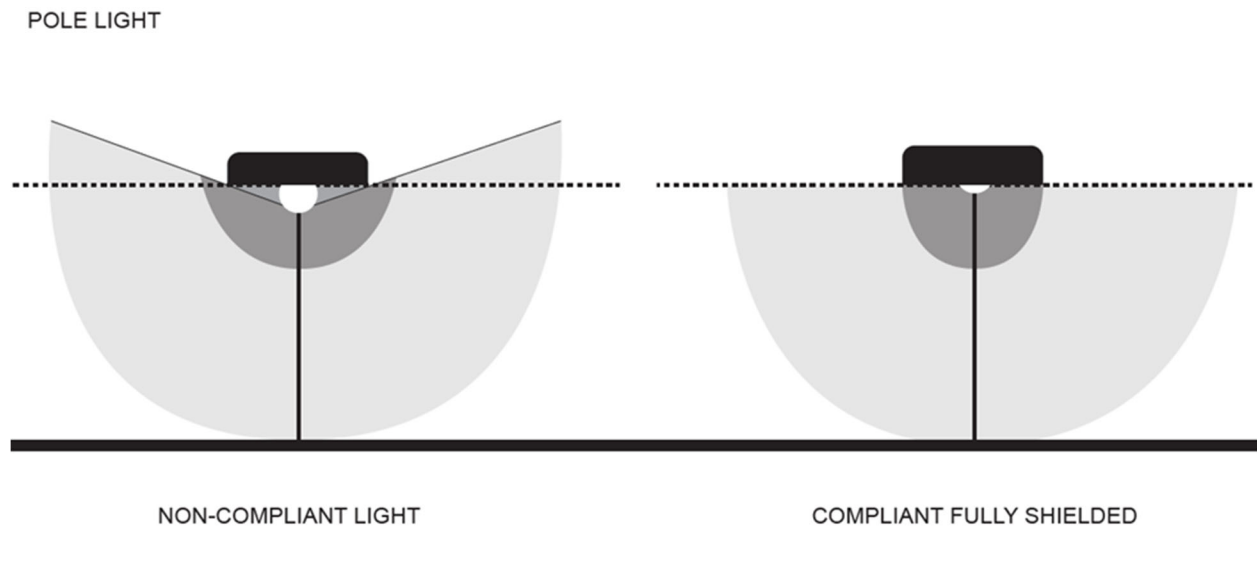
Fueling Station

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.

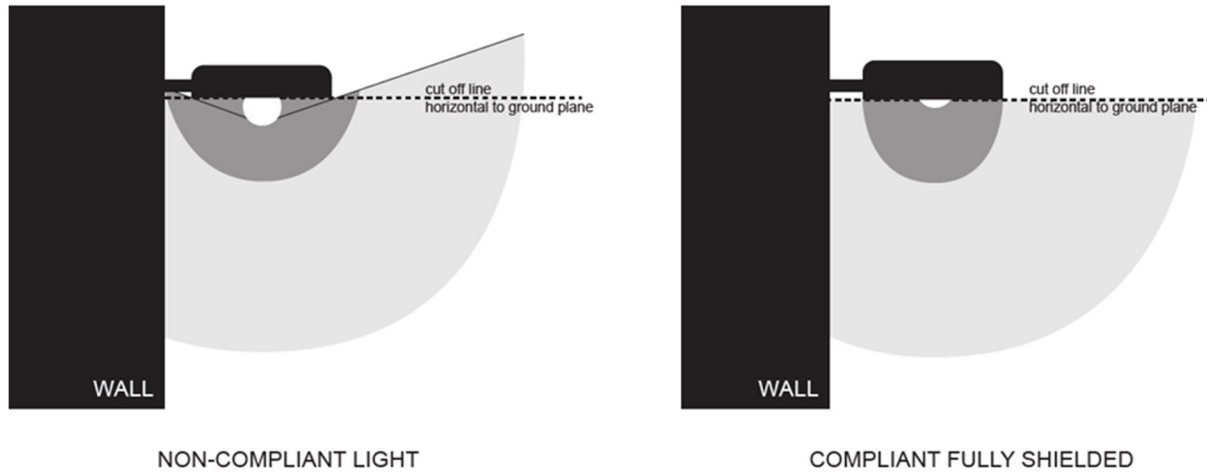
Fully Shielded

Designation for a Luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion (see Figure 37-2).

Figure 37-2: Fully Shielded Luminaires



WALL MOUNTED LIGHT



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 6. That Section 5.37.2.G (Specific Terms - G) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

Glare

Excessive brightness from a light source whose contrast against the background causes impaired vision or physical discomfort.

Government Offices and Courts

An Office of a governmental agency that provides Administrative and/or direct services to the public, such as, but not limited to: City hall, post Office, Courts, employment Office, Library, waste treatment facilities, Correctional Facility, public assistance Office, or motor vehicle licensing and registration services.

Grade or Grading

Any Stripping, excavating, filling, Stockpiling or any combination those activities, and shall include the land in its excavated or filled condition.

Grading Permit

A soil Erosion and Sedimentation control permit issued to authorize work to be performed under this Ordinance.

Group Day Care Home

An Accessory Use of a private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.

Group Housing

A Building containing a group of rooms forming a single habitable unit used or intended to be used for living and sleeping. Separate kitchen and dining facilities may or may not be provided within the Building. Also known as a Rooming House or Boarding House. See also "Family living arrangement" in Section 5.16.1A.

Grubbing

To clear ground of roots and stumps by digging them up.

Guest House

A place for temporary lodging for Family members of a patient at a Hospital that usually has a resident manager, provides one or more meals per day to guests, and offers other support services.

Section 7. That Section 5.37.2.I (Specific Terms - I) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

Illuminance

Brightness of light falling on a surface or plane perpendicular to the direction of the light source; illumination. Illuminance is measured in Foot-Candles or Lux (metric system).

Impervious Surface

All paved or hard surfaced areas, such as areas covered by Buildings and Structures; roads and drives; Parking Lots; formed curb and gutters; Vehicular Use Areas; brick or gravel surfaces; sidewalks; bike paths; patios; and any areas of concrete or asphalt or non-absorbent material.

Incidental Sales and Services

Incidental and accessory Sales and Services intended for the convenience of occupants of the district, including newsstands, coffee shops, snack shops, Indoor Recreational facilities, dry cleaning, shoe shining, Beauty Salon or spa, Child Care Centers, Restaurants, and medical and Dental Offices.

Indoor Recreation

An indoor establishment having as its principal or predominant use the offering of sporting-related, participatory or spectator entertainment, and which may or may not sell alcohol for consumption on the Premises. Sandwiches, light meals, snacks, and/or full service meals may be available for consumption on the Premises but are not the principal or predominant use of the establishment. Examples include, without limitation: court game facilities, swimming pools, skating rinks, health clubs, and bowling alleys.

Industrial Plants, Manufacturing, Processing, Assembling

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial Processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

Institution of Higher Learning, Private

Private colleges, universities and other institutions of higher learning, offering courses in general, technical, or religious education.

Institution of Higher Learning, Public

A post-secondary public college or university that awards associate, bachelor, or higher degrees.

Invasive Species

Botanical species included on the City's Invasive Species list that is maintained and updated in the Building department, as provided under this Code.

Section 8. That Section 5.37.2.L (Specific Terms - L) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

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.

Light Source

When illuminating a Sign, that part of a lamp or device that emits light, such as a bulb or diode.

Light Trespass

Light that is cast beyond the boundary of the property on which the lighting installation is sited.

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 Figure [37-3](#) and Figure [37-4](#)).

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 37-336-2: Lot Lines (midblock Lot)

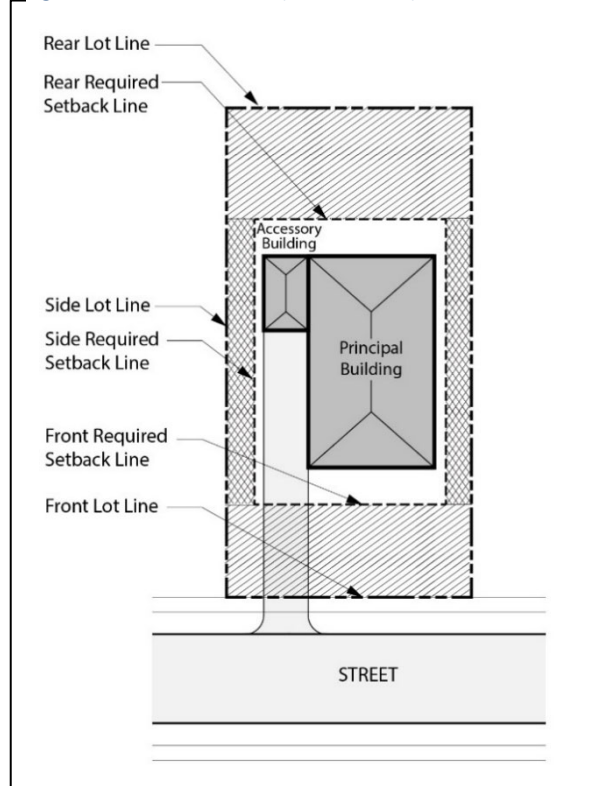
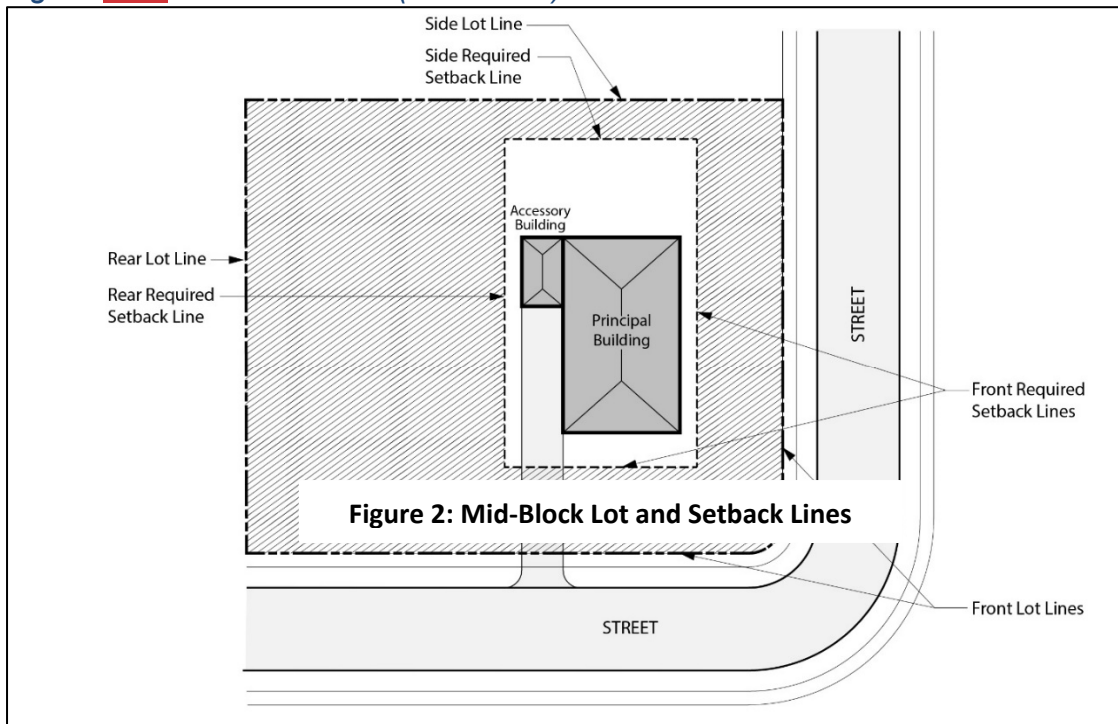


Figure 37-436-3: Lot Lines (corner Lot)



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.

Lumen

Measurement unit for the power per solid angle of visible light emitted by a source. A 60-watt incandescent bulb produces about 800 Lumens.

Luminaire

A complete lighting unit consisting of one or more light-emitting devices together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, excluding the mounting surface or pole.

Lux

Metric system measurement unit for Illuminance, corresponding to one Lumen of light falling on a one square-meter surface.

Section 9. That Section 5.37.2.P (Specific Terms - P) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

Parking Attendant Building

A shelter to house the on-site attendant of a Parking Lot.

Parking Lot

A total surface area on one parcel of 1200 or more square feet or five or more parking spaces used for parking and maneuvering of motor vehicles, which includes unenclosed Parking Structures..

Parking Space

A private area designed or used for the parking of a motor vehicle and properly accessed from a public street by a Driveway or private street.

Parking Structure

A Building or Structure used to store motor vehicles.

Parks, Recreation, and Open Space

Land owned or leased by the City or other public agency for use as a neighborhood park, an urban park or plaza, a Recreation facility, a historic site, a community-wide park, and/or a natural area as described in the Parks and Recreation Open Space Plan.

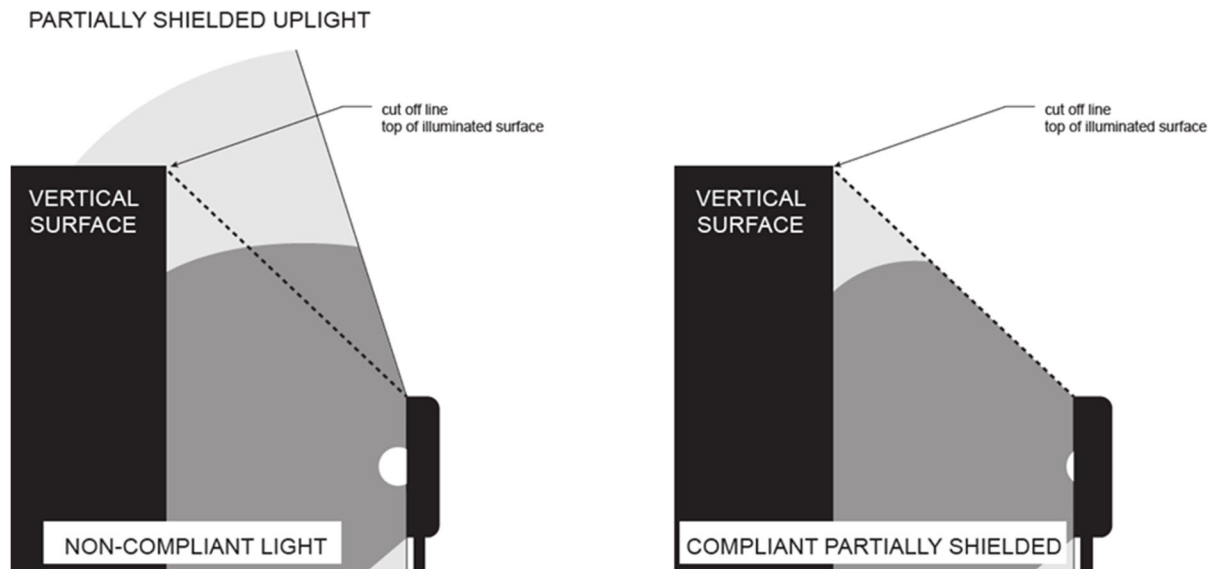
Partially Nude

Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

Partially Shielded

Designation for a Luminaire from which some light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion, for the purpose of illuminating specific targets above grade. Any light from the Luminaire that is not illuminating the target shall be Fully Shielded (see Figure 37-8).

Figure 37-8: Partially Shielded Luminaires



Pennants

A series of triangular or irregular pieces of fabric or other material, attached in strings or strands, or supported on small poles, and which flap in the wind.

Permanent Open Space

The portion of a Lot or Lots, exclusive of road rights-of-way, vehicle access and utility easements, and required storm water management, soil Erosion and Sedimentation control facilities, which is restricted by a recorded conservation easement or similar binding instrument. Permanent Open Space shall be intended for, but shall not be limited to, the preservation and conservation of undeveloped natural resources, Natural Features, scenic or wooded conditions, or naturally occurring water surfaces. It may also include undeveloped greenways of contiguous or linear Open Space providing habitats or corridors for wildlife, or links between Parks, nature reserves, cultural features, or historic sites for passive Recreation or conservation.

Permanent Soil Erosion and Sedimentation Control Measures

Control measures that are installed or constructed to control soil Erosion and Sedimentation and that are maintained after Project Completion.

PDSU

The Ann Arbor Planning and Development Services Unit.

Personal Services

An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to; catering establishments, custom dressmaking, film Processing, licensed massage salons, optical and optician services, service and repair establishments, sun tan centers, bicycle rental, and small craft rental. This definition does not include Laundry, Cleaning and Garment Services.

Phase

A portion of a larger Development that contains independently adequate (1) pedestrian and vehicular access, (2) sanitary, water and storm water conveyance and management systems, and (3) required Site improvements such as, but not limited to, landscaping, Open Space and parking and is specifically identified as a Phase on an approved plan.

Pilot Manufacturing

The production of a product, process, or piece of Equipment on a simulated factory basis, and, limited to Pilot Manufacturing of engineering, Laboratory, scientific, electronic and research instruments and associated Equipment.

Pinball Parlor

A pinball facility meeting all requirements of Chapter 87, Section 7:327.

Planning Manager

The Manager of the PDSU.

Plant

Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

Power and Fuel Rights-of-Way

All lines and facilities related to the provision, collection, distribution, and transmission of Power and Fuel Rights-of-Way.

Premises

The contiguous land in the same ownership or control that is not divided by a public street or Alley.

Principal Activity

A use accounting for more than 20% of a Business' stock in trade, display space, Floor space, live entertainment time or movie display time per year.

Principal Use

The primary use of any Lot.

Principal Building

A Building or group of Buildings in which the main or Principal Use is conducted on a Lot.

Prior Zoning and Development Regulations

The provisions of each of those chapters of the Code listed in Section **Error! Reference source not found.** as they existed immediately prior to the adoption of this chapter.

Professional Engineer

A person licensed by the State of Michigan to engage in the practice of Professional Engineering as defined by Act 299 of the Public Acts of 1980 (as amended), being Section 2001 of the Michigan Compiled Laws of 1979.

Project Completion

The point at which all permitted improvements for a project have been completed consistent with all permit approvals, as well as with any approved amendments or modifications, and for which all final inspections have been made and approved by the City.

PSA

Public Services Area.

Public Right-of-Way or Right-of-Way

For purposes of this chapter only, all public streets, Highways, Sidewalks and Alleys.

Public Utility

Private enterprise with a franchise for providing a public service.

PUD Development Program

A written document or portion of a document describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district.

Section 10. That Section 5.37.2.S (Specific Terms - S) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

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

Any display or object which is primarily used to identify or display information about or direct or attract attention to a Person, institution, organization, Business, product, event, or location, or any religious, political, social, ideological, or other message, by any means which is visible from any public Street, Sidewalk, Alley, park, or public property and is located or set upon or in a Building, Structure, or piece of land. Sign does not include any goods displayed in a window.

Address Sign

A Permanent Sign that contains only the address of a location consistent with the address recognized by the United States Postal Service.

Canopy Sign

A Sign that is part of or attached to a Canopy.

Electronic Message Sign

A Sign whose message is primarily composed of Light Sources designed to be directly visible and that may be changed through electronic means, such as an LED, LCD, or plasma display.

Freestanding Sign

A Permanent Sign that is affixed or anchored to the ground and not attached to a Building, Awning or Canopy.

Neon Sign

A Sign that is a neon tube or other visible light-emanating gas tube that is bent to form letters, symbols, graphics, or other messaging.

Permanent Sign

A Sign that is not a Temporary Sign and which is permanently affixed or anchored to the ground or to a Building, Awning or Canopy.

Projecting Sign

A Sign, such as a blade Sign, that is attached to and projects from a Building, generally perpendicular to the Building wall. Projecting Signs do not include Wall Signs and Signs on an Awning or Canopy.

Temporary Sign

A Temporary Sign means a Sign constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, and any other Sign intended for a limited period of display that is not permanently anchored to the ground or a Building.

Wall Sign

A Sign that is on or attached to and is generally parallel with a Building wall or door.

Window Sign, Interior

A Sign that is affixed to or placed on the inside of a window, regardless of the window's opacity or perforation, and a Sign located within 20 feet of a window that is visible and legible from the exterior.

Window Sign, Exterior

A Sign that is affixed to or placed on the outside of a window, regardless of the window's opacity or perforation.

Sign Area

The surface area of a Sign, measured as described in this chapter.

Sign Structure

The necessary poles, posts, walls, frames, brackets, or other supports holding a Sign or its attached Sign illumination in place, to the extent they are not themselves a Sign. This definition does not include Awnings or Canopies.

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.

Skyglow

Unnatural brightening of the night sky due to artificial light at night.

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 [37-9](#)).

Figure [37-936-7](#): Streetwall and Streetwall Height



Streetwall Height

The height of the Streetwall portion of the Building, as measured in stories above the street Grade (see Figure [737-9](#)).

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 11. That subsequent section, table, and/or figure numbers be renumbered consistent with this ordinance and other contemporaneous ordinances amending these sections.

Section 12. That this Ordinance shall take effect 10 days after 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 September 7, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on September 16, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk