

TITLE V ZONING AND PLANNING

Chapter 55 UNIFIED DEVELOPMENT CODE¹

Ord. No. 18-08, § 16, adopted July 16, 2018 and effective as of July 29, 2018, repealed the former Chapter 55, pertaining to zoning, and enacted a new Chapter 55 which will be available here and in print soon. It is currently available on the City's webpage: Chapter 55 Unified Development Code .

¹Ord. No. 18-08, § 7, adopted July 16, 2018, repealed Ch. 55, §§ 5:1—5:7, 5:10.1—5:10.22, 5:10.23.—5:10.27, 5:24, 5:44, 5:44A, 5:45A, 5:50, 5:50.1, 5:51, 5:54—5:59, 5:61, 5:62, 5:64—5:72, 5:77—5:82, 5:85—5:88, 5:90—5:94, 5:97—5:102, 5:104—5:110, 5:112—5:115, and enacted a new Chapter 55 which will be set out here in the near future. The former Ch. 55 to similar subject matter and derived from Ord. No. 10-62, adopted Jan. 14, 1963; Ord. No. 1-63, adopted Feb. 21, 1963; Ord. No. 18-64, adopted April 20, 1964; Ord. No. 21-65, adopted May 10, 1965; Ord. No. 49-65, adopted Jan. 10, 1966; Ord. No. 51-66, adopted July 18, 1966; Ord. No. 44-67, adopted Aug. 14, 1967; Ord. No. 61-67, adopted Oct. 30, 1967; Ord. No. 31-68, adopted July 15, 1968; Ord. No. 70-68, adopted Jan. 20, 1969; Ord. No. 55-69, adopted Dec. 8, 1969; Ord. No. 6-70, adopted March 16, 1970; Ord. No. 59-70, adopted Aug. 31, 1970; Ord. No. 41-71, adopted Nov. 1, 1971; Ord. No. 48-71, adopted Nov. 5, 1971; Ord. No. 26-72, adopted June 5, 1972; Ord. No. 46-72, adopted Aug. 14, 1972; Ord. No. 62-72, adopted March 12, 1973; Ord. No. 23-74, adopted July 29, 1974; Ord. No. 32-74, adopted Aug. 19, 1974; Ord. No. 28-75, adopted June 30, 1975; Ord. No. 60-79, adopted Dec. 3, 1979; Ord. No. 35-72, adopted July 10, 1972; Ord. No. 22-74, adopted July 29, 1974; Ord. No. 1-75, adopted Feb. 10, 1975; Ord. No. 26-75, adopted June 30, 1975; Ord. No. 22-77, adopted Sept. 19, 1977; Ord. No. 45-77, adopted Feb. 23, 1978; Ord. No. 73-78, adopted Feb. 22, 1979; Ord. No. 33-79, adopted July 16, 1979; Ord. No. 19-80, adopted Sept. 8, 1980; Ord. No. 52-81, adopted Aug. 3, 1981; Ord. No. 17-82, adopted May 3, 1982; Ord. No. 20-83, adopted Sept. 12, 1983; Ord. No. 21-83, adopted Aug. 18, 1983; Ord. No. 6-84, adopted April 9, 1984; Ord. No. 8-85, adopted March 4, 1985; Ord. No. 15-85, adopted June 5, 1985; Ord. No. 16-85, adopted May 20, 1985; Ord. No. 22-85, adopted June 17, 1985; Ord. No. 49-85, adopted Dec. 2, 1985; Ord. No. 1-86, adopted Feb. 3, 1986; Ord. No. 7-86, adopted March 3, 1986; Ord. No. 19-86, adopted June 2, 1986; Ord. No. 40-86, § 1, adopted Aug. 18, 1986; Ord. No. 54-86, §§ 1, 2, adopted Nov. 3, 1986; Ord. No. 11-88, § 1, adopted March 28, 1988; Ord. No. 23-88, §§ 1, 2, adopted June 20, 1988; Ord. No. 42-88, §§ 1—3, adopted Sept. 6, 1988; Ord. No. 55-88, § 2, adopted Jan. 9, 1989; Ord. No. 43-89, § 2, adopted Aug. 21, 1989; Ord. No. 53-89, §§ 1, 2, adopted Oct. 16, 1989; Ord. No. 68-89, § 1, adopted Nov. 20, 1989; Ord. No. 22-90, § 1, adopted June 4, 1990; Ord. No. 43-90, § 2, adopted Aug. 20, 1990; Ord. No. 60-90, § 1, adopted Oct. 15, 1990; Ord. No. 6-91, §§ 2—4, adopted March 18, 1991; Ord. No. 22-92, § 1, adopted May 18, 1992; Ord. No. 23-92, § 1, adopted May 18, 1992; Ord. No. 40-92, § 1, adopted Aug. 17, 1992; Ord. No. 58-92B, § 1, adopted Sept. 21, 1992; Ord. No. 58-92C, § 1, adopted Sept. 21, 1992; Ord. No. 19-93, §§ 1—10, adopted Oct. 18, 1993; Ord. No. 37-94, § 1, adopted Nov. 7, 1994; Ord. No. 54-94, § 1, adopted Dec. 5, 1994; Ord. No. 55-95, § 1, adopted Jan. 2, 1996; Ord. No. 2-96, §§ 1, adopted Feb. 20, 1996; Ord. No. 34-96, § 1, adopted Sept. 16, 1996; Ord. No. 49-98, §§ 1—5, adopted Jan. 19, 1999; Ord. No. 36-99, §§ 1, 2, adopted Sept. 7, 1999; Ord. No. 27-00, §§ 1, 2, adopted Aug. 7, 2000; Ord. No. 40-00, §§ 1, 2, adopted Sept. 18, 2000; Ord. No. 42-02, § 1, adopted Dec. 2, 2002; Ord. No. 20-03, § 1, adopted July 7, 2003; Ord. No. 23-04, § 1, adopted Aug. 16, 2004; Ord. No. 42-04, § 1, adopted Dec. 20, 2004; Ord. No. 6-05, §§ 1, 2, adopted April 4, 2005; Ord. No. 37-06, §§ 1, 2, adopted Sept. 5, 2006; Ord. No. 40-06, § 2, adopted Nov. 9, 2006; Ord. No. 12-07, §§ 1, 2, adopted June 4, 2007; Ord.

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No. 21-07, §§ 1—3, adopted July 16, 2007; Ord. No. 08-03, § 4, adopted Feb. 4, 2008; Ord. No. 08-24, § 1, adopted July 7, 2008; Ord. No. 08-29, §§ 1—3, adopted Sept. 8, 2008; Ord. No. 08-32, § 2, adopted Oct. 6, 2008; Ord. No. 09-04, § 1, adopted March 2, 2009; Ord. No. 09-13, § 1, adopted June 1, 2009; Ord. No. 09-24, § 1, adopted Aug. 17, 2009; Ord. No. 09-28, §§ 1—7, 9, 11—17, adopted Nov. 16, 2009; Ord. No. 10-17, § 1, adopted July 6, 2010; Ord. No. 10-23, § 1, adopted Aug. 5, 2010; Ord. No. 10-32, § 1, adopted Oct. 4, 2010; Ord. No. 10-34, §§ 1—10, adopted Jan. 3, 2011; Ord. No. 10-37, § 1, adopted June 20, 2011; Ord. No. 14-06, §§ 1—4, adopted June 2, 2014; Ord. No. 14-12, § 1, adopted Jan. 5, 2015; Ord. No. 14-15, § 1, adopted Aug. 7, 2014; Ord. No. 15-07, §§ 1—3, adopted July 20, 2015; Ord. No. 16-16, §§ 1—5, adopted Aug. 4, 2016; Ord. No. 17-21, §§ 1—13, adopted Dec. 18, 2017; Ord. No. 17-14, §§ 1—3, adopted Sept. 18, 2017.

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5:141. Petition for Council action.

Every petition filed with the city for annexation of land to the city by Council action under the provisions of Act 279 of Michigan, 1909, and every amendment to a petition (excepting technical amendments to correct errors in descriptions or to include areas in public roads), must be accompanied by:

- (1) Five copies of a map which show in detail all dimensions, angles, lots and highways of the land involved, and which shall clearly indicate the contiguity of the parcel or parcels to the existing city limits, together with the estimate of the area involved in the proposed annexation.
- (2) A filing fee established by resolution of City Council upon the recommendation of the City Administrator.
 - (a) Payment shall be made to the City Planning and Development Services Manager or designee before a petition is transmitted to Council. In the event that a petition is withdrawn by written request before it is received by Council, the Planning and Development Services Manager or designee shall reimburse the petitioner the full amount of the fee; in no other instance shall any reimbursement be granted.

(Ord. No. 43-90, § 4, 8-20-90; Ord. No. 58-92E, § 1, 9-21-92; Ord. No. 43-04, § 23, 1-3-05)

5:142. Street area included.

In all petitions hereafter filed for the annexation of land to the city by Council action, when such land is adjacent or contiguous to a public street or highway lying outside the corporate limits of the City of Ann Arbor, the description of land sought to be annexed to the city must include the total width of the street or highway adjacent to such property, lying outside the corporate limits of the city.

5:143. Township action to be filed.

A copy of the petition for the property sought to be annexed into the city by Council action will be filed with the township by the city. When the petition has been acted upon favorably by the township board, a certified copy of the township board's annexation approval shall be filed with the City Clerk within 30 days after such favorable action of the Township Board.

(Ord. No. 2-86, 2-3-86)

5:144. Council action transmitted.

In the event said petition for annexation has been approved by the Council of the City of Ann Arbor, and the Township Board of the township in which said premises are located, within 10 days after the filing with the City Clerk of the copies of the action taken by the Township Board, approving such annexation, as above provided, the City Clerk shall transmit by registered mail a certified copy of the action taken by the Council approving such annexation, and a certified copy of the action taken by the Township Board of the township in which such property is located, to each of the following governmental agencies: to the Secretary of State, Lansing, Michigan, and to the

County Clerk, Ann Arbor, Michigan. A certified copy of the action of the Council approving such annexation shall also be transmitted by registered mail to the Township Clerk of the township in which such land is located.

5:145. Annexation election petitions.

Whenever a petition for the holding of an election for the purpose of determining if territory is to be annexed to the City of Ann Arbor shall be presented to the Board of Supervisors of the County of Washtenaw, the City Planning Commission shall notify, in writing, the City Administrator, all services area administrators, and the City Assessor of the pendency of such petition before the Board of Supervisors. The Planning Commission shall prepare a sketch clearly defining the areas proposed to be annexed to the city and attach a copy thereof to the notices herein required. The Planning Commission shall furnish a like notice to the Ann Arbor Board of Education and shall, with said notification, request the said Board of Education to report to the City Planning Commission within 10 days, setting forth such factual information or opinions as to the advantages or disadvantages to the Ann Arbor Board of Education of annexing the area proposed.

(Ord. No. 43-04, § 23, 1-3-05)

5:146. Duties of city officers.

It shall be the responsibility of the city officers so notified to submit to the city Planning Commission within 10 days of their notification of the pendency of such petition, reports covering the following subject matter, insofar as it relates to their functional departmental duties:

- (1) Present assessed valuation in the area proposed to be annexed.
- (2) Estimated assessed valuation to be placed upon the area if, as and when annexed to the City of Ann Arbor.
- (3) Estimated ultimate assessed valuation if, as and when area is completely improved.
- (4) An estimate of the period of time over which such ultimate improvement may be expected to occur.
- (5) Estimates of existing population and ultimate future population.
- (6) Estimates of existing and ultimate demands for sewer and water.
- (7) An inventory of physical assets and deficiencies now existing in the area.
- (8) Estimates of the costs of installation of necessary physical facilities that will not be recouped through direct shares or assessments against abutting property.
- (9) A report as to advantages or disadvantages to the City of Ann Arbor of annexing the area proposed from the standpoint of providing needed space for residential, commercial or industrial uses.

5:147. Planning Commission report.

It shall then be the responsibility of the City Planning Commission to submit within 10 days to the Council:

- (1) A recapitulation of the reports of the aforementioned city departments, together with,
- (2) Copies of the full reports of each, and
- (3) The recommendation of the City Planning Commission with respect to the merits of the proposed annexation.

5:148. Improvement charges.

Every petitioner seeking the annexation of land to the city shall be informed as to whether or not any water main, sanitary sewer or local public improvement charges will be levied against the property sought to be annexed in accordance with section 1:278 and/or section 1:279 of Chapter 12, Title I of this Code. In the event the property proposed to be annexed is subject to such improvement charges, the amount thereof shall be made known to such petitioner. Prior to the annexation to the city, the owner of such land, or the person or firm liable for the payment of such charges, shall acknowledge full knowledge thereof, and shall also consent in writing to pay the same in the amount of the applicable water main improvement charge fixed charge, the applicable sanitary sewer improvement charge fixed charge, or in accordance with a resolution to be adopted by the City Council pursuant to section 1:278 and/or 1:279 of this Code. Neither the failure to notify the petitioner of such improvement charge, nor the failure to obtain such consent to pay the same, shall invalidate a water main, sanitary sewer or local public improvement charge or a resolution relating thereto. If the owner or a prior owner of the parcel entered into an agreement with the city prior to annexation for payment of the water main or sanitary sewer improvement charges, the balance still due under the agreement shall become a single lot assessment against the parcel as of the date of annexation. Payments shall be made or continue to be made as provided for in the agreement until the date of annexation.

(Ord. No. 19-64, 4-6-64; Ord. No. 45-07, § 10, 10-1-07)