

An Ordinance Entitled "CROSS STREET AREA ZONING AMENDMENTS – TEXT CHANGES"

THE CITY OF YPSILANTI ORDAINS:

*that Section 122-254 be amended as follows:*

Amend subsection (7) to read:

(7) Restoration or replacement of legal non-conforming two-family and multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-811 in reviewing such application to restore a legally non-conforming two-family or multiple-apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.

Re-number subsection (7) to (8).

*And that Section 122-274 be amended as follows:*

Amend subsection (9) to read:

(9) Restoration or replacement of legal non-conforming multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-811 in reviewing such application to restore a legally non-conforming multiple-apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.

Re-number subsection (9) to (10).

*And that Section 122-294 be amended as follows:*

Amend subsection (14) to read:

(14) Restoration or replacement of legal non-conforming multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-811 in reviewing such application to restore a legally non-conforming multiple-apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.

Re-number subsections (14) and (15) to (15) and (16).

*And that Section 122-811 be added as follows:*

**Sec. 122-811. Restoration of legal non-conforming multiple apartment structures in the R-1, One-Family, R-2, One and Two Family, and R3, Multiple-Family District.**

Purpose and Intent: The intent of the Zoning Ordinance is to allow lawful non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to upgrade such nonconformities to conforming status. In order to fulfill this objective, Article VI applies certain conditions to nonconformities that achieve compliance over time. The following regulations are consistent with the above objective. In the rare event of removal or destruction of a non-conforming multiple-apartment and/or roominghouse structure in the R2 or R3 districts, or a non-conforming two-family or multiple-apartment and/or roominghouse structure in the R1, R2 and R3 districts, these provisions allow renewal of the use provided an overall improvement is made in the instant. Should renewal of the use pursuant to this section be approved, the use shall still be classified as non-conforming, however by virtue of this section, to a lesser degree.

All structures containing a non-conforming multiple apartment use with three or more units (including a non-conforming two-family use if in the R1 district) that have been removed, destroyed or severely damaged to the extent that the non-conforming use is not permitted to be renewed pursuant to 122-205 (5) may be allowed to restore or reconstruct said use, subject to the following criteria. All current Zoning Ordinance standards shall be applied, however, only to the extent that will achieve the criteria outlined below. Restoration of legal non-conforming multiple-apartment structures/roominghouses (and non-conforming two-family use if in the R1 district) may be permitted subject to the conditions hereinafter imposed:

- (1) The Planning Commission shall find that the renewal of the non-conforming use complies with the Special Use standards of 122-165.
- (2) Any structure used in whole or part as a roominghouse shall be converted to an apartment or dwelling.
- (3) The restoration or reconstruction of the use results in a reduction in density computed on the basis of number of bedrooms.
- (4) The Planning Commission shall further find that the restoration or reconstruction of the structure containing the non-conforming use complies with two or more of the following criteria:
  - (a) An improvement in existing non-conforming parking ratio per bedroom is provided through an increase in number of off-street parking spaces.
  - (b) One or more non-conforming dimensional characteristic of the property or structure is materially improved or made conforming, such as lot area or width, yard setbacks, lot coverage, parking setbacks, maneuvering lanes or access, height of structure, separation distance between buildings, etc.
  - (c) The proposed size of one or more of the apartments is made conforming to Zoning Ordinance minimum standards of 122-297, where previously non-conforming. Conversion of the structure, or parts thereof, from a roominghouse to apartment shall not satisfy this requirement.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

\_\_\_\_\_  
CHERRY LAWSON, City Clerk

Attest

I do hereby confirm that a summary of the above Ordinance No. \_\_\_\_\_ was published in the Ann Arbor News on the \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHERRY LAWSON, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHERRY LAWSON, City Clerk

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