

PLANNING SERVICES STAFF REPORT

For Planning Commission Meeting of July 16, 2024

SUBJECT: Amendments to Unified Development Code (Chapter 55 of the Code of the City of Ann Arbor) related to Exceptions to Height Limits, Stormwater Reviews, Development Activity Approval, and Finished Grade Definition

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, Section 5.18.4 to allow elevator, escalator, stairwells, and overruns as exceptions to height limits in mixed-use, nonresidential and special purpose zoning districts, as proposed.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, Section 5.22 to change the stormwater review responsibility of the Washtenaw County Water Resources Commissioner to only sites in its jurisdiction and reorganize numbering and headings for improved navigation, as proposed.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, Table 5.29-1 in Section 5.29.6, to change the required approval for interior construction to site plan approval not required, as proposed.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, to Section 5.37.2 to revise the definition of Finished Grade to improve clarity and to revise the definition of Rules of the WCWRC with current references, as proposed.

STAFF RECOMMENDATIONS:

Staff recommend **approval** of the proposed amendments to Sections 5.18.4 related to the exceptions to height limits because the change will reduce the need for variances or other modifications for common occurrences.

Staff recommend **approval** of the proposed amendments to Section 5.22 related to stormwater review responsibility because the change will align review responsibilities based on statutory jurisdictions.

Staff recommend **approval** of the proposed amendments to Table 5.29-1 in Section 5.29.6 related to development activity approvals because it will return this development activity to its prior level of approval.

Staff recommends **approval** of the proposed amendments to Section 5.37.2 related to the definition of finished grade because the change will alleviate confusion.

SUMMARY:

A group of amendments are proposed to clarify how finished grade is determined, allow some exceptions to building height, exempt interior work from site plan approval, and limit stormwater review responsibility to geographical jurisdictions. In general, these amendments improve clarity and efficiency of procedures and do not change development standards.

The Planning Commission's Ordinance Revisions Committee discussed and commented upon the group of amendments at its meeting of June 25, 2024.

EXCEPTIONS TO BUILDING HEIGHT

REPORT:

Staff propose an amendment to Section 5.18.4 Exceptions to Height Limits to allow enclosures for elevators, escalators and stairwells and reorganize the section for clarity.

Current Exceptions to Height Limits: None.

Proposed Exceptions to Height Limits: Up to 12 feet of an enclosure for an elevator, escalator, or stairwell that is not included in the floor area or FAR of a building in mixed-use and nonresidential/special purpose zoning districts.

Analysis:

- The current language under the heading "exceptions to height limits" lists all of the architectural features that are subject to the height limits of the code and no exceptions are offered beyond one (disguises to wireless communication facilities) that are addressed elsewhere in the ordinance.
- The proposed exceptions to height limits are the result of numerous requests and comments noting that strict application of height limits to elevator overruns and stairwell "doghouses" require buildings to be almost a story shorter than expected given the maximum height limit in order to accommodate the elevator overrun or stairwell

doghouse. The revision will help achieve the full amount of permitted development density without necessitating variances or other modifications.

STORMWATER REVIEWS

REPORT:

Planning and Systems Planning staff propose an amendment to Section 5.22 Stormwater Management and Soil Erosion to adjust stormwater management systems review responsibility between the Washtenaw County Water Resources Commissioner and the City of Ann Arbor to match geographical boundaries. Then, a reorganization of the section is proposed for improved clarity.

Current Standard: The WCWRC has review responsibility for sites within its the jurisdiction, plus sites with stormwater management systems under multiple ownership or including multiple parcels, and systems serving more than one parcel. The City of Ann Arbor has review responsibility for any site that is not within the WCWRC review responsibility.

Proposed Amendment: The WCWRC has review responsibility for sites within its jurisdiction and the City of Ann Arbor has review responsibility for all other sites but can be delegated to the WCWRC.

References throughout the section to review responsibility are revised accordingly.

Analysis:

- The proposed amendment will only require WCWRC review for sites within its jurisdiction. All other sites shall be reviewed by the City of Ann Arbor but can be delegated back to the WCWRC depending on circumstances.
- The amendment aligns responsibility solely along geographical considerations rather than land use types of development circumstances. It is a cleaner approach and does not obligate any agency to operate outside of their jurisdiction while not preventing voluntary cooperation.
- The amendment also introduces more headings for easier navigation. Stormwater Management and Soil Erosion will become distinct sections and each will have intuitive subheadings.

DEVELOPMENT ACTIVITY APPROVALS

REPORT:

Staff propose an amendment to Table 5.29-1 in Section 5.29.6 Site Plans to exempt construction solely on the interior of a building from site plan approval.

Current Standard: In existing buildings, interior construction that results in increased number of dwelling units for buildings with 5 or 6 dwelling units requires a site plan for Planning Manager approval and for buildings with 7 or more dwelling units or any other uses requires a site plan for Planning Commission approval.

Proposed Amendment: Delete. (Interior construction for any reason does not require site plan approval.)

Analysis:

- Before the table for development activity approvals was introduced by an amendment 2023, the list of activities that required site plan approval specifically did not require a site plan for “construction solely on the interior of a building that does not increase floor area.”
- The amendment to provide development activity approvals in tabular form included downgrading or removing the site plan approval necessity for numerous activities but added site plan approval needs for existing nonresidential buildings.
- The proposed amendment will return the approval standard for work solely on the interior of a building to require building permits only and not any type of site plan.

FINISHED GRADE

REPORT:

Staff propose an amendment to the definition of finished grade to address long-standing apparent confusion in the phrase “averaging the elevation of the ground for each side of the structure using the highest and lowest point of each side.” Determining the finished grade is a necessary step in calculating building height, which is the vertical distance of a building measured from finished grade to the roof.

Current Definition 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.

Proposed Definition Finished Grade – The level of the ground adjacent to a structure for purposes of regulating height. This level shall be determined by: Step 1) establishing an average level of the ground for each side of a structure using the highest and lowest point of each side, as measured six feet from the exterior walls of the structure, then Step 2) establishing the finished grade by averaging together the levels calculated in step 1.

Analysis:

- The proposed definition seeks to clearly identify the requirement to determine the level of the ground (emphasis on singular) when a site is not level.
- The change to measuring six feet from exterior walls of a structure from five feet is proposed for consistency with the formula to measuring building height in the Michigan Building Code.

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Reviewed by Hank Kelley, Deputy Planning Manager, and Brett Lenart, Planning Manager

Attachment: Ordinance (Height Exceptions, Stormwater Reviews, Development Approvals, Finished Grade) – July 16, 2024 Draft

References: [Link](#) to June 25, 2024 Ordinance Revisions Committee agenda
[Link](#) to June 25, 2024 Staff Memo (Finished Grade, Exceptions to Height Limits)
[Link](#) to June 25, 2024 Staff Memo (Development Activity Table)
[Link](#) to June 25, 2024 Staff Memo (Stormwater Reviews)