

5.21.4 Lot Accessibility

A. Access to Public Street

Access to a public street shall be provided for all Lots or parcels by one of the following:

1. Abutting a Public Right-of-Way.
2. Abutting a private street easement.
3. For Lots zoned for nonresidential use:

A permanent recorded unobstructed access and utility easement that is a minimum of 30 feet in width as shown on an approved site plan may serve as the sole means of access to a Public Right-of-Way or private street. The easement shall include provisions for the maintenance of improvements and utilities. For such Lots, the Lot Line most parallel with the Public Right-of-Way or Private street shall be designated as the Front Lot Line. Other Lot Lines shall be determined as provided in this ordinance. Required Setbacks shall be provided in accordance with the Schedule of Area, Height and Placement regulations in this ordinance, with the exception that if the distance between the Front Lot Line and the Public Right-of-Way or private street is more than the Required Front Setback for the zoning district in which the Lot is located, no Required Front Setback Area shall be required.

4. For Lots zoned solely for Single-Family Dwelling use:

A permanent recorded unobstructed access and utility easement that is a minimum of 30 feet in width may serve as the only means of access to a Public Right-of-Way or private street for a maximum of two Lots or parcels subject to the following:

- a. Driveways within the easement shall meet all applicable ordinances, including but not limited to Section 5.19 .
- b. The easement shall include provisions for the maintenance of the Driveway and any other improvements and utilities.
- c. For Lots where the easement is the only means of access, either the Lot Line most parallel with the Public Right-of-Way or private street, or most perpendicular with the Public Right-of-Way or private street, shall be designated by an Applicant as the Front Lot Line, and the minimum Required Front Setback Area shall be provided for the entire length of that Front Lot Line.

5.22 Storm Water Management and Soil Erosion

No Person shall conduct activity for which a permit under this Section 5.22 or related Section 5.29.3 is required without first having obtained the required permit. After the permit has been obtained, no Person shall conduct any activity in violation of any condition of that permit, or without having the permit and plans on Site. Throughout this section, the Washtenaw County Water Resources Commissioner, and the Commissioner's office, are referred to as "WCWRC".

5.22.1 Purpose

- A.** The City Council recognizes and is concerned that excessive quantities of soil are eroding from certain areas that are undergoing Development for non-agricultural uses such as housing developments, industrial areas, recreational uses, and roads. This Erosion makes necessary costly repairs to gullies, washed out Fills, roads, and embankments. The resulting Sediment clogs storm sewers and road ditches, muddies Watercourses and silts-in lakes and reservoirs, and is considered a major water pollutant, which degrades the natural environment within its jurisdiction and is costly to remedy.
- B.** Water quality and quantity within the water resources of the City is a public concern. As the City is developed, natural vegetation is removed and replaced with Impervious Surfaces. As a result the hydrology of Watercourses, ponds and Wetlands is changed. These changes in quantity, speed, and timing of water runoff transform Ann Arbor's Watercourses. As the volume and speed of water increases, so does the erosive action of runoff on hillsides, stream banks and bottoms. As more soils are transported down waterways and as more damage occurs to stream banks and bottoms, natural systems are destroyed or diminished throughout the watershed. Urban activity also contaminates the land's surface. Contaminants are carried with runoff into all aquatic habitats, where they poison wildlife and contribute to the decline of aquatic resources. For people, the combination of these effects diminishes the quality of drinking water, inhibits healthy fisheries, reduces recreation and lessens scenic beauty. The City recognizes the relationship between land use and water quality; and by doing so, desires to control non-point source water pollution. Strategies to control storm water quantity are different from the strategies to improve water quality. This section intends to improve the effectiveness of Storm Water Management Systems, bring greater effort to control the sources of runoff, and to improve water quality.
- C.** The purpose of this Section 5.22 is to control soil Erosion and the resulting Sediment; and to control the impact on water quality and quantity resulting from Development and Impervious Surfaces within the City by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community. Compliance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, (MCL 324.9101 to 324.9123) and the rules promulgated under this part of the Michigan Compiled Laws, is fully intended.

5.22.2 Single or Two-Family Residential Storm Water Management

A Site with one Single or Two-Family residential dwelling, with or without accessory Structure(s), that adds 200 square feet or more of Impervious Surface, on-site Storm Water Management Systems shall be required and shall meet the following requirements:

- A.** Retention/infiltration of the first flush storm events for the net increase in Impervious Surface, in compliance with the Rules of the WCWRC.

- B.** Redirection of all downspouts to vegetated areas or other approved point, but not to Impervious Surfaces, as is required by the “Drainage Nuisances and Complaints” Section of Chapter 100 of City Code.
- C.** On-site storm water control is not required for new homes in a site planned Development for which a development-wide system that complies with the storm water management requirements of this chapter has been installed and accepted.

5.22.3 Storm Water Management Systems⁶⁵

Compliance with the Storm Water Management Systems criteria of this Section 5.22 is required for any form of construction or removal or disturbance of any Natural Features that requires approval for any site plan, final preliminary plat, PUD site plan, or Grading Permit.

- A.** For Sites within the jurisdiction of the WCWRC; or Sites with Storm Water Management Systems under multiple ownership or for multiple parcels, including but not limited to site condominiums; or residential developments containing greater than four Dwelling Units within two or more detached Structures; or Sites with Storm Water Management Systems serving more than one parcel; the Storm Water Management System shall be reviewed and receive preliminary plan approval from the WCWRC prior to site plan, final preliminary plat, or PUD site plan approval by the City. For Sites that require review by the WCWRC, a permit or letter of final plan approval from the WCWRC Office shall be obtained prior to issuance of a Grading Permit by the City. Any exceptions to the Rules of the WCWRC listed in this Section 5.22 are not applicable to reviews performed by the WCWRC.
- B.** For Sites other than described in Section 5.22.2 and 5.22.3A, on-site Storm Water Management Systems shall be required for any Site that is the subject of a site plan, final preliminary plat, or PUD site plan or Grading Permit. The Storm Water Management System shall be reviewed and receive approval from the PSA Administrator and meet the design criteria stated in the Rules of the WCWRC, with the following exceptions:
 - 1. For Sites that are less than one acre in size, Site plans for Planning Manager and Grading Permits that do not increase the total impervious area of the Site shall be exempt from the Storm Water Management System requirements of this Section 5.22 .
 - 2. Sites proposed to contain:

⁶⁵ Ordinance No. ORD-21-37, effective January 30, 2022.

- a. Impervious Surfaces less than 5,000 square feet require retention/infiltration only of the first flush storm events.
 - c. Impervious Surfaces equal to or greater than 5,000 square feet require retention/infiltration of the first flush, and detention of bankfull, and 100-year storm event. Detention facilities designed for the 100-year storm event shall include a Sediment forebay.
 3. Grading Permits, solely for vegetation clearing, Building demolition, removal of Impervious Surfaces, or other activities approved by the PSA Administrator, shall be exempt from the Storm Water Management Systems requirements of this chapter.
- C.** On a Site that requires the installation of a Storm Water Management System the detention facility shall be installed and stabilized prior to the issuance of building permits. The PSA Administrator may deem it necessary to modify the timing of installation of the detention facility when conditions, such as a detention facility that is integral to the Structure of a new Building, prevent installation prior to building permits. As-built verification from an Architect or Professional Engineer shall be submitted to the PSA Administrator for approval prior to issuance of any certificate of occupancy. The as-built verification shall include: elevations and volumes, outlet sizes and elevations, Stabilization information, and signature and seal of an Architect or Professional Engineer.
- D.** Existing Wetlands shall not be modified for the purposes of Storm Water Management Systems unless it is determined that the existing Wetland is not regulated by Sections 5.23 and 5.29.4. Where modifications to Wetland areas are allowed, the existing storage shall be maintained and shall not count toward meeting the requirements of this section.
- E.** When residential Lots or units are proposed to be created, the runoff coefficients shall take into account the future Impervious Surfaces of these building Sites within the storm water management calculations.
- F.** Storm Water Management System facilities shall be designed so that any discharge of storm water from the facility, which does not empty directly into a drain, shall be converted to sheet flow over the ground through the use of an energy dissipater, in a manner which will preclude Erosion, or other approved method as determined by the PSA Administrator.
- G.** Prior to the issuance of a Grading Permit, the developer of the Storm Water Management System shall provide the City with an agreement, satisfactory to

the City Attorney, that if maintenance is not performed to the reasonable satisfaction of the PSA Administrator, the City may, after posting reasonable notice on the Site, perform the maintenance activities and charge all costs to the benefited properties. If the costs remain unpaid for 60 days, the City may assess those costs to the benefited properties as a single Lot assessment under City Code Section 1:292.

5.22.4 Grading Operation Responsibility

Any Person engaged in Grading operations and/or the permittee shall be responsible for:

- A.** Installing Temporary Soil Erosion and Sedimentation Control Measures before any Earth Change activity, and maintaining the measures on a daily basis.
- B.** Preventing damage to any public utilities or the interruption of utility services within the limits of Grading and along any routes of travel of the equipment.
- C.** Preventing damage to adjacent property. No Person shall Grade land so close to the Lot Line as to endanger any adjoining public Sidewalk, Alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
- D.** Carrying out the proposed work in accordance with the approved plans, and sequence of construction, and in compliance with all the requirements of the permit and this Section 5.22 .
- E.** Immediately removing all soil, miscellaneous Debris or other material applied, dumped, tracked, or otherwise deposited on streets, Highways, Sidewalks, Storm Water Management Systems, or public thoroughfares during transit to and from the construction, when such spillage constitutes a public nuisance or Hazard. The construction of a Haul Road or other approved vehicle cleaning method may be required by the City Planning Manager to prevent the spread of Debris.
- F.** Designing, constructing, and completing Earth Changes in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.
- G.** Designing, installing and maintaining soil Erosion and Sedimentation Control Measures to remove Sediment caused by Accelerated Soil Erosion from runoff water before it leaves the Site of the Earth Change.
- H.** Designing and constructing temporary or permanent measures for the conveyance of water around, through or from the Earth Change area to limit the water flow to a Non-Erosive Velocity.
- I.** Grading and stabilizing Earth Change areas with Permanent Soil Erosion and Sedimentation Control Measures, and removing Temporary Soil Erosion and Sedimentation Control Measures.
- J.** Installing Permanent Soil Erosion and Sedimentation Control Measures for all slopes, channels, ditches or any disturbed land area within five calendar days after final Grading or the final Earth Change has been completed. All Temporary Soil Erosion and Sedimentation Control Measures shall be