

MEMORANDUM

TO: Planning Commission

FROM: Brett Lenart, Planning Manager

DATE: September 9, 2020

SUBJECT: Amendments to UDC Section 5.30.1 Planned Project Site Plan Modifications

Work on amending the Planned Project Site Plan Modification section of the UDC has steadily progressed and has significantly evolved. At its meeting of August 25, 2020, the ORC recommended the attached (and since slightly revised) draft proposal to be discussed by the Planning Commission at this working session.

The proposal calls for Section 5.30.1 to be eliminated and for three new provisions to be inserted – one each to allow modifications to building height, building setbacks, and off-street parking requirements for certain reasons and under certain conditions.

The simplified concept for Development Modifications or Development Waivers offers almost all of the same benefits to land developers and results in equal benefit to the City, as the entirety of the current Planned Project Site Plan Modifications – and in an easier to understand, less cluttered, and more direct approach. The same dimensional standards (height and setbacks) may be flexed with the two new Sustainable and Affordable Housing Development Modifications provisions. In addition, flexibility in parking standards is newly offered by the Sustainable and Affordable Housing Development Waiver provision.

Since the ORC's August meeting, the draft includes affordable housing dwelling units as an option for modifications or waivers. The draft also has stronger and clearer general requirements to mitigate increased height and decreased setbacks, as well as how these modifications may or may not be used with other provisions.

Your comments are appreciated to refine and finalize the amendment proposal and schedule a future public hearing.

Attachment

**UNIFIED DEVELOPMENT CODE
(PLANNED PROJECT SITE PLAN MODIFICATIONS)**

AN ORDINANCE TO AMEND SECTION 5.18 AND 5.19 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

Section 1. To amend Section 5.18 Special Dimensional and Site Layout Standards of Chapter 55 Unified Development Code as follows:

5.18.3 Additional Area, Height, and Placement Standards

- A. No portion of a Lot used in connection with a Building, Structure or use and necessary for compliance with the area, height, and placement regulations of this chapter, shall, through sale or otherwise, be used again as a part of the Lot required for any other Building, Structure or use, except as provided in Subsections B or C below.
- B. After an official site plan approval of attached Single-Family Dwellings, Two-Family Dwellings, or Townhouse Dwellings, or condominium Buildings in conformity with all area, height, and placement regulations, applicable to the primary Building(s) the platting and/or conveyance of individual Dwelling Units within the primary Structure shall not be deemed to render either the primary Building(s) or any individual Dwelling Unit a Nonconforming Structure. Platting and/or conveyance of individual Dwelling Units shall be subject to the provisions of Section 2:33, Chapter 27, Title II of this Code relating to multiple services.

C. Sustainable and Affordable Housing Development Modifications

The Required Setback, including Front, Side and Rear, may be modified up to 50% of the distance provided in the dimensional tables of Section 5.17 for sustainable or affordable housing developments as follows:

1. General Requirements

- a. The modifications are part of an approved site plan.
- b. The cumulative Required Setback Area, including Front, Side and Rear, is provided by the development.
- c. The specific development modification requirements below are not required by any other Section of this chapter, such as other modifications, premiums, or waivers, or by any other requirement. However, the development modifications of this Section may be used with other provisions of this chapter if all requirements of all provisions are individually met.

2. Sustainable Development Option Requirements

- a. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided, operated and maintained for the life of the development.
- b. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.

3. Affordable Housing Development Option Requirements

- a. At least 15% of all Dwelling Units or a minimum of 15% of the Floor Area of the development are Affordable Housing Dwelling Units.

- D. Nothing in this section is intended to allow a greater density of population, greater intensity of land use, or less required Open Space than that provided in the approved site plan or plat.

5.18.4 Exceptions to Height Limits

A. Certain Architectural and Mechanical Features

The height limits of this chapter shall apply to spires, belfries, cupolas, penthouses, domes, water Towers, observation Towers, power transmission lines and Towers, Roof-mounted Dish Antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling Towers, and other similar mechanical appurtenances. However, if such facilities are proposed specifically to house and disguise Wireless Communications Facilities, their height limits shall be those in Section **Error! Reference source not found.**. The applicable height limit of the zoning district in which such a facility is proposed may be modified by the Zoning Board of Appeals.

B. Wireless Communications Antennas

Wireless Communications Antennas are not subject to the height limits of this chapter, except when attached to Wireless Communications Towers. Wireless Communications Towers and their associated facilities are subject to the height limits found in Section **Error! Reference source not found.**.

C. Sustainable and Affordable Housing Development Modifications

The maximum height limitations provided in the dimensional tables of Section 5.17 may be increased up to 30% for sustainable or affordable housing developments as follows:

1. General Requirements

- a. The modifications are part of an approved site plan.
- b. For any portion of the site that is within 300 feet of any residential zoning district, the Side and Rear Setback within that buffer area shall be increased by the amount of the increased

height limitation for the portion of the building(s) above the unmodified height limit. This general requirement is intended to result in building(s) that have a step back above the unmodified height limit or building(s) that entirely comply with the increased Side or Rear Setback, at the designer's discretion.

- c. The specific development modification requirements below are not required by any other Section of this chapter, such as other modifications, premiums or waivers, or by any other requirement. However, the development modifications of this Section may be used with other provisions of this chapter if all requirements of all provisions are individually met.

2. Sustainable Development Option Requirements

- a. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided, operated and maintained for the life of the development.
- b. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.

3. Affordable Housing Development Option Requirements

- a. At least 15% of all Dwelling Units or a minimum of 15% of the Floor Area of the development are Affordable Housing Dwelling Units.

Section 2. To amend Section 5.19 Parking Standards of Chapter 55 Unified Development Code by adding a new section and renumbering subsequent sections accordingly, as follows:

5.19.6 Sustainable and Affordable Housing Development Waiver

The parking requirements provided in Table 5.19-1 of this Section may be waived for sustainable or affordable housing developments as follows:

A. General Requirements

- 1. The waiver is part of an approved site plan.
- 2. At least the minimum required bicycle parking spaces are provided.
- 3. Within the Special Parking District, curbside management provisions shall be provided in accordance with the policies and procedures established by the Downtown Development Authority. Outside of the

Special Parking District, a minimum of one on-site drop off and delivery space shall be provided as part of the development.

4. The specific development waiver requirements below are not required by any other Section of this chapter, such as other modifications, premiums, and waivers, or any other requirements. However, this development waiver may be used with other provisions of this chapter if all of requirements of all provisions are individually met.

B. Sustainable Development Option Requirements

1. Photovoltaic solar panels cover an area equal to at least 30% of the building(s) footprint(s) are provided, operated and maintained for the life of the development.
2. Electrical panels have capacity to solely power the development with electricity, and if all buildings are not fully electrified at the time of development, conduit and other necessary infrastructure is provided for future conversion.

C. Affordable Housing Development Option Requirements

1. At least 15% of all Dwelling Units or a minimum of 15% of the Floor Area of the development are Affordable Housing Dwelling Units.