



Legislation Details (With Text)

**File #:** 22-1145      **Version:** 1      **Name:** 7/18/22 UDC Amendments - Marijuana Facilities, Street Trees, Landscape Modifications

**Type:** Ordinance      **Status:** Passed

**File created:** 7/18/2022      **In control:** City Council

**On agenda:** 8/15/2022      **Final action:** 8/15/2022

**Enactment date:** 8/15/2022      **Enactment #:** ORD-22-12

**Title:** An Ordinance to Amend Section 5.16.3.G, 5.20.10 and 5.30.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana Licenses, Trees in the Right-of-Way, Landscape Modifications) (ORD-22-12)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-22-12 Briefed and Approved As Amended at First Reading.pdf, 2. ORD-22-12 Briefed As Amended at First Reading.pdf, 3. ORD-22-12 As Amended at First Reading.pdf, 4. 3-15-22 Planning Staff Report Delta Two UDC Amendments with Attachments.pdf, 5. 3-15-2022 CPC Approved Minutes.pdf, 6. UDC Ordinance -Marijuana Facilities, Landscape Modifications, Street Trees - 7-5-22.pdf, 7. ORD-22-12 Approval Notice.pdf

Date	Ver.	Action By	Action	Result
8/15/2022	1	City Council	Held and Closed	
8/15/2022	1	City Council		
8/15/2022	1	City Council	Amended	Pass
8/15/2022	1	City Council	Adopted on Second Reading	Pass
7/18/2022	1	City Council		
7/18/2022	1	City Council	Amended	Pass
7/18/2022	1	City Council	Approved as Amended on First Reading	Pass

An Ordinance to Amend Section 5.16.3.G, 5.20.10 and 5.30.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Marijuana Licenses, Trees in the Right-of-Way, Landscape Modifications) (ORD-22-12)

Amendments to three sections of the Unified Development Code, addressing marijuana licenses, trees in the right-of-way, and landscape modifications, are proposed.

Marijuana Licenses - Section 5.16.3.G Marijuana Facilities provides the use specific standards for the nine types marijuana facilities. An amendment is proposed to eliminate the limitations on the number of State marijuana licenses per lot (provided in Paragraph d) and the restrictions on the mix of types of marijuana facilities allowed per lot (provided in Paragraph e). Then, for simplification, the section is reorganized by facility rather than by procedure. No other marijuana facility regulations or standards are proposed for amendments.

With the changes to licenses and types of marijuana facilities per lot, any number of licenses may be issued for a single address or to a single parcel. This means a marijuana business may “stack” several licenses at their facility, consistent with how the State administers licenses. This also means

that there are no further restrictions on grouping marijuana facilities beyond the zoning district permitted use regulations, physical separation distances, and the maximum cap for provisioning center/retailers and designated consumption facilities.

Trees in the Right-of-Way - Section 5.20.10 Trees in the Public Right-of-Way provides regulations on street trees, including the procedures for how many are required with new site plans and the installing procedures. An amendment is proposed to eliminate the width of any curb cut from the linear frontage calculations, which will reduce or prevent harm to street trees from being planted too closely. Another amendment is also proposed to eliminate the need for an escrow to be deposited and refunded along with planting the required trees for site planned developments. These amendments are requested by Public Services staff.

Landscape Modifications - Section 5.30.1 Landscape Modifications provides the circumstances and reasons why modifications to the normal landscape requirements may be allowed for site planned developments. Amendments are proposed to allow street tree requirements to be modified, and to generally update the entire section to better match present situations, scenarios and common conditions, and reorganize the section in a simpler, more straightforward, layout.

With the amendments and reorganization, six requirement sections will be eligible for modification (currently five are eligible). Modifications may be considered only if one of seven conditions is true. Most conditions are the same as currently allowed, but one was so rare (for cases of xeriscaping) that it has been replaced with a situation recently experienced several times resulting from other code changes (when soil conditions do not tolerate now-required storm water infiltration), and one has been added to address street trees. Eligible requirement sections, modification conditions, standards of approval, and approval procedures are each addressed clearly in separate paragraphs rather than one long, multi-tiered section.

On March 15, 2022, the Planning Commission recommended approval of these amendments (9 yeas, 0 no).

Attachments: Ordinance to Amend Section 5.16.3.G, 5.20.10 and 5.30.1 (Marijuana Licenses, Trees in the Right-of-Way, Landscape Modifications) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor  
March 15, 2022 Planning Staff Report  
March 15, 2022 Planning Commission Minutes

Prepared by: Alexis DiLeo, City Planner  
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Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Milton Dohoney Jr., City Administrator  
(See Attached Ordinance as Amended at First Reading on July 18 2022.)