

UNIFIED DEVELOPMENT CODE  
(PLANNED PROJECT SITE PLAN MODIFICATIONS)

AN ORDINANCE TO DELETE SECTION 5.30.1 AMEND SECTIONS 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. That Section 5.18 Special Dimensional and Site Layout Standards of Chapter 55 Unified Development Code be amended 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. Setback Line and Yard Alternatives**

**1. Multiple-Family Residential Zoning Districts**

The normal Side Required Setback provided in Table 5.17-3 may be used for Buildings over 50 feet in length or width and over 35 feet in Height as long as the total increased Side Setback Area required by Footnote A is provided and shown on an approved site plan. Examples of how this alternative may be applied include Buildings with a varied design such as C, L, T, and U-shaped buildings.<sup>1</sup>

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<sup>1</sup>Substitute language to add rear Required Setback to alternative:

The normal Side and Rear Required Setbacks provided in Table 5.17-3 may be used for Buildings over 50 feet in length or width and over 35 feet in Height as long as the total increased Side and Rear Setback Area required by Footnote A is provided and shown on an approved site plan. Examples of how this alternative may be applied include Buildings with a varied design such as C, L, T, and U-shaped footprints.

**2. Mixed Use, Nonresidential and Special Purpose Zoning Districts**

The minimum Required Setbacks, including Front, Side or Rear, may be decreased by up to 50% as provided in Tables 5.17-4 and 5.17-5 when another Required Setback is increased by the same amount so that the total Required Setback Area for the Lot is provided and shown on an approved site plan.

~~E.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.

Section 2. That Section 5.18 Special Dimensional and Site Layout Standards of Chapter 55 Unified Development Code be amended as follows:

**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.5.16.5D~~. 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. Building-Mounted Solar Energy Systems (SES)**

Building-Mounted SES may extend up to 12 feet above the surface of a flat Roof when determining the Height of the Building.

**C. 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.5.16.5D~~.

**D. Sustainable and Affordable Housing Developments**

The height limits of this chapter may be increased by up to 30% when the following conditions are met:

1. The development has an Affordable Housing Component or a Sustainability Component.
2. For any portion of the Site that is within 300 feet of any residential zoning district, the Side and Rear Required Setback within that buffer shall be increased by the amount of the increased Height limitation for the portion of the Building(s) above the normal Height limit. This

requirement is intended to result in Building(s) that comply with the normal Required Setbacks and have a step back above the normal Height limit or Building(s) that comply with the increased Required Setbacks without step backs.

Section 3. That Section 5.19 Parking Standards of Chapter 55 Unified Development Code be amended by adding a new section and renumbering subsequent sections accordingly as follows:

**5.19.6 Developments with Sustainable Components and Affordable Housing Components**

No off-street vehicle parking as provided in Table 5.19-1 of this Section is required when the following conditions are met:

- A. The development has a Sustainability Component or an Affordable Housing Component.
- B. The development is part of an approved site plan and the amenities provided to satisfy the conditions are included as a condition to the approval of the site plan, and in a Development Agreement, or both.
- C. All other requirements of Table 5.19-1 of this Section are provided.
- D. Within the Special Parking District, curbside management provisions are provided in accordance with the Public Services Area Standard Specifications Downtown Street Design Manual. Outside of the Special Parking District, a minimum of one on-site drop off and delivery space is provided as part of the development.
- E. This section may be used in addition to the premiums allowed in Section 18.6 as long as the requirements and conditions of each section are met individually.

Section 4. That Section 5.37.2.A and Section 5.37.2.S of Chapter 55 Unified Development Code are amended as follows to add these new terms and definitions:

**Affordable Housing Component**

When and where at least 15% of all Dwelling Units or 15% of all Floor Area is devoted to Affordable Housing Dwelling Units.

**Sustainability Component**

When and where a Solar Collector Surface covers at least 60% of the Building(s) footprint area on a Site and the electrical panels of Building(s) have capacity to solely power the Site by

electricity, including any conduit and other necessary infrastructure for future conversions if complete electrification is not achievable at the time of initial construction.

Section 5. That Table 5.17-3 in Section 5.17.3 Residential Zoning Districts of Chapter 55 Unified Development Code be amended as follows:

TABLE 5.17-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS												
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION <a href="#">ERROR! REFERENCE SOURCE NOT FOUND.5-18.</a>												
DISTRICT	MAXIMUM DENSITY (DWELLING UNITS PER ACRE)	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM OPEN SPACE (% OF LOT AREA)	MINIMUM ACTIVE OPEN SPACE PER DWELLING UNIT (SQ. FT.)	REQUIRED SETBACK (FT.)					MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
					MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM BUILDING SPACING	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R3	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35	21,780	120
R4A	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	21,780	120
R4B	15	2,900	55	300	15	40	12 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	14,000	120
R4C	20	2,175	40	300	25 [D]	None	12 plus [A]	20	30 plus [A]	30	8,500	60
R4D	25	1,740	50	300	15	40	30 plus [A] and [B]	20	30 [A] [B]	120	83,000	200
R4E	75	580	40	150	15	40	10 plus [A]	20	30 plus [A] and [B]	None	14,000	120
R6	N/A	10 times the Floor Area for each Dwelling Unit	None		40	None	20	None	30	15; 12 for Accessory Structures	170,000	100

NOTES:

[A] ~~(1)~~ The minimum Required Side Setback as set forth above, shall be increased 3 inches for each foot of Building Height above 35 feet and 1.5 inches for each foot of Building length over 50 feet. The minimum Required Rear Setback, as set forth above, shall be increased 1.5 inches for each foot of Building Height over 35 feet and 1.5 inches for each foot of Building width over 50 feet. The Building length shall be the dimension of that side, which is parallel to the Side Lot Line, of a rectangle within which the Building may be located. The Building width shall be the dimension of that side which is parallel to the Front Lot Line, of a rectangle within which the Building may be located.

~~(2) As an alternate to increasing the Required Side Setback dimension as required in note (1) above, an equal amount of area in square feet as the increased Side Setback Area may be provided between the minimum side~~

TABLE 5.17-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS													
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION <a href="#">ERROR! REFERENCE SOURCE NOT FOUND.5-18.</a>													
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					MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM BUILDING SPACING	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)	
<p><del>setback line and the Building. Nothing in this section shall be deemed, however, to permit reduction of the required side setback line minimum dimension, as set forth in the table above.</del></p> <p>[B] Plus one foot of additional Setback for each foot of Building Height above 30 feet when abutting residentially zoned land.</p> <p>[C] For Buildings with parking below at least 35% of the Building.</p> <p>[D] Also see additional regulations in Section <a href="#">Error! Reference source not found.5-18-5</a> (Averaging an Established Front Building Line).</p>													

Section 6. That Section 5.30.1 Planned Project Site Plan Modifications be deleted from Chapter 55 Unified Development Code in its entirety as follows:

~~5.18.5 Planned Project Site Plan Modification~~

~~A. Purpose~~

~~The intent of this Section 5.30.1 is to provide an added degree of flexibility in the placement, design, and interrelationship of the Buildings within a site planned Development and to provide for Permanent Open Space preservation as part of a site planned Development without the need for a PUD rezoning. Modifications of the area, height, placement, and design requirements, and Lot sizes, otherwise required by this chapter, may be permitted if the planned project would result in the preservation of Natural Features, greater minimum Open Space, greater Setback Lines, energy conserving design, preservation of historic or architectural features, higher quality design, expansion of the supply of Affordable Housing Dwelling Units or a beneficial arrangement of Buildings. A planned project shall maintain the permitted uses and requirements for maximum density, maximum Floor Area Ratio and minimum Open Space specified in this chapter for the zoning district(s) in which the proposed planned project is located.~~

~~B. Submittal Requirements~~

~~The Applicant for a planned project shall submit the following materials in addition to the site plan application:~~

- ~~2. An application identifying the specific sections of this chapter to be modified, as well as explaining how the modifications will help achieve~~

~~the objectives of the development program and the standards described below:~~

- ~~3. When a planned project modification seeks to permanently preserve Open Space by utilizing reduced Lot size, the Applicant shall provide an alternative concept site plan of the property, drawn to scale. The alternative concept site plan shall illustrate the maximum number of Lots that could reasonably be achieved without application of the reduced Lot size, taking into account the application of all ordinances, laws, and regulations, including but not limited to road rights-of-way, parking, access and provision of utilities, and storm water management, Soil Erosion and Sedimentation Control Facilities.~~

### ~~C. Standards for Approval~~

- ~~4. Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height, and placement, and design regulations of the zoning chapter in the form of a planned project site plan:
  - ~~a. The Lot or Lots included in the planned project meets the minimum Lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum Lot size shall be the combined total of the minimum Lot sizes for each dwelling on a parcel. However, the following exceptions may apply:
    - ~~i) For purposes of this section, zero Lot Line duplex or townhouse development shall mean a development containing attached Single Family Dwelling Units on individual Lots. If a planned project for a zero Lot Line duplex or Townhouse development provides Affordable Housing Dwelling Units, the minimum Lot size and width requirements may be reduced. The number of Dwelling Units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed Development is located.~~
    - ~~ii) In any residential zoning district allowing three or fewer Dwelling Units per acre, when 20% or more of the total area of a Development is set aside for Permanent Open Space preservation, the gross Lot size may be reduced below the minimum Lot Area per Dwelling Unit and width requirements for the zoning district in which it is located, as provided in this Section 5.30.1.~~~~
  - ~~b. The proposed modifications of dimensional standards provides one or more of the following:
    - ~~i) Open Space in excess of the minimum requirement for the zoning district. Where no minimum Open Space standard is required by the zoning district, a minimum Open Space~~~~~~

- ~~standard shall be established by the approval of the planned project.~~
- ~~iii) Required Setback Lines or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum Required Setback Lines or parking setback is required by the zoning district, a minimum setback standard shall be established by approval of the planned project.~~
- ~~iv) Preservation of Natural Features that exceeds the requirements of this chapter, especially for those existing features prioritized in this chapter as being of highest and mid-level concern.~~
- ~~v) Preservation of historical or Architectural features.~~
- ~~vi) Solar orientation or energy conserving design.~~
- ~~vii) An arrangement of Buildings that provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or Impervious Surface.~~
- ~~viii) Affordable Housing for Lower Income Households.~~
- ~~ix) A recorded conservation easement or similar binding instrument providing for Permanent Open Space of 20% or more of the planned project, in any residential zoning district allowing three or fewer Dwelling Units per acre.~~
- ~~x) In the D1 and D2 zoning districts, Building placement, architectural design or use of building materials that maximizes the extent that a Building satisfies the Downtown Design Guidelines that could not be achieved in strict conformity with the design requirements of Section 5.17.6C.~~
- ~~e. The planned project is designed in such a manner that traffic to and from the Site will not be Hazardous to adjacent properties.~~
- ~~d. The proposed modifications are consistent with the proper Development and use of adjacent land and Buildings.~~
- ~~e. Required off-street parking and landscaping shall be provided in accordance with the provisions of Sections 5.19 and 5.20.~~
- ~~f. The standards of density, maximum permitted Floor Area Ratio and required Open Space for the zoning district(s) in which the project is located shall be met.~~
- ~~g. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.~~
- ~~h. In any residential zoning district allowing three or fewer Dwelling Units per acre and where 20% or more of the Site is~~

~~proposed for Permanent Open Space, projects shall meet the following standards:~~

- ~~ii) The minimum Lot size of the parcel proposed for the planned project shall be two acres. The size and shape of the portions of the planned project designated for Permanent Open Space preservation shall be reviewed and approved in conjunction with a planned project site plan, or a plat, in relation to Natural Features or characteristics specific to that Site.~~
- ~~iii) The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of the Permanent Open Space. Minimum Lot Width and Required Setback shall meet or exceed standards of the R1B residential zoning district.~~
- ~~iv) Permanent Open Space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, Natural Features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear Open Space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.~~
- ~~v) Land in Permanent Open Space may be, but is not required to be, dedicated to the use of the public.~~
- ~~vi) Prior to the issuance of any permit, the Permanent Open Space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the Permanent Open Space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for Open Space preservation. Such Permanent Open Space shall constitute 20% or more of the total area of a Development.~~
- ~~vii) The option of utilizing a conservation easement or plat dedication for Open Space preservation for not less than 20% of the total area may be exercised only one time on a parcel of land.~~
- ~~viii) The site plan meets the criteria for approval of site plans in Section 5.29.6D~~

## ~~D. — Approval Procedure~~

### ~~1. — Preliminary Procedures~~

- ~~i. — Before submitting a planned project application for formal review, the Applicant shall comply with citizen participation requirements provided in Section 5.28.4.~~
- ~~j. — Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed site plan and development program. The staff may provide the Applicant with their comments regarding compliance with ordinance of the proposed land uses, and the proposal's conformance with adopted Master Plan and policies.~~
- ~~k. — The planned project application, site plan and other required materials shall be filed with the Planning Manager. The Planning Manager shall review the materials filed and, after conferring with the Applicant and appropriate City service areas, shall submit a report and recommendation to the Planning Commission.~~

### ~~2. — Planning Commission Recommendation~~

~~The Planning Commission shall hold a public hearing and, within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.~~

### ~~3. — City Council Approval~~

- ~~l. — Upon receipt of the Planning Commission's recommendation, the City Council shall approve or deny the planned project within a reasonable time following the close of the public hearing. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.~~
- ~~m. — Approval of a planned project by City Council shall state the modifications of the zoning ordinance and any specific conditions. Such modifications become part of the approved planned project and site plan and allow the location of improvements on the Site according to the plan.~~

### ~~4. — Effect of Planned Project Approval~~

- ~~n. — The approval of the application by the City Council shall allow the PDSU Manager to issue a zoning permit in conformity with the application as approved. This permit shall specify the exact modifications to the provisions of this chapter that have been approved for this planned project. The holder of this zoning permit~~

~~may then proceed with the project in conformity with other code requirements.~~

~~e.a. For three years from the date of approval of the planned project, permits may be issued and the land developed consistent with the planned project plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved planned project plans. After three years from approval, a building permit shall not be issued unless the planned project is reconsidered by the Planning Commission and City Council in the manner provided for new planned projects.~~

Section 7. That a new Section 5.33.6 be added to Article VI Nonconformities of Chapter 55 Unified Development Code as follows:

**5.33.6 Nonconforming Planned Project Site Plans**

Buildings with modified Height or placement standards approved under previous Section 5.30.1 Planned Project Site Plan Modifications (repealed by Ordinance No. ORD-20-xx) are subject to the provisions of this Article provided that any conditions of approval and justifications for which the modifications were approved are maintained.

Section 8. This ordinance shall take effect and be in force on and after ten days from legal publication.