

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 19, 2008

SUBJECT: Amendments to Chapter 47 (Streets), Section 4:30 (Private Streets); Chapter 55 (Zoning), Section 5:77 (Lot Accessibility); Chapter 57 (Subdivision and Land Use Control), Section 5:122 (Site Plans); and, Chapter 62 (Landscape and Screening), Section 5:613 (Private Streets and Shared Driveways).

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 47 (Streets), Section 4:30 (Private Streets); Chapter 55 (Zoning Ordinance), Section 5:77 (Lot Accessibility); Chapter 57 (Subdivision and Land Use Control), Section 5:122 (Site Plans); and Chapter 62 (Landscape and Screening), Section 5:613 (Private Streets and Shared Driveways) in private street regulations, lot accessibility requirements, necessity of site plan approval, and street tree and buffer requirements.

STAFF RECOMMENDATION

Staff recommends that the proposed amendments to Chapter 47 (Streets), Chapter 55 (Zoning), Chapter 57 (Subdivision and Land Use Control), and Chapter 62 (Landscape and Screening) of the City Code be **approved**.

Staff further recommends a review of city codes, ordinances and policies related to streets and emergency access for inconsistencies and conflicts, and amendments be proposed as needed.

BACKGROUND

At the direction of City Council, staff and the Ordinance Revisions Committee have reviewed existing ordinances and regulations relating to land divisions, particularly for how existing code applies to development on newly created parcels. The current regulations seem to often result in poorly planned new developments in established neighborhoods. Staff was asked how could land divisions and the resulting new development be planned better, be better regulated, and have more formal review and approval, without conflicting with state land division law.

State law permits a parcel (of ten acres or less) to be divided into four parcels without platting or site planning so long as the new parcels meet the minimum lot size and minimum lot width of the zoning ordinance, the new parcels have a maximum depth to width ratio of 4:1, and access is provided. While state law clearly establishes a land owner's right to divide land and sets a specific depth to width ratio, local governments establish the standards for minimum lot size, lot width and access standard through zoning and land development regulations.

In considering changes to existing zoning and land development regulations for the City of Ann Arbor, it was determined that amending the existing minimum lot size and lot width standards for

all zoning districts, especially single-family residential districts, would not be practical given the extreme number of nonconforming lots that would be created. Focusing on modernizing the language of the existing lot accessibility section, Section 5:77, in the Zoning Ordinance (Chapter 55 of the City Code) and amending the current exceptions was selected as the best approach to providing more structure to land divisions and helping achieve better planning of new development parcels.

The current access regulations, set forth in Section 5:77 of the Zoning Ordinance, do not contain an absolute requirement that a parcel directly abut a street, public or private. “Landlocked” parcels are permitted and need only an access easement to a street. Up to eight “landlocked” parcels may share a single access easement. No one parcel can be divided into eight parcels without platting or site planning by state law, but two adjacent parcels can each be divided into four parcels. Currently, in the City of Ann Arbor, these eight total parcels can share the same access easement. Although new developments of this nature are rare, they can have a significant impact on adjacent parcels. Creating three and four “landlocked” parcels is somewhat more common but still can be a significant impact to the surrounding established area. (Staff estimate that less than a dozen land divisions are proposed each year that create two or more new lots.)

Staff proposes amendments to the Zoning Ordinance to clarify the definition of access and to limit the number of “landlocked” parcels that may be permitted. The goal of these proposed amendments is to acknowledge and emphasize that directly abutting a public or private street is the preferred design for all parcels in the city for orderly development with the least impact to surrounding areas. Staff believe that “landlocked” parcels and sharing an access easement are not altogether inappropriate, but they should be created sparingly and fewer should share the same easement as the only means of access to the public or private street. The proposed amendments do not affect the current land division process, do not affect the number of parcels that can be created, and do not limit a land owner’s right to divide land.

In the process of preparing the text amendments to the Zoning Ordinance, it became apparent that several other sections of City Code either directly or indirectly address lot accessibility. These chapters and sections include: Chapter 47 Streets, Section 4:30 Private Streets; Chapter 57 Subdivision and Land Use Control, Section 5:122 Site Plans; and Chapter 62 Landscape and Screening. If fewer “landlocked” parcels are permitted, more public or private streets will be proposed to access undeveloped or underdeveloped land. New streets should be proposed and approved through the site plan review process, and incorporate all existing requirements for site plans.

DESCRIPTION AND ANALYSIS

Attached to this report are the proposed text amendments. Deleted text is shown as ~~strikethrough~~, proposed text as underline. The proposed amendments are in increasing numerical order by chapter. The description and analysis below mixes up the numerical order, addressing first the Zoning Ordinance and then the other related chapters.

Chapter 55 (Zoning), Section 5:77 – This section is proposed to be entirely replaced with new language. Required access is now defined. Provisions for “landlocked” nonresidential parcels have been added and the current provisions for “landlocked” residential parcels have been revised.

Chapter 47 (Streets), Section 4:30 – This chapter addresses public streets, defined as the entire width of a public right-of-way easement or land owned in fee simple by the City or public agency for public travel as a matter of right. A provision was added in 1999 for private streets in response to the increased popularity of site condominiums over traditional subdivision plats. However, reviewing Section 4:30 as part of this petition, it became apparent that the 1999 amendment may be inadequate to effectively regulate private streets. An amendment is proposed to expand the application of Section 4:30 to include all land within the city, not just land in an R1 or R2 district, and to serve any number of dwelling units and parcels. These limited amendments address the immediate need to correspond to the proposed access requirements and exceptions in the Zoning Ordinance.

Other concerns identified by staff remain. There is no definition of a private street. Since all other sections of Chapter 47 apply only to public streets, there are no regulations or standards for permitted and prohibited activities, no bonding, insurance or permit obligations, no procedures for review and approval of engineering plans, no construction specifications, no requirements for inspections or maintenance, and no mechanism for compliance for private streets.

Allowing private streets has important benefits to the City primarily because of the flexibility they allow in design and construction. Private streets can have narrower easements and narrower pavement widths than public streets, which can mean a private street may have a smaller footprint on the land. Private streets can also be designed for lower speeds with sharper turns and corners and steeper grades than public streets. This flexibility can be invaluable in preserving existing natural features and developing challenging sites.

It was also noted by staff that both the Public Services Standard Specifications Manual (the “orange book” containing the design standards for public streets) and Section 4:30 include conflicts with the International Fire Code (2003 edition, recently adopted by City Council). The Fire Code includes minimum requirements for such things as street widths, intersection radii, and length of dead-end roads that, upon an extremely cursory review, do not match the specifications of the “orange book”.

Staff recommends that both the Public Services Standard Specifications Manual and the Fire Code be thoroughly reviewed for any conflicts as soon as possible. Each should be updated as necessary to reflect the City’s desires and values for public streets that are safe, incorporate the most up-to-date research and practices, and are friendly to emergency services, motorized vehicles, nonmotorized vehicles and pedestrians alike. Staff also recommends that a complete private street ordinance be adopted and suggests it could become Chapter 48 of the City Code.

Chapter 57 (Subdivision and Land Use Control), Section 5:122 – This section already includes general language that new roads require site plan approval. The proposed amendment will specify that new or reconfigured private streets require a site plan for planning commission approval.

Chapter 62 (Landscape and Screening), Section 5:613 – Chapter 47 (Streets) contains general language that street trees must be provided for private streets. Moving this landscape requirement to Chapter 62 (Landscape and Screening) will enhance the effectiveness of this requirement by making it subject to the material standards, review and approval mechanisms, maintenance and obligations already in place for private plantings. A new section is proposed

as there is not any existing section that addresses street trees. The proposed section also includes basic buffer requirements for shared driveways.

RECOMMENDATION

The proposed amendments have been reviewed by staff, including staff from the Public Services Area, Systems Planning Unit and grading/development inspectors. As mentioned above, the Ordinance Revisions Committee help shape the scope of the proposed amendments and has reviewed numerous drafts. All suggestions made by staff, the Ordinance Revisions Committee and the Planning Commission have been incorporated into the proposed language wherever possible. It must be noted that the final draft as proposed with this report has not been reviewed by the Ordinance Revisions Committee, although the final draft contains no substantial conceptual changes from late versions.

It is believed that these amendments will provide for better structure and regulation of development on parcels created through the land division process, achieving the stated goals of City Council. The recommendation to address possible shortfalls of the existing private street regulations, and possible conflicts with the Public Services Standard Specifications Manual and the Fire Code, will further the stated goals and continue to promote sound land use planning in the City. Staff recommends approval.

Prepared by Alexis DiLeo

Reviewed by Connie Pulcifer and Mark Lloyd

jsj/8/15/08

Attachment: Proposed Amendments to Ordinance

c: City Attorney
Systems Planning
Fire Marshal
File