

ORDINANCE NO. ORD-21-xx

AN ORDINANCE TO AMEND SECTION 5.29.6 of CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF CODE OF THE CITY OF ANN ARBOR – (SITE PLANS)

The City of Ann Arbor Ordains:

Section 1. That Section 5.29.6 Site Plans of Chapter 55 Unified Development Code be Amended as follows:

~~5.29.6~~

~~5.29.75.29.6~~ **Site Plans**

**A. Applicability and Approving Body**

- ~~1. Table 5.29-1 Establishes the combination of use and development activity for which an approved site plan shall be required before applicable permits are issued to construct, install, or place any Building, Structure, or site improvement, or prior to the removal or disturbance of any Natural Feature, in accordance with the requirements and standards in this chapter.~~
- ~~2. Any development activity not included in Table 5.29-1 below shall be conducted through applicable City permits and regulations, without the necessity of a site plan. A site plan is required to construct, install or place any Building or site improvement or remove or disturb any Natural Features in accordance with the requirements and standards in this chapter, unless an exemption for that type of Building, site improvement, or activity is listed in subsection A below.~~

~~Applicability~~

~~An approved site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any Natural Features, except for:~~

- ~~1. Construction of or addition to one Single Family or Two Family Dwelling or Accessory Structure on a parcel zoned solely for residential purposes.~~
- ~~2. Removal or disturbance of any Natural Features on a Lot which contains one Single Family or Two Family Dwelling and is zoned solely for residential purposes.~~
- ~~3. Construction solely on the interior of a Building that does not increase Floor Area.~~
- ~~4. Construction, erection, or placement of the following:~~
  - ~~a. Signs.~~
  - ~~b. Retaining walls; Fences; buffer walls.~~

- ~~e. — Curb carts for solid waste; and dumpsters used for commercial recyclables and related screening that encloses up to 100 square feet.~~
- ~~d. — Fire escapes.~~
- ~~e. — Sidewalks.~~
- ~~f. — Wireless Communication Antennas and associated facilities located on Buildings or on other existing Structures or on previously approved and constructed Wireless Communications Towers; Dish Antennas and windmills located on Buildings.~~
- ~~g. — Lights; poles.~~
- ~~h. — Cooling, heating or mechanical equipment when located on a Building or occupying a ground area of less than 100 square feet.~~
- ~~i. — One Accessory Building up to 240 square feet and up to 14 feet in height, for storage or other nonhabitable use, subject to all dimensional standards of the zoning district in which it is located.~~
- ~~j. — Deck or patio, or a combination of both, up to a total of 240 square feet for a Dwelling Unit in an attached Single Family residential development.~~
- ~~k. — Awning of any size, or Canopy or similar accessory Structure for shade up to 240 square feet, when over existing Impervious Surface.~~

~~A. — Approving Body~~

~~1. — City Council~~

~~City Council approval of all site plans is required unless the proposed Development is exempt from site plan review as provided above or has been delegated to the Planning Commission or administrative approval as provided below.~~

~~2. — Planning Commission~~

~~Planning Commission approval of a site plan is required for one or more of the following:~~

- ~~l. — Accessory Buildings and Structures exceeding the size of those allowed with administrative approval. Common accessory buildings and structures include garages; carports; freestanding automatic teller machines; more than one Dish Antenna on a parcel; windmills and solar panels not located on a Building; Wireless Communications Towers.~~
- ~~m. — Cooling, heating or mechanical equipment occupying a ground area exceeding the regulations of Section h.~~
- ~~n. — Outdoor storage areas, permanent outdoor sales areas.~~

- ~~o. Paving an existing Parking Lot, increasing the area in square feet of a Vehicular Use Area, or construction of a new access road or Driveway.~~
- ~~p. Modifications to an approved Natural Features protection plan or Natural Features mitigation plan that are not covered under the Site Plan for administrative approval requirements.~~
- ~~q. Any minor change listed in Section 5.29.6B.3 when there is no approved site plan on file.~~

### ~~3. Administrative Approval~~

~~Administrative approval of a site plan is required for minor changes to an approved site plan including one or more of the following:~~

- ~~r. Building additions of 10% of the existing Floor Area, up to 10,000 square feet.~~
- ~~s. Extension of a valid site plan approval for periods up to two years if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.~~
- ~~t. One Accessory Building for storage or other nonhabitable use greater than 240 square feet of Floor Area, but not to exceed 5,000 square feet of Floor Area, 5% of the Lot Area, and 14 feet in height.~~
- ~~u. Change to or addition of Development phasing lines.~~
- ~~v. Change in Building Height that does not create new Floor Area.~~
- ~~w. Relocation of sidewalks.~~
- ~~x. Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.~~
- ~~y. Relocation of refuse collection stations.~~
- ~~z. Rearrangement or reconfiguration of the parking stalls and aisles within the Vehicular Use Area of an approved site plan, subject to the off-street parking standard.~~
- ~~aa. Decrease in Building size.~~
- ~~bb. Moving a Building no more than ten feet or 5% of the distance to the closest Lot Line, whichever is smaller.~~
- ~~cc. Relocation or addition of no more than 50% of the approved storm water detention capacity.~~
- ~~dd. Change in species or placement of plant material included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.~~

- ~~ee. — Substitution of areas to be preserved in an approved Natural Features protection plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan.~~
- ~~ff. — Removal of a tree identified on the site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Administrative amendment.~~
- ~~gg. — Addition of carports over existing legal Parking Spaces.~~
- ~~hh. — Replacement or enhancement of a Wireless Communications Tower to accommodate co-location, provided that the Tower is not relocated more than 15 feet from the Base of the original Tower, nor is increased in height more than 20 feet above the original Tower height and meets all other applicable regulations.~~
- ~~ii. — Addition of Canopy Structures over Vehicular Use Areas.~~

<b>Table 5.29-1</b>	<b>Use</b>			
<u>Find Use and Activity to determine review required:</u>  <u>M = Site Plan Approval by Planning Manager</u> <u>P = Site Plan Approval by Planning Commission</u> <u>C = Site Plan Approval by City Council</u> <u>n/a = Site Plan not Required</u>	<u>1-4 Dwelling Units - Residential</u>	<u>5 or 6 dwelling Units - Residential</u>	<u>7+ Dwelling Units - Residential</u>	<u>All Other Uses (e.g. group housing, commerical, office, research, mixed-use)</u>
<b><u>Activity Accompanying Legislative Action</u></b>	-	-	-	-
<u>Any Site Plan, Area Plan, or Concept Plan accompanying a Rezoning Petition</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Any Site Plan accompanying a Special Exception Use Permit Petition</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>P</u>
<b><u>Work/Modificatons on Existing Buildings</u></b>				
<u>Additions greater than 300 square feet, but less than 10% of the existing Floor Area (maximum 10,000 square feet)</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Additions greater than 10% of the existing floor area, or 10,000 square feet</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<u>Interior construction that results in a higher number of dwelling units</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<b><u>New Construction</u></b>				
<u>Construction of Residential Building(s) in Residential Districts</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>N/A</u>
<u>Construction of Residential Building(s) in Mixed-Use or Special Purpose Districts</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>n/a</u>
<u>Construction of Mixed-Use or Non-Residential Buildings</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>P</u>
<b><u>Other Site Improvements</u></b>				
<b><u>Sidewalks</u></b>				
<u>Removal of Installed Sidewalks</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<b><u>Parking</u></b>				
<u>Rearrangement or reconfiguration of the parking stalls and aisles within the existing limits of Vehicular Use Area</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Paving an existing Parking Lot, increasing the area in square feet of a Vehicular Use Area</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<u>Construction of new access road or Driveway, or relocation of existing</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<u>Construction of new private street</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Accessory Buildings and Structures</u></b>				

<u>Any Accessory Building, Structure, Canopy, equipment or similar Structure greater than 300 square feet, not specifically listed below</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>P</u>
<u>Outdoor Deck, Patio, Plaza, or combination up to 1,000 total square feet</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Outdoor Deck, Patio, Plaza, or combination greater than 1,000 square feet</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<u>Outdoor Storage Areas; Permanent Outdoor Sales Area</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<b><u>Natural Features</u></b>				
<u>Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Substitution of areas to be preserved in an approved Natural Features protection Plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original area to be preserved in the approved protection plan</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Removal of a tree identified on a site plan as a Landmark Tree to be saved, but recognized as an Invasive Species at the time of application for approval of the Level 3 Review.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Modifications to an approved Natural Features protection plan or Natural Features mitigation plan that are not covered under the Site Plan for administrative approval requirements.</u>	<u>n/a</u>	<u>M</u>	<u>P</u>	<u>P</u>
<b><u>Revisions, Extensions, Site Plan Administrative Actions</u></b>				
<u>Change to, or addition of Development phasing lines.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Extension of a valid site plan approval for periods up to two years, if the approval is requested prior to expiration of the site plan and if the plan is in compliance with current laws and regulations.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Moving a Building no more than ten feet (Under Construction)</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Relocation or addition of no more than 50% of the approved storm water detention capacity.</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>
<u>Addition/Reconfiguration of Sidewalks on Approved Plan (Under Construction)</u>	<u>n/a</u>	<u>M</u>	<u>M</u>	<u>M</u>

Change in species or placement of plant materials included in an approved mitigation plan, as long as the change does not result in a reduction of plant material or area from the original plan and the change meets the intent of the approved mitigation plan (Under Construction).

n/a

M

M

M

## **B. Approval Procedures**

### **4.1. Preliminary Procedure**

~~jj~~a. Before submitting a site plan for formal review, the Applicant shall meet with the Planning Manager to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other materials required by Section 5.28.1 shall be filed with the Planning Manager. A site plan shall not be considered filed until all drawings and other required materials have been submitted, and a site plan may be rejected if these materials are inadequate to confirm compliance with the requirements of this chapter. The Planning Manager shall review the site plan with other appropriate City departments and the Applicant and, except in the case of a site plan for administrative approval pursuant to Subsection 5.30.1, shall make a report and recommendation on the proposed site plan to the Planning Commission.

~~kk~~b. 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 conceptual site plan and development program. The staff may provide the Applicant with their comments regarding compliance with required site plan information, the appropriate approving body, and the type of citizen participation required consistent with Section 5.28.4.

~~ll~~c. Before submitting a site plan application for formal review, the Applicant shall comply with the citizen participation requirements in Section 5.28.4.

### **5.2. City Council Approval**

For development activity described in Table 5.29-1 for City Council approval,  
~~F~~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 site plan. Upon receipt of the Planning Commission's recommendation, the City Council shall approve (with or without conditions) or deny the site plan within a reasonable time following the close of the public hearing. If approval is conditioned on changes to the site plan, the Applicant shall submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by the City Council or the site plan approval shall lapse. Any changes to a condition placed on the site plan by City Council shall require City Council approval.

### **6.3. Planning Commission Approval**

~~For development activity described in Table 5.29-1 for Planning Commission approval, the Planning Commission shall review and approve (with or without conditions) or deny a site plan. that proposes one or more of the minor modifications in Section 5.29.6B.2. If a site plan proposes any modification that would require City Council approval, then the Planning Commission shall make a recommendation to the City Council and the site plan, including the minor modifications, shall be considered in the manner provided for site plans for City Council approval. If approval is conditioned on changes to the site plan, the Applicant shall submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by the Planning Commission or the site plan approval shall lapse. Any changes to a condition placed on the site plan by Planning Commission shall require Planning Commission approval.~~

### **7.4. Administrative Planning Manager/Administrative Approval**

~~The For development activity described in Table 5.29-1 for Planning Manager approval, the Planning Manager shall review and approve (with or without conditions) or deny the site plan. site plans that propose one or more of the minor changes to an approved site plan provided in Section 5.29.6B.3 if the CSA Administrator and PSA Administrator verify in writing that the minor change will not significantly alter Natural Features shown to be preserved nor alter or conflict with the stated conditions of site plan approval. Planning Manager approval of site plans, or amendments to site plans previously approved by City Council or Planning Commission shall be reviewed and approved (with or without conditions) or denied, so long as the scope of proposed modification is consistent with the authority granted in Table 5.29-1.~~

## **B. Criteria for Site Plan Approval**

~~5.1. The City Council, Planning Commission or City Council Planning Manager shall make its decision on the site plan based on the following criteria:~~

- ~~a. The contemplated Development shall comply with all applicable local, state, and federal law, ordinances, standards and regulations.~~
- ~~b. The Development shall limit the disturbance of Natural Features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section 5.29.6F.~~
- ~~e. The Development shall not cause a public or private nuisance and shall not have a detrimental effect on the public health, safety or welfare.~~
- ~~6. The Planning Manager may approve a site plan for administrative approval if the change will not significantly alter natural features shown to be preserved nor alter or conflict with the stated conditions of the site plan approval and if the site plan is in compliance with current laws and regulations. For a PUD site plan for administrative approval, the~~

~~Planning Manager shall also determine that the proposed change does not alter the fundamental design, conceptual integrity, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations.~~

~~7. The following restrictions shall also apply to Administrative Approval of a PUD site plan:~~

~~d. Adjustment in approved phase lines shall not result in a change greater than 10% of the land area in any phase, or 10% of the number of approved Lots, or 10% of the approved maximum Floor Area.~~

~~e.c. Any decrease in Building size or changes in bedroom counts per Dwelling Unit shall not reduce the size or number of affordable housing units approved as part of the PUD site plan.~~

### **C. Effect of Site Plan Approval**

1. For three years from the date of approval of a site plan, permits may be issued and the land developed consistent with that 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 Developments. After three years from approval, if Development activities have substantially ceased during the previous year, then no permits shall be issued unless the site plan is reconsidered in the manner provided for new site plans. Nothing in the section shall prevent permits, such as Grading and Building permits, from being issued after three years from approval provided that substantial and good-faith progress has been made during the previous year.
2. An approved site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of Natural Features.
3. To obtain permits for any Building or site improvement, the property owner shall agree to construct, install or place all required site improvements in compliance with an approved site plan. All public improvements must meet current City PSA Standards and Specifications. Prior to the issuance of any Building permit, site improvements necessary to meet the requirements for fire coverage and emergency access must be installed and approved by the fire service unit.
4. The property owner shall have a continuing obligation to maintain required site improvements, Natural Features to be preserved, and Natural Features mitigation in a good condition.

### **D. Criteria for Review of a Traffic Impact Analysis**

5. The traffic and/or parking impact analysis shall be reviewed by the Public Services Area for completeness and accuracy.

6. Proposals that will contribute traffic to streets or intersections that are or will be as a result of this proposal at a level of Service D, E, or F as defined in the Highway Capacity Manual may be denied by Commission and Council until such time as necessary street or traffic improvements are scheduled for construction.

**E. Criteria for Review of Natural Features Plan**

In determining whether a proposed disturbance or removal of Natural Features is limited to the minimum necessary to allow a reasonable use of the land, the approving body shall apply the following criteria:

1. The importance and overall value of a Natural Feature, both on the Site and on a city-wide basis. In general, the importance of a Natural Feature increases with its rarity, size, age and condition.
2. The existence and overlapping Natural Features in one area. Overlapping Natural Features increase the importance and overall value for preservation of the area.
3. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between Natural Features. Whenever possible, ecological systems and continuity between Natural Features should be preserved.
4. The amount of disturbance in relation to the scale of the proposed development and to that permitted by this chapter.
5. The adequacy of the mitigation plan.