

ORDINANCE NO. ORD-11-07

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Public Hearing : June 6, 2011

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(ORGANIZATION OF BOARDS AND COMMISSIONS, &
SUBDIVISION AND LAND USE CONTROL)

AN ORDINANCE TO ADD A NEW SECTION 1:239 TO CHAPTER 8 (ORGANIZATION OF BOARDS AND COMMISSIONS), TITLE I OF THE CODE OF THE CITY OF ANN ARBOR; AND TO ADD A NEW SECTION 5:136 AND RENUMBER SECTIONS 5:136, 5:137, 5:138 and 5:139 OF CHAPTER 57 (SUBDIVISION AND LAND USE CONTROL), TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That a new Section 1:239 of Chapter 8 of Title I of the Code of the City of Ann Arbor is added as follows:

1:239 Design Review Board

(1) Intent. The Design Review Board is established to foster excellence in the design of Ann Arbor's built environment. It shall advise petitioners on how a project can meet the spirit and intent of the Downtown Design Guidelines.

(2) General.

(a) The Design Review Board shall consist of 7 members nominated by the mayor and approved by the city council. In making appointments of members of the Design Review Board, the City Council shall appoint persons who, insofar as possible, have an interest in the design of the built environment and its relationship to the downtown and the broader community. To support a comprehensive design review, 2 members of the Design Review Board shall be landscape architects, 2 shall be architects, one shall be an urban planner, one shall be a developer, and one shall be a construction contractor.

(b) Members of the Design Review Board shall serve for 3-year terms. The terms of office of the first Design Review Board members appointed hereunder shall be fixed by the City Council so that the terms of 3 members will be for 1 year, 2 members will be for 2 years, and 2 will be for 3 years. After the initial board is formed, all members thereafter will be appointed for 3 years.

(3) Powers and duties. The Design Review Board shall have the following powers and duties:

(a) To review the design of certain downtown projects, as identified in Chapter 57 (Subdivision and Land Use Control).

- (b) To provide comments to property owners, developers and architects on the proposed project design in relation to the *Downtown Design Guidelines*.
- (c) To report annually to City Council regarding the effectiveness of the design review process and make recommendations for any changes to the *Downtown Design Guidelines*.
- (d) To have all other powers and duties granted by the City Council by resolution.

Section 2. That a new Section 5:136 of Chapter 57 of Title V of the Code of the City of Ann Arbor is added as follows:

5:136. Design Review Board review for certain downtown properties

- (1) *Intent.* The intent of this section is to foster excellence in the design of Ann Arbor's built environment and apply the *Downtown Design Guidelines*, as approved by City Council, by requiring a mandatory review of certain projects in the downtown area by the Design Review Board. This section provides petitioners with the requirements of the Design Review Board's review process.
- (2) *Applicability.* Projects that meet all of the following criteria shall submit an application to the Design Review Board:
 - (a) The project is on a lot zoned D1 or D2; or is located within the Downtown Development Authority boundary on a lot currently zoned or proposed to be zoned PUD; and
 - (b) The project is on a lot that is not located within a historic district; and
 - (c) The project proposes an increase in usable floor area; and
 - (d) The project is a:
 - i. Site Plan for City Council Approval; or
 - ii. a Planned Unit Development Site Plan; or
 - iii. a Site Plan for Planning Commission Approval; or
 - iv. a Planned Project Site Plan; or
 - v. an Administrative Amendment to an Approved Site Plan that significantly alters the appearance of the building from the public right-of-way, as determined by the Planning Manager.
- (3) *Design Review Board submittal requirements.* The following steps shall be undertaken by the petitioner as part of the design review process.
 - (a) Optional pre-application meeting. The petitioner may meet with Planning and Development Services staff prior to an application to the Design

Review Board to review the *Downtown Design Guidelines* and design review requirements set forth in this section.

(b) Application. The petitioner shall submit to Planning and Development Services an application for Design Review Board review and pay the required fee. Preliminary project design plans shall be submitted with the application and shall include the following scaled drawings:

- i. Site plan
- ii. Floor plan(s)
- iii. Elevations
- iv. Sections

(c) Timing. Submission of the Design Review Board application shall occur prior to the fulfillment of the project's Citizen Participation notice and, if applicable, meeting requirements per Section 5:135 (Citizen participation for petitions that require public hearing).

(d) Number of reviews. One review by the Design Review Board is required for each site plan or planned unit development that meets the applicability criteria of Section 5:136(2) above. Additional reviews for projects with design changes are optional and must follow the requirements of this section.

(4) Required notice. A Design Review Board meeting notice shall be mailed by the City to all property owners, addresses, and neighborhood groups within the same radius required by Section 5:135 (Citizen participation for petitions that require public hearings) at least 10 business days prior to the date of the Design Review Board meeting.

(5) Design Review Board meeting and report. The petitioner shall present the project to the Design Review Board. The Design Review Board and the petitioner shall have an opportunity to discuss the design of the project and its consistency with the Downtown Design Guidelines. Following the discussion, the Design Review Board shall make a report of its discussion. This report shall be distributed to the Planning Commission and City Council as part of the site plan review and approval process and posted on the City website.

Section 3. That Sections 5:136, 5:137, 5:138 and 5:139 of Chapter 57 of Title V of the Code of the City of Ann Arbor are renumbered as follows:

5:~~136~~137 - Public information and hearings.

(1) Prior to Planning Commission recommendation and City Council final action of any area plan, site plan, PUD site plan, land division, or tentative or final preliminary plat, each body shall hold a public hearing. Prior to its final action on a site plan for Planning Commission approval, the Planning Commission shall hold a public hearing. Provided, however, whenever a wetland use permit is required by Chapter 60 in addition to the approval required under this Chapter, the public hearing or hearings required in this

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subsection shall be held concurrently with the public hearing or hearings required by Chapter 60.

- (2) Area plans, site plans, site plans for Planning Commission approval, PUD site plans, and preliminary plats under review shall be displayed in a publicly accessible location in City Hall for at least 1 week prior to the City Council and Planning Commission public hearings. Plans shall be current at the time of placement and subsequent revisions, if any, shall be available in the Planning and Development Services Unit office.
- (3) Notice of all public hearings shall be published in a local daily newspaper of general circulation at least 1 week prior to the public hearing.
- (4) Prior to the Planning Commission's public hearing, the Planning and Development Services Unit shall mail a notice letter to the person being assessed for the property which is subject of any area plan, site plan, land division, or preliminary plat; all persons being assessed for property within 300 feet; neighborhood associations duly registered with the Planning and Development Services Unit which represent owners of property within 300 feet; and insofar as is possible, all occupants within 300 feet. The notice shall describe the requested approval; identify the property; state the date, time, and place of the Planning Commission's public hearing; and be mailed not earlier than 15 days before or less than 1 week before the Planning Commission's public hearing. A second public hearing will be held in the same manner if either:
 - (a) Final action by the Planning Commission is delayed more than six months after the initial public hearing; or
 - (b) In the judgment of Planning and Development Services Unit Staff, the project plan has been substantially revised.
- (5) A notice shall be posted by the Planning and Development Services Unit on the affected property prior to the Planning Commission's public hearing stating that Planning Commission action is scheduled for any area plan, site plan, site plan for Planning Commission approval, PUD site plan, land division, or preliminary plat. This notice shall include information provided in the mailed notice. It shall be placed in a conspicuous location within 10 feet of the front lot line of the affected property at least 1 week prior to the date the request is being acted upon by the Planning Commission.

5:~~137~~138 - Conflict with Code.

No approval of any plan, plat or division pursuant to this chapter shall be construed as authorizing any improvement or action not in compliance with all provisions of this Code. If such a conflict appears, permits may be issued only in accordance with the applicable Code provisions. However, plans may be approved which are subject to approval of variances or other action of appeal boards.

5:~~138~~139 - Regulations.

The Planning Commission shall adopt land development regulations regarding the form, number of plans and information required with plats and plans submitted pursuant to this chapter. The information required shall include that which is necessary to determine whether the plans and plats comply with all applicable laws to permit the Planning Commission to make recommendations for alterations, to make plans and plats compatible with adjacent uses and to permit the commission to determine the effect of proposed improvements on natural land features and historic buildings. Prior to taking effect, such regulations must be approved by the City Council.

5:~~139~~140 - Penalties.

Violation by any person of any provision of this chapter constitutes a civil infraction punishable by a fine of not more than \$500.00 per violation plus all cost incurred by the City in connection with the infraction that are taxable pursuant to state law, and equitable relief necessary to enforce the ordinance as provided by law, including, but not limited to, mitigation. Each day upon which such violation shall occur shall constitute a separate offense. In addition to these penalties, the City Attorney may commence suit in a court of appropriate jurisdiction to abate any nuisance resulting from a violation of the provisions of this chapter.

~~5:139, 5:140. - Reserved.~~

Section 4. That this ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the Council of the City of Ann Arbor, Michigan, adopted the foregoing ordinance at its regular session of June 6, 2011.

Date

Jacqueline Beaudry, City Clerk

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Ann Arbor City Clerk's webpage on June 9, 2011.

Jacqueline Beaudry, City Clerk