

ORDINANCE NO. ORD-18-20

First Reading: July 16, 2018
Public Hearing: August 23, 2018

Approved: August 23, 2018
Published: October 25, 2018
Effective: October 31, 2018

UNIFIED DEVELOPMENT CODE
(SPECIAL EXCEPTION USE AS A TYPE I
CITIZEN PARTICIPATION APPLICATION)

AN ORDINANCE TO AMEND SECTIONS 5.27.1 AND 5.28.4 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 5.27-1 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5.27.1 Summary Procedures Table

In Table 5:27-1, the initial “R” indicates that the body has authority to make a recommendation to another body regarding the application, but does not have the power to make a decision on the application. The initial “D” indicates that the body has authority to make a decision regarding the application. The initial “A” indicates that the body is authorized to hear appeals of that type of decision. The column for “Courts” is not intended to create additional rights to appeal not recognized by the Courts of Michigan, or to indicate that the City recognizes a particular right of appeal, but to indicate that there is no body within the City authorized to hear an appeal of that type of decision and that any effort to find relief from the City’s decision will need to be sought outside the City government.

TABLE 5:27-1: PROCEDURES SUMMARY TABLE									
Legend R = Recommendation D = Decision A = Appeal M= Mailed Notice S = Sign Notice N = No Y = Yes	Section	Public Notice Required ?	Citizen Participation		Review, Decision, and Appeal Authority				
			Notification Required?	Meeting Required?	Planning & Development Services	Zoning Board of Appeals	Planning Commission	City Council	Courts
Type of Application									
Zoning Permit	5.29.1	N	N	N	D	A			
Sign Permit	5.29.2	N	N	N	D	A			
Grading Permit	5:29.3	N	N	N	D	A			
Wetlands Use Permit	5.29.4	N	N	N	R[1]		R	D	A
Special Exception	5.29.5	Y	Y	Y	R		D		A
Site Plan for Administrative Approval	5.29.6	Y	Y	N	D	A			
Site Plans for Planning Commission approval	5.29.6	Y	Y	Y/N	R		D		A
Site Plans for City Council	5.29.6	Y	Y	Y/N	R		R	D	A

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			Notification Required?	Meeting Required?	Planning & Development Services	Zoning Board of Appeals	Planning Commission	City Council	Courts
approval									
Area Plans	5.29.7	Y	Y	N	R		R	D	A
Subdivision	5.29.8	Y	Y	Y/N	R		R	D	A
Land Division	5.29.8	Y	N	N	D		A		
Rezoning	5.29.9	Y	Y	Y	R		R	D	A
Rezoning to PUD	5.29.10	Y	Y	Y	R		R	D	A
Appeals to ZBA	5.29.11	Y	N	N		D			
Subdivision Appeals	5.29.11	Y	N	N			D		
Variance	5.29.12	Y	N	N	R	D			A
NOTES: [1] Review of Wetlands Permits is by Systems Planning Unit rather than PDSU									

Section 2. That Section 5.28.4 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5.28.4 Citizen Participation Requirements

A. Purpose

The intent of this Section 5.28.4 is to:

1. Ensure that Applicants seeking approval of certain applications that require public hearings pursue early and effective citizen participation in conjunction with their proposed Developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the Development of their neighborhood and community.
2. Provide clear expectations and formal guidance for Applicants to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed Development may have on the community.
3. Facilitate ongoing communications between Applicants and interested or potentially affected citizens throughout the application review process.

B. Type 1 Applications

1. For purposes of this Section 5.28.4, a Type 1 application includes:
 - a. any application for a new or amended planned project site plan
 - b. a new or amended planned unit development zoning district
 - c. an amendment to the zoning map

- d. a proposed project containing over 80 Dwelling Units
 - e. a proposed project over 65 feet in height
 - f. a proposed project containing over 50,000 square feet of Floor Area
 - g. a Special Exception Use Permit
 - h. any proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning Manager
2. For Type 1 applications, the following requirements shall be completed by the Applicant:
- a. Preliminary Meeting

The Applicant shall meet with the PDSU to review the requirements set forth in this Section 5.28.4.

b. Required Notification

The Applicant shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project site, as well as the PDSU, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the PDSU. An electronic copy of the information must also be provided to the PDSU at least ten business days prior to the date of the citizen participation meeting to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written information shall include all of the following in a format provided by the PDSU:

- i) A statement explaining the citizen participation requirements, including identification of who is sending the notice, an explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the Applicant.
 - ii) A statement that an application is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the Development and site plan.
 - iii) The Applicant's schedule for citizen participation meetings, the anticipated application submittal date and the anticipated City review and approval schedule.
 - iv) The date, time, and location of the meetings.
 - v) How citizens will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.
- c. Citizen Participation Meeting

The Applicant shall hold at least one citizen participation meeting at least ten Business days prior to the established application submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the PDSU.

d. Final Citizen Participation Report

The Applicant shall provide a written report in a format provided by the PDSU on the results of its citizen participation activities as part of the required information submitted for approval. At a minimum, the report shall include all of the following information in a format provided by the PDSU:

- i) Detailed description of the Applicant's efforts used to involve citizens, including dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications.
- ii) A written statement of the number of citizens sent notices by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
- iii) A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the Applicant has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

C. Type 2 Applications

Type 2 Applications include any other type of application that requires a public hearing under this chapter but is not covered by Subsection 5.28.4B for Type 1 applications. The following requirements shall be completed by the Applicant:

1. Required Notification

The Applicant shall mail a written announcement to all property owners, addresses and registered neighborhood groups within 500 feet of the proposed project site, as well as the PDSU, within five business days of acceptance of the application by the PDSU. Addresses shall be provided by the PDSU. An electronic copy of the announcement must also be provided to the PDSU within five Business days of acceptance of the application to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written announcement shall include all of the following information in a format provided by the PDSU:

- a. A statement that an application has been submitted with a written description of the proposal and a conceptual sketch of the Development and site plan.
- b. How citizens who have been sent notices will be provided an opportunity to discuss the application with the Applicant and

express any concerns, issues, or problems they may have with the proposed project.

2. Citizen Participation Report

The Applicant shall provide the PDSU with written documentation of any meetings or discussions that are held with citizens at least ten business days prior to the Planning Commission public hearing on the application.

D. Waiver of Requirements

The Planning Manager may waive these requirements for applications to amend the zoning map when:

1. The requested zoning designation is PL (Public Land).
2. The application is to annex a parcel of less than two acres and zone the parcel for Single-Family residential use.
3. There is no proposed change in land use and no Development is proposed.

The Planning Manager may waive these requirements for any Special Exception Use Permit that they determine to be a temporary use.

Section 3. This ordinance shall take effect and be in force on October 31, 2018.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of August 23, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on October 25, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk