

UNIFIED DEVELOPMENT CODE
(PLANNED PROJECT SITE PLAN MODIFICATIONS)

AN ORDINANCE TO AMEND SECTION 5.30.1 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

Amendment Draft June 18, 2020

Section 1. **Replace** Section 5.30.1 of Chapter 55 Unified Development Code with the following:

5.30.1 Planned Project Modification

A. Intent and Purpose¹

Planned project modifications are intended to provide a limited degree of flexibility for placement, height, design, and lot area, for site plans without the need for a PUD zoning designation. The purpose of these modification is to encourage and realize developments that: preserve natural features; provide pedestrian-friendly, pedestrian-first design; sustainability; adaptively reuse; provide affordable housing; maximize downtown design guideline, or; permanently preserve open space for certain low-density single-family residential developments. The placement, height, design, and lot area for Permanent Open Space developments, numerical dimensional standards required in this Chapter may be modified as specifically allowed, for the reasons articulated, in this Section, with the added requirements and further limitations provided, so that the development may better achieve the goals of the Master Plan, intent of this Chapter, and provide for the best practices in new development and redevelopment.

B. Eligible Modifications² (Eligible Modifications and Limitations³)

1. Required Setbacks as provided in Section 5.17, Tables 5:17-1 through 5:17-5.
2. Maximum Height as provided in Section 5.17, Tables 5:17-1 through 5:17-5.
3. Building Massing Standards as provided in Section 5.17, Table 5:17-6.
4. Building Front Setback Standards as provided in Section 5.17, Table 5:17-7.
5. Design requirements provided in Section 5.17.6.C.2.
6. Minimum Lot Area per Dwelling Unit in the R1A district as provided in Section 5.17, Table 5:17-1.

¹ All new purpose statement to reflect the new content.

² New paragraph on eligible modifications. No specific list was previously provided.

³ Alternative heading if limitations are introduced.

C. Prohibited Modifications⁴

Only the numerical dimensional standards listed in Section B above may be modified. No flexibility or modifications to permitted uses, floor area ratio, or density, or to any other development standard not listed in Section B shall be considered or approved, except for other specific modifications provided in Section 5.30.

D. Submittal Requirements

In addition to all required information for site plans, an Applicant for a planned project modification shall submit the following information and materials:

1. An application identifying the specific sections of this chapter to be modified and explaining how the modifications will achieve the intent of planned project modifications and meet the standards described below.
2. For modifications to the Minimum Lot Area per Dwelling Unit in the R1A district for a site plan with Permanent Open Space, an alternative layout of the proposed development showing the same number of Lots and the maximum number of Lots that could be realized without the modification while complying with all other applicable development standards and requirements.

E. Procedures⁵

1. Site Plan Review

Site plans including planned project modifications shall be subject to the same procedures and requirements as sites plans without a planned project modification application.

2. Planning Manager Review and Recommendation

As part of its report to the Planning Commission and City Council, the Planning Manager shall include analysis of the planned project modifications for compliance with the required procedures and standards of approval, and shall provide a recommendation for approval, approval with conditions, or denial, of the planned project modifications to the Planning Commission and City Council for their consideration.

3. Planning Commission Review and Recommendation

The Planning Commission shall hold a public hearing and shall including in its recommendation to City Council whether to approve, approve with conditions, or deny the planned project modifications as part of a proposed site plan.

4. City Council Approval

Upon receipt of the Planning Commission's recommendation, the City Council shall approve or deny the planned project modifications as part of its approval of the site plan, adding conditions as deemed necessary to ensure conformance with

⁴ New paragraph on prohibited modifications for clarity. No such paragraph existed before.

⁵ Procedures generally the same but simplified and clarified for ease of use and consistency. Focus is now on how to address the actual application for planned project modifications and no longer regulates as a separate, distinct type of site plan.

the added requirements of planned project modifications provided in this Section.

F. Standards for Approval⁶

Eligible modifications may be approved in conjunction with a site plan approval when all of the following standards for approval are met:

1. The development includes all of the following features⁷:
 - a. Electricity panels and conduit capable of serving the entire electric load of all systems in the development
 - b. All electric residential appliances in dwelling units, if applicable
 - c. Solar panels covering an area equal to at least 30% of the building footprint(s), or geothermal energy, **or ...?**
2. The modification is for one, or more, of purposes listed in Table 5.30-1.

TABLE 5.30-1: PLANNED PROJECT MODIFICATION PURPOSES			
Category	Purpose ⁸	Required Conditions	Modification Limitation ⁹
Natural Features Preservation	To preserve all natural features on site	No disturbance to any natural feature. No net reduction in required setback area.	
Pedestrian-friendly, pedestrian-first Design	To arrange buildings for optimal pedestrian access		
	To create pedestrian and amenity plazas that connect with public sidewalks, parks or other publicly accessible facilities		
	To provide comfortable sidewalk and amenity zones that cannot be accommodated solely in the adjacent public right-of-way		
	To align with sidewalks, walkways, or plazas on adjacent developments		
	To provide facilities that support nonmotorized transportation or sharing services		
	To allow convenient placement of accessory structures for parking, storage, and use of nonmotorized transportation		

⁶ All new section. Focus is on approval of the planned project modifications themselves, and not on approval of the site plan.

⁷ Prerequisites are all new concept for planned project modifications.

⁸ Purposes replace concept of benefits for clarity and consistency.

⁹ A modification limitation, either as a percentage or a stated maximum dimension, may be necessary. Example, Maximum 20% Increase; Up to 20 feet.

TABLE 5.30-1: PLANNED PROJECT MODIFICATION PURPOSES

Category	Purpose ⁸	Required Conditions	Modification Limitation ⁹
Sustainability	To accommodate pervious or porous hardscape materials for the significant majority of the site		
	To enable all stormwater to be reused on the site		
	To enable solar panels equaling more than 50% of the building footprint(s) area to be provided on the site		
	To achieve electrification of the development		
Preservation and Adaptive Reuse	To incorporate all or a substantial portion of an existing building or structure into a redevelopment		
	To allow an addition to an existing building so that it is adaptively reused		
	To enable new buildings to be designed for universal uses		
Affordable Housing or Mixed Uses	To enable affordable dwelling units in the development	At least half of all dwelling units are affordable housing	
	To enable mixed uses in the development	At least 1/3 of the uses are residential and at least 1/3 of the uses are commercial	
Downtown Design	To maximize the extent of how a development satisfies the Downtown Design Guidelines when strict conformity with the design requirements of Section 5.17.6.C cannot be achieved	Modifications limited to building placement, architectural design or use of building materials In the D1 or D2 zoning district	
Residential Development	To develop a zero lot line residential development containing attached single-family dwellings on individual lots	See Section G for required conditions.	
	To set aside an area of a residential development as permanent open space	See Section G for required conditions.	

G. Required Conditions for Residential Developments¹⁰

1. Zero Lot Line Residential Development

In this case, zero lot line residential development shall mean a site plan containing attached Single-Family Dwelling Units on individual Lots. Modifications shall enable zero lot line residential development, however, the

¹⁰ Same required conditions as before in new format.

number of Dwelling Units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed development is located.

2. Permanent Open Space Residential Development

- a. The Development site is at least 2 acres.
- b. At least 20% of the total area of the Development must be set aside for Permanent Open Space preservation.
- c. The area of each Lot or limited common area of a condominium shall be 10,000 square feet or greater, exclusive of the Permanent Open Space.
- d. The Minimum Required Front Setback shall not be reduced to less than 30 feet, the Minimum Required Side Setback shall not be reduced to less than 5 feet, and the Minimum Required Rear Setback shall not be reduced to less than 40 feet.
- e. The 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 link parks, nature reserves, cultural features, or historic sites with each other for passive recreation or for conservation purposes.
- f. Land in Permanent Open Space may, be is not required to be, dedicated to the use of the public.
- g. 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.
- h. The option of utilizing a conservation easement or plat dedication for Permanent Open Space preservation may only be exercised one time on a parcel or Development site of land.

Section 2. **Significantly Revise** Section 5.30.4 of Chapter 55 Unified Development Code as follows:

5.30.4 Amendments to Development Approvals¹¹

B. Planned Project Modifications

1. Approved Site Plans

An approved site plan with planned project modifications may be amended as provided in this Section 5.30.4B as long as those design elements that were identified in the development program as justification for approval of the planned project modifications are not reduced or eliminated, and more specifically:

- a. The proposed changes shall not alter the basic design or any specific conditions or expressly prohibited amendments of the plan as approved by City Council.
- b. The recorded conservation easement or binding legal instrument providing for Permanent Open Space preservation shall not be extinguished. The Planning Manager shall record all such amendments on the original planned project site plan.
- c. Relocation of landscaping or changes in species of landscape materials shall not reduce minimum landscape requirements or violate prohibited activities under a recorded conservation easement or binding legal instrument for Permanent Open Space preservation.
- d. Any recreation or maintenance facilities shall not violate the activities prohibited under a recorded conservation easement or binding legal instrument for Permanent Open Space preservation.

2. Planned Project Modifications

Amendments to an approved planned project modification shall be considered in the same manner provided for new applications for planned project modifications in Section 5.30.1.

¹¹ This section has been significantly revised for clarity and consistency with practices. Headings added to clarify procedures for amendments to site plans that do not affect planned project modifications (paragraph 1) versus amendments to the planned project modifications themselves (paragraph 2).

3. Land Divisions¹²

Planning Commission review and City Council approval is required to divide a planned project parcel that is not already regulated by the Subdivision Control Act of 1967, as amended. The City Council shall approve the division only if it determines that the resulting parcel(s) will comply with all applicable laws and will not affect the objectives of the planned project as originally approved. If Permanent Open Space preservation was provided by the planned project approval, the following shall also apply:

- a. The same or a substantially similar request shall not have been presented to the City Council previously and expressly denied and rejected after public hearing.
- b. The option of utilizing a conservation easement, plat dedication or other binding instrument for Permanent Open Space preservation of 20% or greater of the total area shall be exercised no more than one time on a parcel of land.

Section 3. **Amend** Section 5.29.6 of Chapter 55 Unified Development Code as follows:

5.29.6 Site Plans

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:

- a. Building additions of 10% of the existing Floor Area, up to 10,000 square feet.
- b. 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, except for any site plan with approved planned project modifications.¹³
- c. 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.
- d. Change to or addition of Development phasing lines.
- e. Change in Building Height that does not create new Floor Area.
- f. Relocation of sidewalks.

¹² No change to this paragraph other than added heading for clarity.

¹³ Requirement moved here for better organization and ease of administration.

- g. 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.
- h. Relocation of refuse collection stations.
- i. 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.
- j. Decrease in Building size.
- k. Moving a Building no more than ten feet or 5% of the distance to the closest Lot Line, whichever is smaller.
- l. Relocation or addition of no more than 50% of the approved storm water detention capacity.
- m. 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.
- n. 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.
- o. 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.
- p. Addition of carports over existing legal Parking Spaces.
- q. 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.
- r. Addition of Canopy Structures over Vehicular Use Areas.