

UNIFIED DEVELOPMENT CODE
(Public Notices and Hearings)

AN ORDINANCE TO AMEND SECTION 5.28.2, 5.28.3, 5.29.4, 5.29.6, 5.29.7, and
5.29.11 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 5.28.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.28.2 Public Notices

A. Published Notice of Public Hearings

Notice of all public hearings shall be published in a newspaper of general circulation not less than 15 days prior to the public hearing.

B. Mailed Notice of Public Hearings

Notice of all public hearings shall be mailed not less than 15 days prior to the public hearing. The mailed notice shall:

- a. Be sent to the owners and occupants, and the owners and occupants of properties within 300 feet, of the property that is the subject of the public hearing, regardless of jurisdiction.
- b. Be sent to neighborhood associations registered with the PDSU representing owners and occupants of property within 300 feet of the property that is the subject of the public hearing.
- c. Describe the nature, date, time, place of the public hearing.
- d. State the address or addresses of the property that is the subject of the public hearing. If there are 11 or more addresses, a description of the location may be substituted.
- e. Indicate when, where, and how comments may be made concerning the public hearing.
- f. If the name of an occupant is not known, the term "occupant" or "postal customer" may be used.

C. Posted Notice for Public Hearings

Notice shall be posted on a property that is the subject of a public hearing held by the Planning Commission not less than 7 days prior to the public hearing except when the subject of the public hearing is one property associated with zoning or rezoning for single-family residential use or a chapter text amendment. Posted notices shall include the same information required for mailed notices for public hearings.

D. Published Notice of Chapter Text Amendments

Notice of an adopted amendment of this chapter, including an amendment to the Zoning Map, shall be published in a paper of general circulation within 15 days of adoption. The notice shall include:

1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the full text of the amendment.
2. The effective date of the amendment.
3. The time and place where a copy of the amendment may be inspected or purchased.

Section 2. That Section 5.28.3 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.28.3 Public Hearings

A. General Requirements

Public hearings shall be held by the City Council, Planning Commission, and Zoning Board of Appeals as required by the procedures in this chapter.

B. Continued, Delayed, or Substantially Revised

When a public hearing that is continued to an unspecified date or when the subject of the public hearing has been substantially revised in the judgement of the Planning Manager, shall be noticed as required by Section 5.28.2.

Section 3. That Section 5.29.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.29.4 Wetland Use Permit

A. Applicability

1. Except as otherwise provided in this Section or by a wetland use permit approved by the City, no Person shall:
 - a. Deposit or permit the placing of fill material in a wetland.
 - b. Dredge, remove, or permit the removal of soil or minerals from a wetland.

- c. Construct, operate, or maintain any use or development in a wetland, including draining or directing water from an upland activity into a wetland.
- d. Drain surface water from a wetland.

B. Non-Regulated Activities

The following activities are not regulated by this Section 5.29.4:

- 1. The activities that are allowed in a wetland without a permit by Pat 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- 2. Stormwater retention/detention basins not intended nor acting as mitigation of any wetlands disturbed by development.
- 3. Construction of or addition to a single-family or two-family dwelling on an approved subdivision or condominium that is less than three-quarters of one acre in size and zoned solely for residential purposes where the wetland is wholly contained on the lot.

C. Application for Wetland Use Permit

Applications for a wetland use permit shall be filed with the PDSU as prescribed below, and shall include the following:

- 1. A completed copy of the State-approved Application for Permit and Application for Local Wetland Permit, with each section thoroughly completed.
- 2. Drawings that contain, at a minimum, the information provided for on the Application for Permit.
- 3. A signed letter from the applicant that explains why the project meets the wetland use permit standards and criteria contained in Section 5.23.9 and 5.29.4.G.
- 4. A mitigation plan shall be submitted, if mitigation is proposed. In order to adequately review a proposed mitigation plan, the following information shall be provided to the PDSU:
 - a. A brief overview of the plan including the short-range and long-range objectives for vegetation, hydrology, grading, and monitoring.
 - b. A schedule of all mitigation activities, including coordination with other local and state agencies, if applicable.
 - c. A planting plan and plant list for the area(s) to be established. The use of native plants characteristic of local conditions is

encouraged. Species should be selected based on the need for wildlife, restoration, landscaping, and recovery. The PSA Administrator shall, in consultation with knowledgeable Persons, maintain and update a list of botanical species which are considered invasive. Mitigation activities shall be performed without the use of invasive species.

- d. A grading and soil erosion control plan including existing and proposed conditions.
 - e. A description of all soils and materials to be used including their approximate volumes and origin.
 - f. Hydro-geological information sufficient to determine the site's suitability for the mitigation.
 - g. Construction detail drawings for planting, soil erosion control, stabilization, water conveyance, and all other items necessary to facilitate the review.
5. A monitoring plan (text or drawings or both) shall be submitted, if mitigation is proposed. In order to adequately review a monitoring plan, the following information shall be provided to the PDSU:
- a. A schedule and list of activities to be contracted and conducted related to the site's hydrology, including sub-surface and surface water for a period of at least five years. A report and recommendation on the hydrologic conditions of the site should be submitted to the PSA Administrator annually.
 - b. A schedule and list of activities to be contracted and conducted related to the site's plant establishment and control of invasive exotic species for a period of at least five years. A report and recommendation on the plant establishment of the site should be submitted to the PSA Administrator annually.
 - c. To assure that the objectives established in the mitigation plan are successful, the monitoring plan should indicate the mechanisms necessary to execute the recommendations from the annual reports and provide for additional monitoring after the five-year period.

D. Administrative Review Procedures

- 1. Upon receipt of an application, the applicant shall forward the application and supporting documentation and plans to the Michigan Department of Environmental Quality (MDEQ) for review and comment.

2. The PSA Administrator shall review the wetland use permit application to verify that all required information has been provided. At the request of the applicant or the City, an administrative meeting may be held to review the proposed activity in light of the purposes of this chapter.
3. Upon receipt of a complete application, the PSA Administrator may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received. The receipt of a wetland use permit application shall comprise the property owner's permission to complete an on-site investigation.
4. If an MDEQ permit is required, the PSA Administrator shall coordinate field investigations with state agency personnel to the maximum feasible extent.
5. Plans for wetland mitigation shall be reviewed only after the requirements of Section 5.29.4.G have been met.
6. It shall be the responsibility of the PSA Administrator to select a qualified wetlands consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the City, if the PSA administrator determines its necessity.
7. When a wetland use permit application is not related to a site plan or activity necessitating review and approval of a site plan or plat by the Planning Commission or City Council, the CSA Administrator shall be responsible for granting or denying the application.
8. Prior to the decision of the CSA Administrator, notice of the wetland use permit application shall be sent by first-class mail to property owners within 300 feet of the boundary of the property upon which the activity is proposed at least ten days before the CSA Administrator makes a decision on the application, which notice shall indicate where and when the wetland use permit application may be examined and that the property owners receiving notice may file comments with the CSA Administrator.

E. Planning Commission Review

After the CSA and PSA have completed their review of a wetland use permit application, the application shall be referred to the Planning Commission if it relates to a proposed site plan or activity that requires review by the Commission pursuant to another provision of this chapter. The Planning Commission shall:

1. In the case of a site plan for City Council approval or a preliminary plat, make a recommendation to the City Council whether the wetland use

permit should be issued along with the related site plan or preliminary plat recommendation .

2. In the case of a site plan for Planning Commission approval, approve, approve with conditions, modify, , or deny the wetland use permit application.

F. City Council Review

Upon receipt of the Planning Commission recommendation on a wetland use permit application and the related site plan or preliminary plat that relates to a proposed development or activity that requires City Council approval, the City Council shall approve, approve with conditions, modify, or deny the wetland use permit application.

G. Wetland Use Permit Conditions

1. A wetland use permit shall allow development of land consistent with the permit and the plans, regulations, laws, and ordinances in effect at the time the wetland use permit is approved.
2. A wetland use permit issued under this Section 5.29.4 does not relieve the applicant from the duty to obtain any required approvals from other local, state, and federal government agencies, nor shall issuance of permits issued by other agencies relieve an applicant of the need to obtain approvals required under this chapter.
3. A wetland use permit shall become invalid if the authorized work is not commenced within six months of the date issued, or is suspended or abandoned for a period of six months after termination of substantial operations as determined by the CSA Administrator.
4. Whenever the City approves the issuance of a wetland use permit, it may:
 - a. Issue permits on a City-wide basis for a category of activities if the City determines that the activities are similar in nature, will cause only minimal environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.
 - b. Impose conditions on a wetland use permit for a use or development if the conditions are designed to remove an impairment to benefits gained from wetlands, or if they are designed to mitigate the impact of a discharge of fill material, or if they will otherwise improve water quality.
 - c. Establish a reasonable time when the construction, development, or use is to be completed or terminated.

H. Wetland Use Permit Approval Criteria

Applications made pursuant to this chapter shall be reviewed and shall be modified, approved (with or without conditions), or denied within 90 days of receipt of a complete application. An application for a permit shall not be deemed as received or filed until the City has received all information requested on the application form, the application fee, and other information required by this chapter and necessary to reach a decision. The period for modifying, approving or denying an application begins as soon as all such information and the application fee are received by the City. If the City does not modify, approve, or deny the permit application within 90 days, the permit application shall be considered approved.

In making a determination whether to approve a wetland use permit application, the Planning Commission, the City Council, or the CSA Administrator shall consider the following standards and criteria:

1. Failure to supply complete information with a permit application may be reason for denial of a permit. The denial of a permit shall be accompanied with a written reason for denial.
2. Except as provided in Section 5, a permit for an activity listed in Section 5.29.4.A and not exempted by Section 5.29.4.A.1 shall not be approved unless the City determines that the issuance of a wetland use permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.
3. In determining whether the activity is in the public interest, the benefit that reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect local, state, and national concern for protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:
 - a. The relative extent of the public and private need for the proposed activity.
 - b. The availability of feasible and prudent methods and alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the protected wetland provides.
 - d. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

- e. The probable effect on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f. The size of the wetland being considered.
 - g. The amount of remaining wetland in the general area.
 - h. Proximity to any waterway.
 - i. Economic value, both public and private, of the proposed land change to the general area.
- 4. A wetland use permit shall not be issued unless the applicant has shown that the project or activity covered by the permit will not result in an unacceptable disruption to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria in (I) Section 30302 of Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and (ii) Section 3 shall be considered. A permit shall not be issued unless the applicant also shows either of the following:
 - a. The proposed activity is primarily dependent upon being located in the wetland.
 - b. A feasible and prudent alternative does not exist.
- 5. Upon application for a wetland use permit in a noncontiguous wetland that is less than two acres in size, the City shall approve the permit unless the City determines that the wetland is essential to the preservation of the natural resources of the City. The City shall provide these findings in writing to the permit applicant stating the reasons for its determination. In making this determination, the City must find that one or more of the following exist at the particular site:
 - a. The site supports state or federal endangered or threatened plants, fish or wildlife appearing on a list specified in Part 365 of the Natural Resources and Environmental Protection Act, 1994 PA 451.
 - b. The site represents what is identified as a locally rare or unique ecosystem.
 - c. The site supports plants or animals of an identified local importance.
 - d. The site provides groundwater recharge documented by a public agency.
 - e. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

- f. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- g. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- h. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- i. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- j. The site provides sources of nutrients in water food cycles and nursery grounds, and sanctuaries for fish.

I. Wetlands Mitigation Approval

- 1. As authorized by this Section 5.29.4, the City may impose conditions on a wetland use permit for a use or development if the conditions are designed to remove an impairment to the wetland benefits, to mitigate the impact of a discharge of fill material, or otherwise improve the water quality.
- 2. The City shall consider a mitigation plan if submitted by the applicant and may incorporate the mitigation actions as permit conditions for the improvement of the existing wetland resources or the creation of a new wetland resource to offset wetland resource losses resulting from the proposed project. Security may be required by the City to ensure that mitigation is accomplished as specified by the permit conditions. The City will, when requested by the applicant, meet with the applicant to review the applicant's mitigation plan.
- 3. In developing conditions to mitigate impacts, the City shall consider mitigation to apply only to unavoidable impacts that are otherwise permissible utilizing the criteria under Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Mitigation shall not be considered when it is feasible and prudent to avoid impacts or when the impacts would be otherwise prohibited under this Section 5.29.4.
- 4. When considering mitigation proposals, the City shall make all of the following determinations:
 - a. That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.

- b. That all practical means have been considered to minimize impacts.
 - c. That it is practical to replace the wetland resource values that will be unavoidably impacted.
- 5. If the City determines that it is practical to replace the wetland resource values that will be unavoidably impacted, the City will consider all of the following criteria when reviewing an applicant's mitigation proposal:
 - a. Mitigation shall be provided on-site where practical and beneficial to the wetland resources.
 - b. When subdivision a. of this subsection does not apply, mitigation shall be provided in the immediate vicinity of the permitted activity and within the same sub-watershed of the Huron River within which the proposed wetland use is located (i.e., the Allen Creek, Fleming Creek, Honey Creek, Malletts Creek, Miller Creek, Swift Run Drain or Traver Creek sub-watersheds) where practical to the wetland resources. If the proposed wetland use is not within one of these listed sub-watersheds, then mitigation may be within the Huron River direct discharge area, provided that mitigation in the Huron River direct discharge area shall be within the City limits or within one mile upstream of the City limits. Mitigation upstream of the proposed wetland use is preferred.
 - c. Only when it has been determined by the PSA Administrator that subdivisions a. and b. of this subsection are inappropriate and impractical shall mitigation be considered elsewhere.
 - d. Any proposal shall assure that, upon completion, there will be no net loss to the wetland resources. Any mitigation plan approved under this Section 5.29.4.H shall provide replacement of wetlands disturbed at a ratio of no less than 1.5:1 and no more than 2:1, in accordance with the current federal rules and state operating procedures. If those rules and procedures change, the most current ratio shall be used.
 - e. The proposal shall give consideration to replacement of the predominant functional values lost within the impacted wetland.
- 6. Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule is agreed upon between the City and the applicant.

7. Monitoring to establish documentation of the functional performance of the mitigation may be required as a permit condition, as well as necessary corrective actions required, to deliver the wetland resource values identified.

J. Approval for Public Projects and Activity in Wetland and Watercourse Buffer Areas

City Council may determine that there is a legitimate public need for a proposed public project that is greater than the need to protect a wetland, and that the project may be exempted from certain requirements of this Section 5.29.4. The general criteria below shall also be applied when authorizing activity in wetland and watercourse buffer areas as provided in Sections 5.23.8 and 5.23.9.

1. For a project to be considered for exemption from any requirement of this Section 5.29.4, City Council must find, after full review and public hearing, that all of the following exist:
 - a. The project is either being performed by or required by a public agency.
 - b. There is a legitimate public need for the project that is greater than the need to protect a wetland.
 - c. The proposed use cannot reasonably be accomplished utilizing alternative designs on-site.
 - d. A reduction in the size, scope, configuration, or density of the design that would avoid, or result in less, adverse impact on a regulated wetland cannot be reasonably accomplished.
 - e. Mitigation shall be provided to the maximum extent possible within the scope of the project.
2. In determining whether the legitimate public need for the project exceeds the need to protect a wetland, the City Council must find the benefit reasonably expected to accrue from the project shall be greater than the reasonably foreseeable detriments of the activity. The following general criteria shall be considered:
 - a. The relative extent of the public need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public uses to which the area is suited, including the benefits the wetland provides.

- d. The probable impact of the project in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f. The size of the wetland being considered.
- g. The amount of remaining wetland in the general area.
- h. Proximity to any waterway.
- i. Economic public value of the proposed land change to the general area.

K. Assessment Revaluation

- 1. If a wetland use permit is denied by the City for a proposed use, the landowner may request a revaluation of the affected property for assessment purposes to determine its fair market value under the wetlands use restrictions.
- 2. A landowner who is aggrieved by a determination, action, or inaction under this Section 5.29.4. may protest and appeal that determination, action, or inaction pursuant to the General Property Tax Act (Act 206, Public Acts of 1893), as amended, (MCL 211.1--211.157).

Section 4. That Section 5.29.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.29.6 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 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.

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE

Required approval is determined by the land use and development activity. See bottom for key.

DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
ZONING/SPECIAL EXCEPTION USE ACTIONS				
Any site plan, area plan, or conceptual PUD plan accompanying a rezoning petition	C	C	C	C
Any site plan accompanying a special exception use petition				P
EXISTING BUILDING WORK/MODIFICATIONS				
Existing Buildings				
Additions more than 300 square feet up to 10,000 square feet and less than 10% of the existing floor area		M	M	M
Additions more than 10,000 square feet, or greater than 10% of the existing floor area		M	P	P
New Buildings (Principal) and Structures				
New residential building(s) in Residential Zoning Districts		M	P	
New residential building(s) in Mixed-Use or Special Purpose Zoning Districts	P	P	P	
New mixed-use or nonresidential building(s)				P
Wireless communications tower construction or replacement				P
Accessory Buildings and Structures				
Any accessory building, structure, canopy, equipment or similar structure greater than 300 square feet not specifically listed below.		M	M	P
Deck, patio, plaza, or combinations of these, up to 1,000 square feet		M	M	M
Deck, patio, plaza, or combinations of these, greater than 1,000 square feet		M	P	P
Outdoor storage area				P
OTHER SITE IMPROVEMENTS				
Sidewalks				
Removal of installed sidewalks		M	P	P
Parking Spaces and Parking Lots				
Rearrangement or reconfiguration of parking stalls and aisles within the existing limits of vehicular use area		M	M	M
Paving an existing parking lot, increasing the area in square feet of vehicular use area		M	P	P
Construction of new, or relocation of existing, access road or driveway		M	P	P
Construction of new private street		M	P	P
Natural Features				

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE

Required approval is determined by the land use and development activity. See bottom for key.

DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
Removal or disturbance of any natural feature		M	M	M
Site Plan Revisions, Extensions, Administrative Actions				
Landscape Plan: Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by Section 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.		M	M	M
Natural Features Mitigation: Change in species or placement of plant materials included in an approved natural features mitigation plan, as long as there is no net reduction in plant material or area and the change meets the intent of the approved natural features mitigation plan		M	M	M
Natural Features Protection: Substitution of areas to be preserved on a 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 preserved area on the approved protection plan		M	M	M
Natural Features Mitigation or Protection: Any other modification(s) to an approved natural features mitigation plan or protection plan not listed in this table.		M	P	P
Phase Lines: Adding or changing phase lines on a site plan		M	M	M
Extension: Extending a valid site plan approval for periods up to two years, if the approval is requested prior to the expiration of the site plan and if the plan is in compliance with current standards and regulations.		M	M	M
Revisions: Moving a building placement up to ten feet (before or during construction)		M	M	M
Revisions: Moving a building placement more than ten feet (before or during construction)		M	P	P
Revisions: Relocation or addition of up to 50% of the approved stormwater management system		M	M	M
Revisions: Relocation or addition of 50% or more of the approved stormwater management system		M	P	P
Revisions: Addition or reconfiguration of sidewalks (before or during construction)		M	M	M
Key: M = Site Plan for Planning Manager approval required P = Site Plan for Planning Commission approval required C = Site Plan for City Council approval required				

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE				
Required approval is determined by the land use and development activity. See bottom for key.				
DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
Blank = Site Plan approval not required (all other development standards, requirements and procedures still applicable)[1]				
Footnotes:				
[1] No site plan required; however, this does not exempt the development activity from any required permits or corresponding code requirements.				
[2] All Other Uses: e.g. Group Housing, Mixed-Use, Nonresidential, Special Purpose				
[3] See Section Error! Reference source not found. for requirements for solar energy systems as accessory structures.				

B. Approval Procedures

1. Application

a. Step 1 – Development Concept Meetings

When preparing a site plan application, an applicant may meet with the Planning Manager to review the applicable procedures and development standards, such as required site plan information, the appropriate approving body, and community participation.

b. Step 2 – Pre-Submission Meeting

Before submitting a site plan application, the applicant shall contact the Planning Manager to schedule a pre-submission meeting to review the full proposed site plan and related application materials for completeness. City staff may provide the applicant with comments regarding compliance with applicable regulations or additional information that may be required for review. A pre-submittal meeting fee may be established by the City Council.

c. Step 3 – Application Submission

To initiate a formal review of a site plan application, all site plans and other materials required by Sections 5.28.1 and 5.29.8 shall be filed with the Planning Manager. A site plan application shall not be considered complete until all required site plan information and any additional petitions, materials, or information has been submitted. A site plan application may be rejected if the application is inadequate to confirm compliance with the requirements of this chapter.

The Planning Manager shall review the site plan and, except in the case of a site plan for Planning Manager approval, shall make a report and recommendation to the Planning Commission.

2. City Council Approval

For development activity identified in Table 5.29-1 that requires site plan for City Council approval, 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 a revised site plan with the necessary changes to the Planning Manager within six months of approval by the City Council or the site plan approval shall lapse. If the revised drawings include all changes and conditions required by City Council, the Planning Manager shall approve the site plan. Any changes to a condition placed on the site plan by City Council shall require City Council approval.

3. Planning Commission Approval

For development activity identified in Table 5.29-1 that requires a site plan for Planning Commission approval, the Planning Commission shall approve (with or without conditions) or deny a site plan. If approval is conditioned on changes to the site plan, the applicant shall submit a revised site plan with the necessary changes to the Planning Manager within six months of approval by the Planning Commission or the site plan approval shall lapse. If the revised drawings include all changes and conditions required by Planning Commission, the Planning Manager shall approve the site plan. Any changes to a condition placed on the site plan by Planning Commission shall require Planning Commission approval.

4. Planning Manager (Administrative) Approval

For development activity identified in Table 5.29-1 that requires a site plan for Planning Manager approval, the Planning Manager shall review and approve (with or without conditions) or deny the site plan. 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 modifications is consistent with the authority granted in Table 5.29-1.

C. Criteria for Site Plan Approval

1. The City Council, Planning Commission, or 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 5.29.6.F below.

D. 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 this 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 improvements, the property owner shall agree to construct, install, or place all required site improvements in compliance with the approved site plan. All public improvements must meet current City PSA Standards and Specifications. Prior to 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 the required site improvements, natural features to be preserved, and natural features mitigation in good condition.

E. Criteria for Review of a Multimodal Transportation Impact Analysis

1. The multimodal transportation impact analysis shall be reviewed by the Public Services Area for completeness and accuracy.

2. Proposed plans that will result in a multimodal level of service D, E, or F may be denied by the Planning Commission or City Council until such time as necessary transportation improvements are scheduled for construction.

F. 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 for 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 existing 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.

Section 5. That Section 5.29.7 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.29.7 Area Plans

A. Applicability

An approved area plan shall be required with:

1. The approval of any plat or site plan if the applicant owns or controls contiguous land not included in the proposed plat or site plan.
2. An amendment to the Zoning Map, unless the amendment is to permit a one-family or two-family dwelling in a Residential Zoning District or to permit a Planned Unit Development (PUD) zoning district.

B. Waiver of Requirement

Upon recommendation of the PDSU Manager, the Planning Commission may waive the area plan requirement upon the determination that no new construction is proposed and a survey of the existing improvements on the site is provided, or a preliminary plat or

site plan that has been approved or is submitted for approval concurrently with an amendment to the Zoning Map.

C. Area Plan Procedures

1. Application

Before submitting an area 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 required materials, as specified in this chapter shall be filed with the Planning Manager. An area plan may be rejected if these materials are inadequate to make the foregoing determinations. The Planning Manager shall review the materials filed and, after conferring with the applicant and appropriate City departments, shall submit a report and recommendation to the Planning Commission.

2. Approval

The Planning Commission shall make a recommendation to the City Council to approve or deny the area plan.

Upon receipt of the Planning Commission's recommendation, the City Council shall approve (with or without conditions) or reject the area plan.

If approval by the City Council is conditioned on changes to the area plan, the applicant must submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by City Council or the area plan approval shall lapse. If the revised drawings include all changes and conditions required by City Council, the Planning Manager shall approve the area plan.

D. Criteria for Area Plan Approval

An area plan shall be approved by the City Council after it determines that:

1. The contemplated development complies with all applicable state, local or federal laws, ordinances, standards and regulations.
2. The development will limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land.
3. If the area plan requires an amendment to the Zoning Map, the proposed uses or other uses permitted under the proposed zoning will be compatible with the City's adopted plans and policies.

E. Effect of Area Plan Approval

An area plan is valid until replaced by an approved plat or site plan. The ordinances and regulations in effect at the time of City Council approval of an area plan shall be applicable to a plat or site plan consistent with the approved area plan for a period of

three years, unless amended ordinances or regulations are specifically made applicable to approved area plans during that period.

Section 6. That Section 5.29.11 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.29.11 Planned Unit Development (PUD)

The City provides for PUD zoning and corresponding site plan approval for property owners to obtain more flexibility in development than is provided by the City's standard base and overlay zoning districts, as described below.

A. Applicability

The provisions of this Section shall apply to all PUD zoning districts:

B. Alternative Standards Permitted

The Planning Commission may recommend and City Council may approve, as Supplemental Regulations, modifications that increase, decrease, or eliminate the requirements in the Sections listed below for equivalent land uses and intensities:

1. Section 5.15 Permitted Uses
2. Section 5.16 Use Specific Standards
3. Section 5.17 Area, Height and Placement Regulations
4. Section 5.18 Special Dimensional and Layout Standards
5. Section 5.19 Parking Standards
6. Section 5.20 Landscaping, Screening, and Buffering

C. The PUD Process

The PUD process involves five steps: community participation, pre-application conference with staff, pre-petition conference with Planning Commission, PUD zoning district review, and PUD site plan review. The pre-application conferences shall occur before the applicant has submitted a formal application. Community participation, PUD zoning district reviews, and PUD site plan reviews may occur concurrently, in accordance with the procedures set forth for each in this chapter, after a formal application has been submitted unless the Planning Commission has determined that the PUD zoning district review and approval must occur prior to PUD site plan review and approval.

1. Community Participation

As part of a PUD application, the applicant shall comply with the community participation requirements provided in Section 5.28.4.

2. Pre-Application Conference with Planning Manager

Before submitting a PUD application, the applicant shall contact the Planning Manager to schedule a pre-application conference to present the proposed conceptual PUD plan and PUD Development Program. The Planning Manager may provide the applicant with comments regarding applicable procedures and standards, compliance with ordinance of the proposed land uses, the proposal's conformance with adopted comprehensive plans and policies.

3. Pre-Application Conference with Planning Commission

Before submitting a PUD application, the applicant shall contact the Planning Manager to schedule a pre-application conference at a regularly scheduled meeting or a working session of the Planning Commission. At the conference, the applicant shall present the proposed conceptual PUD plan and PUD Development Program. The Planning Commission and Planning Manager may provide the applicant with comments regarding the appropriateness of the proposed land uses, the proposal's conformance with adopted comprehensive plans and policies, and the beneficial effects to be achieved. The Planning Commission may decide whether or not a model may be required and whether applicant's requests for PUD zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings.

4. PUD Zoning District Review and Approval

As provided below, PUD zoning district review involves Planning Manager and Planning Commission review of the conceptual PUD plan, the PUD Development Program, and Supplemental Regulations to determine consistency with or the appropriateness for deviating from the City's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the City and adoption by City Council as part of the zoning ordinance. Once approved by the City Council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the Supplemental Regulations in the approved PUD and all other applicable code requirements.

5. PUD Site Plan Review and Approval

As provided below, review and approval of a PUD site plan is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in phases, as shown on the conceptual PUD plan, approval of a PUD site plan for each phase is required prior to the issuance of permits for that phase. An approved PUD site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved PUD site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of natural features.

D. PUD Zoning District Review

The applicant for any PUD zoning district shall submit a complete application together with the following materials:

1. The entire parcel or parcels for which application is made shall be under one ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the development shall be included in the PUD zoning district request.
2. A conceptual PUD plan containing the information required by Section 5.29.6 for area plans. The plan shall include but not be limited to area, height, and placement standards, the location and relationships of permitted land uses, parking and circulation systems, landscape features, preserved natural features, proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.
3. A boundary survey and legal description of the parcel(s) to be zoned PUD.
4. A PUD Development Program describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district, why this beneficial effect cannot be achieved under any other zoning designation, and its conformity to the adopted comprehensive plans and policies of the City or detailed compelling justification for departures from the plan and policies.
5. Proposed Supplemental Regulations for the PUD zoning district shall include, but not be limited to, permitted land uses; accessory uses; minimum and maximum standards of lot area and lot area per dwelling unit, if applicable; minimum open space as a percentage of lot area; required setbacks; height and number of stories. The Supplemental Regulations shall include sufficient analysis and justification for the beneficial effect and detailed performance standards by which the development will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:
 - a. A comprehensive analysis of the surrounding neighborhood, providing such details as scale of structures, minimum and maximum height and number of stories, minimum and maximum required setbacks, historic or architectural styles or features, building materials and colors, and other unique features and a

detailed analysis of how the PUD site plan and design contribute to the neighborhood.

- b. A comprehensive analysis of the unique features of the site, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the site's unique features.
6. Any additional visual materials, such as a three-dimensional study model, a virtual model, graphics, photographs, or written materials requested by the Planning Manager, Planning Commission or City Council to assist the City in visualizing and understanding the proposal and assessing the possible benefits and impacts.
7. Materials supporting a request for additional residential density in accordance with Section 5 if applicable.

E. PUD Zoning District Approval

A PUD zoning district is established as follows:

1. All required materials shall be filed with the Planning Manager. Copies of the materials will be distributed by the Planning Manager to the appropriate City service units and other reviewing agencies for review to determine the following:
 - a. If the development can be accommodated by the existing public utility, Street, and general City service facilities, or if any additions to, or extension of facilities are necessary for the project.
 - b. If the proposal meets the standards for PUD zoning district approval listed below.
 - c. If the development will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUD.
 - d. If the proposal conforms to the adopted comprehensive plans and policies or provides sufficient compelling justification for departure from the adopted plan and policies.
2. The Planning Manager will notify the applicant of any questions raised by the City service units and other reviewing agencies and shall submit a report to the Planning Commission for its consideration including an

evaluation of the planning aspects of the project and its impact on the present and future development of the City.

3. The Planning Commission shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.
4. The Planning Commission shall recommend to City Council action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to City Council.
5. Before taking final action on the application, the City Council shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.
6. A protest of a proposed PUD zoning district may be presented as provided in Section 5.29.10.E.
7. The Planning Manager shall keep a record of all approved PUD zoning districts and Supplemental Regulations. Notice of approvals shall be published as required by Section 5.29.10.

F. Standards for PUD Zoning District Approval

The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

1. The use(s), physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:
 - a. Innovation in land use and variety in design, layout and type of structures that furthers the stated design goals and physical character of adopted land use plans and policies.
 - b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.
 - c. Provision of open space.
 - d. Preservation and protection of natural features that exceeds the requirements of this chapter, especially for those natural features prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.

- e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.
 - f. Expansion of the supply of affordable housing dwelling units.
 - g. The use and reuse of existing sites and buildings that contributes to the desired character and form of an established neighborhood.
- 2. This beneficial effect for the City shall be one that could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.
 - 3. The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.
 - 4. The use or uses proposed shall be consistent with the comprehensive plans and policies adopted by the City or the applicant shall provide adequate justification for departures from the approved plans and policies.
 - 5. If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the comprehensive plan, or the underlying zoning when the comprehensive plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide affordable housing dwelling units in the following manner:
 - a. For proposed PUD projects exceeding the residential density recommendation of the comprehensive plan by up to 25%, the PUD project shall provide 10% of the total dwelling units as affordable housing dwelling units or 15% when exceeding by more than 25%. When the comprehensive plan does not contain a residential density recommendation and the proposed PUD project exceeds the FAR of the underlying zoning by up to 25%, the proposed PUD project shall provide 10% of the floor area as affordable housing dwelling units or 15% when exceeding by more than 25%.
 - b. Affordable housing dwelling units shall be provided by the development as units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or by a combination of affordable housing development and contributions. When a number of affordable housing dwelling units is required, the

payment in lieu shall be based on the average size of all dwelling units in the PUD project.

- c. When the required percentage of affordable housing results in a fractional unit, either a whole affordable housing dwelling unit shall be provided or a payment of an affordable housing contribution in lieu shall be made for the fractional unit based on the following formula: (average floor area of all dwelling units in the PUD project) x (fractional unit) x (contribution in lieu payment).
 - d. The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.
 - e. Provisions to implement the affordable housing proposal shall be included in the PUD Supplemental Regulations or the Development Agreement, or both, as determined by the City.
6. The Supplemental Regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.
 7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.
 8. Disturbance of existing natural features, historical features and historically Significant Architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.

G. Effect of PUD Zoning District Approval

1. Approval of the PUD zoning district by City Council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the PUD Development Program, the conceptual PUD plan, and Supplemental Regulations for the zoning district. In the case of differences between plans and written documents, written documents shall govern.

2. The approval shall confer upon the owner(s) or subsequent owner(s) the right to seek PUD site plan approval for the proposal or for any of its approved phases in accordance with this chapter, the approved PUD zoning district and Supplemental Regulations and City regulations and ordinances.
3. A PUD zoning district and its Supplemental Regulations shall remain in effect as approved until a change to the PUD zoning district has been approved.

H. PUD Site Plan Review and Approval

An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any natural feature for all planned unit developments.

1. Application and Procedures

- a. The applicant for PUD site plan approval shall file with the Planning Manager all drawings and other materials required for site plans in Section 5.29.8; all drawings and other materials required in this chapter for PUD zoning district approval; and the additional information listed below. A PUD site plan application shall not be considered technically complete and filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
- b. The applicant for a PUD site plan approval shall file a Development Agreement as described in Section 5.28.6.
- c. If a PUD site plan application is required to be submitted after PUD zoning district approval, the applicant shall comply with the requirements for community participation in Section 5.28.4 as part of the PUD site plan application.
- d. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information including but not limited to plans, elevations, building and site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
- e. The Planning Manager will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning

district Supplemental Regulations and conceptual PUD plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a Development Agreement as provided in this chapter. The Planning Manager will notify the applicant of any questions raised by the City departments and other reviewing agencies and negotiate a Development Agreement with the applicant if it is determined that such an agreement is needed. The Planning Manager shall submit a report and recommendation to the Planning Commission based on this review.

- f. The Planning Commission shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.

2. Standards for PUD Site Plan Approval

City Council, after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, approve with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:

- a. The development would comply with the PUD zoning established pursuant to the requirements of this chapter, and with all applicable local, state, or federal laws, ordinances, standards and regulations.
- b. The development would 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 5.29.6.F.

3. Effect of PUD Site Plan Approval

For three years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved developments. After three years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided in Section 5.30.3.A.

Section 7. This ordinance shall take effect and be in force on and after ten days from legal publication.