



City of Ann Arbor Planning Services

Memorandum

TO: Howard Lazarus, City Administrator
FROM: Brett Lenart, Planning Manager
RE: Unified Development Code – Comparison Overview
DATE: July 15, 2018

This is a comparison of the Unified Development Code and how it reflects the existing framework of land development chapters in the City Code. As a summary, it does not provide a comprehensive accounting of all sections of the current and proposed code structure. For a more in-depth understanding of the code, the project team has provided numerous footnotes to detail many aspects of the evolved code in the presentation draft. A complete index will be created for the draft upon adoption, to ensure information can be located through a variety of means.

UDC Goals

The project team created the Unified Development Code (resulting from the ZORO - Zoning Ordinance Reorganization Project) in response to weaknesses in the City's current land development framework. Some of the ways that these weaknesses adversely impact the community include: a less efficient administration of the code, potentially resulting in more development review resources; codes can be difficult to discern when similar provisions are not grouped together; and make amendments to the code cumbersome and difficult to communicate in a streamlined, efficient manner. The weaknesses identified in the City's current code that contribute to these difficulties are:

- Existing codes are difficult to navigate, often requiring users to “flip back” to previous sections to find key information. Often users must review several different chapters to find all standards related to one subject.
- Need “clean up” changes –to remove inconsistencies and reflect current City practice
- Lack clarity – answers to some specific questions are elusive, which could lead to inconsistency over time.
- Contain dated and incomplete material – some regulations are out-of-date and/or have unintended gaps in coverage.
- Have minor inconsistencies with state law – current regulations may not always be consistent with the most recent changes to enabling statutes and court decisions. While the City has revised its practices to remain consistent with Michigan law, those revisions may not always be reflected in the written code.

- Use terms inconsistently – key terms have been used inconsistently in different sections and different chapters and may not always have the same meaning when used in different contexts.

Toward improving these aspects of the City’s land development regulations, the City has developed the Unified Development Code with the following goals:

- Comprehensive – does not require references to other chapters to determine what standards govern development and redevelopment.
- Clear – with consistent standards, consistent definitions, and consistent format
- User-friendly – to both seasoned code users and the public.
- Enforceable and Legally Defensible – based on legal, objective standards and current Michigan enabling laws.
- Adaptable – structured to make it easy to add or delete needed provisions in the future.

Comparison

To achieve these goals, the UDC is a single chapter, with eight distinct Articles:

- Article I: General Provisions
- Article II: Zoning Districts
- Article III: Use Regulations
- Article IV: Development Standards
- Article V: Administrative Bodies and Procedures
- Article VI: Nonconformance
- Article VII: Enforcement, Violations and Penalties
- Article VII: Definitions

In comparison, the same content currently occupies parts of 10 Chapters and 22 Articles and equivalents. Here is an overview of how this efficiency is accomplished: [Note for comparison purposes, **any UDC reference is bold**].

Sections 4:16 through 4:20, and 4:30 of Chapter 27 (Streets)

Those provisions of streets that are attributable to private land development have been removed from Chapter 47 and incorporated into the UDC. Those provisions that relate to public streets remain in Chapter 47.

- Design Standards are incorporated into **Article IV Development Standards, 5.21 Streets and Access**.

- Definitions from this section are consolidated with all UDC definitions in **Article VIII**.
- Variances and Exceptions process, like others in the UDC, will be governed by **Article V: Administrative Bodies and Procedures**.
- Some standards from this Chapter will be incorporated into the City's Standard Specifications Manual, created by Public Services.

Chapter 55 (Zoning)

Chapter 55, the current Zoning Chapter, contains 13 Articles. The content from this chapter has been divided into the UDC's Articles.

- Content from the current Article 1 moves to the UDC, with definitions in **Article VIII**, classification of districts to **Article II**, and **Article I General Provisions**.
- Article 2 of the Current code includes a listing of each zoning district, any uses permitted in each district, as well as dimensional requirements for the D1 and D2 districts. The UDC more modernly splits this information into **Article II Zoning Districts**, which describes the intent of each district, **Article III Use Regulations**, which clearly identifies uses permitted in each district, as well as an easier reference to determine where a particular use is appropriate. This Article also consolidates any specific use standards, rather than relying on inclusion of such regulations in a single district and relying upon flip-backs or cross references to convey the information.
- Other portions of Article 2 are moved from the use regulations to **Article VIII Definitions** to clearly define what uses are described.
- Dimensional requirements of the D1 and D2 zoning districts from Article 2 are consolidated with the dimensional requirements of all zoning districts in **Article IV Development Standards**.
- Article 3 of the current Code comprises all area, height and placement regulations of zoning districts, except downtown districts. The majority of these provisions remain together in **Article IV Development Standards**.
- Some of the latter sections of Article 3 are split between **Article III Use Regulations, Section 5:16 Use Specific Standards** and **Article VIII Definitions**, as many of the provisions do not include any area, height, or placement requirements.
- Non-conforming provisions of Article 3 are consolidated with non-conforming provisions from several sections into **Article VI Non-Conformities**.
- Article 4 is now primarily incorporated into **Article IV Development Standards**. Some provisions are again moved to consolidated sections such as Article VI Non-Conformities and
- Article 4, Section 5:67 "C1A, C1A/R and districts; required open space" from the current Code was deleted as it conflicted with current applicable building codes.

- Article 5, Planned Projects is consolidated with a variety of other processes and procedures in **Article V Administrative Bodies and Procedures**.
- Article 6, Supplementary Regulations has provisions moved to a variety of sections. Lot accessibility is moved to **Article IV Development Standards**.
- From Article 6, PUD sections are moved to **Article V Administrative Bodies and Procedures** to consolidate the processes required for such petitions.
- Article 6 currently includes many use definitions and restrictions for Wireless Communication Facilities, which are now incorporated into **Article III Use Regulations**.
- Article 7 contains many non-conforming provisions that are transferred to **Article VI Non-Conformities**.
- Article 7 currently contains provisions for Development of Record, Section 5:88. This is deleted, as the section was relevant to adoption of the City's Zoning Ordinance in the 1960s.
- Article 8 Administration, Article 9 Zoning Board of Appeals, Article 10 Special Exceptions, Article 11 Amendments, and Article 12 Citizen Participation are incorporated into **Article V Administrative Bodies and Procedures**.
- Violations and Penalties Sections from Article 10 are consolidated into the unified **Article VII Enforcement, Violations, and Penalties**.
- Article 13, Legal Status is consolidated into **Article I General Provisions**.

Chapter 56 (Prohibited Land Uses)

- The prohibited use status is maintained through a combination of the Use Table in **Article III Use Regulations** and the corresponding Zoning Map.

Chapter 57 (Subdivision and Land Use Control), and Land Development Regulations with Attachments A-D

- Many provisions of this Chapter are transferred to **Article V Administrative Bodies and Procedures**.
- Definitions from the Chapter, as with other areas of the current code, are consolidated into **Article VIII Definitions**.
- Provisions of this Chapter related to Natural Features are included in **Article V Administrative Bodies and Procedures** related to processes, and **Article IV Development Standards** when related to specific standards.
- The Landmark Tree List from the Land Development Regulations are incorporated in **Section 5.23.6 of Article IV Development Standards**.
- Area Plan, PUD Zoning District, Platting, and Land Division Requirements from the Land Development Regulations are incorporated into **Article V Administrative Bodies and Procedures**.

- Numerous sections from the Land Development Regulations are deleted as they are covered by other, separate provisions.
- Natural Features provisions of the Land Development Regulations are incorporated now by Ordinance in the UDC in **Article IV Development Standards**.
- The Street Tree Section has been slightly modified, with the requirement placed in **Article IV Development Standards**, however the formula itself will no longer be contained in code, but the requirement remains, according to policy.
- Traffic impact analysis requirements from the Land Development Regulations are incorporated into **Article V Administrative Bodies and Procedures**.

Chapter 59 (Off-Street Parking)

- Definitions from this chapter are added to **Article VIII Definitions**.
- Parking standards and lighting requirements are provided in **Article IV Development Standards**.

Chapter 60 (Wetlands Preservation)

- Provisions of this Chapter that relate to development standards are included in **Article IV Development Standards**.
- Definitions from this chapter are added to **Article VIII Definitions**.
- Non-conforming provisions are moved to **Article VI Non-Conformities**.
- Penalties and Enforcement are moved to the consolidated **Article VII Enforcement, Violations, and Penalties**.

Chapter 61 (Signs and Outdoor Advertising)

- Chapter 61 is added to Article IV Development Standards as it relates to signage standards.
- Sign Permit requirements are added to **Article V Administrative Bodies and Procedures**.
- Non-conforming provisions, and enforcement provisions are consolidated in Articles **Article VI Non-Conformities** and **Article VII Enforcement, Violations, and Penalties**, respectively.

Chapter 62 (Landscaping and Screening)

- Standards from this chapter are incorporated into **Article IV Development Standards** when relative to specific standards.
- Process requirements, as specified in Section 5:607 are added to **Article V Administrative Bodies and Procedures**.

- Penalties and Enforcement are moved to the consolidated **Article VII Enforcement, Violations, and Penalties.**

Chapter 63 (Soil Erosion and Sedimentation Control)

- Expectations for soil erosion and sedimentation control from this chapter are included in **Article IV Development Standards.**
- Definitions from this chapter are added to **Article VIII Definitions.**
- Provisions related to process from this chapter is included in **Article V Administrative Bodies and Procedures.**
- Penalties and Enforcement are moved to the consolidated **Article VII Enforcement, Violations, and Penalties.**

Chapter 104 (Fences)

- Definitions from this chapter are added to **Article VIII Definitions.**
- Standards are included in **Article IV Development Standards.**

Please let me know if you have any additional questions.

CC: Derek Delacourt, Community Services Administrator
Alexis DiLeo, City Planner
Kevin McDonald, Senior Assistant City Attorney
File