

ORDINANCE NO. ORD-23-02

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Public Hearing: February 6, 2023

Approved:  
Published:  
Effective:

UNIFIED DEVELOPMENT CODE  
(STORMWATER MANAGEMENT SYSTEMS)

AN ORDINANCE TO AMEND SUBSECTIONS 5.22.2 AND 5.22.3 OF SECTION 5.22 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 Subsections 5.22.2 and 5.22.3 of Section 5.22 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**5.22.2 Stormwater Management Compliance**

A Stormwater Management System meeting the criteria of Section 5.22.3 is required for:

- A. Any form of construction or removal or disturbance of any Natural Feature that requires approval for any site plan, final preliminary plat, or PUD site plan.
- B. When a Grading Permit is required but not a site plan, final preliminary plat, or PUD site plan, except Grading Permits solely for vegetation clearing, Building demolition, removal of Impervious Surfaces, or other activities approved by the PSA Administrator.
- C.

**5.22.3 Stormwater Management Systems**

**A. Review Responsibility**

**1. WCWRC**

For Sites within the jurisdiction of the WCWRC; or Sites with existing or proposed Stormwater Management Systems under multiple ownership or for multiple parcels, including but not limited to site condominiums; or residential developments containing greater than four Dwelling Units within two or more detached Structures; or Sites with Stormwater Management Systems serving more than one parcel.

**2. City of Ann Arbor**

Any site that is not in the review responsibility of the WCWRC.

- B. Requirements** A stormwater management system shall be provided based on the requirements provided in Table 5.22-1:

Site Type	Review Responsibility	Site Area	Impervious Area Impact	Stormwater Management System Requirement	Exceptions or Alternatives
Single And Two-Family Residential	City of Ann Arbor	Any size	Adding 200 sq. ft. or more of impervious area	First Flush <del>of</del> for the total net increase in Impervious Surface, and all downspouts directed to vegetated areas or other approved point in compliance with Chapter 100 of City Code "Drainage Nuisances and Complaints" section.	Not required for new homes in a site planned development with compliant development-wide system.
All Others	WCWRC	Any size	Not applicable	As required by the Rules of the WCWRC	As provided by the Rules of the WCWRC
	City of Ann Arbor	Over 1 acre	Not applicable	As required by the Rules of the WCWRC	See Section 5.22.3.E
		1 acre or less	No net increase in Impervious Area	Not required with Site Plan for Planning Manager, as required by the Rules of the WCWRC for Site Plans for Planning Commission and City Council	See Section 5.22.3.E
			Any increase in Impervious Area	As required by the Rules of the WCWRC	See Section 5.22.3.E

**C. Standards and Procedures in City of Ann Arbor Review Responsibility**

Sites within the City of Ann Arbor review responsibility shall provide a Stormwater Management System meeting the design criteria stated in the Rules of the WCWRC as provided in Table 5.22-2 unless an alternative as provided in paragraph E below is approved.

Impervious Area	Standard
Less than 10,000 square feet	Retention/infiltration of first flush storm event
10,000 square feet or more and less than 15,000 square feet	Retention/infiltration only of first flush and detention only of bankfull storm events
15,000 square feet and greater	Retention/infiltration of the first flush, and detention of bankfull and 100-year storm event. Detention facilities for the 100-year storm event shall include a sediment forebay.

1. On a Site that requires the installation of a Stormwater Management System the detention facility shall be installed and stabilized prior to the issuance of building

permits. The PSA Administrator may deem it necessary to modify the timing of installation of the detention facility when conditions, such as a detention facility that is integral to the Structure of a new Building, prevent installation prior to building permits. As-built verification from an Architect or Professional Engineer shall be submitted to the PSA Administrator for approval prior to issuance of any certificate of occupancy. The as-built verification shall include: elevations and volumes, outlet sizes and elevations, Stabilization information, and signature and seal of an Architect or Professional Engineer.

2. Existing Wetlands shall not be modified for the purposes of Stormwater Management Systems unless it is determined that the existing Wetland is not regulated by Sections 5.23 and 5.29.4. Where modifications to Wetland areas are allowed, the existing storage shall be maintained and shall not count toward meeting the requirements of this section.
3. When residential Lots or units are proposed to be created, the runoff coefficients shall take into account the future Impervious Surfaces of these building Sites within the storm water management calculations.
4. Stormwater Management System facilities shall be designed so that any discharge of storm water from the facility, which does not empty directly into a drain, shall be converted to sheet flow over the ground through the use of an energy dissipater, in a manner which will preclude Erosion, or other approved method as determined by the PSA Administrator.
5. Prior to the issuance of a Grading Permit, the developer of the Stormwater Management System shall provide the City with an agreement, satisfactory to the City Attorney, that if maintenance is not performed to the reasonable satisfaction of the PSA Administrator, the City may, after posting reasonable notice on the Site, perform the maintenance activities and charge all costs to the benefited properties. If the costs remain unpaid for 60 days, the City may assess those costs to the benefited properties as a single Lot assessment under City Code Section 1:292.

#### **D. Approval**

##### **1. WCWRC Review Responsibility**

Systems reviewed by the WCWRC shall be reviewed and receive preliminary plan approval from the WCWRC prior to site plan, final preliminary plat, or PUD site plan approval by the City, and a permit or letter of final plan approval from the WCWRC shall be obtained prior to issuance of a grading permit by the City.

##### **2. City of Ann Arbor Review Responsibility**

Systems reviewed by the City of Ann Arbor shall be reviewed and receive approval from the PSA Administrator.

#### **E. Alternatives**

When site constraints make it infeasible to meet the requirements provided in Table 5.22-2, the PSA Administrator may approve an alternative standard if each of the following conditions are met:

1. Control of the first flush storm event has been provided.

2. A determination is provided by a Professional Engineer that Stormwater Management Systems will be provided on-site to the maximum extent feasible and that it is not feasible to provide any additional detention volume due to Site constraints including but not limited to groundwater conflicts, **soil contamination**, existing Buildings or protection of Natural Features.
3. The ~~alternative~~ **proposed** method of storm water management is consistent with the intent of this Section 5.22 and the goals of the Rules of the WCWRC, as determined by the PSA Administrator.
4. The ~~alternative~~ **proposed** method of stormwater management **and reason for not meeting the full detention volume** is ~~specifically approved~~ **documented** on a Grading Permit, site plan, final preliminary plat, or PUD site plan ~~in a separate action by the approving body.~~

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.