

ORDINANCE NO. ORD-23-02

First Reading: January 9, 2023
Public Hearing: February 6, 2023

Approved: February 6, 2023
Published: February 16, 2023
Effective: February 26, 2023

UNIFIED DEVELOPMENT CODE

(STORM-WATER 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 ~~Single or Two-Family Residential Storm Water~~ Stormwater Management Compliance

~~A Site with one Single or Two-Family residential dwelling, with or without accessory Structure(s), that adds 200 square feet or more of Impervious Surface, on-site Storm Water Management Systems shall be required and shall meet the following requirements~~
A Storm Water Stormwater Management System meeting the criteria of Section 5.22.3 is required for:

- A. ~~Retention/infiltration of the first flush storm events for the net increase in Impervious Surface, in compliance with the Rules of the WCWRC~~
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. ~~Redirection of all downspouts to vegetated areas or other approved point, but not to Impervious Surfaces, as is required by the "Drainage Nuisances and Complaints" Section of Chapter 100 of City Code~~
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. ~~On-site storm water control is not required for new homes in a site planned Development for which a development-wide system that complies with the storm water management requirements of this chapter has been installed and accepted.~~

5.22.3 ~~Storm Water~~ Stormwater Management Systems

~~Compliance with the Storm Water Management System criteria of this Section 5.22 is required for any form of construction or removal or disturbance of any Natural Features that requires approval for any site plan, final preliminary plat, or PUD site plan, for Grading Permits that do not require site plan, final preliminary plat, or PUD site plan approval.~~

~~Site plans for Planning Manager that do not increase the total impervious area of the Site and are not within the jurisdiction of the WCWRC shall be exempt from the Storm Water Management System requirements of this Section 5.22.~~

A. Review Responsibility

1. WCWRC

~~For Sites within the jurisdiction of the WCWRC; or Sites with existing or proposed Storm Water 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 Storm Water Stormwater Management Systems serving more than one parcel, the Storm Water Management System 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. For Sites that require review by the WCWRC, a permit or letter of final plan approval from the WCWRC Office shall be obtained prior to issuance of a Grading Permit by the City. Any exceptions to the Rules of the WCWRC listed in this Section 5.22 are not applicable to reviews performed by the WCWRC.~~

2. City of Ann Arbor

~~Any site that is not in the review responsibility of the WCWRC. For Sites other than described in Section 5.22.2 and 5.22.3.A, on-site Storm Water Management Systems shall be required for any Site that is the subject of a site plan, final preliminary plat, or PUD site plan or Grading Permit. The Storm Water Management System shall be reviewed and receive approval from the PSA Administrator and meet the design criteria stated in the Rules of the WCWRC, with the following exceptions:~~

~~0. For Sites that contain existing Impervious Surfaces, adding or removing and replacing Impervious Surfaces solely for the purpose of compliance with the Americans with Disabilities Act, or compliance with the State of Michigan Barrier Free Design Rules (Public Act 1 of 1966, as amended) shall be exempt from the Storm Water Management System requirements of this chapter.~~

~~0. Sites proposed to contain:~~

- ~~-. Impervious Surfaces less than 10,000 square feet require retention/infiltration only of the first flush storm events.~~
- ~~-. Impervious Surfaces equal to or greater than 10,000 square feet and less than 15,000 square feet require retention/infiltration only of the first flush and detention only of bankfull storm events.~~
- ~~-. Impervious Surfaces equal to or greater than 15,000 square feet require retention/infiltration of the first flush, and detention of bankfull, and 100-year storm event. Detention facilities designed for the 100-year storm event shall include a Sediment forebay.~~

~~0. Public Sidewalks are not required to be included in the storm water management calculations.~~

~~0. If the Site is located in an historic district designated by the City, then the Roof area of the historic Building(s) is not required to be included in the storm water management calculations. This exemption does not apply to noncontributing Structures within the historic district.~~

~~0. Grading Permits, solely for vegetation clearing, Building demolition, removal of Impervious Surfaces, or other activities approved by the PSA Administrator, shall be exempt from the Storm Water Management Systems requirements of this chapter.~~

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

Table 5.22-1: ~~Storm Water~~Stormwater Management Requirements

<u>Site Type</u>	<u>Review Responsibility</u>	<u>Site Area</u>	<u>Impervious Area Impact</u>	Storm Water <u>Stormwater Management System Requirement</u>	<u>Exceptions or Alternatives</u>
<u>Single And Two-Family Residential</u>	<u>City of Ann Arbor</u>	<u>Any size</u>	<u>Adding 200 sq. ft. or more of impervious area</u>	<u>First Flush of 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.</u>	<u>Not required for new homes in a site planned development with compliant development-wide system.</u>
<u>All Others</u>	<u>WCWRC</u>	<u>Any size</u>	<u>Not applicable</u>	<u>As required by the Rules of the WCWRC</u>	<u>As provided by the Rules of the WCWRC</u>
	<u>City of Ann Arbor</u>	<u>Over 1 acre</u>	<u>Not applicable</u>	<u>As required by the Rules of the WCWRC</u>	<u>See Section 5.22.3.E</u>
		<u>1 acre or less</u>	<u>No net increase in Impervious Area</u>	<u>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</u>	<u>See Section 5.22.3.E</u>
			<u>Any increase in Impervious Area</u>	<u>As required by the Rules of the WCWRC</u>	<u>See Section 5.22.3.E</u>

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

Sites within the City of Ann Arbor review responsibility shall provide a ~~Storm Water~~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.

Table 5.22-2: ~~Storm Water~~ Stormwater Management Standards Thresholds within City of Ann Arbor Review Responsibility

<u>Impervious Area</u>	<u>Standard</u>
<u>Less than 10,000 square feet</u>	<u>Retention/infiltration of first flush storm event</u>
<u>10,000 square feet or more and less than 15,000 square feet</u>	<u>Retention/infiltration only of first flush and detention only of bankfull storm events</u>
<u>15,000 square feet and greater</u>	<u>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.</u>

1. On a Site that requires the installation of a ~~Storm Water~~ 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 ~~Storm Water~~ 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. ~~Storm Water~~ 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 ~~Storm Water~~ 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

~~Within the D1 and D2 zoning districts, or Sites outside the D1 and D2 zoning districts that contain existing Impervious Surfaces, alternative methods of storm water detention may be allowed by the approving body~~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 ~~an Architect or a~~ Professional Engineer that ~~Storm Water Stormwater~~ Management Systems ~~have been~~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, ~~loss of existing parking below that required Section 5.19~~ or protection of Natural Features.
3. The ~~alternative proposed~~ method of storm water ~~detention-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 ~~storm water-stormwater detention-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.~~
- ~~5. The alternative method of storm water detention provides an equal or greater amount of resources, in the form of money or land or both, to the City that are at least as beneficial as the required volume of storm water detention that is not being provided on-site. The resources required shall be computed for residential sites at \$2.00 per square foot and commercial sites at \$2.50 per square foot of Impervious Surface not served by a detention facility meeting the design criteria of this section.~~
- ~~6. The alternative method of storm water detention is provided through one or both of the following methods:~~
 - ~~a. The Applicant donates money to the City for the express purpose of improving Storm Water Management Systems within the same watershed such as, but not limited to, regional detention, regional water quality improvements facilities, or increasing Floodplain storage capacity. The money may not be used for maintenance of existing public facilities.~~

~~b. The Applicant donates land to the City for the express purpose of improving Storm Water Management Systems within the same watershed. The donation of land is subject to acceptance by City Council. The donated land shall be suitable to be effectively used for improvements of the storm water system within the same watershed and pass Phase I and II Environmental Site Assessments prior to acceptance by City Council. The value of the land shall be determined by an appraisal prepared by an independent appraiser acceptable to the City Administrator. The appraisal will be submitted to the City Administrator who may use an independent review appraiser to assist with review.~~

~~I.A. On a Site that requires the installation of a Storm Water 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.~~

~~J.A. Existing Wetlands shall not be modified for the purposes of Storm Water Management Systems unless it is determined that the existing Wetland is not regulated by Sections 5.29 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.~~

~~K.A. 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.~~

~~L.A. Storm Water 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.~~

~~M.A. Prior to the issuance of a Grading Permit, the developer of the Storm Water 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.~~

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

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of February 6, 2023.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on February 16, 2023.

Jacqueline Beaudry, Ann Arbor City Clerk