

**PPLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of June 6, 2023**

**SUBJECT: Amendments to Chapter 55 (Unified Development Code)**

**Section 5.20 Landscaping, Screening and Buffers – to amend the requirements for Conflicting Land Use Buffers (CLUB) and reorganize for improved consistency**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, Unified Development Code, Section 5.20.3 Vehicular Use Area Landscaping and Screening, Section 5.20.4 Conflicting Land Use Buffers, and Section 5.20.6 Refuse/Recycling Container Screening to amend the applicability of Conflicting Land Use Buffers and reorganize the section for improved consistency.

**STAFF RECOMMENDATION:**

Staff recommends that the amendments to the Unified Development Code **to revise the applicability of Conflicting Land Use Buffers and reorganize** the section be **approved** because the changes will reduce nonconformities, further goals of the Comprehensive Plan and improve clarity.

**SUMMARY:**

Staff propose amendments to Section 5.20.4 Conflicting Land Use Buffers to remove the requirement to provide a conflicting land use buffer when adjacent to land principally used as residential and between multiple-family residential zoning districts and residential uses or zones. Staff also proposed amendments to reorganize the section by moving conflicting land use buffers requirements for vehicular use areas to Section 5.20.3 Vehicular Use Area Landscaping and Screening, and moving conflicting land use buffer requirements for refuse/recycling containers to Section 5.20.6 Refuse/Recycling Container Screening.

**REPORT:**

Staff propose amendments to refine the requirements for conflicting land use buffers provided in Section 5.20 and to reorganize that section for consistency. These concepts were presented to the City Planning Commission's Ordinance Revisions Committee on April 25, 2023.

Background – Conflicting land use buffers are required for particular site improvements (vehicular use areas, refuse/recycling containers) or when certain zoning districts (O, RE, ORL, C, M, TC, R3 R4) are adjacent to a public park, residential uses, or residential zoning districts.

Per Section 5.20.4, conflicting land use buffers are required for:

1. A vehicular use area adjacent to a public park or land principally used or zoned for residential purposes.
2. A refuse/recycling container adjacent to a public park or land principally used or zoned for residential purposes.
3. The portion of a parcel zoned O, RE, ORL, C, or M abutting a public park or parcel principally used or zoned for residential purposes.
4. The portion of a parcel zoned R3 or R4 adjacent to a parcel principally used or zoned for residential purposes.
5. The portion of a parcel zoned TC abutting a residential zoning district or the PL district.

Conflicting land use buffers consist of three components – width, plantings, and continuous screening:

1. Width – A landscaped buffer strip must be at least 15 feet wide. If there is an existing building or vehicular use area located within the required 15-foot landscape buffer strip, the landscape buffer strip may have an average of 15 feet in width over the entire length of the required buffer area, with no specific location along the buffer strip being less than 8 feet in width.
2. Plantings – One tree for each 15 feet or fraction thereof of abutting land. At least 50% of the trees within the conflicting land use buffer shall be evergreen. Arrangement of trees in clusters or groupings is encouraged, but in all cases shall be between 15 feet and 30 feet apart on center. Plantings should be placed to screen the views between buildings that existed at the time of site plan approval, (especially windows and patio views) on the adjacent property.
3. Continuous Screening – A hedge, landform berm, wall, fence, or combination of those features forming a continuous screen at least four feet high. For parcels principally used or zoned for residential purposes the requirement for a hedge, landform berm, wall or fence is only required to screen vehicular use areas and refuse/recycling containers that are adjacent to the conflicting land use buffer.

Staff Analysis –

1. When and where conflicting land use buffers are required depends on adjacent land uses which can change over time. These changes can be quick and sometimes without planning approvals (recall that developing a building with up to four dwelling units does not require a site plan). Applicability of a conflicting land use buffer can be outside of the subject site's control.
2. A conflicting land use buffer is currently required to buffer the same uses from each other. Specifically, residential parcels in the R3 and R4 district must provide a conflicting land use buffer from their immediate neighbors in the same district.
3. Planning efforts to increase mixed-use developments, increase density, and improve pedestrian friendliness in mixed-use zoning districts are tempered by requirements for developments to provide a 15-foot CLUB between, and occasionally a 30-foot separation when each development is required to provide its own CLUB.
4. Neighborhood character can be diminished, not preserved, when a CLUB is required between like uses.
5. Section 5.20.4 includes requirements for vehicular use areas and solid waste/recycling containers yet there are other sections also providing requirements for these features.
6. Staff propose to delete the reference to "principally used" for a CLUB requirement when O, RE, ORL, C or M parcels abut a public park or a parcel zoned for residential purposes.
7. Staff propose to eliminate the requirement for a CLUB for parcels zoned R3 or R4 adjacent to parcels principally used or zoned for residential purposes.
8. Staff proposed to move CLUB requirements for vehicular use areas to Section 5.20.3 Vehicular Use Area Landscaping and Screening and move CLUB requirements for solid waste/recycling containers to Section 5.20.6 Refuse/Recycling Container Screening.
9. Minor updates for consistency in terminology are also proposed throughout Section 5.20.
10. These amendments will reduce chances of a development being made nonconforming as the result of changes in land use on adjacent sites, outside of either the subject site's or the City's control, not through changes in code or self-created situations. These amendments will also remove unintended consequences of past efforts to preserve neighborhood character that

undermine other planning goals for increased density and pedestrian-friendliness.

11. Further revisions to Section 5.20 were discussed in concept with the Ordinance Revisions Committee but are not proposed amendments at this time. Ideas to create tiers of buffer requirements for vehicular use areas, one for large sites/many parking spaces/suburban contexts and one for small sites/few parking spaces/urban contexts, were discussed but rejected in favor of future discussion on maximum parking space limits and/or limits on vehicular use areas on small sites or dense neighborhoods.

Please see attached draft ordinance for proposed amendments to Section 5.20 to revise the applicability requirements for conflicting land use buffers and reorganize the section for consistency as recommended above by staff.

Prepared by Alexis DiLeo  
Reviewed by Hank Kelley/Brett Lenart  
5-31-2023

Attachments:

Ordinance to Amend Chapter 55 (Conflicting Land Use Buffer) Draft 6-6-2023  
April 25, 2023 Planning Staff Memo to ORC on Conflicting Land Use Buffers  
April 19, 2023 Conceptual Amendments to Section 5.20  
April 25, 2023 Presentation on Conflicting Land Use Buffers