



Legislation Details (With Text)

**File #:** 21-1956      **Version:** 1      **Name:** 12/6/21 Ordinance to Amend Sections 5.29.6 (Site Plans) and 5.22.3(Storm Water Management and Soil Erosion) of Chapter 55(Unified Development Code) of Title V of the Code of the City of Ann Arbor

**Type:** Ordinance      **Status:** Passed

**File created:** 12/6/2021      **In control:** City Council

**On agenda:** 1/3/2022      **Final action:** 1/3/2022

**Enactment date:** 1/3/2022      **Enactment #:** ORD-21-37

**Title:** An Ordinance to Amend Sections 5.22.3 (Storm Water Management and Soil Erosion) and 5.29.6 (Site Plans) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (ORD-21-37)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-21-37 Briefed and Approved.pdf, 2. ORD-21-37 Briefed.pdf, 3. Council Resoulution Report.pdf, 4. Site Plan / Storm Ordinance, 5. Staff Report 8-03-21 Site Plan Thresholds .pdf, 6. Staff Report 9-08-21 Site Plan Thresholds (rev).pdf, 7. Staff Report 10-05-21 Site Plan Thresholds\_.pdf, 8. Staff Report 11-02-21 Site Plan Thresholds\_.pdf, 9. 11-4-2021 CPC Minutes-.pdf, 10. ORD-21-37 Approval Notice.pdf, 11. WLN clipping ORD-21-37 Storm Water Management Soil Erosion - Public Hearing Notice.pdf, 12. WLN clipping ORD-21-37 Storm Water Management Soil Erosion - Approval Notice.pdf

Date	Ver.	Action By	Action	Result
1/3/2022	1	City Council	Held and Closed	
1/3/2022	1	City Council	Adopted on Second Reading	Pass
12/6/2021	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Sections 5.22.3 (Storm Water Management and Soil Erosion) and 5.29.6 (Site Plans) of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (ORD-21-37)

The amendments revise the site plan approval thresholds, clarify required review process, reduce time or approval process improve usability and more effectively communicate types of projects and the corresponding process and/or authority requirements for the benefit of the residents, city officials and the development community. The amendments also update storm water requirements to ensure consistency of requirements for all projects residential or commercial and require storm water management for projects that no longer require site plan review and approval.

This is offered by the Planning Commission in response to Council Resolution R-20-260 which asked Planning Commission and the City Administrator to Evaluate Section 5.29.6 Site Plans of Chapter 55 - Unified Development Code and propose Amendments to Adjust Site Plan Authority Thresholds and Improve the Communication of Requirements.

**Summary:** On July 6, 2020, City Council passed Resolution R-20-260 directing the Planning Commission to evaluate and make recommendations to the Unified Development Code to facilitate small and modest sized projects, and to improve the communication of UDC standards. The

proposed amendments replace 5.29.6 Site Plans with new paragraphs and text that clarify procedures, requirements, and process through the addition of a table and supplemental text. With changes to the site plan section it was determined that corresponding changes must occur to the Storm Water Management and Soil Erosion Section of Code. These changes were required due to the primary trigger for Storm water being the requirement of a site plan.

Planning Staff met with an Advisory Committee of the development community in the summer of 2020. A summary of these meetings was presented to the Planning Commission in January with a request to proceed based on the Planning Commission recommendation. Planning Staff and the Ordinance Revisions Committee (ORC) reviewed drafts in February, March, April, and May with a presentation and update to the entire Planning Commission in April 2021.

As stated previously, without some modifications to the Storm Water Management section, proposals that previously required storm water management systems would now be exempt from those requirements based on site plan approval amendments. This was due to the code language which directly linked storm water review (other than single or two-family) with a site plan review.

- **Amendment to Section 5.29.6 Site Plans:** Staff has worked extensively with the ORC and Planning Commission over the last year to address the issues noted in the Council resolution. Staff and the Planning Commission agree that more work in the future is warranted to consider revisions to which standards apply across a property during site plan review, and the potential of creating other standards of required information for small and modest projects. Nonetheless, the attached amendments focus on reducing the level of review and more effective communication of standards.

Any proposed changes to the level of final approval (e.g. Planning Manager, Planning Commission, or City Council) for site plans does not change the applicability of requirements, nor the standards to which satisfaction of codes are met (with the exception of the Electric Vehicle Parking requirements).

Here are the significant modifications that would be enacted through adoption of this ordinance:

- In lieu of the current text of the UDC, the proposed ordinance includes a table, which provides a matrix where a user can either start with the type of development activity or the use of the property and learn the required level of review.
- Currently, the construction of the ordinance dictates that all development activity requires City Council site plan approval, unless exempted, or delegated to the Planning Commission or Planning Manager. This proposed ordinance establishes that only those uses described in the table require site plan review, and all other activity may be conducted through the typical building/zoning permit process.
- Change of approval level from City Council to City Planning Commission for site plans that are NOT associated with a rezoning petition.
  - This results in the removal of one public hearing at City Council for site plans not related to a rezoning and a review period shortened by approximately 90 days.
- Building additions 300 square feet and less will be exempt from site plan review. All projects that do not require a site plan will be subject to zoning review during the Building Permit review process. Currently any increase in floor area requires site plan review.
- Construction of up to four units exempt from site plan review. Currently only one-two family is

exempt.

- Construction of five or six units requires site plan for Planning Manager approval.
- Removal of Planning Commission approval of Administrative Level changes when no site plan is on file. Currently, the UDC specifies a list of changes that can be submitted for Planning Manager approval, so long as the site has a previously approved site plan.

As a reminder, there is no change proposed to the level of public participation required in the UDC and no change to the staff review requirements for any site plans. All projects that do not require a site plan will be subject to zoning review and all applicable City codes during the Building Permit review process.

- **Amendment to Section 5.22.3 Storm Water Management Systems:** Adding language that Storm Water requirements are triggered by a Grading permit or a site plan. This will now include three and four unit developments which are proposed to be exempt from site planning, but would require a Grading permit. This will also include smaller projects that may be site plan exempt but create additional impervious surface.
  - Provides an exemption for grading permits for demolition, vegetation, removal of impervious surface or other activities as approved by the Public Services Area Administrator.
  - Grading permits, solely for vegetation clearing, building demolition, removal of impervious surfaces, or other activities approved by the PSA, shall be exempt from the Storm Water Management System requirements of this chapter
  - Eliminates current standard that sites (other than single or two-family) with less than 5,000 square feet of impervious surface are exempt from storm water management systems.

Since Planning Commission adoption, the text has been modified to reference “site plan” in lowercase rather than capitalized, as it is not a defined term in the definitions, but rather subject to the provisions of content described in the existing Section 5.29.8.

Planning Commission recommended approval of the proposed ordinance, as amended and attached, following public hearings on August 3<sup>rd</sup>, September 8<sup>th</sup>, October 5<sup>th</sup>, and November 2<sup>nd</sup>, 2021.

Attachments: City Council Resolution R-20-260  
Ordinance to Amend Unified Development Code (Sections 5.22.3  
5.29.6) November 9, 2021  
August 3, 2021 Planning Staff Report  
September 8, 2021 Planning Staff Report  
October 5, 2021 Planning Commission Minutes  
November 2, 2021 Planning Commission Minutes

Prepared by: Matt Kowalski, City Planner

Reviewed by: Brett Lenart, Planning Manager  
Derek Delacourt, Community Services Area Administrator

Approved by: Milton Dohoney Jr., Interim City Administrator  
(See Attached Ordinance)