



Legislation Details (With Text)

**File #:** 19-1565      **Version:** 1      **Name:** 10/7/19 -- Amendment to Chapter 55 (Premium Options, Affordable Housing Dwelling Units, Reimbursements)

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

**File created:** 10/7/2019      **In control:** City Council

**On agenda:** 11/4/2019      **Final action:** 11/4/2019

**Enactment date:** 10/7/2019      **Enactment #:** ORD-19-34

**Title:** An Ordinance to Amend Sections 5.13.9, 5.17.4, 5.18.6, 5.28.1, 5.28.6, 5.29.10, 5.30.1 and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Premium Options, Affordable Housing Dwelling Units, Reimbursements) (Ordinance No. ORD-19-34)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-19-34 UDC Briefed, Amended and Approved.pdf, 2. ORD-19-34 UDC Ordinance Briefed.pdf, 3. Ordinance to Amend Chapter 55 Premiums (8-13-19).pdf, 4. 8-7-19 Staff Report on Premium Amendments with Attachments.pdf, 5. 8-7-2019 CPC Approved Meeting Minutes.pdf, 6. ORD-19-34 Approval Notice.pdf

Date	Ver.	Action By	Action	Result
11/4/2019	1	City Council	Held and Closed	
11/4/2019	1	City Council		
11/4/2019	1	City Council	Amended	
11/4/2019	1	City Council	Amended	
11/4/2019	1	City Council	Adopted as Amended on Second Reading	Pass
10/7/2019	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Sections 5.13.9, 5.17.4, 5.18.6, 5.28.1, 5.28.6, 5.29.10, 5.30.1 and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Premium Options, Affordable Housing Dwelling Units, Reimbursements) (Ordinance No. ORD-19-34) Amendments are proposed to the Unified Development Code to allow change the premium options by eliminating the residential use premium and affordable housing premium and offering an affordable residential unit premium option. Related changes, such as changing and replacing the term affordable housing for lower income households to affordable housing dwelling unit, changing the fee reimbursement policy for developments proposing affordable housing dwelling units, and clarifying the requirements for affordable housing dwelling units in planned unit developments, are also included.

These amendments were developed by the Planning Commission in response to City Council Resolution R-19-109, which asked for recommended changes to the Unified Development Code to gain more affordable dwelling units downtown. A new option, Affordable Residential Unit Premium, offers increasing blocks of bonus floor area for increasing percentages of affordable dwelling units. Each block of bonus floor area must be used for residential use, and half of required affordable units may be offered at market rates when a payment in lieu is made to the Affordable Housing Fund. A

provision is included to allow limited increased height only with the highest amenity level so that the additional floor area bonus can be realized. All affordable dwelling unit area is subtracted from the off-street parking requirement for premium floor area. A provision requiring an affordability agreement that addresses operating and maintaining the affordable units is included, as well as a penalty for violations.

Following public hearings on June 4 and August 7, 2019, the Planning Commission recommended approval of the proposed amendments.

Attachments: Ordinance to Amend Chapter 55 (Premium Options, Affordable Housing Dwelling Units, Reimbursements)  
Planning Staff Report - August 7, 2019  
Planning Commission Minutes - August 7, 2019

Prepared by: Alexis DiLeo, City Planner  
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Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-19-34

First Reading: October 7, 2019                      Approved: November 4, 2019  
Public Hearing: October 21, 2019                  Published: November 7, 2019  
Effective: November 17, 2019

UNIFIED DEVELOPMENT CODE  
(PREMIUM OPTIONS, AFFORDABLE HOUSING DWELLING UNITS, REIMBURSEMENTS)

AN ORDINANCE TO AMEND SECTIONS 5.13.9, 5.17.4, 5.18.6, 5.28.1, 5.28.6, 5.29.10, 5.30.1 AND 5.37.2 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 Section 5.13.9 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.13.9 Planned Unit Development (PUD) District**

A. Purpose Statement

The purpose of this district is to permit flexibility in the regulation of land Development; to encourage innovation in land use and variety in design, layout, and type of Structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage provision of Open Space and protection of Natural Features; to provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City; to expand the supply of Affordable Housing for Lower Income Households **Dwelling Units** and to encourage the use, reuse, and improvement of existing Sites and Buildings that will be developed in a compatible way with surrounding uses, but where the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the Site or surrounding area. The district is intended to accommodate developments with one or more land uses, Sites with unusual topography or unique settings within the community, or Sites that exhibit difficult or costly Development problems or any combination of these factors. This zoning district shall not be allowed where it is sought primarily to avoid the imposition of standards and requirements of other zoning classifications or other City regulations rather than to achieve the stated purposes above.

Section 2. That Section 5.17.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.17.4 Mixed Use Zoning Districts**

Dimensional standards for mixed use zoning districts are provided in Table 5:17-4.

**TABLE 5:17-4: MIXED USE ZONING DISTRICT DIMENSIONS** NOTE: The requirements in this table may be superseded by the standards in Section 5.18.

District	Maximum FAR (% of Lot Area)		Maximum Floor Area Ratio Non-residential Use (Sq. Ft.)	Required Setback (ft.)				Minimum / Maximum height		Minimum gross Lot dimensions	
	normal	with premises (See Sec. 5.18.6)		minimum front	maximum front	minimum side	minimum rear	(ft.)	stories	area (sq. ft.)	width (feet)
<b>O</b>	75	N/A	None	15	40 [A]	[B][C]		[D]	[D]	6,000	50
<b>C1</b>	100	N/A	8,000	10	25	[B][C]		35	3	2,000	20
<b>C1B</b>	150	N/A	None	10	25	[B][C]		50	4	3,000	20
<b>C1A</b>	200	Up to 4, See Section 5.18.6	None	None	None	[F]		None	None	None	None
<b>C1A/R</b>	300	Up to 4, See Section 5.18.6	None	10	None	[F]		None	None	None	None
<b>C2B</b>	200	N/A	None	10	25	[B][C]		55	4	4,000	40
<b>C3</b>	200	N/A	None	10	[B][C] [G]	[B][C]	20 [B] [C]	55	4	6,000	60

D1	400	700; <b>Up to 900</b> <b>See Section 5.18.6 with affordable housing premiums</b>	None	See Table 5:17-7	See Table 5:17-6	(H)/ Table 5:17-6	None	None
D2 (I)	200	<b>Up to 400</b> , <b>See Section 5.18.6</b>	None	See Table 5:17-7	See Table 5:17-6	(H)/ Table 5:17-6	None	None

NOTES: [A] Applies only to new detached Buildings constructed or for which a site plan approved after January 16, 2011, otherwise none. For Lots with more than one Front Lot Required Setbacks shall only apply to one Front Lot Line. [B] 30 ft. where abutting residentially zoned land, otherwise none. [C] Plus one foot of additional setback for each foot of Building Height above 30 feet when abutting residentially zoned land. [D] No minimum. No maximum except in any area on a parcel extending 300 feet from an abutting residentially zoned lot maximum height limits shall be 55 feet and 4 stories. [E] Maximum Floor Area for each nonresidential use in a Principal or Accessory Building. [F] Equal to the minimum side and minimum rear setback for the abutting district when abutting a residential district. [G] 30 feet abutting residentially zoned land. [H] The minimum height is 24 ft. and 2 stories. This requirement shall apply only to new principal use buildings constructed after December 2009; otherwise none. The Floor Area of the required second Story must be a minimum of 10% of the Floor Area of the first Story. [I] All Development in the D2 district shall provide a minimum of 10% of the Lot Area as Open Space, and no Development shall have Building Coverage greater than 80% of the Lot Area.

**Section 3.** That Section 5.18.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.18. 6 Premiums**

A premium is an increase in allowable Floor Area to exceed the normal maximum Floor Area Ratio established by this chapter for Structures in the C1A, C1A/R, D1 and D2 Zoning Districts.

**B. Purpose**

The intent of incorporating premiums into this chapter is:

1. To provide an incentive for **affordable** residential development **housing opportunities** in and in close proximity to the City's downtown and to encourage affordable housing opportunities in situations where such opportunities might not otherwise be provided.
2. To encourage Development which reinforces pedestrian activity along streets within the central Business core and to achieve a greater mixture of land uses and intensities than might occur in the absence of such premiums in order to strengthen the economic vitality and diversity which is essential to a healthy and vibrant street life.
3. To provide an incentive for the Development of public spaces and pedestrian amenities and to encourage excellence in urban design through the provision of Open Space and landscaped approaches to Buildings at appropriate corners.
4. To provide incentives for the Development of energy-efficient and environmentally sustainable

Buildings.

5. To encourage the inclusion of public parking in the Development of new private Parking Structures.
6. To encourage the preservation of historic Buildings not currently located in an historic district.

### **C. Premiums Not Intended for Historic Buildings**

Premiums shall not be used as a justification for the demolition of Buildings in historic districts in order to increase density.

### **D. Availability**

A premium is not available unless a Building and its surrounding Site incorporates and maintains certain architectural features or land uses, or both, as designated by this chapter.

### **E. Floor Area Premium Options**

In the C1A, C1A/R, D1 and D2 zoning districts, the normal maximum Floor Area Ratio set forth in Table 5:17-2 may be exceeded on Lots located entirely outside of an historic district and floodplain when amenities as described in this section are provided, subject to the premium limits designated in Table 5:17-4.

#### **1. General Regulations**

- a. Premium options may be applied only to Lots that are located entirely outside of an historic district, as designated by Chapter 103 and that contain no part of a 100-Year Floodplain, according to City's adopted floodplain map as designated by Chapter 100.
- b. Premium options apply only to any Structure located on the same Lot as the amenities or land uses, or both, which give rise to the premium.
- c. The use of multiple options to acquire premiums is permitted.
- d. All amenities or land uses used to acquire a Floor Area premium shall remain for the life of the Structure. The feature(s) shall only be diminished or discontinued if the additional Floor Area is permanently removed or if another premium option(s) of at least equivalent Floor Area value, as described in this section, is approved as part of a site plan.
- e. Any property that received additional Floor Area through a premium option(s) which was lawfully established prior to, and lawfully continuing in existence on the effective date of this section, shall be deemed a conforming use and/or Structure. When modifications to any such property are requested, compliance with the current premium options is required.
- f. As a condition of receiving the additional Floor Area through a premium option, the Building must comply with the following energy efficiency standards for the construction of all new Floor Area:
  - i) A minimum of two points must be achieved under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1. The most recent version in effect at the time of site plan approval shall be applied.
  - ii) Compliance with this requirement shall be verified and documented by the property owner using an industry standard software energy modeling tool (EQUEST or equivalent) prior to the issuance of building permits.
- g. Provisions implementing the premium options, and ensuring future compliance with the premium options, where applicable, shall be included as a condition to the approval of a site plan, and in a Development Agreement, or both, as determined by the City Attorney.

#### **Residential Use Premium Option**

In D1 and D2 districts, 0.75 square foot of Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed for each square foot of Floor Area, regardless of location within the Building, used for Multiple-Family Dwellings. Every sleeping room in the Building shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every sleeping room shall be not less than 8% of the Floor Area of such room. If Dwelling Units constitute a portion of a mixed use Building, Dwelling Units must be completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the provisions of Section 5.28.8.

#### **Affordable Housing Premium Option**

In D1 and D2 districts, 3,000 square feet of Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed for each on-site Dwelling Unit designated as Affordable Housing for Lower Income Households. In the D1 district, the normal maximum Floor Area Ratio with premiums (700%) may be exceeded, up to a maximum of 900%, to provide Dwelling Units designated as affordable to lower income households. Designated units shall have a minimum of 600 square feet of Floor Area and shall remain affordable for the life of the Building. Provisions to implement the affordable housing premium option shall meet requirements for Affordable Housing for Lower Income Households, as determined by the Office of

Community Development.

2. **Affordable Residential Unit Premium Option**

- a. In the D1 and D2 districts, additional Floor Area may be earned to exceed the normal maximum FAR when Affordable Housing Dwelling Units are included in a Development as provided below.

**Table 5.18-1: Affordable Residential Unit Premium**

<b>Amenity</b>	<b>Additional Floor Area</b>	<b>Specific Standards</b>
15% of all residential Floor Area are is dedicated to Affordable Housing Dwelling Units	D1 District: 150% of Lot Area D2 District: 100% of Lot Area	<ul style="list-style-type: none"><li>• Residential Floor Area of the Development must equal at least 150% of the Lot Area in the D1 district and 100% of the Lot Area in the D2 district.</li><li>• Up to half of the amenity Floor Area may be of market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</li></ul>
20% of all residential Floor Area are is dedicated to Affordable Housing Dwelling Units	D1 District: 300% of the Lot Area D2 District: 200% of the Lot Area	<ul style="list-style-type: none"><li>• Residential Floor Area of the Development must equal at least 300% of the Lot Area in the D1 district and 200% of the Lot Area in the D2 district.</li><li>• Up to half of the amenity Floor Area may be of market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</li></ul>
30% of all residential Floor Area are is dedicated to Affordable Housing Dwelling Units	D1 District: 500% of the Lot Area D2 District: Not available	<ul style="list-style-type: none"><li>• Residential Floor Area of the Development must equal at least 500% of the Lot Area in the D1 district and the maximum height limit of the development overlay district may be increased by 15%.</li><li>• Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</li></ul>

- b. Every sleeping room in the Building shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every sleeping room shall not be less than 8% of the Floor Area of such room.
- c. Affordable Housing Dwelling Units shall be provided on-site or, to the extent allowed as provided in Table 5.18-1, by payment of an affordable housing contribution in lieu of on-site units consistent with a formula adopted by resolution of City Council.
- d. If Dwelling Units constitute a portion of a mixed use Building, Dwelling Units must be

completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the provisions of Section 5.28.8.

- e. The conditions to the approval of a site plan, or Development Agreement, or both, as required in Section 5.18.6.D.1.g, shall include provisions to implement and maintain Dwelling Units meeting the requirements for Affordable Housing Dwelling Units for 99 years from the date of issuance of the final certificate of occupancy or make payments for contributions in lieu of on-site units, or both.
  - f. The total Floor Area of Affordable Housing Dwelling Units shall be subtracted from the total premium Floor Area when calculating off-street motor vehicle parking in Section 5.19.3 Special Parking Districts.
  - g. Failure to maintain the required Floor Area of Affordable Housing Dwelling Units in compliance with this Section shall be a violation of this ordinance. The penalty for such violation shall be a fine deposited into the Affordable Housing Fund of five times the current payment for affordable housing contributions in lieu of on-site units adopted by resolution of City Council at the time of the violation of the applicable area of Dwelling Units.
3. **Green Building Premium Option**
- a. In D1 and D2 districts, Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed in the following increments for Site and/or Buildings achieving the following levels of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) Certification for new construction (NC) or existing Buildings. The most recent version in effect at the time of site plan approval shall be applied.
    - i) LEED Silver Certification, with a minimum of four points in Energy & Atmosphere Credits No. 1 and 2: 50% of Lot Area.
    - ii) LEED Gold Certification, with a minimum of 6 points in Energy & Atmosphere Credits No. 1 and 2: 150% of Lot Area.
    - iii) LEED Platinum Certification, with a minimum of 8 points in Energy & Atmosphere Credits No. 1 and 2: 250% of Lot Area.
  - b. Prior to issuance of any building permits, the Applicant shall submit proof of LEED registration and a letter in a form satisfactory to the City Attorney stating his/her commitment to achieving the requested LEED Certification and to demonstrating compliance with that commitment.
  - c. Within six months of receiving the final certificate of occupancy, the Applicant shall submit to the Planning Manager documentation of the credits earned from the U.S. Green Building Council and achievement of the requested Certification. This time period may be extended by the Planning Manager at his or her discretion for a period not to exceed three months if additional time is needed to complete the LEED Certification process, and the Applicant has been diligently working towards completion.
  - d. Failure to submit documentation from the U.S. Green Building Council within the required time period demonstrating the Applicant's achievement of the requested LEED Certification premium shall be a violation of this ordinance. The penalty for such violation shall be \$500 per day from the date when the report was due to the date it is submitted.
  - e. Failure to demonstrate full compliance with the Applicant's commitment to achieve the requested LEED Certification premium shall be a violation of this ordinance. The penalty for each violation is an amount determined by the following formula:  
$$P = [(LC-CE) / LC] \times CV \times GPUP$$

Where:  
P is the penalty;  
LC is the minimum number of credits to earn the requested LEED Certification;  
CE is the number of credits earned as documented by the U.S. Green Building Council report;  
CV is the construction value, as set forth on the Building permit for the new Structure;  
GPUP, the Green Premium Utilization percentage, is the greater of (i) 0.075; or (ii) a fraction, the numerator of which is LEED FAR, the denominator of which is TFAR.  
LEED FAR is the minimum amount of Floor Area proposed that is attributable to the Green Building Premium;  
TFAR is the total Floor Area proposed.

- f. Failure of the Applicant to comply with the Applicant's commitment to achieve the requested LEED Certification premium shall not affect the right to occupy any of the premium Floor Area if a penalty is paid to the City in the amount determined in this section. No additional penalty shall be imposed for failure to comply with the commitment.
- g. If, within 90 days, or such longer period as the Planning Manager may allow for good cause, the application shall demonstrate, through a supplemental report from the U.S. Green Building Council that it has made sufficient alternations to improvements to earn the requested LEED Certification, or to earn more credits toward such a Certification, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final.

**4. Historic Preservation Premium Option**

In D1 and D2 districts, additional Floor Area of up to 50% of the Lot Area shall be allowed in excess of the normal maximum Floor Area Ratio for a development that preserves a historic resource, as defined in Chapter 103, that is currently listed on or eligible for the National Register of Historic Places and/or the State Register of Historic Sites. For purposes of calculating the maximum Floor Area Ratio for the Lot, the Floor Area of the historic resource shall not be counted in the total.

**5. Pedestrian Amenity Premium Option**

**a. General**

In C1A, C1A/R and D1 districts, ten square feet of Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed for each square foot of pedestrian amenity improvements, up to a maximum of 8,000 square feet of additional Floor Area. Any space in which a pedestrian amenity is used to acquire a premium shall not be used for the off-street parking of any vehicle, including but not limited to automobiles, bicycles, motor bikes, and scooters; nor shall such area be used for access drives, loading, or trash collection stations, except as noted in Section 5.18.6.D.6.c.iv. Interconnections of pedestrian amenities between two or more Lots are required to the extent feasible. A public Open Space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public Open Space premiums which are open at night. Pedestrian amenities may include the options listed below.

**b. Inner Arcade**

**i) General**

A non-publicly owned, continuous, covered space that runs through or along a non-Street side of a Building and connects public Streets, arcades, Open Space, or Sidewalks and is readily accessible and identifiable from the public Street, arcade, or Sidewalk. An arcade shall meet the following requirements:

- (a) Connect and be accessible from at least two public Streets, or a public Street and a public or non-public arcade fronting on another public Street, or a public Street and a public or non-public plaza fronting on another public street, or a public or non-public arcade and another public or non-public arcade fronting on another public Street; or a public parking garage and a public Street; and
- (b) Measure not less than 12 feet wide; and
- (c) Have an open and unobstructed headroom of at least 12 feet in height; and
- (d) Remain open for use by the general public during all business hours common in the area.

**ii) Art Work**

Art works may occupy up to five percent of the total arcade area if a minimum clearance of 6 feet for circulation is provided.

**c. Plaza**

A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public Street or public Sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to 2/3 of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:

- i) Have a minimum dimension of ten feet; and occupy not less than 500 square feet; and
- ii) Be at the same Grade as the adjacent public Sidewalk or not more than 24



inches above or below the Grade of adjoining public Sidewalk for no more than 50% of either length of the sides adjoining and measured at the Lot Line; and

- iii) Be readily identifiable from the public Sidewalk; and
- iv) A portion of a plaza may be used for the parking of bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each two bicycles parked, and permanently-installed bicycle facilities are provided; and
- v) When seating and/or tables are provided, they shall be available for use by the general public at all times the space is open.

**6. Public Parking Premium Option**

In the D1 district, the Floor Area of above-Grade Parking Structures reserved for vehicular Parking Spaces in excess of the minimum requirement shall not be counted toward the maximum Floor Area Ratio, up to a maximum of 200% of the Lot Area, if the following conditions are met:

- i) The Parking Spaces are made available to the general public;
- ii) The number, location, size, access, layout and design of the Parking Spaces meet standards for public parking, as determined by the Downtown Development Authority;
- iii) The property owner signs and records a Development Agreement or other document approved by the City Attorney outlining the operating conditions for this parking.

Section 4. That Section 5.28.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.28.1 Application Filing Requirements**

- A. Application forms and submittal requirements for all types of applications, permits, and approvals referenced in this Article V can be obtained from the PDSU. The required materials shall include but not be limited to those materials listed for specific types of applications in Sections 5.28 and 5.2, and those materials required to show full compliance with this chapter and all other applicable City, state, and federal laws.
- B. Required application materials may include additional studies or analyses not specified in this chapter or on application forms including but not limited to traffic studies, environmental assessments, utility analyses, community impact analyses, market studies, need analyses or other studies or documents if the Planning Manager determines that those materials are necessary to accurately evaluate the impacts of the proposed Development. All application materials shall be submitted to PDSU unless this chapter indicates a different place for filing.
- C. No application under this chapter shall be considered complete, and no application under this chapter shall be circulated for review or approval, until all of the required materials have been submitted and all applicable fees have been paid. This includes but is not limited to fees established by resolution for zoning, annexation, special exceptions, site plans, and zoning permits. If the Planning Manager determines that the application is incomplete, it shall be returned to the Applicant for completion and re-filing of the application.

**D. Fees.**

The following fees are authorized by this chapter and shall be by resolution of the City Council upon the recommendation of the City Administrator.

**1. Administration Fees**

Before any application, petition or permit shall be issued covering Building or other operations regulated by this chapter, an Administrative fee shall be paid.

**2. Zoning Map Amendment Fees**

Filing and review fees for amendments to the zoning map shall apply also to the owners of newly annexed property that require a City zoning classification.

- a. If the amendment would require more than one classification, the fee shall be computed separately for each classification based on the size of the classification applied for.
- b. Any amendment to a zoning application (excepting technical amendments to correct minor errors in description) shall be accompanied by a fee equal to one-half the fee required for the amending classification.

**3. Wetland Use Permit Fees**

The Wetland Use Permit fee will be for review of application and plans, and field inspections. A property owner may request of the PSA Administrator a preliminary assessment of the Site to determine whether or not the Site will be affected by provisions of this Code addressing Wetland use and permitting. No fee shall be charged for this determination.

**4. Grading Fees**

Grading Permits and inspection fees are subject to the following provisions:

- a. Inspection fees are to be paid prior to the issuance of a certificate of occupancy and release of the cash bond associated with the Grading Permit. Should construction activities begin prior to the issuance of a Grading Permit, the permittee is subject to double the plan checking and inspection fees, as determined by the Planning Manager.
- b. A monthly inspection fee shall be assessed for land not stabilized or subject to Accelerated Soil Erosion, except for the construction of or addition to one Single- or Two-Family Dwelling or accessory Structure on a parcel zoned solely for residential purposes.
- c. An additional inspection fee shall be assessed for each inspection following the issuance of a correction notice for corrections to be performed in less than one month.
- d. Unpaid fees assessed in accordance with this chapter shall become a debt to the City from the land owner and may be collected as a single Lot assessment under Section 1:292 of this Code, or collected from the cash bond for the project, or in any other manner in which an indebtedness due the City may be collected.

**E. Reimbursements and Reductions**

1. Reimbursements of fees for withdrawn applications and permits partially processed shall be offered as established by resolution of the City Council upon recommendation of the City Administrator.
2. Fifty percent of Application application fees may be reduced by resolution of the City Council by not more than 50% of the specified fees and must be based on a finding that the shall be reimbursed when the proposed development would provides Affordable Housing for Lower Income Households Dwelling Units.

Section 5. That Section 5.28.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.28.6 Development Agreements**

Approval of a final preliminary plat or site condominium land division shall be conditioned upon the execution of a Development Agreement that secures the completion of all public and private improvements shown on the approved plat or land division. Where the timing or nature of improvements require such Security, the approval of a site plan or a PUD site plan may be conditioned upon the execution of a Development Agreement. Where a PUD zoning district allows residential uses and proposes Development of at least 20% of the Dwelling Units as Affordable Housing for Lower Income Households Dwelling Units, approval of a PUD site plan shall be conditioned upon the execution of a Development Agreement that assures the affordability and availability of such housing.

Section 6. That Section 5.29.10 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.29.10 Planned Unit Development (PUD) Zoning District**

The City provides for PUD zoning for property owners to obtain more flexibility in Development than is provided by the City's standard base and overlay zoning districts, as described below.

**A. Applicability**

The provisions of this Section 5.29.10 shall apply to all PUD zoning districts:

**B. Alternative Standards Permitted**

The Planning Commission may recommend and City Council may approve, as Supplemental Regulations, modifications that increase, decrease, or eliminate the requirements in the areas listed below for equivalent land uses and intensities:

1. Use regulations, and area, height and placement regulations otherwise applicable to the property pursuant to this chapter, except that a modification allowing greater residential density may be approved only if the PUD zoning district proposed provides for Dwelling Units as Affordable Housing for Lower Income Households Dwelling Units as specified in Section 5.1.1F.5
2. Off-street parking requirements in Section 5.19.
3. Landscaping, screening, and buffering requirements in Section 5.20.

**C. The PUD Process**

The PUD process involves five consecutive steps: citizen participation, pre-application conference with staff, pre-petition conference with Planning Commission, PUD zoning district review, and PUD site plan review. The pre-application conference occurs before the Applicant has submitted a formal application. zoning district and site plan reviews occur after the Applicant has submitted a formal application. The PUD site plan review may

occur only if the PUD zoning district has been approved as required by this Section or the Planning Commission has approved an Applicant request for PUD zoning district and PUD site plan approvals to be presented together at the same meeting per Section 5.29.10.C.3 below.

**1. Citizen Participation**

Before submitting a PUD application for formal review, the Applicant shall comply with Section 5.28.4.

**2. Pre-Application Conference with Staff**

Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed Conceptual PUD Plan and PUD Development Program. The staff may provide the Applicant with their comments regarding compliance with ordinance of the proposed land uses, the proposal's conformance with adopted Master Plan and policies.

**3. Pre-Application Conference with Planning Commission**

Before submitting a PUD application, the Applicant shall contact the Planning Manager to schedule a pre-application conference at a regularly scheduled meeting or a working session of the Planning Commission. At the conference, the Applicant shall present the proposed Conceptual PUD Plan and PUD Development Program. The Planning Commission and staff may provide the Applicant with their comments regarding the appropriateness of the proposed land uses, the proposal's conformance with adopted master plan and policies, and the beneficial effects to be achieved. The Planning Commission shall decide whether or not a model may be required and whether Applicant's requests for zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings.

**4. PUD Zoning District Review**

PUD zoning district review involves PSDU and Planning Commission review of the Conceptual PUD Plan, the PUD Development Program, and Supplemental Regulations to determine consistency with or the appropriateness for deviating from the City's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the City and adoption by City Council as part of the zoning ordinance. Once approved by the City Council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the Supplemental Regulations in the approved PUD and all other applicable code requirements.

**5. PUD Site Plan Review**

Review and approval of a PUD site plan is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in Phases, as shown on the Conceptual PUD Plan, approval of a PUD site plan for each Phase is required prior to the issuance of permits for that Phase. An approved PUD site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved PUD site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of Natural Features.

**D. PUD Zoning District Review Submittal Requirements**

The Applicant for any PUD zoning district shall submit a complete application together with the following materials:

1. The entire parcel or parcels for which application is made shall be under one ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the Development shall be included in the PUD zoning district request.
2. A Conceptual PUD Plan containing the information required by Section 5.29.7 for area plans. The plan shall include but not be limited to area, height, and placement standards, the location and relationships of permitted land uses, parking and circulation systems, landscape features, preserved Natural Features, proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.
3. A boundary survey and legal description of the parcel(s) to be zoned PUD.
4. A PUD Development Program describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district, why this beneficial effect cannot be achieved under any other zoning designation, and its conformity to the adopted master plan and policies of the City or detailed compelling justification for departures from the plan and policies.
5. Proposed Supplemental Regulations for the PUD zoning district shall include, but not be limited to, permitted land uses; Accessory Uses; minimum and maximum standards of Lot Area and Lot Area per Dwelling Unit, if applicable; minimum Open Space as a percentage of Lot Area; Required Setbacks; height and number of stories. The Supplemental Regulations shall include sufficient

analysis and justification for the beneficial effect and detailed performance standards by which the development will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:

- a. A comprehensive analysis of the surrounding neighborhood, providing such details as scale of Structures, minimum and maximum height and number of stories, minimum and maximum setbacks, historic or architectural styles or features, building materials and colors, and other unique features and a detailed analysis of how the PUD site plan and design contribute to the neighborhood.
  - b. A comprehensive analysis of the unique features of the Site, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the Site's unique features.
6. Any additional visual materials, such as a three-dimensional study model, a virtual model, graphics, photographs, or written materials requested by the Planning Manager, Planning Commission or City Council to assist the City in visualizing and understanding the proposal and assessing the possible benefits and impacts.
  7. Materials supporting a request for additional residential density in accordance with Section 5.29.10.F.5 if applicable.

#### **E. Procedure for PUD Zoning District Review**

A PUD zoning district is established as follows:

1. All required materials shall be filed with the Planning Manager. Copies of the materials will be distributed by the Planning Manager to the appropriate City service units and other reviewing agencies for review to determine the following:
  - a. If the Development can be accommodated by the existing Public Utility, street, and general City service facilities, or if any additions to, or extension of facilities are necessary for the project.
  - b. If the proposal meets the standards for PUD zoning district approval listed below.
  - c. If the Development will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUD.
  - d. If the proposal conforms to the adopted master plan and policies, or provides sufficient compelling justification for departure from the adopted plan and policies.
2. The Planning Manager will notify the Applicant of any questions raised by the City service units and other reviewing agencies and shall submit a report to the Planning Commission for its consideration including an evaluation of the planning aspects of the project and its impact on the present and future Development of the City.
3. The Planning Commission shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.
4. The Planning Commission shall recommend to City Council action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to City Council.
5. Before taking final action on the application, the City Council shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.
6. A protest of a proposed PUD zoning district may be presented as provided in Section 5.29.9.E.
7. The Planning Manager shall keep a record of all approved PUD zoning districts and Supplemental Regulations. Notice of approvals shall be published as required by Section 5.29.9.

#### **F. Standards for PUD Zoning District Review**

The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

1. The use(s), physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:
  - a. Innovation in land use and variety in design, layout and type of Structures that furthers the stated design goals and physical character of adopted land use plans and policies.
  - b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.
  - c. Provision of Open Space.
  - d. Preservation and protection of Natural Features that exceeds the requirements of this chapter,

- especially for those features prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.
- e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.
  - f. Expansion of the supply of Affordable Housing for Lower Income Households **Dwelling Units**.
  - g. The use and reuse of existing Sites and Buildings that contributes to the desired character and form of an established neighborhood.
2. This beneficial effect for the City shall be one that could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.
  3. The use or uses proposed shall not have a detrimental effect on public utilities or surrounding properties.
  4. The use or uses proposed shall be consistent with the master plan and policies adopted by the City or the Applicant shall provide adequate justification for departures from the approved plans and policies.
  5. If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide Affordable Housing for Lower Income Households **Dwelling Units** in the following manner:
    - a. For Proposed PUD projects exceeding the residential density recommendation of the master plan by up to 25%, the PUD project shall provide 10% of the total **Dwelling Units as Affordable Housing Dwelling Units** or 15% when exceeding by more than 25%, or the underlying zoning when **When** the master plan does not contain a residential density recommendation **and the proposed PUD project exceeds the FAR of the underlying zoning**, by up to 25%, the proposed PUD Project shall provide 10% of the total **Dwelling Units Floor Area** as Affordable Housing for Lower Income Households **Dwelling Units** or 15% when exceeding by more than 25%. Proposed PUD projects exceeding the residential density recommendation of the master plan, or the underlying zoning when the master plan does not contain a residential density recommendation, by over 25% shall provide 15% of the total **Dwelling Units as Affordable Housing** for Lower Income Households.
    - b. Affordable Housing for Lower Income Households **Dwelling Units** shall be provided by the Development of **as** units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or by a combination of affordable housing Development and contributions. **When a number of Affordable Housing Dwelling Units is required, the payment in lieu shall be based on the average size of all Dwelling Units in the PUD project.**
    - c. When the **required percentage of** affordable housing requirement results in a fractional unit, **either a whole Affordable Housing Unit shall be provided or a payment of an affordable housing contribution in lieu shall be made for the fractional unit based on the following formula: (Average Floor Area of all Dwelling units in the PUD project) x (Fractional unit) x (Contribution in Lieu Payment)** shall be converted to an affordable housing contribution in lieu of units, using the following formula: the fraction shall be multiplied by the per-unit PUD affordable housing contribution as determined by the formula adopted annually by City Council.
    - d. The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.
    - e. Provisions to implement the affordable housing proposal shall be included in the PUD Supplemental Regulations or the Development Agreement, or both, as determined by the City.
  6. The Supplemental Regulations shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.
  7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where feasible, the proposal shall encourage and support the use of alternative methods of transportation.
  8. Disturbance of existing Natural Features, historical features and historically Significant Architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative

impacts.

**G. Effect of PUD Zoning District Approval**

1. Approval of the PUD zoning district by City Council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the PUD Development Program, the Conceptual PUD Plan, and Supplemental Regulations for the zoning district. In the case of differences between plans and written documents, written documents shall govern.
2. The approval shall confer upon the owner(s) or subsequent owner(s) the right to seek PUD site plan approval for the proposal or for any of its approved Phases in accordance with Section 5.29.10.H, the approved PUD zoning district and Supplemental Regulations and City regulations and ordinances.
3. A PUD zoning district and its Supplemental Regulations shall remain in effect as approved until a change to the PUD zoning district has been approved.

**H. Planned Unit Development (PUD) Site Plan**

**1. Requirement**

An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any Natural Feature for all planned unit developments.

**2. Procedure for PUD Site Plan Review**

- a. The Applicant for PUD site plan approval shall file with the Planning Manager all drawings and other materials required for site plans in Section 5.29.6; all drawings and other materials required in this chapter for PUD zoning district approval; and the additional information listed below. A PUD site plan application shall not be considered technically complete and filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
- b. The Applicant for a PUD site plan approval shall file a Development Agreement as described in Section 5.28.6.
- c. Before submitting a site plan application for formal review, the Applicant shall comply with the requirements for citizen participation in Section 5.28.4.
- d. Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed PUD site plan and PUD Development Program. The staff may provide the Applicant with their comments regarding compliance with required site plan information, the appropriate approving body, and the type of citizen participation required.
- e. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information including but not limited to plans, elevations, Building and Site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
- f. The Planning Manager will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district Supplemental Regulations and Conceptual PUD Plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a Development Agreement as provided in this chapter. The Planning Manager will notify the Applicant of any questions raised by the City departments and other reviewing agencies and negotiate a Development Agreement with the Applicant if it is determined that such an agreement is needed. The Planning Manager shall submit a report and recommendation to the Planning Commission based on this review.
- g. The Planning Commission, after holding a public hearing on the PUD site plan with notification as required by Sections 5.28.2 and 5.28.3, shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.

**3. Standards for PUD Site Plan Review**

City Council, after holding a public hearing on the PUD site plan with notification as required by Sections 5.28.2 and 8.28.3, and after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, approve with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:

- a. The Development would comply with the PUD zoning established pursuant to the requirements of this chapter, and with all applicable local, state, or federal laws, ordinances, standards and

regulations.

- b. The Development would limit the disturbance of Natural Features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section 5.29.6.G.
- c. The Development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.

**4. Effect of PUD Site Plan Approval**

For three years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved Developments. After three years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided in 5.20.4.A.

Section 7. That Section 5.30.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.30.1 Planned Project Site Plan Modification**

**A. Purpose**

The intent of this Section 5.20.1 is to provide an added degree of flexibility in the placement, design, and interrelationship of the Buildings within a site planned Development and to provide for Permanent Open Space preservation as part of a site planned Development without the need for a PUD rezoning. Modifications of the area, height, placement, and design requirements, and Lot sizes, otherwise required by this chapter, may be permitted if the planned project would result in the preservation of Natural Features, greater minimum Open Space, greater Setback Lines, energy conserving design, preservation of historic or architectural features, higher quality design, expansion of the supply of Affordable Housing for Lower Income Households [Dwelling Units](#) or a beneficial arrangement of Buildings. A planned project shall maintain the permitted uses and requirements for maximum density, maximum Floor Area Ratio and minimum Open Space specified in this chapter for the zoning district(s) in which the proposed planned project is located.

**B. Submittal Requirements**

The Applicant for a planned project shall submit the following materials in addition to the site plan application:

- 1. An application identifying the specific sections of this chapter to be modified, as well as explaining how the modifications will help achieve the objectives of the development program and the standards described below.
- 2. When a planned project modification seeks to permanently preserve Open Space by utilizing reduced Lot size, the Applicant shall provide an alternative concept site plan of the property, drawn to scale. The alternative concept site plan shall illustrate the maximum number of Lots that could reasonably be achieved without application of the reduced Lot size, taking into account the application of all ordinances, laws, and regulations, including but not limited to road rights-of-way, parking, access and provision of utilities, and storm water management, Soil Erosion and Sedimentation Control Facilities.

**C. Standards for Approval**

- 1. Based upon compliance with the following standards, the Planning Commission may recommend approval, and City Council may approve modifications of the area, height, and placement, and design regulations of the zoning chapter in the form of a planned project site plan:
  - a. The Lot or Lots included in the planned project meets the minimum Lot size requirement of the zoning district in which they are located. In residential zoning districts, the minimum Lot size shall be the combined total of the minimum Lot sizes for each dwelling on a parcel. However, the following exceptions may apply.
    - i) For purposes of this section, zero Lot Line duplex or townhouse development shall mean a development containing attached Single-Family Dwelling Units on individual Lots. If a planned project for a zero Lot Line duplex or Townhouse development provides Affordable Housing for Lower Income Households [Dwelling Units](#), the minimum Lot size and width requirements may be reduced. The number of Dwelling Units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed Development is located.
    - ii) In any residential zoning district allowing three or fewer Dwelling Units per acre, when 20% or more of the total area of a Development is set aside for Permanent Open Space preservation, the gross Lot size may be reduced below the minimum Lot Area per Dwelling

Unit and width requirements for the zoning district in which it is located, as provided in this Section 5.30.1.

- b. The proposed modifications of dimensional standards provides one or more of the following:
  - i) Open Space in excess of the minimum requirement for the zoning district. Where no minimum Open Space standard is required by the zoning district, a minimum Open Space standard shall be established by the approval of the planned project.
  - ii) Required Setback Lines or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum Required Setback Lines or parking setback is required by the zoning district, a minimum setback standard shall be established by approval of the planned project.
  - iii) Preservation of Natural Features that exceeds the requirements of this chapter, especially for those existing features prioritized in this chapter as being of highest and mid-level concern.
  - iv) Preservation of historical or Architectural features.
  - v) Solar orientation or energy conserving design.
  - vi) An arrangement of Buildings that provides a public benefit, such as transit access, pedestrian orientation, or a reduced need for infrastructure or Impervious Surface.
  - vii) Affordable Housing for Lower Income Households [Dwelling Units](#).
  - viii) A recorded conservation easement or similar binding instrument providing for Permanent Open Space of 20% or more of the planned project, in any residential zoning district allowing three or fewer Dwelling Units per acre.
  - ix) In the D1 and D2 zoning districts, Building placement, architectural design or use of building materials that maximizes the extent that a Building satisfies the Downtown Design Guidelines that could not be achieved in strict conformity with the design requirements of Section 5.17.6.C.
- c. The planned project is designed in such a manner that traffic to and from the Site will not be Hazardous to adjacent properties.
- d. The proposed modifications are consistent with the proper Development and use of adjacent land and Buildings.
- e. Required off-street parking and landscaping shall be provided in accordance with the provisions of Section 5.19 and 5.20.
- f. The standards of density, maximum permitted Floor Area Ratio and required Open Space for the zoning district(s) in which the project is located shall be met.
- g. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.
- h. In any residential zoning district allowing three or fewer Dwelling Units per acre and where 20% or more of the Site is proposed for Permanent Open Space, projects shall meet the following standards:
  - i) The minimum Lot size of the parcel proposed for the planned project shall be two acres. The size and shape of the portions of the planned project designated for Permanent Open Space preservation shall be reviewed and approved in conjunction with a planned project site plan, or a plat, in relation to Natural Features or characteristics specific to that Site.
  - ii) The area of each residential building lot or limited common area of a condominium development shall be 10,000 square feet or greater, exclusive of the Permanent Open Space. Minimum Lot Width and Required Setback shall meet or exceed standards of the R1B residential zoning district.
  - iii) Permanent Open Space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, Natural Features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear Open Space that includes habitats or corridors for wildlife, or links parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
  - iv) Land in Permanent Open Space may be, but is not required to be, dedicated to the use of the public.
  - v) Prior to the issuance of any permit, the Permanent Open Space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the Permanent Open Space by a responsible party such as, but not limited to, a homeowner's association, an independent agency or trust established for such purposes, or a municipality for Open Space preservation. Such



- Permanent Open Space shall constitute 20% or more of the total area of a Development.
- vi) The option of utilizing a conservation easement or plat dedication for Open Space preservation for not less than 20% of the total area may be exercised only one time on a parcel of land.
  - vii) The site plan meets the criteria for approval of site plans in Section 5.29.6.D.

**D. Approval Procedure**

**1. Preliminary Procedures.**

- a. Before submitting a planned project application for formal review, the Applicant shall comply with citizen participation requirements provided in Section 5.28.4.
- b. Before submitting a petition, the Applicant shall contact the Planning Manager to schedule a pre-petition conference. At the conference the Applicant shall present the proposed site plan and development program. The staff may provide the Applicant with their comments regarding compliance with ordinance of the proposed land uses, and the proposal's conformance with adopted Master Plan and policies.
- c. The planned project application, site plan and other required materials shall be filed with the Planning Manager. The Planning Manager shall review the materials filed and, after conferring with the Applicant and appropriate City service areas, shall submit a report and recommendation to the Planning Commission.

**2. Planning Commission Recommendation.**

The Planning Commission shall hold a public hearing and, within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.

**3. City Council Approval.**

- a. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or deny the planned project within a reasonable time following the close of the public hearing. City Council may add conditions to the approval to achieve conformity to the planned project approval standards.
- b. Approval of a planned project by City Council shall state the modifications of the zoning ordinance and any specific conditions. Such modifications become part of the approved planned project and site plan and allow the location of improvements on the Site according to the plan.

**4. Effect of Planned Project Approval.**

- a. The approval of the application by the City Council shall allow the PDSU Manager to issue a zoning permit in conformity with the application as approved. This permit shall specify the exact modifications to the provisions of this chapter that have been approved for this planned project. The holder of this zoning permit may then proceed with the project in conformity with other code requirements.
- b. For three years from the date of approval of the planned project, permits may be issued and the land developed consistent with the planned project plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved planned project plans. After three years from approval, a building permit shall not be issued unless the planned project is reconsidered by the Planning Commission and City Council in the manner provided for new planned projects.

Section 8. That Section 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**Affordable Housing for Lower Income Households Dwelling Units**

Housing units reserved for households or individuals with income levels (including low and very low income levels) that are less than 80% of City Area median income as defined by the United States Department of Housing and Urban Development (HUD) where the occupant is paying no more than 30% of gross income for housing costs the current HUD Fair Market Rents for Ann Arbor, including taxes and utilities.

Section 9. That site plan petitions received and accepted by the City that are currently under review by the City as of the publication date of this ordinance shall be exempt from the terms of this ordinance amendment, and shall be reviewed under all ordinances in effect as of the publication date of this ordinance. An implementation footnote shall be added to Section 5.29.6D of Chapter 55 of Title V of the Code of the City of Ann Arbor stating this exemption.

Section 10. This ordinance shall take effect and be in force on and after ten days from legal publication.

**As Amended and Approved by Ann Arbor City Council at Second Reading on November 4, 2019**

**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 November 4, 2019.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on November 7, 2019.

Jacqueline Beaudry, Ann Arbor City Clerk