

ORDINANCE NO. ORD-24-02

First Reading: January 22, 2024
Public Hearing: February 20, 2024

Approved: February 20, 2024
Published: February 29, 2024
Effective: March 10, 2024

UNIFIED DEVELOPMENT CODE
(CONFLICTING LAND USE BUFFER)

AN ORDINANCE TO AMEND SECTIONS 5.20.3, 5.20.4 AND 5.20.6 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR – Conflicting Land Use Buffer

The City of Ann Arbor ordains:

Section 1. That Section 5.20.3 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

Vehicular Use Area Screening, Landscaping and ~~Screening-Buffering~~

Vehicular Use Areas shall ~~have provide~~ the following screening, landscaping and ~~screening~~buffering:

A. ~~Right-of-Way~~ Screening from Right-of-Way

Vehicular Use Areas ~~that are~~shall be screened where visible from a Public Right-of-Way ~~as follows:~~ shall include the following between the Vehicular Use Area and the Right-of-Way. This section applies to public Alleys only when the public Alley separates a residential use or zone from a Vehicular Use Area.

1. ~~Minimum~~ Width

A ~~landscaped bufferscreening~~ strip ~~must be~~ at least ten feet in width between the vehicular use area and the public right-of-way. If ~~there is~~ an existing ~~Building or~~ Vehicular Use Area is located within the required ten-foot ~~landscape bufferscreening~~ strip, the ~~landscape buffer strip may~~ must have an average of ten feet in width ~~over the entire length of the required buffer area,~~ with no specific location ~~along the buffer~~ being less than five feet in width.

2. ~~Plantings~~ Trees

One deciduous shade or evergreen tree ~~must be installed~~ planted in the landscape buffer area for every 30 feet or fraction thereof of ~~Public Right-of-Way Street Frontage of the Vehicular Use Area~~ the screening strip length, ~~Arrangement of trees in clusters or groupings is encouraged, but trees shall not be~~ spaced no more than 50 feet apart on center.

3. ~~Continuous~~ Screening

A hedge, ~~dense shrub planting,~~ landform berm, or wall, or combination of those features, forming a continuous screen at least 30 inches in height above the

~~Vehicular Use Area grade, is required in the buffer strip area to provide maximum screening of the Vehicular Use Area. Arrangement of shrubs in clusters or groupings is encouraged. If a wall is used, it shall be a maximum of 30 inches, set back at least four feet from the Lot Line, and have with one 30-inch a minimum 15-inch high shrub provided for every four lineal feet, planted on the street side of the wall.~~

4. Exception

~~This section shall only apply to an alley when the alley separates a vehicular use area from a residential zoning district.~~

B. Landscaping (Interior Landscape Islands)

~~Vehicular Use Areas greater than 3,300 square feet shall contain protected landscape islands located entirely within the perimeters of the Vehicular Use Area, for the purpose of breaking up the expanse of pavement. Multiple level Parking Structures are not required to have interior landscape islands but shall comply with all of the other requirements of this chapter, shall provide interior landscape islands as follows:~~

~~The following landscape island requirements shall be met:~~

1. Required Island Area

~~Within the interior of the Vehicular Use Area, landscape islands shall be provided to meet or exceed the ratios shown in Table 5.20-1:~~

TABLE 5.20-1: <u>REQUIRED INTERIOR LANDSCAPE AREAS</u>	
<u>VEHICULAR USE AREA (SQURE FEET)</u>	<u>LANDSCAPE AREA/VEHICULAR USE AREA RATIO OF ISLAND AREA TO VEHICULAR USE AREA (SQURE FEET)</u>
Less than 3,000	None
3,300 — 49,999 square feet	1:20 square feet
50,000 — 149,999 square feet	1:15 square feet
150,000 square feet and over	1:10 square feet

2. Minimum Island Dimensions

~~To meet the requirements of this section, each interior landscape island shall have at least 165 square feet in area, and a minimum dimension of eight feet in any direction dimension, and shall include at least one deciduous shade tree. Combining landscape islands to form larger landscaped areas is encouraged.~~

3. Island Placement and Design

- a.** ~~Any landscaped area located outside Interior islands shall be within the perimeter of the Vehicular Use Area will not count toward satisfying this requirement. Landscaped areas within the corners of the Vehicular Use Area may be counted, up Corner islands shall have at least 50% of its perimeter abutting the vehicular use area, subject to a maximum of 200 square feet for each corner, if at least one deciduous shade tree is located within~~

~~that area. A minimum of 50% of the perimeter of the landscape corner must abut the Vehicular Use Area to be considered an interior landscape island.~~

- ~~b. Islands shall be located to separate every A maximum of 15 Parking Spaces or fewer, or are allowed in a parking row without a landscape island break. If landscape islands have been combined to form larger landscaped areas and are used for Bioretention then 20 continuous Parking Spaces will be permitted if the island is also used for bioretention as required in paragraph c below.~~
- c. When the total area required in interior landscape islands per Table 5.20-1 for all of the Vehicular Use Areas on Site exceeds 750 square feet, at least 50% of the area in the required interior landscape area must be depressed Bioretention areas and utilized for stormwater management. Depressed Bioretention areas can be used to meet the stormwater pretreatment requirements in Section 5.22-5.22. When the total area required in interior landscape islands for all of the Vehicular Use Areas on Site is less than 750 square feet, interior landscape islands in the form of depressed Bioretention areas that are utilized for stormwater management are encouraged.

4. Required Deciduous Trees

- ~~a. Each island shall have a minimum of 1 deciduous tree; and~~
- e.b. The total number of trees required in the interior landscaped island shall be calculated and provided at a rate of one deciduous shade tree for each 250 square feet or fraction of 250 square feet of required interior landscaped island provided shall equal one for each 250 square feet or fraction thereof of required interior landscape island area.

5. Existing Tree Credits

Additional credit toward required ~~interior~~ trees may be obtained for existing trees that measure a minimum of eight inches in Diameter at Breast Height (DBH) that are preserved within the Vehicular Use Area or within 15 feet of and on the same parcel as the Vehicular Use Area. Each eight inches or fraction of eight inches of DBH of any healthy existing tree that is preserved may be deemed equivalent to one required interior island tree. Up to 50% of the requirements of ~~Subsection 5~~ Required Deciduous Trees may be satisfied by preserving existing trees which meet the standards of this ~~subsection~~ paragraph. Additional credit allowed by this subsection is in addition to the credit allowed for existing vegetation used to meet the requirements of Section 5.20.7.L ~~5.20.7L~~.

~~When the total area required in interior landscape islands for all of the Vehicular Use Areas on Site exceeds 750 square feet, at least 50% of the area in the required interior landscape area must be depressed Bioretention areas and utilized for stormwater management. Depressed Bioretention areas can be used to meet the stormwater pretreatment requirements in Section 5.22. When the~~

~~total area required in interior landscape islands for all of the Vehicular Use Areas on Site is less than 750 square feet, interior landscape islands in the form of depressed Bioretention areas that are utilized for stormwater management are encouraged.~~

6. Snow Pile Provisions

Provisions shall be made for snow pile storage locations such that they do not damage required plantings ~~nor diminish required parking capacity.~~

Section 2. That Section 5.20.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.20.4 Conflicting Land Use Public Park and District Buffers

A. Conflicting land use buffer shall be provided under the following conditions:

- ~~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.~~

B. The conflicting land use buffer shall consist of the following:

A buffer shall be required where a parcel or portion thereof that is not in a residential district abuts a public park or a parcel that is in a residential district as follows:

1. Width

A landscaped buffer strip ~~must shall~~ 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 width~~, 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 Trees

One tree must be planted for each 15 feet or fraction thereof of abutting land spaced between 15 feet and 30 feet apart on center. 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 and should be placed to obscure the view of new Buildings from any existing Building windows or patio areas on adjacent

~~properties, screen the views between Buildings that existed at the time of site plan approval, (especially windows and patio views) on adjacent property.~~

3. Continuous Screening

A hedge, landform berm, wall ~~or~~; 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.~~

Section 3. That Section 5.20.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.20.6 Refuse/Recycling/Compost Container Screening

~~Refuse/recycling containers~~Containers, carts, and dumpsters for solid waste, recycling, or compost, stored outside of a Building ~~for other than Single-Family and Two-Family Dwelling~~ shall ~~be screened~~provide the following screening and buffering: ~~from view from any adjacent residential use or Public Right-of-Way, excluding Alleys.~~ Screening shall consist of a six-foot high opaque wall or Fence. Live landscape material shall be located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.

A. Screening

A six-foot high opaque wall or Fence surrounding the storage area of the containers, carts, and dumpsters.

B. Buffering

In addition to screening as required above, for storage areas of containers, carts and dumpsters visible from a Public Right-of-Way, excluding an Alley, adjacent to a public park, or adjacent to a residential zoning district, a buffer consisting of the following shall be provided:

1. Width

A buffer strip at least 15 feet in width.

2. Trees

One tree for each 15 feet or fraction thereof spaced between 15 feet and 30 feet apart. At least 50% of the trees shall be evergreen.

C. Single-Family and Two-Family Dwelling Exception

Screening or buffering is not required for containers or carts stored on a parcel containing a Single-Family or Two-Family Dwelling.

Section 4. That this ordinance shall take effect and be in full 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 20, 2024.

(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 29, 2024.

Jacqueline Beaudry, Ann Arbor City Clerk