



Legislation Text

File #: 09-0925, **Version:** 3

Resolution to Approve Agreement with Clarion Associates for Integration and Clarification of Zoning and Land Use Ordinances (\$122,480.00 Project Budget)

Attached for your review and approval is a resolution to approve a professional services agreement with Clarion Associates, in the amount of \$97,480.00. This contract is for consulting services to reorganize and revise the zoning and land use regulations in Ann Arbor City Code in a consistent and user-friendly format. The additional \$25,000.00 in the project budget is for up to \$15,000.00 in outside counsel fees with a project contingency of \$10,000.00.

The current zoning and development ordinances have many issues that make it difficult to use. The issues can be summarized as: 1) the overall organization structure is cumbersome and it can be challenging to find code sections; 2) related standards are often contained in different code sections and can be difficult to navigate; 3) a lack of clarity in code language makes the code difficult to interpret; 4) there are some ordinance gaps and provisions that are out-of-date or may have minor inconsistencies with state law, and 5) the use of terms is inconsistent.

The professional services agreement with Clarion Associates is for consulting services to reorganize eleven different chapters of the Ann Arbor City Code and to address the identified issues to produce an integrated, internally consistent and user-friendly version that is: 1) comprehensive - to eliminate cross referencing between code sections to determine standards governing development and redevelopment; 2) clear and internally consistent; 3) usable, both internally by staff and externally by the public; 4) enforceable and legally defensible based on objective standards and Michigan enabling laws; and 5) adaptable and structured to make it easy to amend or to add/ delete provisions in the future.

Material changes to the code will not be addressed in this project. This effort will focus on the development of a solid framework so that future code changes - both technical and substantive - can be more easily incorporated. Material code changes will be undertaken as a rewrite of zoning standards following the development of the *City of Ann Arbor Master Plan: Land Use Element, Phase II: Update Land Use Recommendations*, a three-year process scheduled to begin in 2010. Material code changes that may surface as part of this effort will be collected in a "Suggestions for Future Changes" document for use as a part of the future zoning rewrite effort.

Clarion Associates is a nationally recognized planning firm with extensive experience in drafting and revising comprehensive zoning and development regulations for municipalities, including cities in Michigan. The firm has the ability to work with zoning and development regulations with equal to or greater complexity than that of Ann Arbor. Clarion Associates has outstanding references and has committed experienced staff to this project. Their lead planner assigned to this project is also an attorney and has prepared zoning revisions for both Kalamazoo and Detroit. After extensive research, Clarion Associates was selected as the firm most qualified to provide the services necessary to guide the project.

Clarion Associates proposes to complete the scope of work in four tasks over a fourteen month period: 1) Project Kickoff; 2) Diagnosis and Annotated Outline of the Unified Development Code (UDC); 3) Drafting of the UDC; and 4) Adoption of the UDC.

The consultant will work with a technical work group to engage the community on many levels, including discussions with City staff, stakeholders and the community at large.

This project will be managed as a joint effort by the City Attorney’s Office and the Planning and Development Services Unit. The City Attorney’s Office will provide legal support for the work of the consultant, and will also contract with Carl A. Rosati of Johnson, Rosati, Labarge, Selyne & Fields, PC to provide additional legal support and ordinance review.

Attachments: Clarion Associates Proposal
Information regarding Carol A. Rosati, Esq.

Prepared by: Connie Pulcifer, Senior Planner
Kevin S. McDonald, Senior Assistant City Attorney

Reviewed by: Wendy L. Rampson, Interim Planning & Development Services Mgr
Jayne Miller, Community Services Administrator
Stephen Postema, City Attorney

Whereas, City Council desires that the City’s zoning and land use regulations be more comprehensive, clear, usable, enforceable, and adaptable;

Whereas, City Council provided direction to staff to engage the services of a planning consultant with broad experience in zoning ordinance reorganization and revision to support this project;

Whereas, Clarion Associates has demonstrated the required experience and professional qualifications with extensive experience with drafting, revising and reorganizing comprehensive and complex zoning and development regulations for municipalities; and

Whereas, funds for this project were budgeted in the FY10 Non-Departmental General Fund Budget;

RESOLVED, That City Council establish a project budget of \$122,480.00 as follows:

Planning Consultant	\$97,480.00
Legal Services	\$15,000.00
Contingency	<u>\$10,000.00</u>
TOTAL:	\$122,480.00

RESOLVED, That City Council approve a professional services agreement with Clarion Associates in the amount of \$97,480.00 for consulting services to reorganize and revise the zoning and land use regulations of the Ann Arbor City Code in a consistent and user-friendly format;

RESOLVED, That City Council approve a contingency in the amount of \$10,000.00 to cover potential contract change orders, to be approved by the City Administrator, and that City Council approve a total project budget of \$122,480.00 for the life of the project without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said professional services agreement, after approval as to form by the City Attorney and approval as to substance by

the City Administrator; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency.

Sponsored by: Councilmembers Higgins and Rapundalo

As amended by Ann Arbor City Council on October 5, 2009