



## Legislation Details (With Text)

**File #:** 09-0055      **Version:** 1      **Name:** 2/2/09 Citizen Participation Ordinance - Waiver Amendment  
**Type:** Ordinance      **Status:** Second Reading  
**File created:** 2/2/2009      **In control:** City Council  
**On agenda:** 3/2/2009      **Final action:** 3/2/2009  
**Enactment date:** 2/2/2009      **Enactment #:** ORD-09-04

**Title:** An Ordinance to Amend Chapter 55, Section 5:110 to Allow Certain Zoning Petitions to be Waived from Citizens Participation Requirements (CPC Recommendation: Approval - 9 Yeas and 0 Nay) (Ordinance No. ORD-09-04)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-09-04 Approved, 2. Ch 55 - CPO Waivers Ordinance Briefed, 3. Ch 55 -- CPO WaiversORDINANCE.doc, 4. Ch 55 -- CPO Waivers Minutes.pdf, 5. Ch 55 -- CPO - Amendment Staff Report.pdf

Date	Ver.	Action By	Action	Result
3/2/2009	1	City Council	Adopted on Second Reading	Pass
3/2/2009	1	City Council	Held and Closed	
2/2/2009	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Chapter 55, Section 5:110 to Allow Certain Zoning Petitions to be Waived from Citizens Participation Requirements (CPC Recommendation: Approval - 9 Yeas and 0 Nay) (Ordinance No. ORD-09-04)

Attached for your review and action is an amendment to the Citizens Participation Ordinance to enable the Planning and Development Services Manager to waive the citizen participation notification requirements when rezoning land to PL (Public Land District) and for single-family residential annexation and zoning petitions of less than 2 acres. There is currently no waiver ability for any type of petition covered by the citizen participation ordinance for any reason. Staff suggests waivers for these two specific types of petitions, and these only, because there would be no added benefit from the heightened level of participation called for by the ordinance in these cases. Petitions to rezone land to PL typically come as the culmination of other public processes that themselves involve significant public participation. Individual property owners, rather than commercial developers, generally initiate annexation and zoning petitions and most often do not seek to further develop their properties. Notification would be a significant burden for these petitioners. These recommendations are supported by the Planning Commission.

Prepared by: Steve Bartha, Management Assistant

Reviewed by: Mark Lloyd, Planning and Development Services Manager  
Jayne Miller, Community Services Administrator

Approved by: Roger W. Fraser, City Administrator  
ORDINANCE NO. ORD-09-04

First Reading : February 2, 2009

Public Hearing : March 2, 2009

Approved: March 2, 2009  
Published: March 8, 2009  
Effective: March 18, 2009

## ZONING

### (ALLOW CERTAIN ZONING PETITIONS TO BE WAIVED FROM CITIZENS PARTICIPATION REQUIREMENTS)

#### AN ORDINANCE TO AMEND SECTION 5:110 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Section 5:110 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

#### 5:110. Citizen Participation for Petitions that Require Public Hearings

(1) Intent. The intent of this section is: 1) to ensure that petitioners seeking approval of planned projects, planned unit development zoning district, and amendments to the zoning map and other petitions that require public hearings pursue early and effective citizen participation in conjunction with their proposed developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the development of their neighborhood and community; 2) to provide clear expectations and formal guidance for petitioners to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed development may have on the community; and 3) to facilitate ongoing communications between petitioners and interested or potentially affected citizens throughout the application review process.

(2) Citizen Participation Requirements for Planned Projects, Planned Unit Development Zoning Districts, Amendments to the Zoning Map, and Major Projects. For purposes of this section, a major project is a proposed project that may require additional citizen participation depending on the scope, nature or any unique or unusual characteristics as determined by the Planning and Development Services Unit Manager. Before the Planning and Development Services Unit may accept a petition for a new or amended planned project, a new or amended planned unit development zoning district, or amendments to the zoning map, the following requirements shall be completed by the petitioner:

(a) Preliminary Meeting with the Planning and Development Services Unit. The petitioner shall meet with the Planning and Development Services Unit to review the requirements set forth in this Section.

(b) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed petition site, as well as the Planning and Development Services Unit, at least 10 business days prior to the date of the Citizen Participation Meeting. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit at least 10 business days prior to the date of the Citizen Participation Meeting to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the following in a format provided by the Planning and Development Services Unit:

1. A statement explaining the citizen participation requirements, including explanation of why and to whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the petitioner.
  2. A statement that a petition is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the development and site plan.
  3. The petitioner's schedule for citizen participation meetings, the anticipated petition submittal date and the anticipated City review and approval schedule.
  4. The date, time, and location of the meetings.
  5. How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.
- (c) Citizen Participation Meeting. The petitioner shall hold at least one citizen participation meeting at least 10 business days prior to the established petition submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the Planning and Development Services Unit.
- (d) Final Citizen Participation Report. The petitioner shall provide a written report in a format provided by the Planning and Development Services Unit on the results of its citizen participation activities along with the required petition. At a minimum, the report shall include all of the following information in a format provided by the Planning and Development Services Unit:
1. Detailed description of the petitioner's efforts used to involve citizens, including: dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications;
  2. A written statement of the number of citizens sent notices by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
  3. A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the petitioner has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.
- (3) Citizen Participation Requirements for Other Projects. For any other type of petition that requires a public hearing under this chapter, but is not specified in Section 5:110(2), the following requirements shall be completed by the petitioner:
- (a) Required Notice. The petitioner shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 500 feet of the proposed petition site, as well as the Planning and Development Services Unit, within 5 business days of acceptance of the petition by the Planning and Development Services Unit. Addresses shall be provided by the Planning and Development Services Unit. An electronic copy of the information must also be provided to the Planning and Development Services Unit within 5 business days of acceptance of the petition to be forwarded to other interested citizens registered with the Planning and Development Services Unit. At a minimum, the written information shall include all of the

following in a format provided by the Planning and Development Services Unit:

1. A notice that a petition has been submitted with a written description of the proposal and a conceptual sketch of the development and site plan.
  2. How those sent notices will be provided an opportunity to discuss the application with the petitioner and express any concerns, issues, or problems they may have with the proposed project.
- (b) Citizen Participation Report. The petitioner shall provide the Planning and Development Services Unit with written documentation of any meetings or discussions that are held with citizens at least 10 business days prior to the planning commission public hearing on the petition.
- (4) Waiver of Requirements. The planning and development services manager, or designee, may waive these requirements for petitions to amend the zoning map when (a) the requested zoning designation is PL (Public Land); (b) the petition is to annex a parcel of less than 2 acres and zone the parcel for single-family residential use; or (c) there is no proposed change in land use and no development is proposed.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.