

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 8, 2010

SUBJECT: Proposed Amendments to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) regarding Area, Height & Placement Standards.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) regarding Area, Height & Placement standards.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) regarding Area, Height & Placement standards in order to encourage non-motorized access, mixed land uses, and the compact use of land and infrastructure. These proposed changes are consistent with the recommendations of the City Master Plan, including the Non-motorized Transportation Plan (2007) and the City's Land Use Element (2009).

LOCATION

The proposed changes most significantly affect the following uses and zoning districts: Townhouse: R3, Multiple-family: R4A, R4B, R4D, R4C/D; Employment: O (Office), RE (Research), O (Office), ORL (Research and Limited Industrial), Retail: C1, C1B, C2B, C3 (Retail); and Industrial: M1, M1A (see attached diagram illustrating location of each of these zoning districts). The proposed changes affect areas outside of the Downtown Development Authority District (DDA).

HISTORY

Many of the development standards in the Area, Height & Placement schedule of Chapter 55 were established in the 1950's and 1960's. These post war development standards (including parking and right-of-way requirements) required auto-oriented, suburban land use patterns, including segregated land uses, wide streets and right-of-way, large parking lots, large setbacks, short buildings, and low densities for employment and retail centers.

More recently, best practices in urban planning and environmental design recommend a more sustainable approach to land use practices including: a) more compact use of land and infrastructure, b) the preservation of natural systems, c) accommodating new growth along transit corridors in existing urban areas which have existing infrastructure, d) locating buildings closer to the right-of-way to promote non-motorized access, and e) mixed land uses. The challenge that decision makers in Ann Arbor now face is that current ordinances related to area, height and placement do not encourage these land use practices.

In 2007, the Planning Commission began a dialogue with staff regarding the feasibility of amending the Area, Height & Placement standards in Chapter 55. These conversations were a result of recommendations in the Northeast Area Plan (2006) and Non-motorized Transportation Plan that called for revising these development standards to encourage sustainable land use practices.

After draft amendments were created, a technical advisory committee was formed to review content. The committee consisted of representatives of the environmental, design and development communities. The Planning Commission's Ordinance Revisions Committee (ORC) reviewed the proposed amendments and made numerous changes. Two public stakeholders meetings were held to get feedback from the larger community. On June 3, 2008, the Planning Commission held a public hearing and recommended that Council adopt the proposed amendments.

In September 2008, staff introduced the proposed amendments to City Council at a working session. City Council subsequently asked staff to develop an outreach strategy to inform the public and receive input on the amendment effort. Planning staff hosted eight workshops over the summer of 2009 to obtain public comment. Approximately 100 unique individuals attended at least one of these workshops.

In November 2009, City Council reviewed the results of the public involvement process and passed resolution R-09-482 returning the Area, Height and Placement amendments to the Planning Commission to evaluate the comment and propose modifications to the draft amendments. Starting in January 2010, staff met with the Planning Commission's Ordinance Revisions Committee to modify the proposed amendments to address major public concerns. The modifications were presented to the original Technical Advisory Committee, and at a public forum on June 16, 2010.

MASTER PLAN SUPPORT

The Master Plan: Land Use Element and the Non-motorized Transportation Plan have recommended revisions to placement and density standards to encourage elements of land use sustainability.

The Master Plan: Land Use Element recommends modifications to Chapter 55 to encourage sustainable land use design. The Plan recommends that the City:

- “revise code to reduce the minimum and establish maximum setback requirements in appropriate zoning districts to help shorten driveways and sidewalks.”
- “revise ordinances to allow increases in maximum building height for development projects that provide structured parking or parking underneath the building.”
- “encourage residential densities that can sustain bus transit on sites that front mass transit routes.”
- “encourage multiple-family uses to locate above commercial uses.”
- “revise the zoning ordinance to allow small, detached single-family homes to be constructed on lots smaller than those allowed in the R1D zone.”

- “develop regulatory incentives for developments to incorporate residential, office or public uses into redeveloping commercial centers.”
- “encourage developers to design commercial and office centers where the parking lot is not the dominant feature from the road.”
- “strongly encourage buildings to front on the street.”
- “revise code to reduce setback requirements for commercial centers to allow buildings to be located closer to the sidewalk to encourage pedestrian access and design flexibility.”
- “develop design standards that limit the amount of the right-of-way frontage devoted to parking.”
- “reduce(d) setbacks along the street – reducing the distance between a building and the public right-of-way improves pedestrian access, increases design flexibility, reduces imperviousness by shortening driveways, can provide more usable open space, can help preserve natural features, and allows land to be used more efficiently.”

The Non-motorized Transportation Plan also recommends elements of sustainable land use design. The Plan indicates that:

- “municipal planning can guide land use plans and zoning plans to encourage dense, mixed-use development and design considerations that support a variety of transportation choices. Ordinances may be used to permit mixed-use developments with higher densities, as well as promote increased densities around major destination points and transit lines.”
- Site Design Checklist: “buildings are located close to the street, but provide adequate clearance for pedestrian activities along street frontage;” “building entrances are located close to the street with direct pedestrian access;” and “densities are sufficient to support transit.”

ANTICIPATED BENEFITS

1. Business and Job Retention and Expansion – The proposed amendments will allow the expansion of existing employment and retail uses that will encourage businesses to remain and expand in Ann Arbor.
2. Revitalization of older Retail and Employment Centers – Many retail and employment centers in Ann Arbor were built more than 30 years ago and have become dated and underutilized. These proposed amendments will encourage these sites to redevelop and be revitalized.
3. Environmental Benefits – Redeveloping sites will trigger a number of code requirements that will result in substantial environmental gains such as: a) storm water management (buildings constructed prior to 1978 typically do not detain storm water), b) landscaping, which will result in additional open space being provided as well as new trees and shrubs, and c) new energy efficiency standards for new buildings.
4. Improved Non-motorized Access – The revisions will result in new buildings being constructed closer to public streets and sidewalks which will improve access for transit riders, cyclists, and pedestrians, including those with limited access abilities.

5. Improved Efficiency of Land Use, Mass Transit and Infrastructure – The proposed revisions will allow existing non-residential zoning districts to be used more efficiently and compactly. This will better support transit service, encourage development in existing urban areas instead of greenfields (and other sites without access to transit), and uses existing infrastructure more efficiently.
6. Enhanced Housing Diversity – By creating a new small lot single-family district (R1E) and encouraging parking to be located under new residential buildings, these proposed amendments will help expand the continuum of housing choices in Ann Arbor.

PROPOSED MODIFICATIONS TO DRAFT AMENDMENTS

The proposed amendments address the major concerns expressed during the public outreach process last summer. The following is a summary of the substantive modifications that are proposed. In addition, the attached summary provides a comparison between the existing requirement and the proposed requirement.

HEIGHT

Restore height limitations for O, RE, ORL, and C3

- Office: not to exceed 55' and 4 stories (from uncapped)
- RE: not to exceed 55' and 4 stories (from uncapped)
- ORL: not to exceed 55' and 4 stories (from uncapped)
- C3: not to exceed 55' and 4 stories (from uncapped)

Reduce maximum height in R5 (Hotels).

- From 120' to 50' or 80' with parking below at least 35% of the building

Add restriction to height limitation in R4 districts

- The proposed 45' height limit can now only be achieved for those buildings with parking under at least 35% of a building

Reduce maximum height in the C2B (Business Service) from 60' to 55'

FLOOR AREA RATIO

Reexamine proposed increases to Retail FAR

- Reduce FAR in C1 to 100% from 200% (existing maximum: 40%)
- Reduce FAR in C1B to 150% from 200% (existing maximum: 40%)
- FAR in C3 to remain at 200% (existing maximum: 50%)

NEIGHBORHOOD IMPACTS

Reduce impacts where residential abuts non-residential

- Increase side and rear setbacks where non-residential abuts residentially zoned land from 20' to 30' wherever 20' was required
- Require additional 1 foot side and rear setback for each 1 foot of building height above 30' (e.g. a new 55' building abutting residential would need to be set back 55' from the residential property line)
- Restore the 100' setback requirement for RE (Research) for side and rear setbacks
- Proposed adding modifications to Chapter 62 (Landscaping & Screening) in the following manner: a) add multiple family uses to those uses requiring a conflicting land use buffer when abutting residential property; b) increase the number of required trees in the conflicting land use buffer from 1 tree per 20 lineal feet to 1 tree per 15 lineal feet. This change is being coordinated with Public Services (Systems Planning) which is currently pursuing amendments to Chapter 62

SETBACKS

Re-examine front setbacks

- C1: increase minimum to 10' from none (existing minimum: 25')
- C1B: increase minimum to 10' from none (existing minimum: 25')
- C2B: reduce maximum to 25' from 40' (no existing maximum)
- C3: reduce maximum to 25' from 40' (no existing maximum)
- M1/M1A: reduce minimum to 15' from 25' (no existing maximum)
- M2: reduce minimum to 15' from 50' (no existing maximum)

SETBACKS IN R2 DISTRICTS

Revise maximum front setbacks for R2A/R2B

- Eliminate proposed maximum front setbacks

OTHER

Add maximum house size to R1E

- Limit the size of new homes in the R1E district to 2,000 square feet to encourage affordable housing and housing diversity

Limit residential uses in RE (Research)

- Require Special Exception Use permission for residential uses in RE. The Special Exception process requires special permission to ensure that a proposed residential use in the RE district will not create adverse conditions

Eliminate proposed amendments to the “Accessory Building” section of Chapter 55 related to the size of decks and the placement of garages

- Proposed language on decks and garages is more appropriate for another amendment project

Delete language in the C1A/R district (core zoning district in Packard/State/Hill area) that pertains to rear and side yards:

- Delete the following language which discourages the development of residential buildings 5 stories or less: “When a building containing any residential uses does not exceed 5 stories in height, the total square footage of the front, rear and side yards shall not be less than 30% of the lot area”. This language discouraged new construction that would be consistent in scale with existing character of Packard/State/Hill area

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7/2/10

Attachments: Summary of Proposed Amendments
5/11/10 Draft Amendments
Zoning Maps

**SUMMARY OF PROPOSED
AREA, HEIGHT AND PLACEMENT AMENDMENTS**

Below is a summary of the major proposed changes to Chapters 55 (Zoning) and 59 (Off-street Parking) regarding Area, Height and Placement standards. Note that these proposed amendments do not include any changes for downtown zoning districts.

1. New single-family zoning district (R1E)

The new district would require a minimum lot size of 4,000 square feet and a 15-foot front setback.

<u>Zoning Dist.</u>	<u>Min Lot Size</u>	<u>Min Front Setback</u>	<u>Min Lot Width</u>
R1A	20,000 sq/ft	40-feet	90-feet
R1B	10,000 sq/ft	30-feet	70-feet
R1C	7,200 sq/ft	25-feet	60-feet
R1D	5,000 sq/ft	25-feet	40-feet
R1E	4,000 sq/ft	15-feet	34-feet

2. Reductions in minimum front setbacks and establishment of maximum front setbacks

<u>Zoning District</u>	<u>Existing Min. Front</u>	<u>Proposed Min/Max</u>
R3 (Townhouse)	40'	15'min/40'max
R4A (Multifamily)	40'	15'min/40'max
R4B (Multifamily)	25'	15'min/40'max
R4D (Multifamily)	40'	15'min/40'max
R4E (Multifamily)	25'	15'min/40'max
R5 (Hotel-Motel)	50'	15'min/50'max
O (Office)	25'	15'min/40'max
RE (Research)	75'	25'min/50'max
ORL (Office/Research/Limited Ind.)	75'	25'min/50'max
C1 (Local Business)	25'	10'min/25'max
C1B (Community Convenience Center)	25'	10'min/25'max
C2B (Business Service)	40'	10'min/25'max
C3 (Fringe Commercial)	40'	10'min/25'max
M1 (Limited Industrial)	formula	15'min/no max
M2 (Heavy Industrial)	50'	15'min/no max

3. Increases in allowable height for commercial districts and multifamily districts

<u>Zoning District</u>	<u>Existing Max. Height</u>	<u>Proposed Max. Height</u>
R3 (Townhouse)	30'	35'
R4A (Multifamily)	30'	35' [*]
R4B (Multifamily)	30'	35' [*]
R4D (Multifamily)	60'	120'
R5 (Hotel-Motel)	40'	50' ^{***}
O (Office)	40'	55' ^{****}
RE (Research)	formula	55' ^{****}
ORL (Office/Research/Limited Ind.)	50'	55' ^{***}
C1 (Local Business)	25'	35'/3 stories ^{***}
C1B (Community Convenience Center)	25'	50'/4 stories ^{***}
C2B (Business Service)	60'	55'/4 stories ^{***}
C3 (Fringe Commercial)	35'	55'/4 stories ^{***}

4. Increases in Floor Area Ratio (FAR) for commercial districts

<u>Zoning District</u>	<u>Existing FAR</u>	<u>Proposed FAR</u>
O (Office)	40%	75%
RE (Research)	30%	75%
ORL (Office/Research/Limited Ind.)	40%	75%
C1 (Local Business)	40%	100%
C1B (Community Convenience Center)	40%	150%
C3 (Fringe Commercial)	50%	200%
M1 (Limited Industrial)	60%	75%

5. Residential uses allowed in the RE zoning district with Special Exception Use approval

* 45' maximum height if parking is provided below at least 35% of the building; an additional 1' of rear and side setback is required for each foot of height above 30' when abutting residentially zoned land.

** 80' maximum height if parking is provided below at least 35% of the building.

*** Plus one foot of additional rear and side setback for each foot of building height above 30' when abutting residentially zoned land.