

To: City Planning Commission

From: Noah Kazis

Re: Implementation of Comprehensive Land Use Plan

Date: December 3, 2025

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Thank you for the opportunity to discuss the implementation of the comprehensive land use plan (assuming, as seems likely, that it is ultimately adopted)—as well as for the work that has gone into that plan and the work still to come in implementing it.

This memo offers suggestions for how to sequence and streamline the adoption of new zoning regulations to conform to the updated plan.<sup>1</sup> Specifically, it suggests that the comprehensive planning process 1) serves as the proper form of community input into many, but not all, zoning questions; and 2) offers options for meaningful preliminary updates to the city's zoning.

The city's comprehensive plan update recognizes the stakes of its land use policies. It recognizes that our current rules are *causing harm*.<sup>2</sup> They are increasing housing costs, with disproportionate effects on those with lower incomes and less wealth. They are impeding efforts to build denser developments that promote walking, biking, and transit use—meaning more carbon emissions and more injuries and deaths from traffic crashes. In Ann Arbor, these restrictions mean we lose out on affordable housing funds and on general fund revenues to support essential social services, at a time when the federal government is abdicating its own responsibilities in these areas. To the extent we can reduce these harms, we are compelled to do so as quickly as feasible.

In considering whether we can rapidly implement the comprehensive plan's vision, we can consider two primary factors extending the zoning timeline beyond the basic legislative calendar. The first is the public participation process; the second is the technical process of developing legislative text and parcel-level maps. Neither needs to be a barrier to significant zoning changes. While there are likely years of supplemental work ahead refining the city's zoning code to accomplish the goals of the plan, the timelines needed to resolve the questions not already

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<sup>1</sup> This memo is not intended as legal advice, only conceptual advice based on practical experience. Indeed, I have not researched the particulars of Michigan law on these topics.

<sup>2</sup> For a recent literature review, see David Schleicher, *Exclusionary Zoning's Confused Defenders*, 2021 WIS. L. REV. 1315, 1323-1333 (2021). What is remarkable is how much additional research—overwhelmingly pointing in the same direction as this consensus—has emerged in the intervening four years. For a very recent—though not especially readable—review of the economic literature, see Nathaniel Baum-Snow & Gilles Duranton, *Housing Supply and Housing Affordability*, NBER Working Paper 33694 (2025), <http://www.nber.org/papers/w33694>.

addressed by the comprehensive planning process should not hold back implementation of the big, largely resolved questions. The tail should not wag the dog.

### ***The Comprehensive Planning Process Provides Sufficient Public Input on Many Big Questions***

As you know viscerally, the development of a comprehensive plan is a substantial undertaking. The planning process stretched over roughly two and a half years, beginning in mid-2023. Thousands of Ann Arborites weighed in, in one form or another, across dozens of different events. The comprehensive plan surely received more public scrutiny, for longer, than almost any public policy considered by the city in recent years. Importantly, the debate broke through into the public discourse, with lawn signs endorsing various approaches seen across the city. As a result, the comprehensive plan represents what planning aspires to be: a synthesis of current and sometimes conflicting community values, generated through iterative interactions between expert staff, elected and appointed officials, and the general public, each bringing their own strengths to bear.

Also importantly, this planning process—while remaining a planning exercise, focused on setting a vision—was not the kind of fully abstract debate that generated only vague slogans and a glossy PDF. Rather, city policymakers endorsed some very specific approaches to land use planning. The plan, for example, sets specific heights that it is targeting, along with specific regulatory approaches to achieve urban design goals (e.g. “context-sensitive height,” presumably along the lines of the TC-1 district). City Council, for its part, drew a sharp distinction between triplexes and larger apartment buildings.<sup>3</sup> The draft land use map makes block-by-block distinctions rather than drawing generic concentric circles and spokes. All of this detail was debated, incorporated, and voted on, in a process substantially *more* robust than guides most local policy decisions. The big choices—and those where the public’s voice is most useful to guiding decisionmakers—have already been made. Accordingly, on many questions, there is no need for another round of public outreach, beyond the baseline minima.

There is ample precedent for using the community input of the planning process to also guide the rezoning process.<sup>4</sup> For example, after Kalamazoo’s most recent comprehensive plan rewrite, the city put forward a major zoning text amendment. Under the heading “Community Resources Consulted,” the staff report noted that “The proposed changes are a direct result of the input received in [Imagine Kalamazoo 2025] and neighborhood planning discussions” and listed only a discussion before the Planning Commission as additional public process.<sup>5</sup> While the city

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<sup>3</sup> City Council Resolution R-25-287, Jul. 2025, <https://a2gov.legistar.com/View.ashx?M=F&ID=14977176&GUID=0B654234-56DD-4BA3-B53A-4EFB2F482019>

<sup>4</sup> Comparisons to all cities are not always feasible. State law frameworks establish a range of relationships between plans and rezonings.

<sup>5</sup> Commission Agenda Report, City of Kalamazoo, Text Amendment to Chapter 5 Density/Intensity/Dimensional Standards & Section 4.2 Use Specific Standards (Dec. 24, 2018).

understood that other rezonings pursuant to the new plan would require “significant outreach and discussion,” this one did not.<sup>6</sup>

Likewise, in Minneapolis, the city did not even wait for its new comprehensive plan to take effect before beginning work on the removal of single-family-only zoning. That first rezoning was timed to have the same effective date as the new Minneapolis 2040 plan.<sup>7</sup> Other rezonings took somewhat longer, but still treated the planning process as providing the community feedback needed. The city’s “built form” regulations—which effectively upzoned many important corridors—were approved in 2020, the same year the 2040 plan took effect.<sup>8</sup> Even for another round of major rezonings in 2023, the city “built off the engagement efforts for the plan.”<sup>9</sup>

Ann Arbor should follow these examples. Where the public’s feedback has been aired and its knowledge incorporated into the plan, there is no need to seek further input. Indeed, there is little point to the exhaustive work already done if it cannot inform zoning changes now, when it is freshest.<sup>10</sup> The plan is valuable only insofar as it creates change in the world; informing a rezoning is, in large part, what that planning process was *for*.

### ***Preliminary Zoning Changes Can Be Made***

The comprehensive plan is, of course, only a vision document. Turning it into enforceable and understandable legislative text is a significant undertaking, one which will likely take years to be completed. But the city can take important preliminary steps in the meantime.

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<sup>6</sup> *Id.*

<sup>7</sup> Minneapolis CPED Staff Report, Zoning Code Text Amendment (Oct. 7, 2019), <https://lims.minneapolismn.gov/Download/FileV2/21330/Triplex-and-Lot-Combinations-Ordinance-Staff-Report.pdf>.

<sup>8</sup> Minneapolis 2040, Built Form Regulations <https://minneapolis2040.com/implementation/built-form-regulations/>

<sup>9</sup> Minneapolis CPED Staff Report, Zoning Code Text and Map Amendment (Apr. 24, 2023), <https://lims.minneapolismn.gov/Download/FileV2/31405/Land%20Use%20Rezoning%20Study%20Staff%20Report.pdf> (“The planning process for creating the policies and maps in the plan stretched out over several years, included over 150 in-person engagement events, and resulted in over 20,000 points of feedback from stakeholders. Since this process is not a reimagining of the policy itself, the engagement for land use regulations was more focused on gathering technical feedback on the proposed regulations...”).

<sup>10</sup> Politically, it also seems better to go through the difficult conversations around rezoning once, with immediate effects, than to do it twice for one set of reforms.

The idea of preliminary or interim zoning<sup>11</sup> measures has a long pedigree, dating back to the 1926 Standard Zoning Enabling Act.<sup>12</sup> Because the trajectory of land use law over the last century has usually been to become more ever-more-restrictive, interim measures have generally taken the form of temporary development moratoria, meant to prevent any development while more tailored long-term restrictions are put in place.<sup>13</sup> This is not Ann Arbor’s goal, of course. Even so, the broader principle stands. Just as a city struggling with overly permissive rules can take immediate measures to tighten its land use rules while it works out fine-grained regulations—lest harms occur in the intervening years—so too can a city struggling with overly restrictive rules take immediate measures to add flexibility and promote development.

The challenge, of course, is how to do so. It’s easy enough to halt all development for a moratorium period, when the goal is a downzoning. The opposite rule of “allow all development” for the same period is not an equivalent option. And the details of the zoning code offer a long list of decision points in which it is easy to get mired.<sup>14</sup>

Still, there are easy and available options for moving forward now on the comprehensive plan’s vision. Conceptually, these can be divided into map amendments and text amendments. These suggestions are intended as examples of how significant changes can be pursued immediately—without comprehensive reforms,<sup>15</sup> outside consultants, or significant further public engagement—not as either an exhaustive list or an endorsement of a particular approach as optimal.

### *Map Amendments*

A simple, workable option is to enact map amendments now and text amendments second. This leverages one of the most visible and debated aspects of the Comprehensive Plan: the future land

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<sup>11</sup> This memorandum uses the word “interim” in its ordinary sense, not as a term of art under Michigan law. *Compare* Mich. Comp. Laws Ann. § 125.3404 (“Interim Zoning Ordinances”).

<sup>12</sup> Department of Commerce, Advisory Committee on Zoning, A Standard State Zoning Enabling Act, Explanatory Note 13, *available at* <https://www.govinfo.gov/content/pkg/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873/pdf/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873.pdf> (expressing preference for immediately comprehensive zoning, but offering guidance on how to properly implement interim measures).

<sup>13</sup> Robert H. Freilich, *Interim Development Controls: Essential Tools for Implementing Flexible Planning and Zoning*, 49 J. URB. L. 65 (August 1971).

<sup>14</sup> Is there a good reason that the C1 district does not allow art galleries? I doubt it—but perhaps. Regardless, setting a new use table requires choices about whether Transition areas are more like C1 or C2B in this respect, and a half-dozen similar decisions.

<sup>15</sup> To some extent, the idea of a single, comprehensive rezoning that holistically addresses all issues at once is unrealistic. Where comprehensive rezonings have been pursued, new issues always arise. *See, e.g.,* Corey Dockser, *Five years after the Green Code, how has Buffalo responded?* BUFFALO NEWS, Jul. 13, 2022 (describing frequency of variance requests after comprehensive rezoning, and remaining controversies). Any rezoning strategy will, in the long run, be incremental.

use map.<sup>16</sup> Under this strategy, the city would simply upzone all of the areas marked as Hub under the Plan to an existing zone consistent with the Hub designation, then do the same for the Transition and Residential areas.<sup>17</sup> Then, over the longer term, the city could take incremental steps to tailor these zones as it proves necessary: creating a subdistrict here, removing unnecessary use restrictions or design guidelines there, and so on.

Beginning with a map amendment has the benefit of postponing the need for detailed decisionmaking about particular uses and any drafting challenges. These are existing districts, which the city knows can work, expanded geographically. The primary difficulty would be in deciding which zones well-enough match the goals of Hub, Transition, and Residential; none will be perfect (it also seems likely that there is a better fit for Hub, like D1, than there is for Transition).

Indeed, there is strong evidence that this approach is workable: the city is already utilizing it on a case-by-case basis. In their recent report on The Dean rezoning, planning staff have referred to the future land use map to support the rezoning of a property in the Hub area to a D1 designation.<sup>18</sup> As staff discuss there, future “Hub” districts may eventually be created, but D1 is sufficiently similar to serve as the zoning for those areas in the meantime.

The downside to this approach, of course, is that it (temporarily) retains the features of existing zoning that the plan is designed to eliminate. One of the great benefits of a new comprehensive plan is a chance to clear away some of the regulatory underbrush that accumulates over time.<sup>19</sup> For example, the Plan calls for few “form and site considerations” in the Hub areas: emphasizing only those necessary to manage the curb. This suggests that the downtown design guidelines should be reconsidered—but that can be done on multiple timelines.

While preliminary map amendments could be done citywide, the city could also pursue this strategy only for Hub and Transition areas, while leaving Residential areas for later. This has two advantages. First, it may relieve development pressure on Residential areas, by giving development a “head start” in the areas where the largest developments can be built, on the fastest timelines. Allowing more flexible development in the Residential areas is critical in the long term, both for allowing more diverse housing options and providing a long-term flow of

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<sup>16</sup> See, e.g., Ryan Stanton, *See how Ann Arbor’s downtown boundaries could expand under new plan*, MLIVE.COM (Mar. 13, 2025), <https://www.mlive.com/news/ann-arbor/2025/03/see-how-ann-arbors-downtown-boundaries-could-expand-under-new-plan.html>.

<sup>17</sup> To ensure this is always an upzoning, the City can allow development to proceed under either the prior or new designation, giving landowners the option of selecting the more flexible district. See, e.g., N.Y.C. Dep’t of City Planning, *Residence Districts: R7* <https://www.nyc.gov/content/planning/pages/zoning/zoning-districts-guide/residence-districts#R7-R7A-R7B-R7D-R7X> (describing optional Quality Housing zoning framework).

<sup>18</sup> Ann Arbor Planning Staff Report, *The Dean (558 S. Fifth Ave) Rezoning* (for meeting of Dec. 2, 2025), <https://a2gov.legistar.com/View.ashx?M=F&ID=14992675&GUID=AB6D67CF-0BBC-4D0D-956D-7711A4B0A4E8>.

<sup>19</sup> Sara Bronin, *Comprehensive Rezonings*, 2019 BYU L. REV. 725, 731 (2019).

gentle densification, but it is likely to happen slowly in any event, and therefore arguably does not need to happen first.<sup>20</sup> Second, City Council has expressed interest in greater segmentation of the Residential zones, and it may not be feasible to provide that segmentation without more significant staff work.<sup>21</sup>

### *Text Amendments*

A different option, which can be pursued concurrently or independently, is to quickly modify existing zoning districts to accord with those substantive decisions made in the Plan.

For example, the Plan is clear that Residential areas should allow up to three units by-right, along with neighborhood commercial uses, and developments of up to three stories. The city could, therefore, immediately rewrite the standards for all residential districts to meet those minimal criteria. This will be insufficient to meet the goals of the plan, which will need to provide dimensional standards and approval processes that make “missing middle” housing actually feasible to develop<sup>22</sup>—but there is no obstacle to implementing these already-agreed-upon aspects of the plan.

Likewise, the Plan provides that the Hub areas should allow high-rises, regulated through upper-floor setbacks and context-sensitive height limits where adjacent to residential. The city could immediately rewrite the rules for the downtown districts to meet these standards, for example, by removing the more restrictive downtown character overlay standards.

As with the map amendments described above, this provides a path to some preliminary densification in the manner endorsed by the Plan, without requiring the more difficult or detailed decisions that will ultimately have to follow or a comprehensive approach. It suffers from two main limitations. The first is that, unless paired with map amendments, it would likely leave some of the most important sites with zoning too restrictive for their intended use. The second is that it risks having the appearance of significant change without the dimensional details needed to meaningfully operationalize those changes.

Thus, this strategy might be better pursued in tandem with map amendments, or by creating brand-new interim zoning districts (so long as the new districts are built off existing

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<sup>20</sup> See Jake Wegmann, et al., *Here Come the Tall Skinny Houses: Assessing Single-Family to Townhouse Redevelopment in Houston, 2007–2020*, 25 CITYSCAPE: A JOURNAL OF POLICY DEVELOPMENT & RESEARCH 171 (2023) (showing limited pace of redevelopment of single-family homes, even given highly permissive land use rules).

<sup>21</sup> City Council Resolution R-25-287, Jul. 2025, <https://a2gov.legistar.com/View.ashx?M=F&ID=14977176&GUID=0B654234-56DD-4BA3-B53A-4EFB2F482019>

<sup>22</sup> See, e.g., Brian J. Connolly, *The Black Box of Single-Family Zoning Reform*, 65 B.C. L. REV. 2327 (2024); Jens von Bergmann et al., *Upzoning and Redevelopment: The Details Matter*, 69 J. HOUS. ECON. (Sept. 2025).

designations, it comes out to much the same thing<sup>23</sup>). At a glance, a preliminary implementation of the Transition vision may require both a new/modified zoning designation and an updated map.

Additionally, as above, this strategy need not be pursued simultaneously citywide. The lower-density residential zones can be revised after those districts feeding into the Hub and Transition areas.

### ***Future Steps and Conclusion***

These steps would only begin the undertaking of rezoning the city to implement the land use plan. The existing zoning code makes many fine-grained distinctions, some of which the city may ultimately find it wise to retain, some of which will prove unnecessary micromanagement. Additionally, determining the dimensional standards that provide quality urban design while genuinely streamlining infill development and densification requires technical feedback from developers and architects. These tasks should not be minimized, in their importance, number, or difficulty. But precisely because they are numerous and difficult, they should not be the rate-determining step for the implementation process.

This memo has offered some possible ideas for how to leverage the work the city has already done to generate preliminary zoning changes. I know there are many other approaches being discussed and am happy to think through any of them in collaboration with you.

Under any approach, however, the city need not, and should not, wait years to begin implementing the comprehensive land use plan. It need not wait for a perfect, comprehensive rezoning that addresses every issue and it need not conduct extensive new rounds of public outreach. It can begin work now, to be ready for a first package of preliminary zoning changes in 2026 on the assumption that the new plan will be adopted. Those changes can effectuate the choices the city has already made through the comprehensive planning process—which include both *where* density should be increased and roughly *how* that density might be regulated—in an interim way, allowing for continued work on longer-run rezoning packages.

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<sup>23</sup> Creating a new “Hub” zone built off of existing zones—as compared to modifying the D and TC1 zones—may offer flexibility in where the upzonings are applied, and when. A primary disadvantage, in comparison, is that it could open the door to an unnecessary proliferation of districts and invite the kind of tinkering that slows down this kind of interim implementation. The distinction is about appearances rather than substance, however.