

Zoning Ordinance Reorganization (ZORO) Project Update

City Attorney's Office
Planning and Development Services Unit

ZORO Update

- Review of project purposes and goals
- Review schedule for completion
- Highlight work completed

Four Phase Update of Land Use Plans and Codes

1. Consolidation of area master plans
2. **ZORO – Revision of zoning ordinance and other development-related ordinances for technical changes to improve clarity, organization, and user-friendliness**
3. Master plan land use element revised for relevancy and future land use recommendations
4. Zoning and development-related ordinances reviewed for substantive changes to reflect revised master plan land use element

The Problem

Land development ordinances:

- Difficult to navigate
- Vague Language
- Need “clean up” changes
- Contain dated and incomplete material
- Use terms inconsistently
- Have minor inconsistencies with state law

The Problem

Scattered Development Regulations

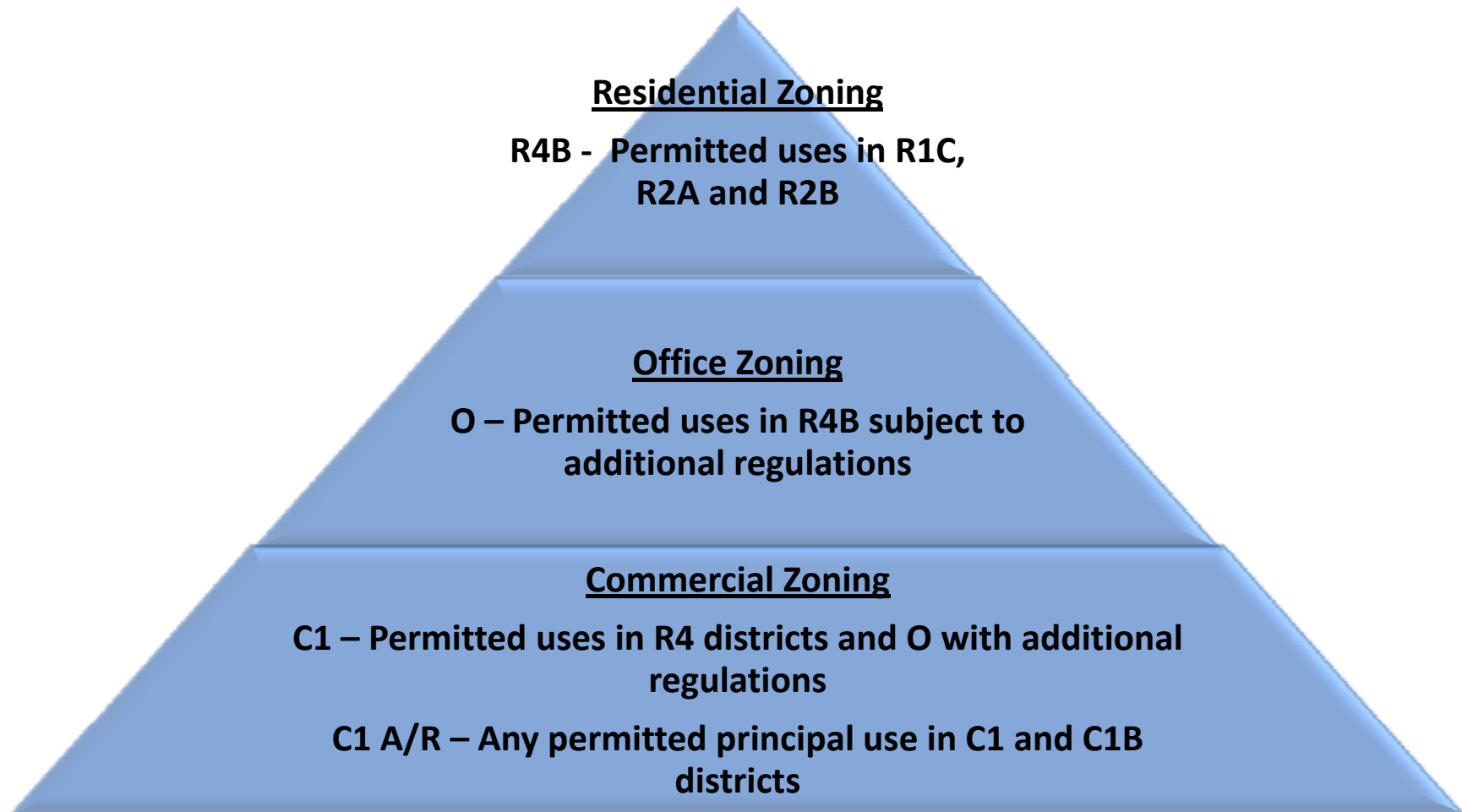
- Chapter 26 – Solid Waste
- Chapter 47 – Streets and Curb Cuts
- Chapter 55 – Zoning
- Chapter 56 – Prohibited Land Uses
- Chapter 57 – Subdivision and Land Use Controls
- Chapter 59 – Off-Street Parking
- Chapter 60 – Wetlands Preservation
- Chapter 61 – Signs and Outdoor Advertising
- Chapter 62 – Landscaping and Screening
- Chapter 63 – Soil Erosion and Sedimentation Control
- Chapter 104 – Fences
- Land Development Regulations

The Problem

“Regulations encumbering land required to satisfy regulations”

- Chapter 55, Section 5:55

The Problem



The Solution - ZORO Project Goals

Create a Unified Development Code (UDC)

- Comprehensive
- Clear
- User-Friendly
- Enforceable and Legally Defensible
- Adaptable

The Solution – ZORO Project Goals

ZORO does not include:

- Substantive changes to development standards
- Changes to the zoning map

But:

- Changes that are necessary to clarify intent or to remove inconsistencies will be footnoted for public review
- Suggestions for substantive changes will be collected for use in later code revision efforts

ZORO Leadership

- Consultant: Don Elliott, Clarion Associates
- Project Co-Managers:
 - Kevin McDonald
 - Alexis DiLeo
- City staff involved in development process
- Technical Working Group
 - Planning Commission Ordinance Revisions Committee
 - ZBA Member
 - City Council Member

ZORO Project Schedule

1. Project Kickoff
2. Diagnosis and Annotated Outline of Unified Development Code
3. Drafting Unified Development Code
4. Adoption of the Unified Development Code

ZORO Project Schedule

1. Project Kick-off (December, 2009)

- Consultant met with Planning Commission, Zoning Board of Appeals, development staff
- Technical Working Group Meeting #1
- Public Meeting #1

2. Preparation of Diagnosis and Annotated Outline of Revised Ordinances (December, 2009 – August 2010)

- Consultant provided a detailed Diagnosis and Annotated Outline
- Technical Working Group Meeting #2
- Public Meeting #2

ZORO Project Schedule

3. Drafting the Revised Ordinances (September 2010 - July, 2012)

- **Consultant provided Staff Draft**
- Technical Working Group Meeting #3
- Consultant provides Public Draft
- Public Meeting #3

4. Adopting the Revised Ordinances (August, 2012 - November, 2012)

- Consultant provides final draft of the clarified, reorganized chapters
- Technical Working Group Meeting #4
- Public Meeting #4 (Presentation at Planning Commission)
- Planning Commission public hearing and recommendation to City Council
- City Council public hearing and adoption

Revised Code Structure

1. General Provisions
2. Zoning Districts
3. Use Regulations
4. Development Standards
5. Administrative Bodies/Procedures
6. Nonconformities
7. Enforcement, Violations, Penalties
8. Definitions

The Solution

7. Public Parking Premium Option

In the D1 district, the usable floor area of above-grade parking structures reserved for vehicular parking spaces in excess of the minimum requirement shall not be counted toward the maximum usable floor area in percentage of lot area, up to a maximum of 200% of the lot area, if the following conditions are met:

- i) The parking spaces are made available to the general public;
- ii) The number, location, size, access, layout and design of the parking spaces meet standards for public parking, as determined by the Downtown Development Authority;
- iii) The property owner signs and records a development agreement or other document approved by the City Attorney outlining the operating conditions for this parking.

5.19. Parking Standards¹³⁹

5.19.1. Applicability

- A. No new building shall be erected unless the parking for bicycles and motor vehicles required by this section 5.19 is provided.
- B. No building shall be altered so the usable floor area is increased unless the minimum required parking for the entire building is provided.
- C. The minimum parking required by this Chapter shall be provided for the entire building if the use classification or number of dwelling units in the building is changed and the parking space required for the new use exceeds that required for the previous use.
- D. The parking requirements of this Chapter shall not apply to buildings owned or leased by a governmental unit or agency or by a public educational institution as long as they are used for governmental purposes. When such property is conveyed or otherwise made available for a private use, all the parking required by this Chapter for that use must be provided.
- E. The area outside a building occupied by bicycle parking spaces shall be considered usable open space and be included in the calculation of usable open space of a site. When bicycle parking spaces are provided within a building, the floor area used for bicycle parking spaces shall not be included in the floor area used for calculating vehicle parking requirements.

¹³⁹ Text for this section from Chapter 59, *Off-Street Parking*, except for the definitions in Sec. 5-161 that have been relocated to Article VIII. Current Chapter 56 *Prohibited Land Uses* includes a restriction reading "No person shall park overnight or permit the parking overnight of any house trailer upon any public highway, street, alley, park or other public place within the city" but restrictions on parking on public property (rather than private property) are generally not included in a development code. This restriction will be added to the City's public streets regulations.

The Solution

Article V: Administrative Bodies and Procedures
 5.27 Administrative Bodies and Officers | 5.27.5 City Council

5.27.5. City Council

The City Council is legislative body for the City of Ann Arbor and has final authority for adoption of and amendments to this Chapter 55 and the related zoning map, and for all other matters for which a role for City Council is indicated in Table 5:27-1 Procedures Summary Table.

5.27.6. Summary Procedures Table

A. Using the Table

In Table 5:27-1, the initial "R" indicates that the body has authority to make a recommendation to another body regarding the application, but does not have the power to make a decision on the application. The initial "D" indicates that the body has authority to make a decision regarding the application. The initial "A" indicates that the body is authorized to hear appeals of that type of decision. The column for "Courts" is not intended to create additional rights to appeal not recognized by the courts of Michigan, or to indicate that the City recognizes a particular right of appeal, but to indicate that there is no body within the City authorized to hear an appeal of that type of decision and that any effort to find relief from the City's decision will need to be sought outside the City government.²⁰⁹

TABLE 5:27-1: PROCEDURES SUMMARY TABLE										
Type of Application	Section	Public Notice Required?	Citizen Participation		Review, Decision, and Appeal Authority					
			Notification Required?	Meeting Required?	Planning & Development Services	Zoning Board of Appeals	Sign Board of Appeals	Planning Commission	City Council	Courts
Zoning Compliance Permit	5:28.1	N	N	N	D	A				
Sign Permit	5:28.2	N	N	N	D	A				
Grading Permit	5:28.3	N	N	N	D	A				
Wetlands Use Permit	5:28.4	N	N	N	R ²¹⁰			R	D	A
Variance	5:28.5	Y	N	N	R	D				A
Special Exception	5:28.6	Y	Y	N	R			D		A
Site Plans for PC approval	5:28.7	Y	Y	Y/N	R	A ²¹⁰		D		
Site Plans for CC approval	5:28.7	Y	Y	Y/N	R			R	D	A
Area Plans	5:28.8	Y	Y	N	R			R	D	A
Subdivision	5:28.9	Y	Y	Y/N	R			R	D	A

²⁰⁹ This introductory language and table are new, and illustrate current roles and responsibilities with respect to the Code sections included in this UDC.

²¹⁰ City: For discussion.

Additional ZORO Benefits

- Comprehensive City Code style sheet
- Errors in City Code corrected
- Improved procedures to amend City Code

Next Steps

- TWG Meetings - May/June
- Public Meeting to Present Public Draft - June/July
- Planning Commission Recommendation – Aug/Sep
- City Council Adoption – Oct/Nov