

**Subject:** Feedback on Comprehensive Plan Project Questions

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**From:** Brian Chambers

**Sent:** Friday, February 28, 2025 11:18 PM

**To:** Planning <Planning@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>; Stacey <Stacey@interface-studio.com>; jamie@interface-studio.com; Carolyn Lusch <carolyn.lusch@smithgroup.com>; Oliver Kiley <oliver.kiley@smithgroup.com>

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**Subject:** Re: Feedback on Comprehensive Plan Project Questions

I also shared this reference so they understand that zoning ordinance specifications do not get specified in the land use plan.

[https://www.canr.msu.edu/news/difference\\_between\\_a\\_zoning\\_ordinance\\_and\\_a\\_master\\_plan](https://www.canr.msu.edu/news/difference_between_a_zoning_ordinance_and_a_master_plan)

However, they will still likely make challenges over any intentions to use form-based zoning frameworks that have minimal set-backs, and may lead to investors consolidating properties and putting 8 - 12 housing units on them. That seems to be the current fear being generated.

Brian

On Fri, Feb 28, 2025 at 10:49 AM Brian Chambers wrote:

Brett and Comp Plan Project leadership

As you may already know, there are some community members who are taking issue with the potential for a 48' height limit for the Low Rise Residential. They are conflating it as a top-down driven requirement, even though the logic of 4-story quad-plexes was in scope for the gentle density targets at the community meetings and in the Comp Plan updates.

Oddly enough, there is a local developer in the discussions who, while seemingly opposing the higher height, has also publicly stated that he is holding back his investment plans, as he'll want to take advantage of the added height on his properties if the 48' height make it into our UDC after the comprehensive plan is approved.

Everyone is assuming that more of these 4-plex units would get built if they could go to the 48' height, thereby significantly increasing our housing supply. That of course is the objective for these increases - more housing supply.

Hence, the opposition

Also, they are conflating the form-based code provision that would not specify the number of allowable units. They're claiming that this is being used to get 100 unit developments into low-rise residential.

So, lots of FUD!

Minimally, assuming the Comp Plan project goes forward with using the building envelope to define the number of feasible units, the Ann Arbor community needs a briefing on what Form-based Zoning would look like with these provisions.

Just trying to get in front of the disinformation campaign that is building around the Comp Plan.

Brett, please share this with the Planning Commission.

Hope this helps

Brian

On Tue, Jan 21, 2025 at 5:29 PM Brian Chambers wrote:

Dear Comprehensive Plan Project and City Leaders: (Brett, please share this with the Planning Commission)

In the upcoming Comprehensive Plan update to the Planning Commission, a series of questions and other topics were presented. I'd like to offer a response, as well.

Overall, the Comprehensive Plan approach and value focus is excellent. Below, I make a few points on how it can be improved to incentivize affordable housing in all proposed districts.

I know incentives for affordable housing in the downtown core were determined to be counter-productive, but with a value focus on 'housing for all incomes' there should be a way to see specifically how that 'all income' priority is actually enabled in the Comprehensive Plan being proposed. Maybe there are other approaches for an explicit approach to increasing low and middle income housing, based on zoning and land use priorities, but so far it has not been clearly outlined.

### **Low Rise Residential**

1. Should low-rise residential replace R1 & R2? What does low-rise residential mean to us?

- Consolidating R1 and R2 with provisions for gentle density increases for 2 - 4 units on a site is entirely appropriate, given the objectives for the Comprehensive Plan stipulated by the City in the project charter.
- Bundling zoning reforms that include eliminating single-family zoning, amending height restrictions, minimum set-back requirements, eliminating or lowering minimum floor area, and minimum lot size requirements can prove highly effective.
  - This comprehensive approach enables properties to have more units in a building by increasing height restrictions and allows for more housing on previously zoned single-family lots, fostering improved land use efficiency and creating more affordable housing.

2. When we talk about missing middle housing, what are the project examples shown that do/don't fall into this category?

Location, location, location needs to be within a 1/4 mile of transit transfer stops !

- "Missing Middle" is a popular term among planning professionals to emphasize the gap in housing between detached single family homes and large-scale apartment towers. For increasing affordability, however, it is a misconstrued phrase, as it implies there is adequate housing below and above those types of structures for housing access, when there clearly is not.
- An incentive for increasing affordable units should be included in ways comparable to the incentives used by Seattle and Portland, with higher densities allowed if the units are affordable.
  - Since Ann Arbor is considering allowing 4-unit structures in the combined R1 / R2 Low Rise Residential zones, it would make sense to provide the option of up to 6 units on a site if they are within a quarter-mile walk of major transit or if two units are affordable and income restricted, in addition, allowing 3 stories for a market-rate development, and 4 stories for development with income-restricted affordable homes would be an additional incentive. Transit-oriented development needs to be written into the specific zoning districts being proposed, with incentives for higher density along transit-transfer lines.
  - Ann Arbor needs incentives for more developments to include affordable housing to support a Community Land Trust model, so affordable housing isn't only the domain of the Ann Arbor Housing Commission or with developers who may add a few affordable units but only with a 15 year life. Incentivizing a Community Land Trust model can be done with the incentives in the zoning code for affordable units.
- Missing-Middle housing is strong if it aligned to transit oriented development
  - The projects outlined in the Comp Plan update, themselves, could all be valid for increasing housing densities in and around current residential zones. However, a larger framing is required.
  - To actually lower living costs with these gentle density increases (i.e., not towers), they need to be done with a 1/4 mile walk of transit transfer stops, and in areas where the housing density will be great enough to actually foster and support mixed used development (2,500 housing units within the 1/4 mile radius). For example, The George was used to depict greater density, but it doesn't have the scale of housing to foster mixed-use walkability.

3. Do you envision that mass/scale apart from height that should be regulated by unit count or other form-based standards?

- Ann Arbor should primarily use form-based standards that focus on factors like maximum building width, depth, and lot coverage, alongside unit count regulations, rather than solely relying on unit density per acre, as this allows for more control over the overall physical appearance and character of a development while still achieving higher density.

### **Mixed-Use Areas (Hubs and Corridors)**

1. CORE: Do you see a distinction between the character and land use designation of downtown vs. State/Eisenhower?

- The downtown core is characterized by two regional transit centers, AAATA's Blake Transit Center and the AMTRAK Train Station. Having two regional transit centers means that the housing and employment densities should be that much greater than a transit hub area like the TC1 District at State/Eisenhower.
- Recommended densities are typically ranging from 20 to 30 dwelling units per acre for the regional transit centers, while a bus-only hub might only require a density of 10 to 15 units per acre; this is because high-capacity transit like regional rail necessitates a greater concentration of residents to support ridership levels. Higher capacity transit like light rail or commuter rail generally requires higher densities to be efficient than bus services.

2. INNOVATION: Should this area be designated to maximize business/entrepreneurial development over other potential land uses (e.g. solely residential/retail/etc.)

- Innovation Districts in the U-M Campus 2050 Plan designate development parcels to support a variety of land uses, including academic, research, innovation, partnership, residential, and amenities. The aim is to offer a flexible structure that can adapt to U-M's evolving needs and priorities over time.
  - The U-M has received guidance from corporate development partners that mixed-income / mixed-use campus developments are preferred for joint investment over other types of research facility only innovation districts.
- Ann Arbor should match the U-M model for an Innovation District, which incorporates walkable mixed-income / mixed-use housing.

3. RETAIL: Should we explore a land use category that provides a wider range of development potential to provide more flexibility/incremental investment in retail centers?

- Retail districts can function well within new zoning approaches that promote mixed-use, walkable neighborhoods; in fact, they are often a key component of such developments, as they provide convenient access to shopping for residents living nearby, thereby enhancing the walkability and overall vibrancy of the community. However, they need dense housing within a 1/4 mile walk of dense housing (2,500 units, minimum) and be located along transit lines that connect multiple housing and employment centers to the retail districts.

The update also expressed concerns over housing being permitted in employment, retail, and innovation zones.

I believe this should not be a critical concern, since Ann Arbor has nearly the highest center of job density in the state, second only to Detroit. Ann Arbor is a “net importer” of jobs — meaning during the day, more people are commuting to work in Ann Arbor than are leaving. We have a long, long way to go before housing development is adversely impacting employment development.

Hope this helps.

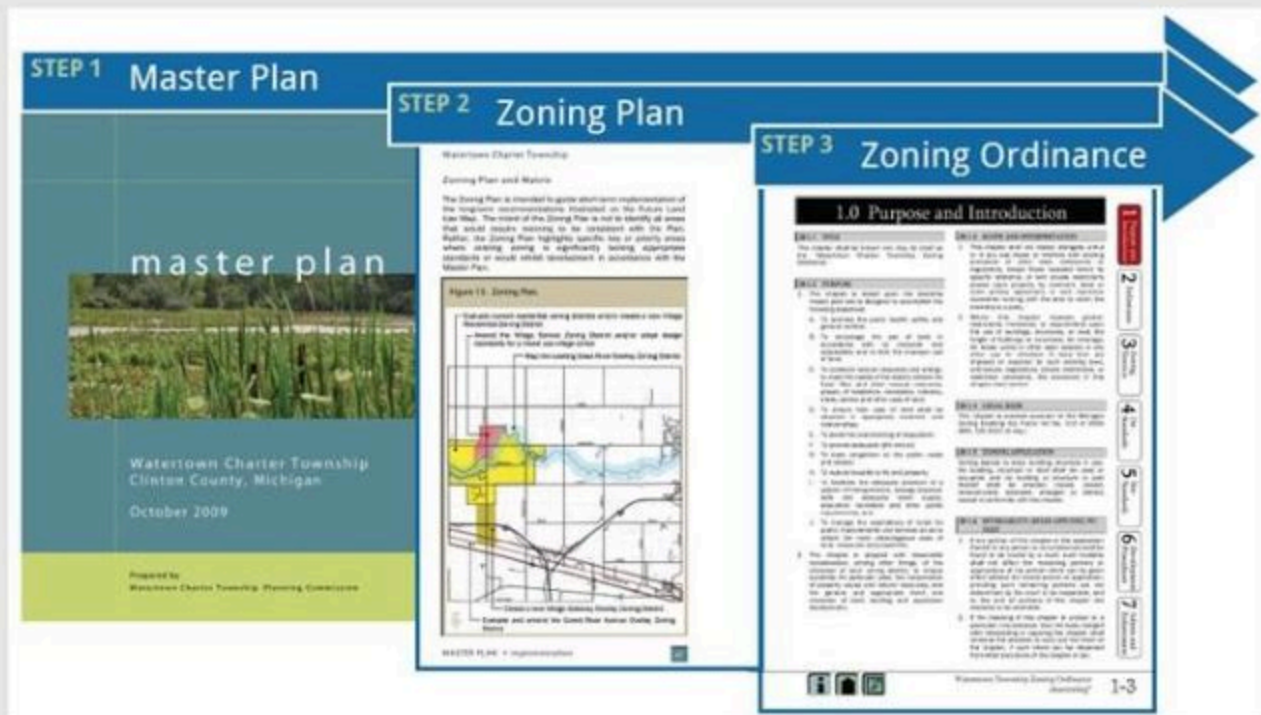


## Difference between a zoning ordinance and a master plan

Lindsey Gardner <lgardner@msu.edu> , Michigan State University Extension - November 03, 2023

Updated from an original article written by Kurt H. Schindler.

The zoning ordinance is a law with penalties and consequence for not following it. A master plan is a policy document that expresses intent. It is not an enforceable document and is not law.



Source: Figure by the Land Policy Institute, Michigan State University, 2015. Left and middle images: Watertown Charter Township Planning Commission. (2009). **Master Plan**. Watertown Charter Township, MI. Available at: [www.watertowntownship.com/Portals/0/Master%20Plan%20%28Updated%20October%202009%29.pdf](http://www.watertowntownship.com/Portals/0/Master%20Plan%20%28Updated%20October%202009%29.pdf); accessed April 27, 2015. Right image: Clearzoning. (2015). **Watertown Township Zoning Ordinance**. Watertown Charter Township, MI. Available at: [www.watertowntownship.com/Portals/0/LegalNotices-Ordinaces/2015/Zoning%20Ordinance.pdf](http://www.watertowntownship.com/Portals/0/LegalNotices-Ordinaces/2015/Zoning%20Ordinance.pdf); accessed April 27, 2015.

Source: Figure by the Land Policy Institute, Michigan State University 2015.

A zoning ordinance and a master plan are not the same thing. A master plan is not enforceable, and attempting to do so can get a community in trouble.

Once I was asked to provide education to a community that was trying to turn down a site plan review, because it did not comply with the community’s master plan. The community even had a site plan review standard in its zoning ordinance that read “the application request satisfies the goals and objectives of the ... [town name] master plan.”

In Michigan, a master plan can be adopted by the municipality’s planning commission – an appointed administrative body. A planning commission has no authority to adopt an ordinance or any other document that could be enforced with penalties. The planning commission can only recommend a zoning ordinance or zoning amendment to its legislative body. Michigan statutes delegate ordinance-making authority only to the following elected legislative bodies: township board of trustees (MCL 41.181 *et seq.*), city council (MCL 117.3 *et seq.*), general law village council (MCL 67.1 *et seq.*), home rule village council (MCL 78.1 *et seq.*) and very limited ordinance making authority to county boards of commissioners.

A master plan is a policy document that guides the physical development of a community. Think of it like the homework -- the compendium of facts, research, record of public support and participation, and reasoning behind what would become local ordinances. This would include the zoning ordinance, which the Michigan Zoning Enabling Act requires “shall be based on a plan...” (MCL 125.3203(1)).

A zoning ordinance is the law. It regulates things including land use; building form, placement, size, spacing, parcel area, width, depth; types of land uses allowed in a district. Because an ordinance is law, it includes consequences for violations. Consequences can be a civil infraction ticket, fines, criminal charges, injunctions, and so on.

In order for a zoning ordinance to be based on a plan, the plan should be written first. The zoning ordinance will come next and will implement parts of the master plan. Often, the plan zoning is based upon something called a “zoning plan.” The zoning plan can be a chapter in the master plan, a separate document of the master plan or integrated throughout the master plan. A “master plan” is defined in the Michigan Planning Enabling Act (MCL 125.3803(g)) to include the zoning plan from the Zoning Enabling Act’s section 203(1) (MCL 125.3203(1)).

Typically, the zoning plan part of a master plan, in addition to the rest of the plan, will include:

- A proposed schedule of regulation by district that includes at least building height, lot area, bulk and setbacks.
- Standards or criteria to be used to consider rezoning consistent with the master plan.
- A description of each zoning district and proposed zoning map.

- An explanation of how the land use categories on the future land use map relate to the districts on the zoning map.
- A description of each zoning district, general purpose of each district and the general locations for those types of districts.

To demonstrate how the master plan serves as a basis for zoning and is not itself an enforceable document, look at this generic example of master plan language: “Goal No X: Preserve and enhance the YYY corridor as a safe, efficient, and visually attractive...” First, it is a “goal,” not a directive. Then, the plan says there is more work to do before specific actions can be taken for this goal. How does a zoning permit or site plan review applicant “satisfy” a goal when they are beholden to actions being undertaken by a different entity?

The master plan is not a regulation and should not be expected to do double duty as a law. Statute gives ordinance-making authority only to legislative bodies not planning commissions. Master plans are not written in regulatory fashion. They lack language with clear directives or requirements. Many master plans are written with goals that are often best-case scenarios of the future. Many times, the purpose of the goal is to set a direction, but not a definitive expected outcome. Finally, master plans are often written with objectives (measurable progress points) and strategies (policy, tasks and methods) to be carried out by various agencies of the local government, not property owners or zoning permit applicants.

Those in [Michigan State University Extension](#) that focus on [land use](#) provide various training programs on planning and zoning, which are available to be presented in your county. Contact your local land use educator for more information.

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