

Subject: Implementing the CLUP

From: Will Leaf
Sent: Saturday, March 14, 2026 12:24 PM
To: Planning <Planning@a2gov.org>
Subject: Implementing the CLUP

Hello Members of the Planning Commission,

Congratulations on finishing the Comprehensive Plan.

I was happy to see the [proposal](#) from Commissioner Adams, suggesting prompt action to implement the plan, using UDC changes from Jonathan Levine and I as a starting point. Some of the Legistar links in that memo aren't working for me, so here is a link to the proposal Jonathan and I submitted to the commission in January.

https://docs.google.com/document/d/1LqnisfNU_tpa77LvlbQGMMt97FV-_Z3sufObmHZ2SHI/edit?usp=drive_link

The main benefit of using those UDC changes as a baseline is that they are simple, with no new barriers to housing construction added.

The history of the TC1 district shows what can go wrong if a complex starting point is chosen. It took years to chisel away at the restrictions in TC1 to make the district somewhat workable, and the district is still inflexible, as the Woodbury Gardens rezoning request shows. Please don't repeat the mistakes of the last ten years. It is best to start with simple rules and add only the restrictions that are necessary to protect the public's health, safety, and general welfare.

Whether you choose to use our UDC changes as a starting point or pursue some different strategy, I hope you will consider asking staff to start drafting zoning changes now--not a month or two from now. The simplest way to provide this direction would be to approve the Adams resolution on Tuesday, but if you prefer a different strategy, please put it forward, so it can be discussed and voted on as soon as possible.

The sooner the commission starts drafting new districts, the sooner it can hold public discussions on them with public input. If the commission delays a month or two before starting, the process will be more rushed later. We have a severe housing shortage, and moving slowly to address this urgent problem is not cautious or responsible.

I hope you will consider approving the Adams resolution on Tuesday.

Thank you for your years of public service.

Will

Summary

Dear members of the Planning Commission, City Council, and City Staff,

As the comprehensive planning process wraps up, the City leadership faces a question: What zoning changes should come first? We suggest an incremental approach that first rezones the areas with the most potential for new housing and commercial space. We believe that rapid progress on rezoning is both possible and desirable, particularly if the initial focus is on Hub and Transition. We propose two possible packages of zoning changes that build on more general suggestions [presented](#) to the Planning Commission last November.

Both options target the Hub and Transition categories, and neither includes R1 parcels. Either of these options could be proposed, debated, revised, and adopted this year, without the need for a multi-year consultant-led process.

[Option 1](#): Create one new mixed-use district for Hub and key Transition areas.

[Option 2](#): Create two new mixed-use districts, one for Hub and another for key Transition areas.

We prefer Option 1, because a self-adjusting height limit makes a two-tier approach unnecessary, but Option 2 would also work. Both options implement the [zoning recommendations](#) of the Comprehensive Plan.

The new district(s) would allow a mix of residential, commercial, and light industrial uses but not [heavy industrial uses](#). They would also have [self-adjusting height limits](#) that taper down near Residential districts.

We recommend applying the new district(s) to at least the following Hub and Transition areas:

1. Downtown
2. Commercial and Industrial Corridors
3. R2B and R4 areas next to Central Campus and Michigan Medicine

It is particularly important to rezone Transition areas quickly, because most Hub areas are already zoned to allow dense mixed-use development, whereas Transition areas are not.

We suggest that when City Council adopts the Comprehensive Plan, it should also send a [companion resolution](#) to the Planning Commission requesting a first package of zoning reforms with some high-level guidance on what those reforms should be.

Thank you for your consideration, and please feel free to contact us at any time.

Best wishes,

Will Leaf and Jonathan Levine

Will Leaf has written about self-adjusting zoning rules for Real Estate Law Journal and can be reached at willeaf@umich.edu.

Jonathan Levine is a Professor of Urban and Regional Planning at the University of Michigan and can be reached at jnthnlvn@umich.edu.



Option 1

Option 1

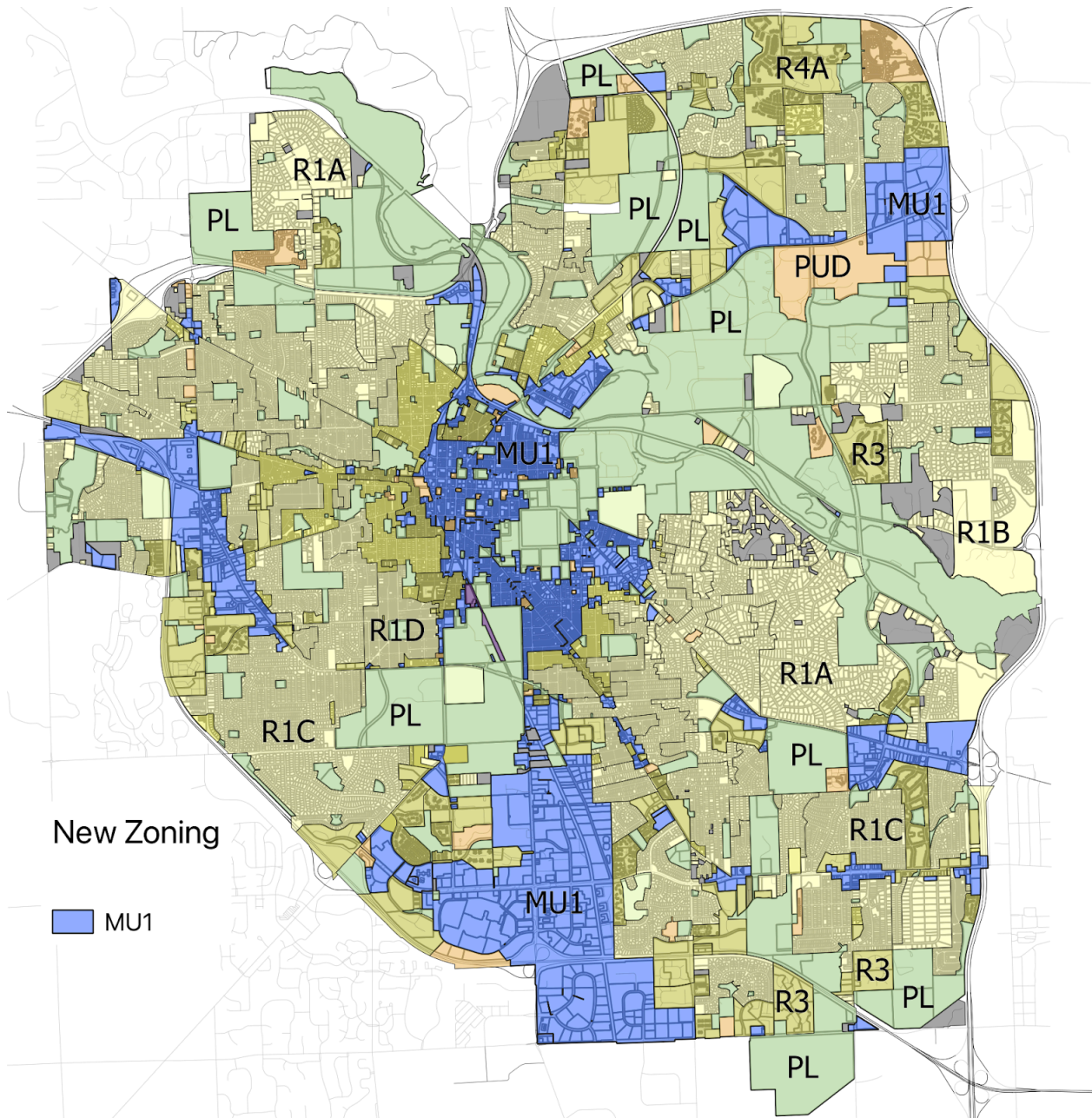
One new district

Links

[UDC Changes](#)

[Zoning Map Changes](#)

[Postcards](#)



2 Option 2

Option 2

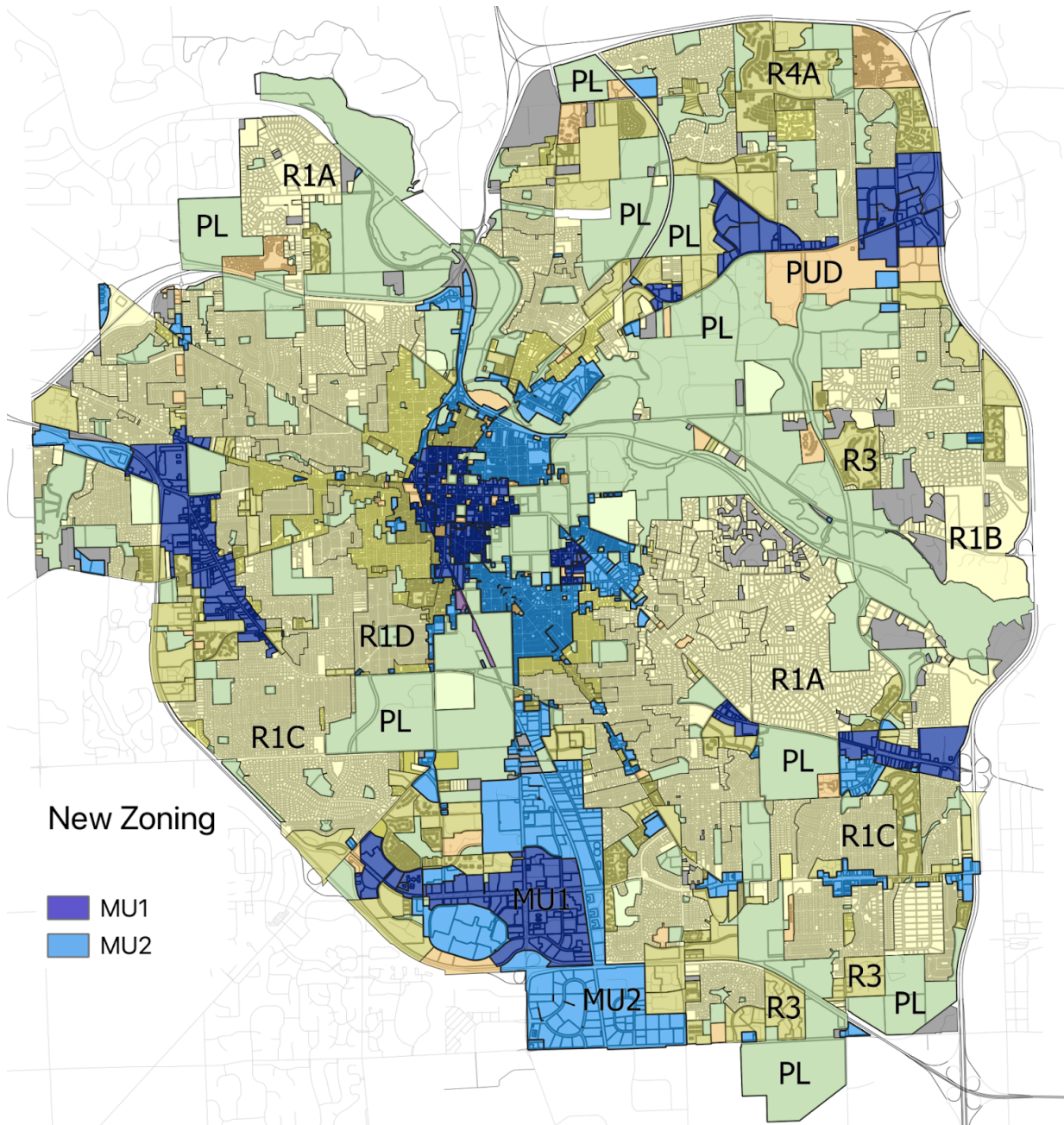
Two new districts

Links

[UDC Changes](#)

[Zoning Map Changes](#)

[Postcards](#)



Connection to CLUP

Implementing the CLUP's Zoning Recommendations

Use

In the Comprehensive Land Use Plan, both the Hub and Transition categories call for a flexible mix of residential, commercial, and office uses, along with industrial uses that do not create nuisances or hazards ([112](#)). Our proposed zoning districts implement this guidance by allowing all residential, commercial, office, and light industrial uses that are currently allowed in the city's various mixed-use and special purpose districts.

There are a few uses that are currently allowed in only one or two existing special purpose districts, such as outdoor storage, that may be controversial. We marked these uses with an **E**, meaning they are only allowed by special exception. City staff and the Planning Commission might decide instead to permit these uses by right or forbid them entirely in the new districts.

The new districts do not replace the city's M2 heavy industrial district or allow [heavy industrial uses](#). Allowing heavy industrial uses in these districts could create nuisances and hazards, which would violate the CLUP's guidelines and the City's responsibility to protect its residents.

Form

Height Limits

For both the Hub and Transition categories, the CLUP calls for new zoning districts with "Context-sensitive height (adjacent to Residential)" ([112](#)).

More specifically, the plan advises that Transition zoning districts should taper from three stories up to high-rise height ([114](#)). We have matched this range in our proposed zoning changes. In Option 1, which uses a single district, the new MU1 district tapers from 35 feet up to unrestricted height. In Option 2, which uses two districts, we have applied the same tapering steps to the MU2 Mixed-Use Transition district.

The CLUP does not list specific numbers for the Hub category, but the "scale and intensity" of Hub is listed as "Large scale, high-rise" ([114](#)). It is not obvious how to reconcile the "high-rise" phrasing with the earlier "context-sensitive height" language. Our interpretation is that Hub areas should either use the same tapering rules as Transition (Option 1) or start with a higher limit and taper upward more quickly (Option 2).

Setbacks

The Transition category calls for "Conversion of suburban multifamily residential patterns to greater floor area and intensities" ([112](#)). Additionally, the first item in the implementation matrix

states: “Reduce or remove minimum lot sizes, adjust setbacks, and other regulations to allow more flexibility in the built environment ([136](#)).”

Our proposed zoning districts further these goals by eliminating setbacks, except on lots that abut residential districts, where the setbacks of the abutting residential district apply, and on designated transit corridors, where the current TC1 minimum setback rules apply.

Occupancy Limits

The CLUP’s implementation matrix states “Modify and adopt regulations that are supportive of a variety of housing ownership models, including non-profits, trusts, cooperative housing, co-housing, and/or group/rooming houses ([138](#)).”

Our proposed UDC changes implement this guidance by removing the limit on the number of unrelated persons per dwelling unit in mixed-use districts, effectively allowing cooperative housing by right in these districts. Maximum occupancy will still be limited by Ann Arbor’s minimum space and facilities [requirements](#) and the [overcrowding section](#) of Michigan’s Housing Law.

Boulder, Colorado, recently [removed](#) its occupancy limits citywide.

Site Plan Review

The CLUP’s implementation matrix states “*Reduce the development types that require site plan review* ([136](#)).” Our proposed UDC changes implement this guidance by removing site plan review for Residential buildings with 1-4 units in Mixed-Use districts. In future packages of reforms, we encourage staff and the Planning Commission to consider removing site plan review for other types of developments as well.

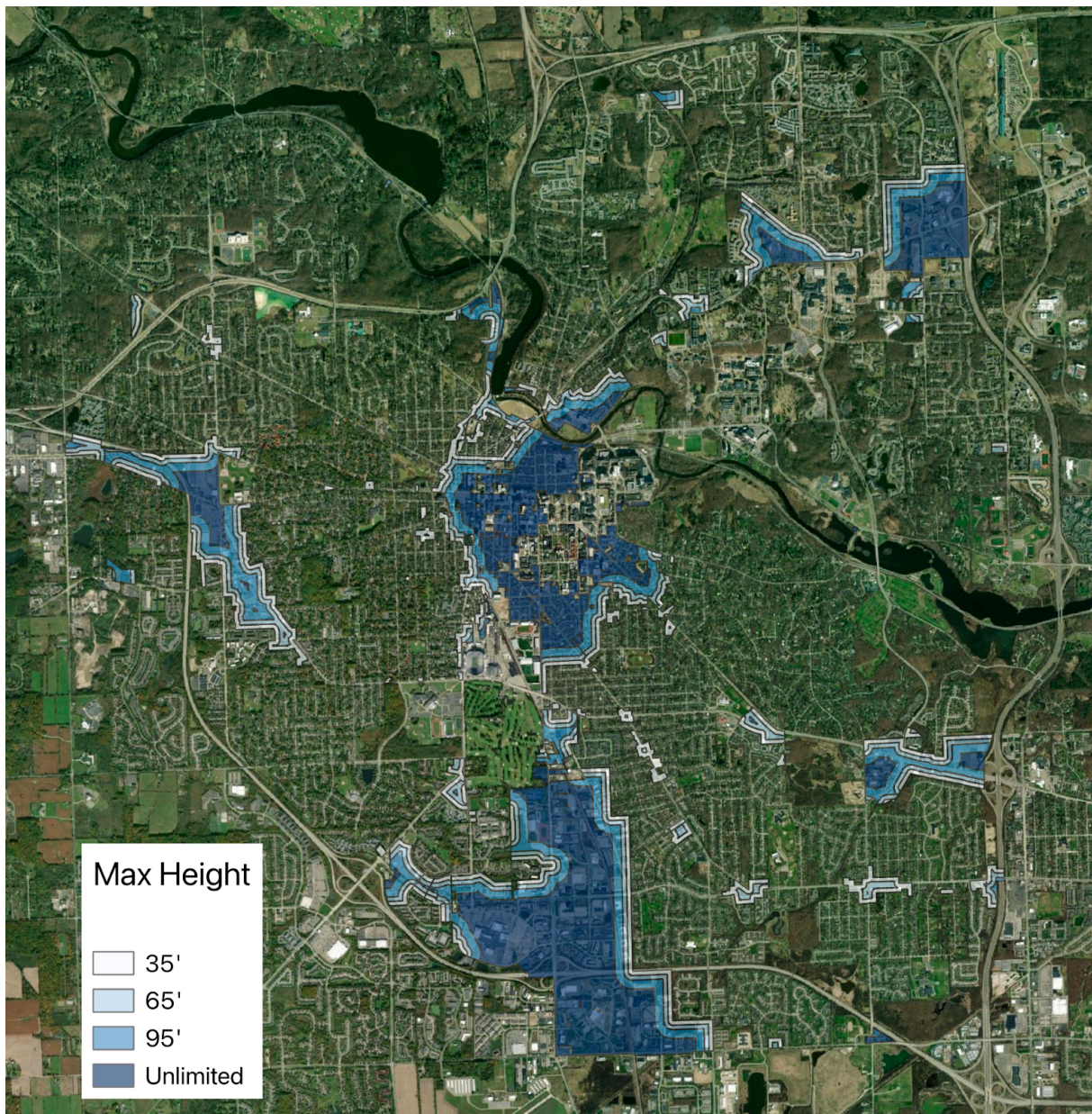
Height Limits

Summary

The Comprehensive Plan calls for self-regulating height limits near Residential districts. Ann Arbor's TC1 district already has this kind of limit, as do districts in [many other cities](#).

We see two possible techniques for applying a self-regulating height limit:

Option 1 – Measure Building Distance





In this approach, the maximum height for a new building would depend on the distance from the building to the nearest residential district. Taller buildings might be allowed on one part of a parcel, far from residential districts, but not on another part closer to a residential district.

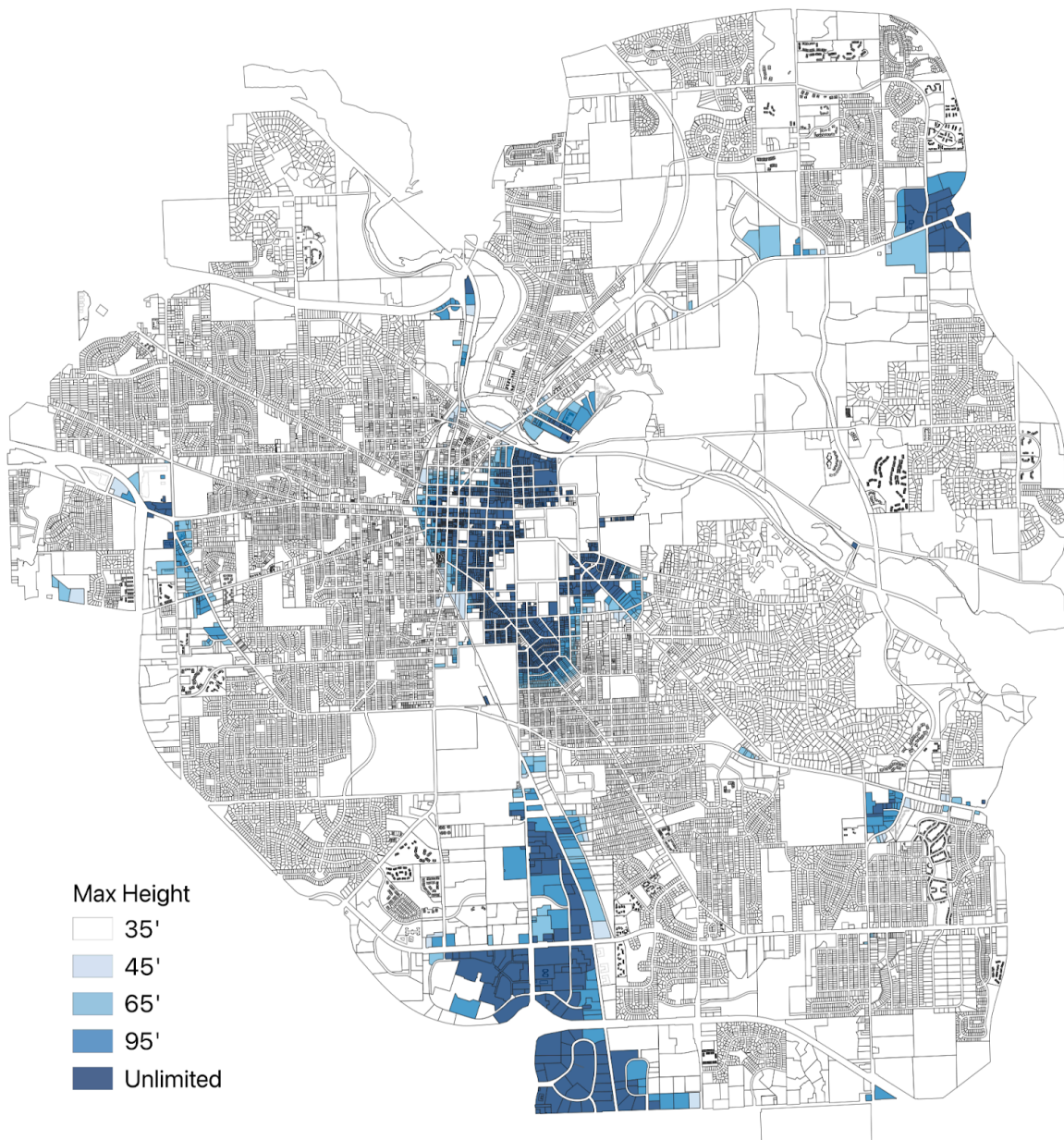
To the best of our knowledge, every city with self-adjusting height limits uses this approach. It is the same technique used in the TC1 district and our proposed MU districts.

The downside of this technique is that it could add complexity to the development process, because developers would have to calculate the relevant distances. However, we do not think this requirement would be overly burdensome for several reasons:

1. The self-adjusting height limit would only be relevant to projects with heights taller than 35 ft. In the scope of a large development project, measuring one more distance would not be a major imposition.

2. The city could easily provide a map of allowable building heights, either as a layer in its [Dynamic Zoning Map](#) or as a separate map like the one above.
3. If the height limit map shows multiple limits within a parcel, the developer could choose the minimum limit on the parcel to avoid any ambiguity during site plan review. Only developers that opt-in to the benefits of a variable height limit would face extra complexity.

Option 2 – Measure Parcel Distance



Alternatively, the City could make the height limit for the entire parcel depend on the distance from that parcel to the nearest residential district.

The advantage of this technique is that it would be simple. The City could generate a map to show the public the maximum height allowed on every MU1 or MU2 parcel.

The downside of this strategy is that it would treat large parcels uniformly, which would limit building heights in commercial corridors with large lots. A per-parcel approach might also create incentives for developers to split up parcels to work around the limit.

Conclusion

We suggest option 1, measuring building distance, but either option is preferable to creating a multitude of subzones with hand-drawn boundaries that are likely to be controversial and at least partially arbitrary.

Other Cities With Self-Regulating Height Limits

Austin, TX — [Compatibility Standards](#)

Dallas, TX — [Residential Proximity Slope \(RPS\)](#)

Atlanta, GA — [Transitional Height Plane](#)

Raleigh, NC — [Neighborhood Transition Height Plane](#)

Cincinnati, OH — [Neighborhood Compatibility Height Plane \(page 8\)](#)

West Sacramento, CA — [Transitional Height Standards](#)

Charlotte, NC — [Neighborhood 1 Zoning Districts Building Height Standards –Table 4.3](#)

Portland, OR — [Step-Down Height – Portland Zoning Code §33.130.210.B.2](#)

Los Angeles, CA — [Allowed Transitional Height Incentives – Los Angeles Municipal Code Table 12.22 A.37.\(f\)\(2\)\(iv\)a.](#)

Fort Worth, TX — [45° Transitional Height Plane – UDC §4.713 \(Urban Residential District\) \(Article 4 PDF\)](#)

Heavy Industrial Uses

Notes on Heavy Industrial Districts

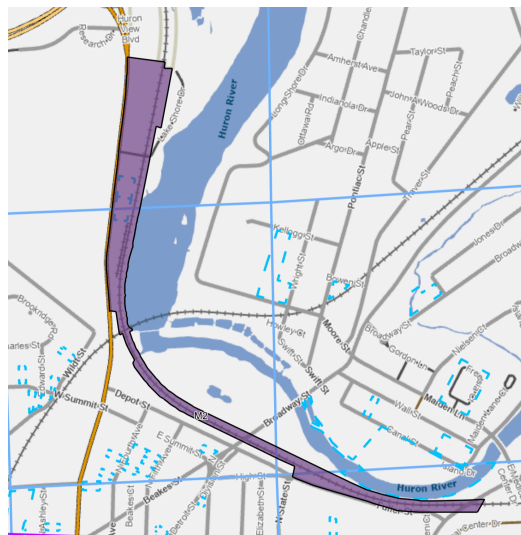
Currently, Ann Arbor has only two M2 heavy industrial districts.

1. An area near Hoover Avenue and Greene Street.
2. Part of the North Main corridor.

You can see these districts by filtering the city's [Dynamic Zoning Map](#) to show just the M2 zone.



Hoover and Greene



North Main

The Comprehensive Plan's [Future Land Use Map](#) shows North Main in the Transition category and the Hoover and Greene area in the University of Michigan category.

We recommend that North Main be included in the Hub and Transition rezonings, while the Hoover and Greene area should be discussed at a later date along with other properties in the University of Michigan category.

In recent discussions, some commissioners and city staff have expressed concern about the legality of prohibiting heavy industrial uses throughout the city. We suggest that the commission revisit this issue when discussing the Hoover and Greene area, after the Hub, Transition, and Residential rezonings are complete. In the meantime, the city will be retaining the Hoover and Greene heavy industrial district, so heavy industrial uses will not be completely prohibited in Ann Arbor.

If city leaders are concerned that eliminating one of the city's two heavy industrial districts will cross an invisible threshold and create a de facto ban on heavy industrial uses, we ask them to consider the following:

1. Michigan Law does not require cities to permit heavy industrial uses.

The Michigan Zoning Enabling Act states:

“A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.” (125.3207, [page 6](#))

If a company sues Ann Arbor, demanding that it be allowed to create a heavy industrial use like a slaughterhouse or gravel pit within the city, the plaintiff would face several barriers. The company would have to prove that there is a demonstrated need for the land use in question, that there is an appropriate place for the land use within the city, and finally that it exhausted remedies like rezoning requests and variances.

Ann Arbor could respond by saying that there are no appropriate places for these uses in a dense city where housing is allowed in every district, and there are homes and shops in and near its historically industrial areas. Other Michigan municipalities have successfully excluded land uses on far shakier grounds than preventing noxious industrial uses from locating in a city, as [this article](#) discusses.

In the worst-case scenario, the city would be forced to allow some potentially noxious industrial use in the city, while that outcome would be guaranteed if the city preemptively allows heavy industrial uses in Transition and Hub areas.

2. The UDC defines Heavy Manufacturing by its effects, not the type of use.

The UDC defines heavy manufacturing as manufacturing that doesn't meet the definition of light manufacturing, which is in turn defined as manufacturing contained inside a building that doesn't create nuisances or hazards (UDC, [pages 265-267](#)). By these definitions, heavy manufacturing is almost a nuisance by definition. Forbidding heavy manufacturing does not completely prohibit any particular use, but rather restricts the manner in which that use is performed.

3. Ann Arbor already totally prohibits some uses.

Ann Arbor already completely prohibits oil and gas wells in every zoning district ([UDC, Page 40](#)). If the city took the absolutist stance of allowing every land use somewhere, no matter how noxious or harmful, it would have to allow gas and oil wells within the city as well. We do not think it would be wise to take this absolutist stance, because the Michigan Zoning Enabling Act and [case law](#) makes it clear that not every municipality needs to allow every use.

Postcards

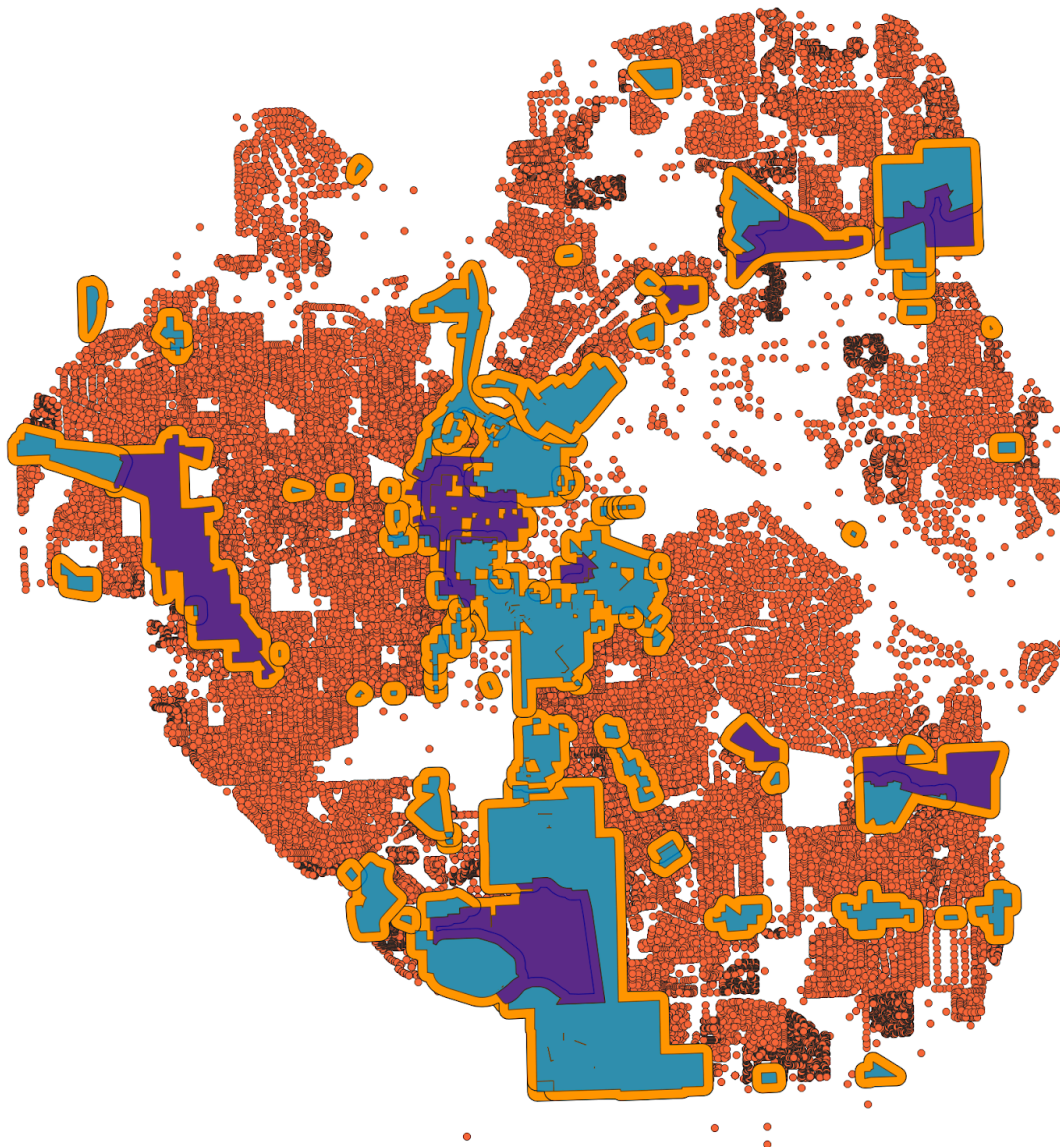
Ann Arbor's public notice rules require the city to notify residents and property owners within 300 feet of a rezoning. Ann Arbor's GIS data makes it easy to assemble a list of these addresses. The city also has [address mailing application](#), which might make the process even simpler.

Step 1: Import the city's public [mailing address data](#) into the rezoning project.

Step 2: Create a 300 foot buffer around the proposed rezoning.

Step 3: Export the [list](#) of property owners and residents corresponding to addresses within the 300 foot buffer.







POSTALCUSTOME	F	PROPSTREET	PROPCITY	PROPSTATE	PROPZIP	OWNNAME	OWNSTREET	OWNCITY	OWNSTATE	OWNZIP	STATU
STONE REBECCA		1450 PATRICIA AVE	ANN ARBOR	MI	48103	STONE REBECCA	1450 PATRICIA AVE	ANN ARBOR	MI	48103	A
KOPLAN ROBERT L		1440 PATRICIA AVE	ANN ARBOR	MI	48103	KOPLAN ROBERT L	1440 PATRICIA AVE	ANN ARBOR	MI	48103	A
ZACCHEO LAURA		1430 PATRICIA AVE	ANN ARBOR	MI	48103	ZACCHEO LAURA	1430 PATRICIA AVE	ANN ARBOR	MI	48103	A
NISSON MICHAEL D		1420 PATRICIA AVE	ANN ARBOR	MI	48103	NISSON MICHAEL D	1420 PATRICIA AVE	ANN ARBOR	MI	48103	A
PORTMANN BROOK		1410 PATRICIA AVE	ANN ARBOR	MI	48103	PORTMANN BROOK	1410 PATRICIA AVE	ANN ARBOR	MI	48103	A
CHENG, YU-SHU & C		1400 PATRICIA AVE	ANN ARBOR	MI	48103	CHENG, YU-SHU & C	1400 PATRICIA AVE	ANN ARBOR	MI	48103	A
ANDERSON LEIF		1390 PATRICIA AVE	ANN ARBOR	MI	48103	ANDERSON LEIF	1390 PATRICIA AVE	ANN ARBOR	MI	48103	A
POSTAL CUSTOME		1370 PATRICIA AVE	ANN ARBOR	MI	48103	SAGA USA, INC	2110 E BISHOP CIR	DEXTER	MI	48130	A
RUSTIC MARY		1360 PATRICIA AVE	ANN ARBOR	MI	48103	RUSTIC MARY	1360 PATRICIA AVE	ANN ARBOR	MI	48103	A
BISGAIER STANLEY		1350 PATRICIA AVE	ANN ARBOR	MI	48103	BISGAIER STANLEY	1350 PATRICIA AVE	ANN ARBOR	MI	48103	A
STEIN JOAN E TRU		1330 PATRICIA AVE	ANN ARBOR	MI	48103	STEIN JOAN E TRU	1330 PATRICIA AVE	ANN ARBOR	MI	48103	A
DEWOLF MICHAEL		1270 PATRICIA AVE	ANN ARBOR	MI	48103	DEWOLF MICHAEL	1270 PATRICIA AVE	ANN ARBOR	MI	48103	A
MORRIS GREGORY		1206 PATRICIA AVE	ANN ARBOR	MI	48103	MORRIS GREGORY	1206 PATRICIA AVE	ANN ARBOR	MI	48103	A
HALL DARCY A		2508 SEQUOIA PKV	ANN ARBOR	MI	48103	HALL DARCY A	2508 SEQUOIA PKV	ANN ARBOR	MI	48103	A
LORBERBAUM DAV		2504 SEQUOIA PKV	ANN ARBOR	MI	48103	LORBERBAUM DAV	2504 SEQUOIA PKV	ANN ARBOR	MI	48103	A
EVANS JOHN R & M		1205 N MAPLE RD	ANN ARBOR	MI	48103	EVANS JOHN R & M	1205 N MAPLE RD	ANN ARBOR	MI	48103	A
POSTAL CUSTOME		2505 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2507 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2509 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2511 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2515 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2513 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2517 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2521 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2523 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2525 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2527 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2529 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A
POSTAL CUSTOME		2531 MILLER AVE	ANN ARBOR	MI	48103	MILLER/MAPLE TO	1700 GEDDES AVE	ANN ARBOR	MI	48104	A