

PLANNING SERVICES STAFF REPORT

For Planning Commission Meeting of March 18, 2025

SUBJECT: Amendments to Unified Development Code (Chapter 55 of the Code of the City of Ann Arbor) related to Citizen Participation, Public Hearing requirements, and Land Division procedures.

BACKGROUND:

On December 18, 2023, the Administrator's Office provided to the Council a report titled *A New Approach to Economic Development*, wherein a series of reforms to the city's economic development and land development processes were recommended to the Council. The report was the result of more than a year of work directed by the Economic Development Corporation of Ann Arbor with support from members of Council to examine how the city could become more effective and efficient at pursuing economic development initiatives.

The report can be found at the following link:

<https://a2gov.legistar.com/LegislationDetail.aspx?ID=6455353&GUID=9953264D-8091-454D-8178-7E569BF0A22C>

Council endorsed the findings of *A New Approach to Economic Development* and directed the City Administrator to implement certain recommendations provided in the report through four resolutions adopted on April 1, 2024.

- R-24-108 Resolution Directing Economic Development Priorities – Focused on creating an economic development office.
- **R-24-109 Resolution to Direct City Administrator to Implement New Processes and Programs for Housing Development at all Income Levels to Support Housing Affordability – Focused on improving efficiency and alleviating burdens in the land development process.**
- R-24-110 Resolution to Direct the City Administrator to Implement New Processes and Programs to Support Sustainability in the Built Environment – Focused on strategies for supporting sustainability in the built environment.
- R-24-111 Resolution to Direct the City Administrator to Implement New Processes and Programs to Support Placemaking and Tax Base Improvements – Focused on supporting place-making and tax base improvements.

R-24-109 included 13 measures intended to alleviate any undue burden on the land development that may be caused by city inefficiency, one of which specifically identified the design review process.

The City Planning Commission considered several of these directed changes from R-24-109 at the September 10, 2024 working session, and again at the March 11, 2025 working session. The following sections summarize a few of the tasks from the resolution, as well as a summary of the proposed response.

Citizen Participation:

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, Section 5.28.4 to modify the Citizen Participation requirements as proposed in the attached ordinance.

STAFF RECOMMENDATION:

Staff recommends **approval** of proposed amendments to Section 5.28.4 of the Unified Development Code to modify the title, designation of project types, timing, and other modifications as proposed in response to Resolution R-24-109 of the City Council.

SUMMARY:

Resolution R-24-109 included 13 measures to implement new processes and programs supporting housing affordability, including the following:

Amendments to the Citizen Participation Ordinance so that notification of projects is made digitally through city communication channels (in addition to the paper notification currently required in the ordinance), so that notification in effect becomes a city-wide effort, so that a calendar of meetings under this ordinance is kept on the city website, and so that the timing of the Citizen Participation Ordinance meeting is concurrent with site plan submission

The attached Ordinance amendment proposed changes discussed by the Planning Commission to achieve the directive. It includes multiple changes:

- Retitling and modifying numerous references through the document from “citizen” to “community” or “people” to provide more inclusive terms, and reduce any perceived concerns that citizenship is a barrier or requirement to public engagement.
- Reclassifying those application/project types that require a community participation meeting to those that require a public hearing (e.g. rezonings, planned unit developments, special exception use permits). These are all application types where plans or policies are consulted to evaluate the decision, rather than administrative decisions based on compliance with standards and regulations.
- Adjusting the required timing for community participation meetings and notice to more closely coincide with the submission of an application to the City, and its acceptance for review (sometimes city review is delayed if an application fails to include necessary information).
- Codification of a current practice that the City post information about developments on the planning webpage, and specific requirements that a project representative be named with contact information on any notice.

These changes will have the potential impact of notifying surrounding property owners and residents of developments slightly later than has typically occurred since adoption of the citizen

participation ordinance originally. The proposed ordinance will more closely align community participation opportunities with those application types that are more discretionary than administrative decisions, such as site plans. The proposed changes maintain the requirement of the submittal of report of any community participation activities prior to consideration of the application by the Planning Commission.

Public Hearing Requirements:

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendments to Chapter 55, Unified Development Code, Sections 5.28.2, 5.28.3, 5.28.4, 5.29.6, 5.29.7, and 5.29.11 to remove public hearing requirements from sections of the code as proposed in the attached ordinance.

STAFF RECOMMENDATION:

Staff recommends **approval** of proposed amendments to Sections 5.28.2, 5.28.3, 5.28.4, 5.29.6, 5.29.7, and 5.29.11 of the Unified Development Code to remove public hearing requirements from numerous procedures to be consistent with State law as the response to Resolution R-24-109 of the City Council.

SUMMARY:

Resolution R-24-109 included 13 measures to implement new processes and programs supporting housing affordability, including the following:

Elimination of the Public Hearing requirement for site plans at the Planning Commission, however Planning Commission meetings should be restructured to allow public comment for each site plan that appears on the agenda

The attached Ordinance amendment proposed changes discussed by the Planning Commission to achieve the directive. It includes multiple changes:

- Focus Section 5.28.2 on Public Hearings rather than the more general “public notice” term.
- Modify posted notice to apply to those applications/projects that include a public hearing.
- Removal of the public display of plans at City Hall as all plans are now publicly available via the planning services website and online Stream system.
- Remove application types from Section 5.28.3.A
- Extends public hearing procedures to Zoning Board of Appeals in Section 5.28.3.A.2.a.
- Remove public hearing requirements from the issuance of a Wetlands Use Permit.
- Remove the public hearing requirements from approval of a site plan in Section 5.29.6, which is an administrative action by state law. The changes to this section also remove the requirement of site plan public hearings at the City Council.

- Remove public hearing requirements from Area Plans and PUD Site Plans (PUD zoning action would still require a public hearing.)

The directed ordinance instructs the Planning Commission to maintain a public comment for site plans on agendas, however, this step is anticipated to be reflected and structured in the operating procedures of the Planning Commission, vs. City Code. These changes will result in fewer noticed public hearings, a more closely aligned local ordinance with requirements of state law and removing additive procedures to administrative procedures.

Land Division Procedures:

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve amendment to Chapter 55, Unified Development Code, Section 5.29.9.B to remove public notice requirements from this section of the code as proposed in the attached ordinance.

STAFF RECOMMENDATION:

Staff recommends **approval** of proposed amendments to Section 5.29.9.B of the Unified Development Code to remove notification requirements from Land Division procedures to be consistent with State law as the response to Resolution R-24-109 of the City Council.

SUMMARY:

Resolution R-24-109 included 13 measures to implement new processes and programs supporting housing affordability, including the following:

Amend city ordinance to eliminate land division notifications, since we are required under state law to approve these divisions anyway and the notifications serves no real purpose in the approval process

The attached Ordinance amendment proposed changes discussed by the Planning Commission to achieve the directive. It includes the change described below.

Prepared by: Brett Lenart, Planning Manager

Attachment: Ordinance (Citizen Participation)
Ordinance (Public Notices and Hearings)
Ordinance (Land Division procedures)