

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of March 15, 2022

SUBJECT: Amendments to Chapter 55 (Unified Development Code) related to Permitted Uses in the M1 district (Table 5.15-1) and Dimensional Standards in the R2A district (Table 5.17-2)

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code as proposed and generally described as:

Table 5.15-1, to allow religious assembly use in the M1 (Limited Industrial) district; and,

Table 5.17-2, to decrease the minimum lot size, minimum lot area per dwelling unit, and minimum lot width in the R2A (Two-Family Dwelling) district;

STAFF RECOMMENDATION:

Staff recommends that the amendments to the Unified Development Code be **approved**.

SUMMARY:

Two of five proposed amendments to the Unified Development Code are presented below, including 1) an amendment to allow religious assembly uses as a primary use in the M1 (Limited Industrial) district and 2) an amendment to decrease the minimum lot size, minimum lot area per dwelling unit and minimum lot width in the R2A (Two-Family Dwelling) district.

The other three amendments are proposed separately, involving Section 5.16.3.G (Marijuana Facilities), Section 5.20.10 (Trees in the Public Right-of-Way), and Section 5.30.1 (Landscape Modification).

All five amendments were postponed by the Planning Commission following a public hearing on March 1, 2022 because of technical difficulties in broadcasting and Zoom-ing at the start of the meeting, resulting in a significant delay and possible public participation barrier. The amendments are now presented in two groups.

REPORT:

All five amendments are included in the attached Ordinance to Amend UDC (M1 Permitted Use, Marijuana Licenses, R2A Dimensional Standards, Trees in the Right-of-Way, Landscape Modifications). The two amendments related to M1 Permitted Use and R2A Dimensional Standards are explained and analyzed individually below. Please see the March 15, 2022

Planning Staff Report for explanations and analysis of the proposed amendments related to Marijuana Licenses, Trees in the Right-of-Way, and Landscape Modifications.

Section 1. Amendments to Table 5.15-1 in Section 5.15.1 (Primary Uses)

An amendment is proposed to **Table 5.15-1** to allow religious assembly use as a primary use in the M1 (Limited Industrial) district. Permitted primary uses have a P in the use table.

This amendment was requested by a petitioner that has operated a religious assembly use in the M1 district for many years. While exploring the necessary permits to renovate and expand the use, it was discovered to be an illegal use. The petitioners felt religious assembly uses fit in well with the other primary uses of the M1 district, and did not want to relocate their established church, so they submitted a text amendment petition.

The Ordinance Revisions Committee considered the petition and proposed amendment at their October 26, 2021 meeting. They concluded it was an appropriate primary use for the M1 district and should be offered a public hearing by the Planning Commission.

More background and analysis are provided in the October 26, 2021 Planning Staff Memo to the Ordinance Revisions Committee, attached.

Section 3. Amendment to Table 5.17-2 (Two-Family Residential Zoning District Dimensions)

Amendments are proposed to **Table 5.17-2** to reduce the minimum lot size, minimum lot area per dwelling unit, and minimum lot width standards in the R2A (Two-Family Dwelling) district.

The R2A district is intended to “create areas of essentially single-family residential character utilizing two single-family dwelling units that are attached either side to side or vertically,” and be “similar to the higher density single-family [residential] zoning districts.” Since its creation in 1963, the minimum lot size and minimum lot area per dwelling unit requirements of the R2A district have increased from 6,000 square feet to 8,500 square feet.

The R2A is now more in line with the lower density single-family residential districts than the higher density ones. The increases in minimum lot area standards have made 68% of lots zoned R2A nonconforming lots for area. More than 2/3 of lots currently zoned for two-family residential use cannot legally have a two-family dwelling.

To return the R2A district closer to its intent for higher density, single-family-character neighborhoods, and make the majority of lots in this district conforming, staff proposed reducing the minimum lot size from 8,500 square feet to 5,000 square feet. This change will make the R2A district have the same physical characteristics – in terms of lot area, required setbacks, height limits – as the R1D (Single-Family Dwelling) district. Staff also propose reducing the minimum lot area per dwelling unit from 4,250 square feet to 2,500 square feet, so that a two-family dwelling can be developed on a conforming, 5,000 square foot lot. The minimum lot width standard is also proposed to be reduced from 60 feet to 40 feet, again consistent with the standard of the R1D district.

More background and analysis are provided in the September 28, 2021 Planning Staff presentation (pdf) to the Ordinance Revisions Committee, attached.

Prepared by Alexis DiLeo
Reviewed by City Planners
3-11-22

Attachments: Ordinance to Amend UDC (M1 Permitted Use, Marijuana Licenses, R2A
Dimensional Standards, Trees in the Right-of-Way, Landscape
Modifications)
October 26, 2021 Memo – Amendment to M1 District to Allow Religious
Assembly Use
September 28, 2021 Presentation – R2A Lot Size
Chronology of Planning Efforts Related to R4C/R2A Zoning Districts

c: City Attorney's Office

UNIFIED DEVELOPMENT CODE
(M1 PERMITTED USE, MARIJUANA LICENSES, R2A DIMENSIONAL STANDARDS,
TREES IN RIGHT-OF-WAY, LANDSCAPE MODIFICATIONS)

AN ORDINANCE TO AMEND SECTIONS 5.16.3.G, 5.20.10 AND 5.30.1, AND TABLES 5.15-1 AND 5.17-2 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Table 5.15-1 in Section 5.15.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended as follows:

TABLE 5.15-1: PRIMARY USE TABLE

SEE TABLE BOTTOM NOTES FOR IMPORTANT NOTES.

USE CATEGORY AND TYPE	RESIDENTIAL						MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS					
	AG	R1A, B, C, D, E	R2A	R2B	R3	R4A, B, C, D, E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	TC1	R5	P	PL		RE	ORL	M1, M1A	M2	
RESIDENTIAL																										5.16
Household Living																										
Adult Foster Care		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P			P						
Dwelling, Assisted Living						P		P	P	P	P	P	P	P	P	P	P			P					5.16.1B	
Dwelling, Multi-Family						P		P	P	P	P	P	P	P	P	P	P			P	E				5.16.1A; 5.16.1C	
Dwelling, Single-Family	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P				P					5.16.1A; 5.16.1B.2	
Dwelling, Townhouse					P	P		P	P	P	P	P	P	P	P	P				P					5.16.1A	
Dwelling, Two-Family			P	P	P	P		P	P	P	P	P	P	P	P	P				P					5.16.1A	
House Trailer/Mobile Home Park							P																		5.16.1A	
Group Living																										
Emergency Shelter						P (exclud. R4A)		P	P	P	P	P	P	P	P	P	P									
Fraternities, Sororities, and Student Cooperative Housing				E		E		E	P	P	P	P	P	P	P	P									5.16.1A; 5.16.1D	
Group Housing				E		E (R4A only), P (all others)		P	P	P	P	P	P	P	P	P									5.16.1A; 5.16.1E	
Guest House						P		P	P	P	P	P	P	P	P	P									5.16.1A; 5.16.1F	

TABLE 5.15-1: PRIMARY USE TABLE

SEE TABLE BOTTOM NOTES FOR IMPORTANT NOTES.

USE CATEGORY AND TYPE	RESIDENTIAL						MIXED USE									NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS			
	AG	R1A, B, C, D, E	R2A	R2B	R3	R4A, B, C, D, E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	TC1	R5	P	PL	RE		ORL	M1, M1A	M2
PUBLIC/INSTITUTIONAL																									
Community and Cultural																									
Cemetery	P																								
Club Headquarters, Community Center				E		E		E	P	P	P	P	P	P	P	P	P								5.16.2C
Conference Center													E									E			
Correctional Facility																				P					
Museum, Art Gallery													P	P	P	P	P				P				
Funeral Services								P	P	P	P	P	P	P	P	P	P						P	P	
Government Offices and Courts								P	P	P	P	P	P	P	P	P	P				P			P	
Library		P	P	P	P	P		P	P	P	P	P	P	P	P	P	P				P			P	
Park, Recreation and Open Space																					P				5.16.2G
Religious Assembly	P	E	E	E	E	E		E	P	P	P	P	P	P	P	P	P						<u>P (exclud. M1A)</u>		
Day Care																									
Adult Day Care Center			E	E	E	P	P	P	P	P	P	P	P	P	P	P	P						E	P	P
Child Care Center			E	E	E	P	P	P	P	P	P	P	P	P	P	P	P						E	P	P
Educational																									
Institutions of Higher Learning, Private			E	E	E	E	E	P	P	P	P	P	P	P	P	P	P							P	P
Institutions of Higher Learning, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Private			E	E	E	E	E	E	P	P	P	P	P	P	P	P	P								
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Trade/Industrial									P	P	P	P	P	P	P	P	P				P		P	P	P
Health Care																									
Hospital						E		E	E	E	E	E					P				P			E	5.16.2D

TABLE 5.15-1: PRIMARY USE TABLE

SEE TABLE BOTTOM NOTES FOR IMPORTANT NOTES.

USE CATEGORY AND TYPE	RESIDENTIAL						MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS					
	AG	R1A, B, C, D, E	R2A	R2B	R3	R4A, B, C, D, E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	TC1	R5	P		PL	RE	ORL	M1, M1A	M2
Pilot Manufacturing																					P	P	P	P	
Scrap and Waste Material																									E
Slaughterhouse																									E
Utilities and Communications																									
Broadcasting Facility													P	P	P	P	P						P	P	
Data Processing and Computer Centers								P	P	P	P	P	P	P	P	P					P	P	P	P	
Electric, Gas, and Sanitary Services																							P	P	
Power and Fuel Rights-of-Way																									P
Wireless Communication Facilities	P							P	P			E	E	E	P	P		E		P	P	P	P	P	5.16.5D
Warehousing and Storage																									
Medium Term Car																			E						5.16.3J
Short Term Car Storage																			P						5.16.3O
Outdoor Storage																									
Warehousing and Indoor Storage																P							P	P	

Table Bottom Notes:

See Section 5.15 for table key.

All properties are subject to the additional standards indicated for that use in the right column (Use-Specific Standards).

All properties in overlay districts are subject to the additional use regulations in Section 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to the additional standards found in Sections .5.12.5 .B , .5.13.4 .B and 5.13.5.B respectively.

All uses in the TC1 district are subject to the additional standards found in Section 5.16.3P.

Section 2. That Section 5.16.3.G of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended to delete paragraphs d and e, and be reorganized, to read as follows:

G. Marijuana Facilities

1. Intent

- a. It is the intent of this section to provide appropriate locations and reasonable restrictions for Marijuana Facilities allowed by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
- b. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of Marijuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning district and Home Occupation regulations.
- c. It is the intent of this section to protect the health, safety, and general welfare of Persons and property by limiting land uses related to Marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of Persons in the district, or other uses allowed in each district.

2. Words and Phrases

Words and phrases contained in the Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.2701 *et seq.*, the Michigan Medical Marihuana Act (“MMMA”), MCL 333.26421 *et seq.*, or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (“MRTMA”), shall have the same meanings in this Code, as applicable. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA, the MMMA, or the MRTMA, but if any definition in Article VIII conflicts with the definition in the MMFLA, MMMA, or MRTMA, then the definition in the applicable state act shall apply.

3. All Marijuana Facilities

- a. No approvals under this chapter shall be granted for any Marijuana Facilities in excess of any limits on permits for facilities in the City established by Chapter 96 of the City Code or other actions of the City.
- b. No Person shall reside in or permit any Person to reside in a Marijuana Facility, except as allowed in the M1 and M2 zoning districts.

- c. No smoking, inhalation, or consumption of Marijuana shall take place on the Premises of any Marijuana Facility.
- d. Exception: A Designated Marijuana Consumption Facility may permit smoking, inhalation, or consumption of Marijuana on the premises.
- e. All activities of a Marijuana Facility shall be conducted indoors.
- f. No equipment or process shall be used in any Marijuana Facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the Premises.

4. Any Marijuana Facility Special Exception Use

In addition to the requirements in Section **Error! Reference source not found.**, the following information shall be provided to the Planning Commission for consideration of an application for Special Exception Use. Additional information from what is listed below may be requested by staff or the Planning Commission.

- a. A description of how deliveries are handled, methods of storage, a business floor plan, or other pertinent information.
- b. A detailed safety and security plan that addresses Marijuana, customers, employees, and neighboring residents, offices, or businesses.
- c. A description of methods to be used to contain all odors within the Building.
- d. A waste disposal plan specific to Marijuana, Marijuana Plant waste, and Marijuana-Infused Products.
- e. Days and hours of operation.

5. Marijuana Provisioning Centers/Marijuana Retailers

- a. A Marijuana Retailer is a permitted use at a location where a Medical Marijuana Provisioning Center Special Exception Use Permit has been approved, with or without the continued Medical Marijuana Provisioning Center use. Any operation of the Medical Marijuana Provisioning Center, a Marijuana Retailer, or combination of the two, shall comply with all conditions of the Special Exception Use approval for the Lot.
- b. A Lot containing a Medical Marijuana Provisioning Center and/or a Marijuana Retailer shall be located at least 600 feet from any Lot on which either a Medical Marijuana Provisioning Center, Marijuana Microbusiness, or Marijuana Retailer is located.
- c. A Lot containing a Medical Marijuana Provisioning Center and/or a Marijuana Retailer shall be located at least 1,000 feet of a Lot on which a pre-existing Public School or Private School, but excluding dance or art schools, is located.
- d. A Medical Marijuana Provisioning Center or Marijuana Retailer may only be located within a PUD in compliance with the standards in this Section 5.1.1G and where retail use is permitted in the PUD Supplemental Regulations.

- e. An application for a Medical Marijuana Provisioning Center and/or a Marijuana Retailer in the M1, M1A, or M2 zoning district may only be approved if the Medical Marijuana Provisioning Center and/or Marijuana Retailer is incidental to the Principal Activity or Principal Use and the Floor Area devoted to the Medical Marijuana Provisioning Center and/or Marijuana Retailer does not exceed 10% of the Floor Area of the Principal Marijuana Facility.

6. Marijuana Growers

- a. A Lot containing a Marijuana Grower shall be located at least 1,000 feet from any Lot on which a pre-existing Public School or Private School, but excluding dance or art schools, is located.
- b. Applications shall also include a description of the expected volume of water to be used.
- c. Applications shall also include a description of volume, on-site treatment, and any permits required for wastewater for the maximum number of plants allowed in that Marijuana Facility.
- d. Applications shall also include a description and plan of the energy needs, along with any necessary planned improvements, that a minimum of 10% of the Marijuana Facility's energy usage will be provide via solar panels on the site.
- e. Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the Marijuana Facility, submitted to the City Clerk.

7. Marijuana Microbusiness

- a. A Lot containing a Marijuana Microbusiness shall be located at least 600 feet from any Lot containing a Provisioning Center/Retailer, or Marijuana Microbusiness.
- b. A Lot containing a Marijuana Microbusiness shall be located least 1,000 feet from any Lot on which a pre-existing Public School or Private School, but excluding dance or art schools, is located.
- c. Applications shall also include a description of the expected volume of water to be used.
- d. Applications shall also include description of volume, on-site treatment, and any permits required for wastewater for the maximum number of plants allowed in that Marijuana Facility.
- e. Applications shall also include a description and plan of the energy needs, along with any necessary planned improvements, that a minimum of 10% of the Marijuana Facility's energy usage will be provide via solar panels on the site.
- f. Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the Marijuana Facility, submitted to the City Clerk.

8. Designated Marijuana Consumption Facility

- a. A Lot containing a Designated Marijuana Consumption Facility shall be located at least 1,000 feet from any Lot on which a pre-existing Public School or Private School, but excluding dance or art schools, is located.

9. Medical Marijuana Home Occupations

Cultivation or other Medical Use of Marijuana as a Medical Marijuana Home Occupation in Single-Family Dwellings shall comply with the following standards:

- a. Medical Marijuana Home Occupations are not permitted in Two-Family or other Multiple-Family Dwellings.
- b. In a Single-Family Dwelling in any zoning district, no more than 72 Marijuana Plants shall be grown on the Premises, regardless of the number of registered Primary Caregivers and/or registered Qualifying Patients residing in the dwelling. The Principal Use of the Single-Family Dwelling shall be a Residential Occupancy and shall be in actual use as such.
- c. All other performance standards for Home Occupations as provided in Section **Error! Reference source not found.** shall be required.
- d. A zoning permit shall be required, consistent with Section **Error! Reference source not found.**

10. Medical Marijuana Use or Cultivation

When the cultivation or other Medical Use of Marijuana in Dwelling Units is not a Medical Marijuana Home Occupation, it shall comply with the following standards:

- a. The Principal Use of the Dwelling Unit shall be Residential Occupancy and shall be in actual use as such.
- b. No more than 12 plants for each registered Qualifying Patient who resides in the Dwelling Unit shall be grown.
- c. No Equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.
- d. All aspects of the Medical Use of Marijuana shall comply at all times with the provisions of the MMMA.

Section 3. That Table 5.17-2 in Section 5.17.3 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended as follows:

TABLE 5.17-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS									
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION ERROR! REFERENCE SOURCE NOT FOUND..									
DISTRICT	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	BUILDING SPACING	REQUIRED SETBACK (FT.)				MAXIMUM HEIGHT (FT.)	MINIMUM LOT DIMENSIONS	
			MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R2A	4,250 2,500	[B]	25 or [A]	None	5	30	30	8,500 5,000	60 40
R2B	4,250 or [C]	[B]	25 [A] [B] [D]	None	8	30	30	8,500	60

NOTES:
 [A] Also see additional regulations in Section **Error! Reference source not found.** (Averaging an Established Front Building Line).
 [B] Where more than one residential Structure is to be constructed on a Lot in the R2 districts, or where dwellings are served by a private street under the provisions of Section **Error! Reference source not found.**, the following placement regulations shall also be applied: (a) The minimum spacing between Buildings shall be twice the minimum required side setback dimension of the zoning district in which the Lots is located; (b) A minimum rear setback of 30 feet must be provided between the rear of a residential Structure and the adjacent (nearest) Lot Line; (c) A minimum front setback of ten feet must be provided between all Structures and the private street pavement.
 [C] Except for Fraternity Houses, Sorority Houses, Student Cooperative Housing, and Group Housings, for which minimum net Lot Area shall be 350 sq. ft. per occupant.
 [D] Or the Established Front Building Line existing on the date this ordinance is adopted, whichever is larger.

Section 4. That Section 5.20.10 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended as follows:

5.20.10 Trees in the Public Right-of-Way

A. Authority

The City Administrator shall have the sole authority over the planting, maintenance and removal of trees in the Street Right-of-Way and other City property. No Person without written permission of the City Administrator shall plant, remove, break, spray or take any action that will injure or destroy any tree or shrub, the base of which is located in the Street Right-of-Way or other City land.

H.B. ~~Street Trees Required With Site Plan Developments Requirements~~

~~Site plan Developments shall provide One one street tree of the minimum size and species meeting City standards shall be provided for every 45 linear feet of existing and proposed public Street Rights-of-Way, minus the width of Curb Cuts, abutting and within a site plan Site proposed Development. Proposed street trees shall meet the City standards for minimum size and species. Existing trees meeting City standards may be used to satisfy all or part of this requirement. A street tree eserow formula shall be~~

~~established and administered by the Public Services Area for the purpose of planting trees on the public Street Right-of-Way abutting new Developments. Deposits into the street trees escrow shall be required prior to issuance of a building permit for the approved Development and shall be returned upon acceptance of the planted street trees.~~

Section 5. That Section 5.30.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor is amended as follows:

5.30.1 Landscape Modifications

~~Flexibility in the application of the landscaping or screening requirements of Sections 5.20.3, 5.20.4, 5.20.5, 5.20.6, or 5.20.7 may be allowed as provided in this section:~~

A. Eligible Requirements Sections

~~The following sections providing landscaping and screening requirements may be modified as provided in this section:~~

- ~~1. Section 5.20.3 (Vehicular Use Area Landscaping and Screening)~~
- ~~2. Section 5.20.4 (Conflicting Land Use Buffers)~~
- ~~3. Section 5.20.5 (Private Streets and Shared Driveway Buffers)~~
- ~~4. Section 5.20.6 (Refuse/Recycling Container Screening)~~
- ~~5. Section 5.20.7 (Material and Design Standards)~~
- ~~6. Section 5.20.10 (Trees in the Public Right-of-Way)~~

B. Modification Conditions

~~The eligible landscaping and screening requirements may only be modified in one of the following conditions:~~

- ~~1. The Site is located in a special parking district as designated in Section **Error! Reference source not found.**~~
- ~~2. Strict application of this chapter will result in a loss of existing Parking Spaces required by Sections **Error! Reference source not found.** or **Error! Reference source not found.** and the Site does not abut residential uses.~~
- ~~3. The ~~topographic~~ **topography or elevation** features of the Site **relative to adjacent sites is such that the required landscaping and screening create conditions so that the strict application of the provisions of this chapter will result in** ~~be~~ **less effective screening and landscaping than alternative landscape designs to achieve the same purpose.**~~
- ~~4. Existing vegetation and landscaping are located or spaced in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions. **Planting or installing required landscaping and screening materials would be more detrimental**~~

to existing vegetation and would result in conditions less desirable or effective for landscaping and screening than if located and spaced as required.

- ~~5. The use of Bioretention areas, Native or Prairie Plantings, structural amenities or Xeriscaping would prevent strict application of this chapter. The soil conditions underlying the required landscaping and screening area prevent strict application of the requirements because, for example, soils are contaminated, soils are unsuitable for infiltration, or there is a significantly sized and shallow depth public utility such as a main or enclosed culvert.~~

~~In the case of planned projects or planned unit developments, a rearrangement of the landscaping elements will achieve the spirit and intent of this chapter.~~

- ~~4-6. Landscape elements which are a part of a previously approved site plan may be maintained and continued as nonconforming provided no Alterations of the existing landscape elements are proposed.~~

- ~~7. Planting a new street tree is prevented by an existing and unmovable obstruction, impediment, or public infrastructure such as, but not limited to, fire hydrants, overhead utility lines, poles, traffic control devices, transit shelters, barrier-free accessible routes, etc.~~

C. Standards for Approval.

A modification may be ~~allowed~~approved if each of the following conditions are met:

1. The modifications are consistent with the purposes stated in Section **Error! Reference source not found.**
 - e. The modifications are associated with one or more of the ~~following Site~~ conditions provided in paragraph B above.
 - ~~a. The Site is located in a special parking district as designated in Section 5.19.3~~
 - ~~b.a. Strict application of this chapter will result in a loss of existing Parking Spaces required by Sections 5.19.2 or 5.19.3 and the Site does not abut residential uses.~~
 - ~~e.a. The topographic features of the Site create conditions so that the strict application of the provisions of this chapter will result in less effective screening and landscaping than alternative landscape designs.~~
 - ~~d.a. Existing vegetation and landscaping are located or spaced in such a manner that the addition of required landscaping would be detrimental to the plant material or create undesirable conditions.~~
 - ~~e.a. The use of Bioretention areas, Native or Prairie Plantings, structural amenities or Xeriscaping would prevent strict application of this chapter.~~

~~f.a. In the case of planned projects or planned unit developments, a rearrangement of the landscaping elements will achieve the spirit and intent of this chapter.~~

~~g.a. Landscape elements which are a part of a previously approved site plan may be maintained and continued as nonconforming provided no Alterations of the existing landscape elements are proposed.~~

~~h.f.~~ The Applicant provides a statement of justification identifying which Site conditions warrant the requested modification and how the modification meets the intent of the ordinance as provided in this section.

I.C. Approval Procedures

The modifications shall be specifically approved by ~~a motion by the Planning Commission or City Council, depending on which is~~ the approving body upon finding that the standards of approval have been met.

Section 6. That cross-references be renumbered consistent with this ordinance and other contemporaneous ordinances amendment these sections.

Section 7. This ordinance shall take effect and be in force on and after ten days from legal publication.

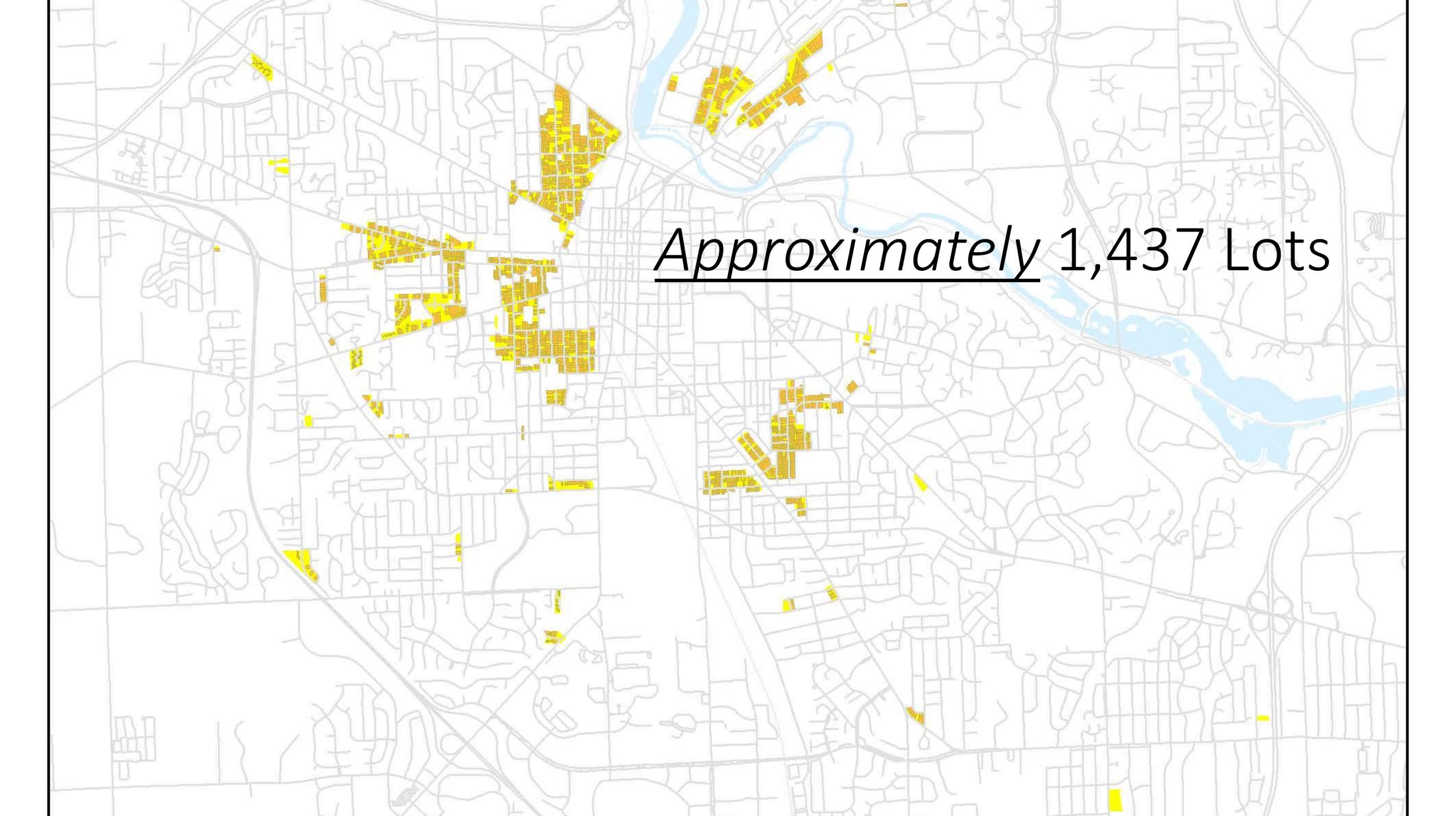
R2A Lot Size

R2A Two-Family Dwelling District

This district is intended to provide residential areas in the City that are suitable for Two-Family Dwellings. The district is intended to create areas of essentially single-family residential character utilizing two Single-Family Dwelling Units that are attached either side to side or vertically. The district is intended to be similar to the higher density Single-Family Zoning Districts, except for the different type and slightly higher density of Dwelling Units. Location criteria for the application of this district should include the availability or provision of adequate public services to serve such higher densities. It may be used as a transition zone between single-family areas and other areas.

“similar to the higher density Single-Family Zoning Districts. . .”

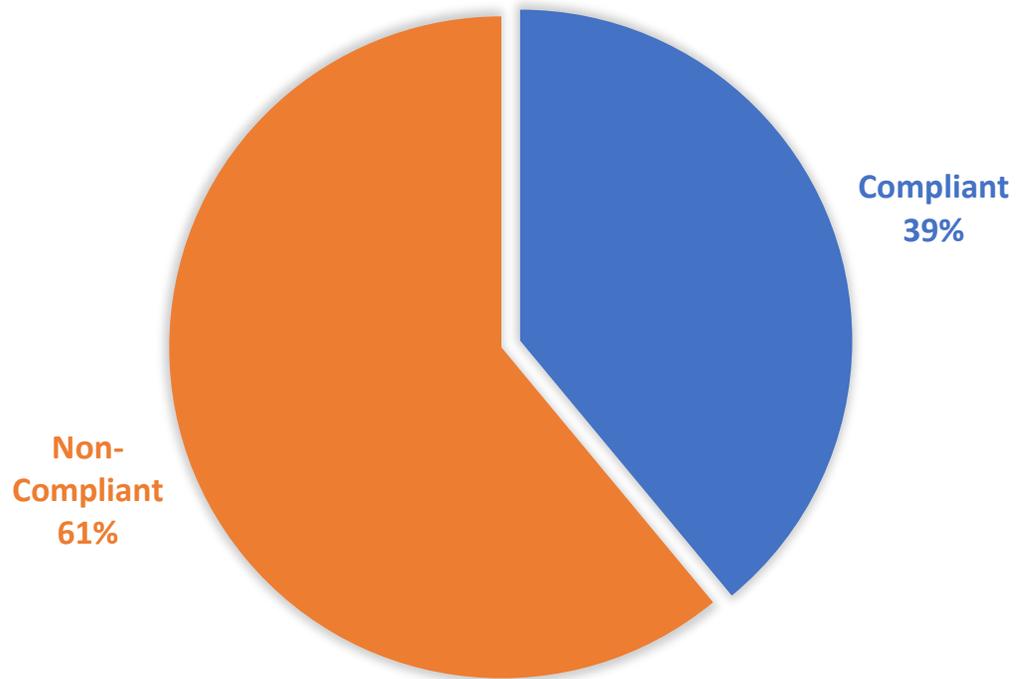
Zoning District	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Area/ Dwelling Unit (sq. ft.)	Min. Front Setback (ft.)	Min. Side Setback – one side (ft.)	Minimum Side Setback – Total (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
R1C	7,200	60	7,200	Avg. or 25	5	10	30	30
R1D	5,000	40	5,000	Avg. or 25	3	6	20	30
R1E	4,000	34	4,000	Avg. or 15	3	6	20	30
R2A	8,500	60	4,250	Avg. or 25	5	10	30	30
R2B	8,500	60	4,250	Avg. or 25	8	16	30	30
R4C	8,500	60	2,175	Avg. or 25	12	24	30	30

A map of a city grid with a blue river winding through it. Numerous individual lots are highlighted in yellow, scattered across the city. The text 'Approximately 1,437 Lots' is overlaid on the map.

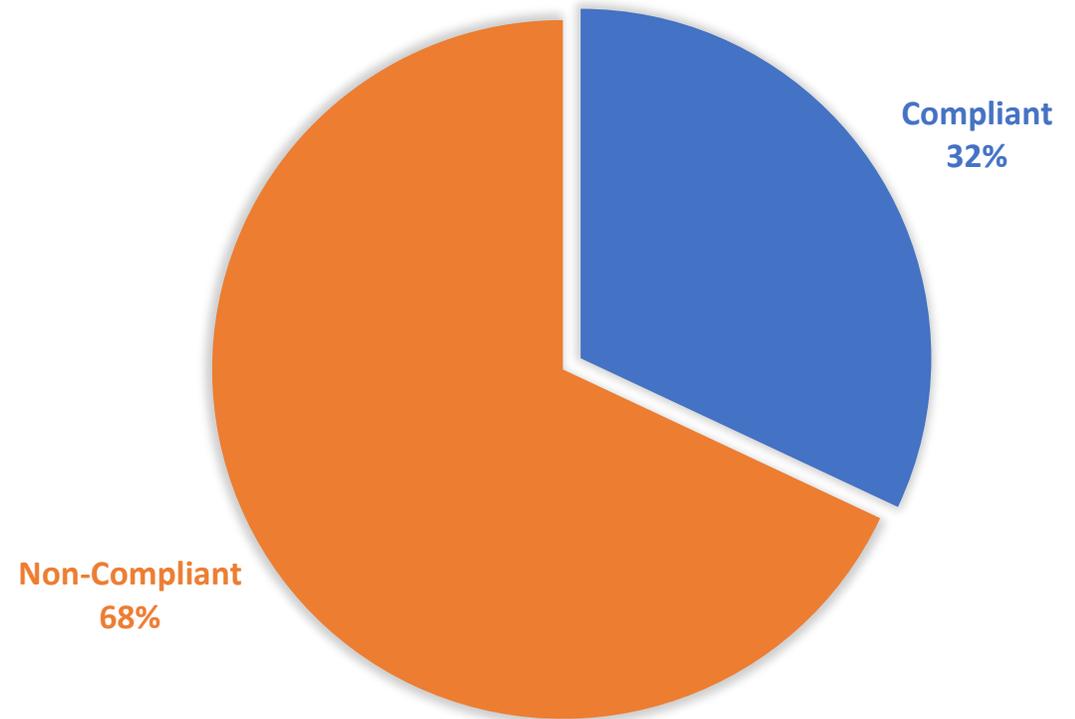
Approximately 1,437 Lots

R2A Lots – By Current Standards

BY LOT WIDTH (FT.)



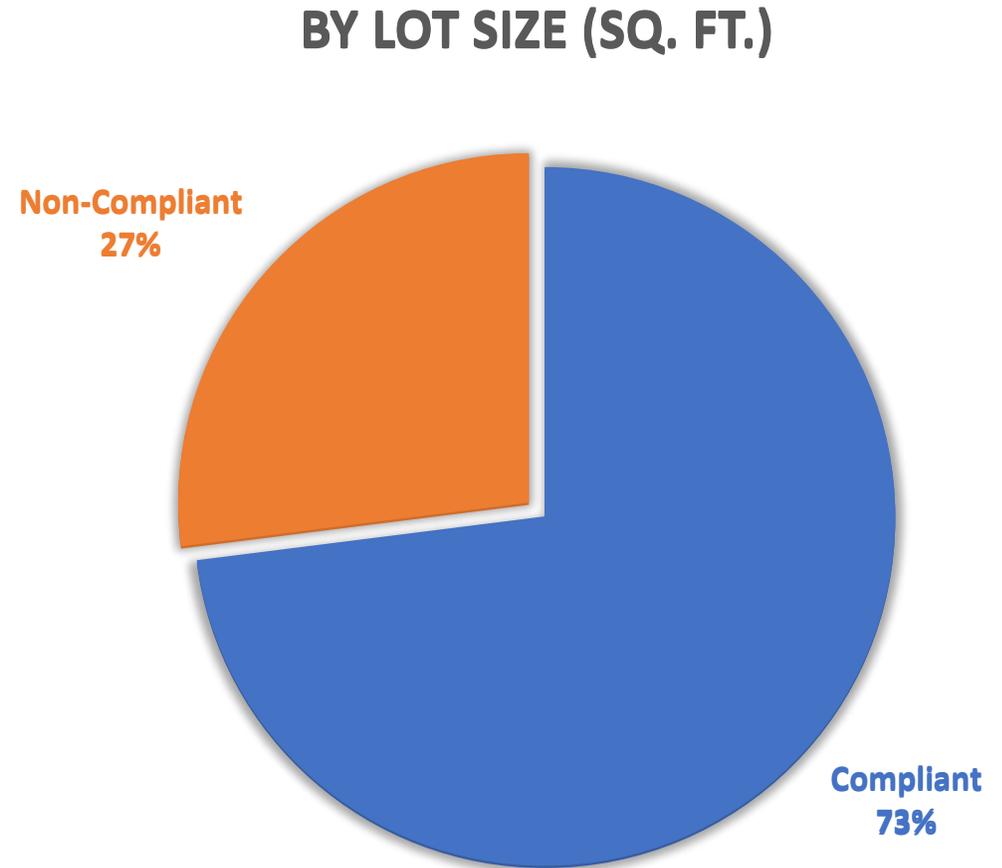
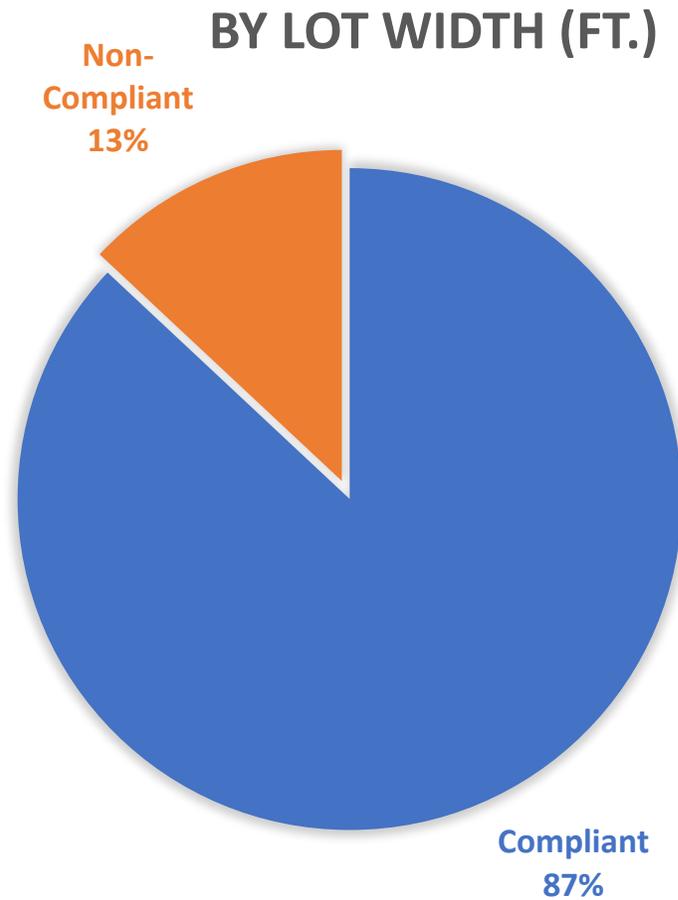
BY LOT SIZE (SQ. FT.)



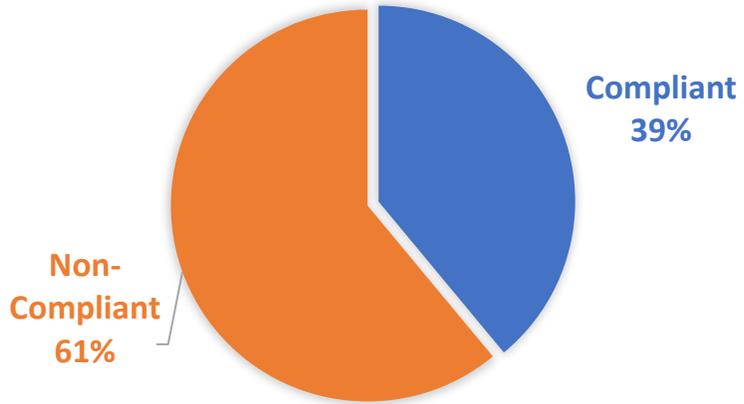
Scenario

Zoning District	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Area/ Dwelling Unit (sq. ft.)	Min. Front Setback (ft.)	Min. Side Setback – one side (ft.)	Minimum Side Setback – Total (ft.)	Minimum Rear Setback (ft.)	Maximum Height (ft.)
R1C	7,200	60	7,200	Avg. or 25	5	10	30	30
R1D	5,000	40	5,000	Avg. or 25	3	6	20	30
R1E	4,000	34	4,000	Avg. or 15	3	6	20	30
R2A	8,500 <u>5,000</u>	60 <u>40</u>	4,250 <u>2,500</u>	Avg. or 25	5	10	30	30
R2B	8,500	60	4,250	Avg. or 25	8	16	30	30
R4C	8,500	60	2,175	Avg. or 25	12	24	30	30

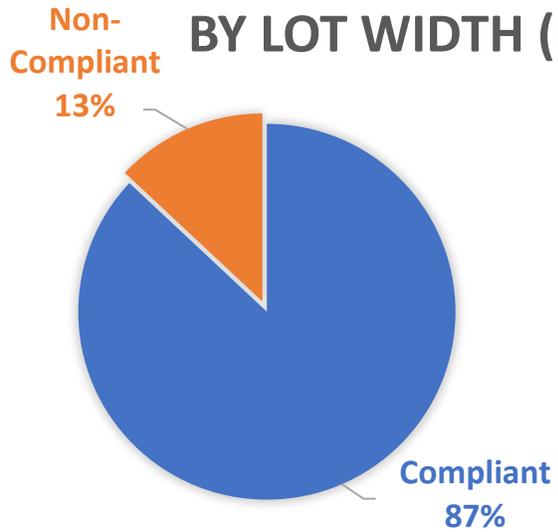
R2A Lots – Scenario



BY LOT WIDTH (FT.)



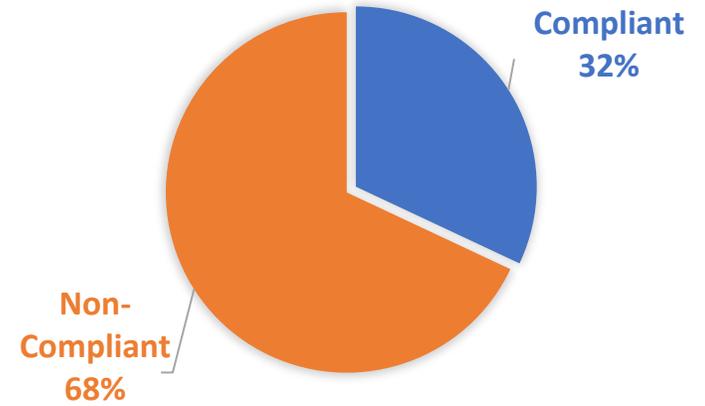
BY LOT WIDTH (FT.)



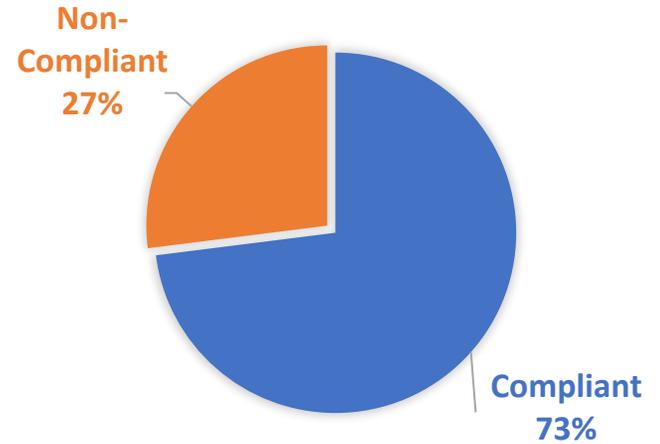
Existing

Scenario

BY LOT SIZE (SQ. FT.)



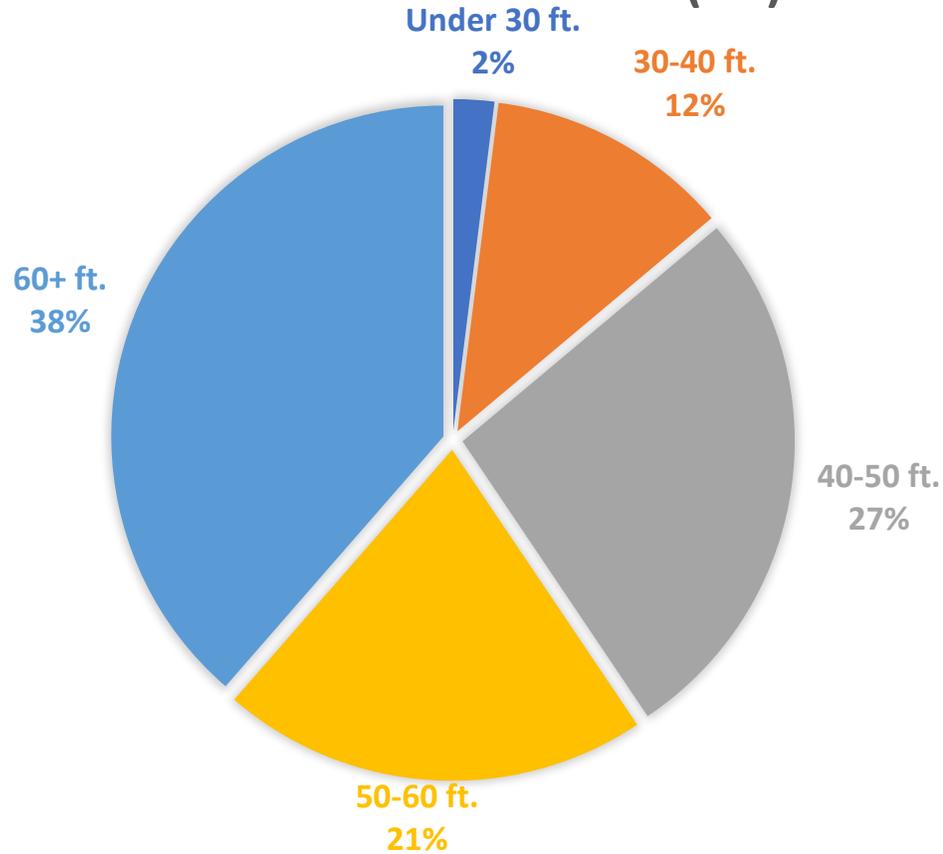
BY LOT SIZE (SQ. FT.)



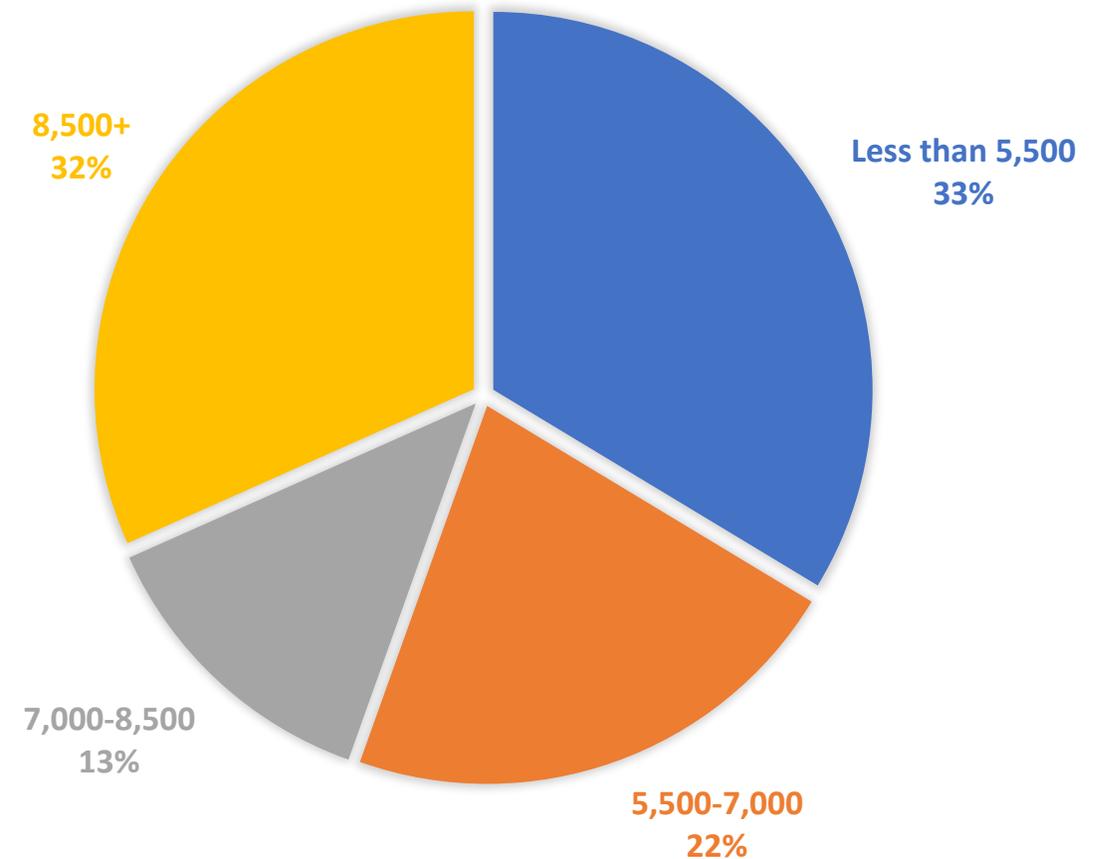
R2A Lots

- Approximately 1,437 Lots

PARCELS BY LOT WIDTH (FT.)



PARCELS BY LOT SIZE (SQ. FT.)



CITY OF ANN ARBOR
Chronology of Planning Efforts Related to R4C/R2A Zoning Districts

- 1923** First city zoning ordinance adopted in September 1923
- 1957** Residential zoning districts in –
- “AA”, “AA-1” and “A” Residence Districts - Minimum lot area/lot area per family = 5000 sf
 - “AA” - Permitted single family dwellings, municipal buildings and churches.
 - “AA-1 - Permitted single family dwellings, municipal buildings and churches, and Women’s Clubs headquarters
 - “A” - Permitted single and two family dwellings, municipal buildings and churches
 - “A-1” Residence Districts– Minimum lot area/lot area per family = 2500sf
 - Permitted single and two family dwellings, fraternities or sororities, co-operatives or league houses.
 - “BB” Apartment House District – Minimum lot area = 7500 sf
 - Permitted multiple-family apartments containing three or more units only.
 - First mention of off-street parking requirements. “BB” requires one off street parking space per unit.
 - “B” Residence District – Minimum lot area = 5000 sf; Minimum lot area per family = 1000 sf
 - Permitted all uses in “AA”, “A-1”, and “A” residence districts in addition to:
 - Multiple Dwellings
 - Board and Lodging Houses, League Houses and Co-ops
 - Institutions including educations, religious, philanthropic or eleemosynary, not including penal or correctional, but including hospitals.
 - Doctor’s and dentist’s offices
- 1957** City Council members initiated a comprehensive study of the zoning ordinance
- 1958** City Council authorized funding to develop a new zoning ordinance
- 1960** First draft of the new zoning ordinance is presented to City Council in March 1960.
- 1963** Current Zoning ordinance (Chapter 55) adopted January 1963.
- R2A created as a Two-Family Dwelling District:
 - Minimum lot area = 6,000 sf;
 - Minimum lot area per unit = 3,000 sf
 - R4C created as a High Density Medium Rise District:
 - Minimum lot area = 4,000 sf;

- Minimum lot area per unit - 0 Bedrooms (BR)=600 sf, 1 BR=800 sf, 2BR=1000 sf, 3BR=1200 sf
- Planning Commission at the direction of City Council create Philosophy and Policy of Multiple Family Housing. The primary purpose of this document is to help further define the intent of each multiple-family zoning district.
- The intent of the R4C district is originally written as, “Multiple-family district designed primarily for the area proposed for multiple-family development” in A Guide to Action, i.e. the area surrounding the Central Business District. “

1964 City Council and Planning Commission recognize ‘problems’ with the multiple family developments and complete the Ann Arbor Multiple Family Report. The report helps identify issues and solutions to Multiple-family housing in the City. One key finding of the study was that the pattern of development in the R4C zoning district achieved maximum floor area ratio, but resulted in lower dwelling unit density. The report notes that this is probably due to the fact of larger dwelling units to accommodate more students. This document creates intent for the R4C district, but does not address the R2A district. One result of this plan is the modification to the intent of R4C zoning district.

- The intent of the R4C zoning district, “Multiple-family residential district intended to permit dwelling units to be arranged one above the other. Such developments, on smaller tracts of land, shall be generally limited to the Central Business District and Central area of the City. These areas are schematically shown in A Guide to Action, a part of the Ann Arbor General Development Plan. The guidelines and “Proposed Land Use Plan” suggested in the “Guide” are broad and schematic; consequently, the location of this multiple-family sub-classification is not absolutely de-limited thereto. Through this land use, it is intended that families and other unrelated groups who choose to live in the core area of the City may have available to them a living environment that is more than merely physically safe and healthy.”

1970 Changes incorporated to the zoning code for the R4C district:

- R4C:
 - Increased Minimum lot area = 7,920 sf; previously 4,000 sf
 - Minimum lot area per unit - 0 Bedrooms (BR) = 450 sf, 1 BR=550 sf, 2BR=775 sf, 3BR=1000 sf

1984 Changes to R2A and R4C districts: As written today

- R2A:
 - Intent: This district is intended to provide residential areas in the City which are suitable for 2 single-family attached

dwelling occupying 1 lot. The district is intended to create areas of essentially single-family residential character utilizing 2 single-family dwelling units which are attached either side to side or vertically. The district is intended to be similar to the R1D district, except for the different type and slightly higher density of dwelling units. Locational criteria for the application of this district should include the availability or provision of adequate services to serve such higher densities. It may be used as a transition zone between single-family areas and other areas.

- Minimum lot area = 8,500 sf; previously 6,000 sf
- Minimum lot area per unit = 4,250 sf; previously 3,000
- R4C:
 - Intent: The R4C multiple-family dwelling district is intended to be located in the central area of the City, in close proximity to the central business district and The University of Michigan Campus.
 - Minimum lot area = 8,500 sf; previously 7,920 sf
 - Minimum lot area per unit = 2,175 sf; previously limited by bedrooms

1991 Residential Occupancy limits added to the Zoning Ordinance: 4 unrelated persons in the R2A and 6 unrelated persons in the R4C district.

1992 Central Area Plan adopted by City Council

- This plan addressed multiple-family zoning districts and issues related to them extensively. Among the recommendations, the Central Area Plan identified seven areas zoned for multiple-family residential use that should be rezoned to protect existing lower density development. These seven areas were: Belize Park/Summit Street, portions of the Old West Side, Hoover/Davis, Dewey/Packard/Brookwood, Prospect/Wells, Krause/Third and Golden Avenue.

1994 Belize Park/Summit Street rezoning from R4C to R2A

- As recommended by the Central Area Plan, this area was down zoned. The planning effort was originally initiated by neighborhood advocates in response to a proposed development in the neighborhood.

2008 Golden Avenue rezoning from R4C to R1D

- As recommended by the Central Area Plan, this area was down zoned. The planning effort was originally initiated by neighborhood advocates and supported by the City Council who passed a resolution (October 15, 2007) to study the Lower Burns Park area bounded by East Stadium Boulevard on the south, Packard Street

on the east, Dewey Avenue on the north, and South State Street on the west.

Only the Golden Avenue blocks were down zoned, but the Planning Commission noted it may be appropriate to study the standards of the R4C and R2A district (the districts currently found in the designated study area), as well as to continue implementation of the Central Area Plan rezoning recommendations.

- Amendment to Chapter 55, Rezoning of Lowers Burns Park Neighborhood from R4C (Multiple-Family Dwelling District) to R1D (Single-Family Dwelling District), Area bounded by East Stadium Boulevard on the south, Packard Street on the east, Dewey Avenue on the north, and South State Street on the west. City Planning Commission recommended approval on December 18, 2007
 - City Council First Reading on January 24, 2008
 - City Council Second Reading on February 21, 2008

2009 City Council resolution to direct City Planning Commission and planning staff to review the R2A and R4C zoning districts in the Central Area.

- City Council adopted resolution, process and schedule on March 2, 2009.
- Staff prepared resolution to appoint an R4C and R2A advisory committee for City Council action on June 15, 2009.
- Complete advisory committee appointed on September 8, 2009
- The study process began in September 2009 and includes:
 - Issues and opportunities analysis
 - Study area alternatives
 - Action strategies development including a report that documents implementation of the future goals of the zoning district
 - May include recommendations for text amendments, plan modifications, boundary refinements, or other steps necessary to achieve community goals
- Twelve month study outreach process includes:
 - Four advisory committee meetings
 - Community workshop
 - Optional joint planning session
 - Community meeting
 - Public hearings at Planning Commission and City Council.