



City of Ann Arbor

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Ann Arbor, MI 48104
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Council Action

Resolution: R-20-267

File Number: 20-0977

Enactment Number: R-20-267

Resolution to Impose a Temporary Moratorium on all New Development or Expansion of Existing Development that Requires Site Plan Approval in the C1A and C1A/R Zoning Districts, or Rezoning to the C1A or C1A/R Zoning Districts, in Conjunction with the Study and Revision of the Unified Development Code Related to these Districts

Whereas, The City's Unified Development Code (UDC), includes the C1A (Campus Business District) and C1A/R (Campus Business Residential District) among the zoning districts allowed in the City;

Whereas, The UDC states that the C1A zoning district is:

... intended primarily to serve as a neighborhood shopping area for the university-oriented population that is concentrated around it, providing goods that are day-to-day needs, specialty shops, and recreation. While the primary function of this district is to serve as a neighborhood shopping area for the student/faculty population concentrated around it, it also has a community-wide orientation due to its unique and distinctive commercial function peculiar to university-oriented population. These districts shall be located in close proximity to the central area of the City. (Section 5.12.2)

Whereas, The UDC states that the C1A/R zoning district is:

... intended to encourage the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district. (Section 5.12.3)

Whereas, C1A and C1A/R zoning districts are currently in limited use in the City, with the largest concentration of these districts near the intersection of State Street and Packard Avenue;

Whereas, Recent development projects have requested rezonings to C1A and C1A/R, which have led to Council discussion of the appropriateness of these zoning districts in neighborhoods farther from the University of Michigan's campus, and specifically, has raised concerns about what is considered "in close proximity to the central area of the City", or "near the campus business district" as stated in the UDC;

Whereas, These recent development projects have brought to the forefront the need for: clarification of where or whether these zoning districts should be used in the City; provision of clear guidance to petitioners and the public of the appropriate locations of these districts; revision of the standards of each district so that these zoning districts reflect the appropriate

scale and character of surrounding areas and neighborhoods; as well as that the uses and development allowed in these districts are not detrimental to the public health, safety, and welfare of the City;

Whereas, City Council recognizes the irreplaceable physical, cultural and historical attributes of the City's neighborhoods that the City could lose if this revision of the City's zoning ordinances is not completed;

Whereas, City Council has concluded that, during the consideration of these revisions, it would be counter-productive if new development or significant expansion of existing development in these zoning districts, or rezonings to these zoning districts, were allowed to move forward; and

Whereas, City Council acknowledges that delays produced by a moratorium could lead to inconvenience, and therefore will exempt certain types of petitions and applications from the moratorium, and shall provide for exceptions to the moratorium in exceptional circumstances;

RESOLVED, That City Council hereby direct the Planning Commission to evaluate the continued viability of the C1A and C1A/R districts and make recommendations whether to eliminate or modify the C1A and C1A/R zoning districts consistent with this resolution within 180 days;

RESOLVED, That City Council hereby imposes a temporary moratorium on any request to rezone from other zoning districts to C1A and C1AR, and that any petitions or applications for such items be deferred for a period of 180 days from the date of this resolution in conjunction with the study and revision of the zoning ordinances pertaining to these districts, with the following exceptions:

- Approval of development, redevelopment, or the issuance of building permits for projects that do not require an approved site plan, including but not limited to construction of or addition to one single or two-family dwelling or accessory structure on a parcel;
- Applications or permits which involve routine repair and maintenance for an existing permitted use;

RESOLVED, That any aggrieved petitioner or applicant shall be entitled to receive a hearing by the City Council to show that the temporary moratorium established in this resolution will result in the preclusion of any viable economic use of their property, or will otherwise violate applicable provisions of State or Federal law, and if the City Council finds that an aggrieved petitioner or applicant makes such a showing, the City Council may grant relief from the moratorium to the degree necessary to cure the violation:

RESOLVED, That City Council finds it necessary to impose this temporary moratorium in order to promote the public health, safety, and welfare of City residents; and

RESOLVED, That, prior to the expiration of this moratorium, City Council may extend it for an additional 180 days to allow sufficient time to consider appropriate ordinance revisions.

Sponsored by: Councilmembers Eaton, Bannister, and Lumm

As Amended and Approved by Ann Arbor City Council on July 6, 2020

At a meeting of the City Council on 7/6/2020, a motion was made by Jack Eaton, seconded by Anne Bannister, that this Resolution R-20-267 be Approved as Amended. The motion passed.

Yeas: 6 Councilmember Lumm, Councilmember Eaton, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, and Councilmember Nelson

Nays: 5 Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, and Councilmember Ramlawi