



Legislation Text

File #: 09-0715, Version: 1

Resolution to Impose a Temporary Moratorium on all New Development that Requires Site Plan Approval, Expansion of Existing Development that Requires Site Plan Approval, or Zoning Changes within the R4C and R2A Zoning Districts in Conjunction with the Study and Revision of the Zoning Ordinance Pertaining to these Districts

Whereas, Ann Arbor's Central Area Plan, which was created with considerable community input and adopted in 1992, recommends several goals and actions, including:

- GOAL: To protect preserve and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
- ACTION: Analyze zoning nonconformities related to area, height and placement regulations for Central Area neighborhoods and determine if amendments are needed to make the regulations more consistent with established neighborhood development patterns.
- GOAL: To develop density thresholds for each neighborhood that are appropriate in relation to the character, available services and infrastructure of the neighborhood, and in accordance with the norms of that neighborhood, resulting in improved quality of life for all residents.
- ACTION: Amend the zoning ordinance and map to clearly identify areas to be maintained or encouraged as housing.
- ACTION: Identify areas where higher density residential zoning is in place, but lower density uses prevail. Establish appropriate densities based on neighborhood characteristics and norms, and rezone these sites for lower density residential use.
- GOAL: To ensure that new infill development is consistent with the scale and character of existing neighborhoods, both commercial and residential:
- ACTION: Identify sites where the compilation of small parcels for larger developments is appropriate. Otherwise, the combining of smaller parcels in subdivided residential areas is considered inappropriate.
- ACTION: Draft and adopt guidelines for infill development. (e.g. single structure on a lot, facing public street, site coverage, etc.)

Whereas, The City's zoning ordinance has not been amended to incorporate these and many of the other goals and actions contained in the City's Central Area Plan and the City's other master plans that would ensure the appropriate scale and character of development in the City's neighborhoods, and as a result, considerable disparity now exists between development allowed in the City's current R4C (Multiple-Family Dwelling District) and R2A (Two-Family Dwelling District) zoning districts and development that would be allowed if the zoning was consistent with the Central Area Plan;

Whereas, Recent applications for development in these districts in the Central Area and throughout the City have brought to the forefront the need for significant revisions to zoning definitions, maps, and standards to ensure that all development in these districts is consistent with the reasonable and sensible development of City neighborhoods as provided in the City's master plans, and is not detrimental to the public health, safety and welfare of the City;

Whereas, City Council has determined that it is necessary to undertake a study of these districts in order to protect and preserve the character of existing neighborhoods zoned R4C and R2A and has passed Resolution R-09-272 directing the Planning Commission and Planning Staff to study and make specific recommendations for ordinance changes in the R4C and R2A zoning districts consistent with findings in the Resolution, and City Council has passed Resolution R-09-079 establishing an Advisory Committee to assist in this process;

Whereas, City Council recognizes the irreplaceable physical, cultural and historical attributes of the City's neighborhoods that the City could lose, if this needed study and subsequent modification of the City's zoning ordinances do not take place;

Whereas, City Council has concluded that, during the consideration of these changes, it would be counter-productive if new development, significant expansion of existing development, or rezonings 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 cases;

RESOLVED, That City Council hereby imposes a moratorium on all new development that requires site plan approval, expansion of existing development that requires site plan approval, zoning changes, special exception uses, or other comparable zoning items, in the R4C and R2A zoning districts, and that any petitions or permits 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; and

RESOLVED, That any aggrieved petitioner or applicant shall be entitled to receive a hearing by the City Council to show that the temporary moratorium pronounced 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.

Sponsor: Michael Anglin, Councilmember