

FREQUENTLY ASKED QUESTIONS

Regarding Proposed Amendments to Area, Height and Placement

Background & Basics

1. Why are these amendments being proposed?

Many of the development standards in the Area, Height and Placement chart of Chapter 55 were established in the 1950's and 1960's to address the strong post war growth taking place in Ann Arbor. These standards required auto-oriented, suburban land use patterns such as one would find in most American suburbs. The standards are still being used in Ann Arbor today for those areas outside of downtown. However, current best practices in land use planning and environmental design recommend: a) the efficient use of land and infrastructure; b) the preservation of natural features; c) accommodating growth along mass transit corridors with existing infrastructure; d) locating buildings closer to the right-of-way to promote non-motorized access; and e) mixed land uses.

In 1998, City Council began a process of updating development standards by amending Parking standards which included developing innovative bicycle parking requirements and later substantially reducing vehicular parking requirements for a number of office and commercial uses. A number of recently approved City master plans including the Northeast Area Plan and the Non-motorized Plan call for evaluating the feasibility of amending code sections affecting area, height, and placement to encourage more sustainable land use practices.

2. What are the proposed amendments?

The proposed amendments include revisions to standards affecting:

- The setback requirements of duplex, townhouse, multi-family, office, research, office/research/limited industrial, retail, and industrial zoning districts.
- The height requirements of multi-family, office, research, office/research/limited industrial, retail, and industrial zoning districts.
- The F.A.R. (Floor Area Ratio: non-residential density) of office, research, office/research/limited industrial, retail and industrial zoning districts.
- The amendments also propose a new single-family district and propose that Research (RE) zoning districts allow residential uses.

3. What zoning districts are affected?

A total of 28.7% of land in the City will be impacted by these proposed amendments. The zoning districts affected by the proposed amendments include:

- **R2A** (Two-family)
- **R2B** (Two-family, student)
- **R3** (Townhouse)
- **R4A, R4B, R4C, R4C/D, R4D** (Multiple-family)
- **R5** (Hotel)
- **O** (Office)
- **RE** (Research)
- **C1** (Local Business)
- **C1B** (Campus Business)
- **C2B** (Business Service)
- **C3** (Fringe Commercial)
- **M1** (Limited Industrial)
- **M1A** (Limited Light Industrial)
- **M2** (Heavy Industrial)

NOTE: Downtown zoning districts are not affected by these proposed amendments

4. What is the Area, Height, and Placement Chart?

The Area, Height and Placement chart within the City of Ann Arbor Code of Ordinances (Chapter 55, Zoning) details requirements for density, height, and setbacks for all zoning districts within the City.

5. Where is the City in the process of making these changes?

In 2007, the Planning Commission began a dialogue with Planning and Development Services staff regarding the feasibility of amending the Area, Height and Placement standards in Chapter 55 (Zoning). After the initial draft amendments were created, a technical advisory committee was formed to review the content. The committee consisted of representatives of the environmental, design and development communities. Revisions were made after two technical advisory committee meetings were held.

The proposed amendments were then brought to the Planning Commission's Ordinance Revisions Committee (ORC). The ORC spent a number of months reviewing the proposed amendments and made further changes. Staff then presented the proposed amendments to the Planning Commission at a working session and organized two stakeholders meetings to get feedback from a larger group of citizens. Further revisions were made before staff completed a final draft for the public hearing at the Planning Commission.

The proposed amendments were brought to City Council at a working session in September 2008. Council expressed a desire for more public involvement and later approved a process that included the appointment of an advisory committee and the establishment of seven public workshops. After the public workshops are held, staff will report back to City Council on the findings of the public involvement process.

6. What does FAR mean and how does it impact building height?

FAR (Floor Area Ratio) is a measurement of density used in commercial zoning districts. It is a **ratio of the size of a building to the size of a parcel**. The following are some examples:

- a one-story building covering an **entire** site would constitute an FAR of 100%
- a two-story building covering **half** a site would also constitute an FAR of 100%
- a one-story building covering **half** a site would constitute an FAR of 50%.
- a four-story building covering **half** a site would constitute an FAR of 200%.
- a six-story building covering an **entire** site would constitute an FAR of 600%

In contrast, density in residential zoning districts is measured by a maximum number of dwelling units per acre (or technically, “minimum lot area per dwelling unit”).

FAR can impact building height by affecting how density is accommodated on a site. A higher FAR, such as those allowed in downtown zoning districts, justify the construction of more expensive, taller buildings. Low FAR’s such as those allowed in commercial zoning districts outside of downtown are typically too low to result in buildings taller than 4-5 stories. Taller, steel-frame buildings are typically more expensive to build than shorter, “stick built” buildings.

7. How is a setback measured? Where does it start and end?

A required setback is measured from the edge of a property line. In the case of a front setback, the edge of the property typically corresponds with the edge of a public right-of-way. The setback requirements (front, rear and side) establish the building envelope, or area within a site in which a building or building addition can be legally constructed.

8. How do you decide on the setback distances?

The proposed front setbacks were determined after extensive analysis including a comparison of other jurisdictions, recommendations from a number of professional and environmental organizations, conversations with a local technical advisory committee consisting of representatives from the environmental, design and development communities, and Planning Commission and staff input. The intent of the proposed front setbacks is to encourage non-motorized access to new development projects and encourage higher quality open spaces in multi-family districts.

9. Will the Planned Unit Development (PUD) and Planned Project processes remain in place?

Yes, these types of site plans and PUD zoning will still be an option.

10. Why are setback changes being made in R2 districts but not R1?

No amendments were considered necessary in the existing R1 zoning districts because the current standards were considered to be appropriate. No change is proposed to the

front averaging section of code (Chapter 55, section 5:57) which is the standard that regulates front setbacks in residential zoning districts. A maximum front setback of 40-feet is proposed for the R2A and R2B districts to encourage pedestrian access and provide for better fire safety access since most fire hydrants are located within the public right-of-way at the front of properties. Since the averaging standard determines the front setback up to 40-feet, the proposed maximum setback (40-feet) would not result in homes being build closer to the front property line then is currently allowed.

Impacts

11. How does the Area, Height and Placement effort interface with A2D2?

The A2D2 planning effort pertains to sites within the Downtown Development Authority (DDA) district. The Area, Height and Placement effort affects properties outside of the DDA district. Both efforts intend to encourage more sustainable land use practices throughout Ann Arbor.

12. How is this proposal going to impact the upcoming R4C study?

The Area, Height and Placement effort intentionally did not propose substantive changes to the R4C zoning district. The only proposed change in this zoning district is a reduction of 2-feet to one of the side setback requirements. City Council passed a resolution directing staff to analyze the R4C and R2A zoning districts in a separate study.

13. How will existing properties be affected by these proposed amendments?

The proposed amendments will only impact new development proposals. Existing properties will be “grandfathered”. The proposal for new maximum setback requirements is the only element that is more restrictive than existing standards. Chapter 55 (Zoning) includes language that addresses this. In many cases, non-conforming structures may become conforming or become less non-conforming.

14. How are University building projects affected by these proposed amendments?

University of Michigan properties and projects are exempt from City standards.

15. How will these changes affect open space requirements?

The proposed amendments DO NOT propose to change the existing open space requirements for the townhouse and multiple-family zoning districts.

16. When the few vacant properties are eventually built upon, will they fall under the old or new (proposed) zoning standards?

The new standards will apply to property proposed for development after the adoption of the standards by City Council.

17. Why are building heights uncapped in some districts, and what practical effect might this have in relation to increased FAR?

A significant number of participants at the public meetings expressed concern over the uncapping of height in non-residential districts. Staff will likely recommend height limits for those districts that are currently proposed to have uncapped height in the report to City Council.

Living and Environment

18. Comment on the environmental benefits of the proposed amendments. Can existing sites be improved?

Numerous environmental benefits will likely be realized as a result of these proposed amendments. The proposed amendments provide incentives (increased FAR, reduced setbacks, increased height limitations) for commercial property owners to redevelop their sites. Redeveloping commercial sites will trigger the need for a site plan which will typically result in new or improved storm water detention facilities, additional landscaping, the removal of invasive species, and in some cases a reduction in impervious surfaces.

19. With more of a property available for building (with increased floor area ratio or FAR), won't possible increases in impervious surfaces require a greater need for storm water detention?

Storm water requirements are based on the total amount of impervious surfaces proposed for a site. The size of storm water detention facilities are designed to accommodate the amount of impervious surfaces proposed for a site. The **existing** FAR standards can result in impervious surfaces covering much of a site (from the buildings, parking lots, driveways and dumpster areas). The proposed increases in FAR for commercial zoning districts would likely result in accommodating additional floor area vertically. In some cases the additional FAR might result in a reduction of impervious surfaces on a site. In older retail centers that consist of mostly impervious surfaces, the additional FAR might encourage redevelopment that would result in a reduction of impervious surfaces as a result of the need to meet requirements for storm water detention (ponds, rain gardens, green roofs, etc.) and landscaping (conflicting land use buffers, parking lot landscaping, and right-of-way screening).

By encouraging redevelopment, the higher FAR standards would, in many cases, result in storm water detention being provided for the first time, since most commercial sites in Ann Arbor do not currently detain storm water (storm water requirements were implemented in 1978). Additionally, many employment districts contain a large amount of manicured lawns. Although lawns are a landscaping feature, they do not absorb storm water as easily as other landscaped surfaces. Additionally, lawns require regular

mowing which results in air quality impacts as well as fertilizers and herbicides which result in water quality impacts.

20. How will shorter setbacks affect the streetscape character of a development project in the City?

Shorter front setbacks will, in certain cases, result in a portion of new development projects being located closer to the street. Since no change is proposed to the front averaging section of code (Chapter 55, section 5:57) which regulates front setbacks in residential zoning districts, most significant visual changes pertaining to front setbacks will take place in commercial zoning districts. In some cases, redeveloping commercial properties will result in new right-of-way screening that does not currently exist (e.g. older retail centers that currently have very little landscaping). In other cases, the proposed setback standards may result in new buildings or building additions replacing landscaped areas, such as lawns in the case of many employment districts. Although each site and project is unique, new development triggers the need to adhere to current landscaping and screening standards. The proposed amendments will likely result in a portion of new development projects being located closer to the street which will gradually affect the visual character of Ann Arbor, particularly in commercial districts.

21. Would there be increased noise for building occupants along busy streets that would now have shorter setback distances?

The difference in decibel levels between being 20 feet away from a busy street and 40 feet away cannot easily be measured. Only a tall wall or a significant distance would result in detectable decibel level differences from a source like a busy street.

22. What type of buffering is required between uses, particularly abutting the districts that would have increased height and FAR?

The City requires two types of buffers between uses. One is a side setback requirement that varies depending on the zoning district of the property as well as the uses adjacent to the site (commercial sites adjacent to residential uses must provide additional setbacks). Another buffer requirement is the conflicting land use buffer within Chapter 62 (Landscaping and Screening). This 15-foot wide landscaped buffer is required for parking lots, dumpsters and commercial uses adjacent to residential or park uses.

23. Where would the new R1E zoning district be located?

No specific site has been identified for the proposed R1E district. The R1E district would be an appropriate alternative for sites master planned for townhouse and multi-family uses.

24. What opportunities do I have to learn more about the proposed amendments?

A number of opportunities exist to learn more about these proposed amendments. The City is hosting a series of public meetings to inform the public about the proposed amendments. A total of seven public meetings are scheduled to take place from May 27, 2009 through August 2009. The intent of these meetings is to inform the public

about the proposed changes and obtain feedback. The feedback will be summarized and reported to Council after the completion of the meetings. Additional information on the City's website regarding this effort that includes a detailed description of the proposed amendments, a staff report summarizing the issues, maps indicating the location of zoning districts affected and dates of the meetings.

For more information or to provide feedback, please contact Jeff Kahan, City Planner at the City's Planning and Development Services Unit. Call 734.794.6265 ext 42614 or e-mail jkahan@a2gov.org

For more information about the project, please see the project webpage at <http://www.a2gov.org/government/communityservices/planninganddevelopment/planning/Pages/AreaHeightPlacementProject.aspx>