

## MEMORANDUM

TO: City of Ann Arbor Planning Commission

FROM: Matt Kowalski, City Planner

SUBJECT: R4C/R2A Zoning District Study Recommendation Report

DATE: June 10, 2011

Attached is the draft R4C/R2A Advisory Committee Recommendation Report. The committee has been working since December 2009 gathering public comment, reviewing data, researching issues and formulating recommendations for changes to the R4C and R2A Zoning Districts. The attached report is the result of all Committee and staff work and was discussed by the Committee at their tenth meeting on Wednesday, June 8. While no consensus was reached at this meeting, staff will continue to work on addressing concerns of some Advisory Committee members before finalizing the report for presentation to Planning Commission and City Council.

Attachment: June 2, 2011 Draft Advisory Committee Recommendation Report



# City of Ann Arbor R4C/R2A Zoning District Study

## Draft Advisory Committee Recommendation Report

### June 2011

The R4C and R2A zoning districts were established in the 1960's. Since that time the City has experienced some significant redevelopment in these zones and concerns were raised as to how this development fits within the current goals and policies of the City. In September of 2009, the Ann Arbor City Council appointed members to the R4C/R2A Advisory Committee. The goal of the Advisory Committee was to host a series of meetings to discuss and document issues and identify what, if any changes are needed. The Committee worked closely with staff throughout the course of the study to advise the outreach strategy, review assumptions and recommendations, and provide feedback at important project milestones. The Committee provided staff with citizen direction throughout the community outreach effort.

In December 2009, the Advisory Committee held its first meeting. Since that time the Advisory Committee has met nine times and gathered a large amount of public input through various methods designed to engage the citizens and stimulate discussions. In addition to the public commentary period at each meeting, the Advisory Committee held a series of stakeholder meetings for each of the following groups: rental property owners, neighborhood associations, City Boards and Commissions, City of Ann Arbor rental housing inspectors, and other interested citizens (including students). The Advisory Committee also gathered student input through an electronic survey that was distributed via email to all University of Michigan students and received over 240 responses. The Committee toured designated neighborhoods with a list of questions as a 'homework' assignment designed to identify key features (positive and negative) and opportunities within the R4C and R2A zoned neighborhoods. The homework results and all public comments were summarized and reviewed by the Advisory Committee.

Using public input and with the guidance of the Advisory Committee, a series of recommendations for zoning and parking code changes were developed to address the issues identified over the course of the study. After review by the Advisory Committee, a Community Meeting was held in March 2011 to present the recommendations to the public and collect additional feedback.

Throughout the course of the study some issues were identified that were outside of the scope of this study, but may have a direct effect on R2A and R4C neighborhoods. These issues include: over occupancy, parking enforcement and nuisances/blight. While the recommendations of the Advisory Committee do not directly address these issues, they have been summarized and documented for future study.

Due to the complexity and extent of the issues identified during the study, it was not possible to reach a consensus on all of the recommendations listed below. The draft recommendations are the best effort at addressing all Advisory Committee concerns and represent the majority opinion of the Advisory Committee.

### Non conformance

**Recommendation: The Advisory Committee recommends that Chapter 55, Section 5:87(Structure Non-Conformance) be revised to allow reconstruction of non-conforming structures in R2A and R4C districts according to the following standards:**

- Allow the ability to re-construct structure if damaged due to fire, flood, or other calamity. Reconstruction should not be allowed in case of voluntary destruction or demolition by neglect.
- Establish time limit (18 months) on how long after destruction the reconstruction of non-conforming structure is permitted.
- Establish time limit on building completion, once construction has started.
- Require that replacement structures must be of similar style, massing and character.
- Allow non-conforming multiple-family structures to add units and floor area without ZBA approval, if the additional units or floor area is located within the existing building footprint. Additional units must meet density requirements; however structure can be non-conforming for lot area and setbacks.
- Allow for additions to existing multiple-family structures without ZBA approval if the addition complies with all setback and required open space standards for that district. This is currently permitted for single-family houses ONLY.

**Analysis:** Overwhelming public feedback indicated a strong desire to keep the existing streetscape and development pattern of R2A and R4C neighborhoods, including size and massing of existing structures. However, many of the structures that define the preferred streetscape were constructed before current zoning standards, and as a result are non-conforming for lot size and setbacks. If these structures are destroyed, they would need to be constructed to conform to zoning standards in effect at the time of reconstruction.

The Advisory Committee was supportive of the recommendations noted above only if the new buildings are constructed to the similar size and massing dimensions of the original structure before destruction. It was also acknowledged that allowing the addition of units to a non-conforming structure without ZBA approval may help encourage some owners to add density to the existing structures rather than remove existing structures and replace with newer incompatible structures. This may facilitate slightly more density in these areas, but will help preserve existing streetscape, which is of primary importance to the Advisory Committee.

## **R2A(Two-Family) Districts:**

R2A districts issues were examined and discussed during the course of the study. Through the course of Advisory Committee meetings and public feedback, it was generally acknowledged that the R2A issues are minimal. Only limited changes are proposed to the regulations of this district (see Non-Conformance section above). No changes to lot area, lot width, density or parking are proposed within the R2A District. However, the Advisory Committee concluded that several areas currently zoned R4C would be more appropriately zoned R2A (see R4C Districts: Rezoning).

## **R4C Districts:**

### **Rezoning**

**Recommendation: The Advisory Committee recommends that select areas be rezoned from R4C to R2A. (See attached map)**

**Analysis:** To help maintain the existing development pattern in some areas, the Advisory Committee recommends pursuing priority rezoning of the following areas, as identified in the Central Area recommendations of the Master Plan Land Use Element, Page 74 (see attached maps):

Hoover/Davis Area – Map Area 2

Dewey/Packard/Brookwood - Map Area 3

Rezoning of these areas was originally recommended in the City's Central Area Plan (now incorporated in the City of Ann Arbor Master Plan, Land Use Element). Other areas identified in the plan are protected by Historic Districts and while these areas are important, they are already afforded a certain level of protection from demolition and alterations due to the Historic designation.

Based on the data provided and public feedback, the Advisory Committee concluded these areas still justify rezoning to an R2A district. The Advisory Committee has acknowledged that other areas may warrant consideration for rezoning, but more research is needed in order to determine where additional rezonings are appropriate.

### **Minimum Lot Size/Lot Width/Required Setbacks**

**Recommendations: The Advisory Committee recommends the reduction of minimum lot sizes to 4,000 square feet for all parcels in R4C zoning district and elimination of the minimum lot width requirement. No changes to existing setbacks are proposed.**

**Analysis:** Consistent with the Council resolution directing this study, the Advisory Committee examined the large number of non-conforming parcels in the R4C zoning districts. At this time 1,633 of the 1,978 parcels (83%) that are zoned R4C are non-conforming for the required minimum lot area. Based on aerial maps and study of the data available, the majority of these parcels are also non-conforming for lot width. The Committee concluded that it was of primary importance to bring the modern zoning standards closer to the established development patterns of the original subdivision plats in the R4C neighborhoods and align with the original intent and standards of the R4C Zoning District.

Lot width regulations typically are needed to guide subdivision of land. Since the R4C District is largely developed, it was concluded that a required minimum lot width was not necessary in the R4C District and in most cases served only to create a large number of non-conforming lots and structures. Maintaining required side setbacks of 12 feet (total required side setbacks of 24 feet) and taking into account the minimum dimension for a building width essentially establishes a minimum lot width of approximately 40 feet. Eliminating minimum lot width may also help minimize the need for property owners to combine parcels in order to obtain the required width for some additions to existing buildings.

Through the course of the study and analysis, the Advisory Committee also recognized that in order to help accomplish the goals of this study, the minimum lot size should be reduced (existing requirement of 8,500 square feet). Examining the database of existing lot sizes, combined with the original minimum lot size of 4,000 square feet in 1963 when the R4C district was formed, the majority of the committee felt that the minimum lot size in the R4C district should be reduced to 4,000 square feet. A minimum lot size of 4,000 square feet would create 985 additional conforming lots (total of 1,322 conforming lots) of the 1,970 total lots with the R4C zoning district.

There are no changes proposed to the setbacks, or required open space for the R4C district. Maintaining existing setback requirements will help reduce the scale of new construction and additions by maintaining increased open space for new development and preventing larger additions closer to the property line on some existing non-conforming structures. This will keep many existing structures non-conforming for adherence to required setbacks, however, in conjunction with modifications proposed to the structure non-conformance section (allowing some alterations without ZBA approval), it will also help encourage future building additions to be located no closer to the lot lines than the existing structure. This may help preserve the scale and massing of existing streetscapes.

The current average lot size is 6,052 square feet (exclusive of large church and University parcels)

Key Features:

- Will bring 985 parcels (out of 1,633 non-conforming R4C lots) into conformance with required minimum lot area. After proposed revisions, 1,322 parcels (67% of all R4C lots) will conform to the minimum lot area requirement and 648 parcels (33%) will remain non-conforming.
- Used in conjunction with a revised density standard (bedroom/lot area, see below), could allow for more flexibility in the configuration of new buildings and re-model of existing buildings.
- Could result in increased density on certain parcels if all applicable development codes are met.

Density Calculations -

**Recommendations: The Advisory Committee recommends instituting a graduated scale of calculating density based on the total number of bedrooms provided in each unit. Existing density is calculated based solely on lot area per unit, regardless of the number of bedrooms within unit.**

Key Features:

- Provides incentive for creation of units with fewer bedrooms
- Addition of floor area still requires site planning on multiple-family structures

**Existing regulations:** 2,175 square feet required per unit or 20 units/acre

**Proposed regulations using three different unit types:**

**Type A: 0-2bedrooms: 1,000 square feet lot area required per unit**

- EXISTING: 8,500 sf lot will permit 3 units, 20 units per acre MAX (up to a maximum of 18 occupants at 6 per unit)
- Using PROPOSED new density standards: 8,500 sf lot would permit 8 units, 43 units per acre MAX
- NEW MINIMUM LOT SIZE: 4,000 sf lot will permit maximum of 4 units (2 bedrooms each), Maximum of 8 bedrooms (maximum occupancy is based on bedroom size under the Housing Code)

**Type B: 3-4 bedrooms: 2,000 square feet lot area required per unit**

- EXISTING: 8,500 sf lot will permit 3 units, 20 units per acre MAX (up to a maximum of 18 occupants at 6 per unit)
- PROPOSED: 8,500 sf lot would permit 4 units, 20 units per acre MAX

- NEW MINIMUM LOT SIZE: 4,000 sf lot will permit a maximum of 2 units( 4 bedrooms each), Maximum of 8 bedrooms

**Type C: 5-6 bedrooms: 3,000 square feet lot area required per unit**

- EXISTING regulations: 8,500 sf lot will permit 3 units, 20 units per acre MAX (up to a maximum of 18 occupants at 6 per unit)
- PROPOSED regulations: 8,500 sf lot would permit 2 units, 14 units per acre MAX
- NEW MINIMUM LOT SIZE: 4,000 sf lot will permit a maximum of 1 unit( 6 bedrooms), Maximum of 6 bedrooms, maximum of 6 occupants

Rooming houses (or combination rooming house/apartments): Maintain existing 8,500 square foot lot area requirement, requirement for approval as Special Exception Use by the Planning Commission, and additional standards for approval described in Chapter 55, Section 5:10.4. Existing parking requirement remains, no change proposed.

Group housing (fraternities, sororities, co-ops): Maintain existing 8,500 square foot lot area requirement and requirement for approval as Special Exception Use by the Planning Commission. Existing parking requirement remains, no change proposed.

**Analysis:** The current method of calculating density in the R4C zoning district encourages the construction of six bedroom units, by requiring the same minimum lot area whether constructing a one or six bedroom unit. Thus, the majority of units constructed recently in R4C areas have been six bedroom units. Throughout the course of the study, one of the issues identified with six bedroom units is the limited appeal to any renters other than students. The Advisory Committee and public feedback gathered indicated a strong desire to encourage a mixture of bedroom units that could be rented to a wider range of people. Public feedback also indicated a concern regarding the provision of allowing six bedroom units within the R4C zone. However, the existing zoning code does not regulate the number of bedrooms in the R4C, only the number of occupants. Allowing six bedroom units has been an established practice in the City; the proposed code change would limit the maximum number of bedrooms to six.

The recommendation to revise the allowable density requirement to a graduated scale based on lot area per bedroom count will permit limited infill of smaller units while also giving property owners the option to provide more units on a parcel if the units have fewer bedrooms. The proposed density revisions could allow an increase (over the existing requirements) in the number of units with four or less bedrooms that could be built. However, the increase in minimum lot area(and required parking, detailed below) required for units with five or six bedrooms will likely result in a decrease of units of this size being proposed. This change could result in a decrease in non-conformities for buildings with four or fewer units due to the fact

there will be less area required for units of that size. In addition, given the limited size of the majority of R4C zoned lots, it is unlikely that existing lot areas will support many additional units. All other development codes will still apply and the addition of units to multiple-family structure requires site plan approval and adherence to all applicable development standards, including landscaping, stormwater controls and subject to providing the required parking. Parking standards (see below) should also be revised to encourage creation of a mixture of unit sizes.

### Overlay District

**Recommendation: The committee recommends that zoning overlay districts be explored as a tool for protecting massing, setbacks and streetscape of neighborhoods experiencing redevelopment pressure within the R4C zone.**

**Analysis:** Protecting the existing development pattern and streetscape was a major theme in input gathered from the public. Due to the wide range of existing development patterns (including lot size, building massing, density and setbacks) in the R4C district neighborhoods, the committee has concluded it would not be possible to make changes to the entire R4C district that would encourage development patterns consistent with each unique neighborhood. It was identified that a zoning Overlay District may be the most feasible method of implementing certain guidelines that could protect and enhance the diversity of the existing streetscape while allowing additional development that would be compatible with the surrounding neighborhoods. Below are some of the issues the committee felt could be addressed by an overlay district:

- Out-of scale development – A maximum building foot print could be instituted based on the historic development patterns of the neighborhood.
- Design not compatible with neighborhood – Guidelines can be developed to control general massing and front setbacks.
- Combination of lots – There may be some cases where this is acceptable, prohibition of lot combination could be implemented in certain overlay districts. (See Lot Combination section below)
- Increased/decreased flexibility of site design – For example, an overlay district could be created that modifies the Area, Height and Placement standard based on existing development pattern for a selected area.

### Parking Standard

**Recommendation: Revise parking standards based on unit type (above), increasing parking requirements as number of bedrooms in units increase. Existing parking standards require 1.5 spaces per unit. Investigate off-site parking storage concept and alternative parking methods. (Note: .5 spaces rounded up for total parking required)**

## **PROPOSED parking requirement:**

- 0.5 parking space required for each (0-2 bedroom unit)
- 1 parking space required for each Type B Unit (3-4 bedroom unit)
- 2 parking spaces required for each Type C Unit (5-6 bedroom unit)

### Key Features:

- Permits a graduated scale based on number of bedrooms in unit
- Provides incentive for creation of units with fewer bedrooms

**Analysis:** Similar to the analysis and conclusions on density, it was determined that the current method of calculating parking in the R4C zoning district encourages the construction of six bedroom units, by requiring the same number of parking spaces (1.5 spaces/unit) whether constructing a one or six bedroom unit. The Committee and public feedback gathered indicated a strong desire to encourage a mixture of bedroom units that could be rented to a wider range of people. One method of encouraging a variety of units is to allow for a graduated scale of parking spaces required based on the number of bedrooms provided in each unit.

The recommendation to revise the parking requirement to a graduated scale based on bedroom count will help encourage limited infill of smaller units while also giving property owners the option of being able to provide more units on a parcel if the units have fewer bedrooms. Parking requirements were recommended by a majority of the committee based on analysis of existing conditions and future build outs with consideration given to encouraging alternatives means of transportation and preserving open space on parcels. While the committee did express concerns about ensuring adequate parking on site, the majority of committee members did not feel that the parking requirement should control site design, nor should open space be converted to accommodate required parking. The proposal recommended represents a balanced approach that will avoid creating excess parking on sites, but will still provide adequate parking on site for residents. Methods of encouraging more creative options for providing required parking, including off-site car storage, are recommended for future study.

### Lot Combination

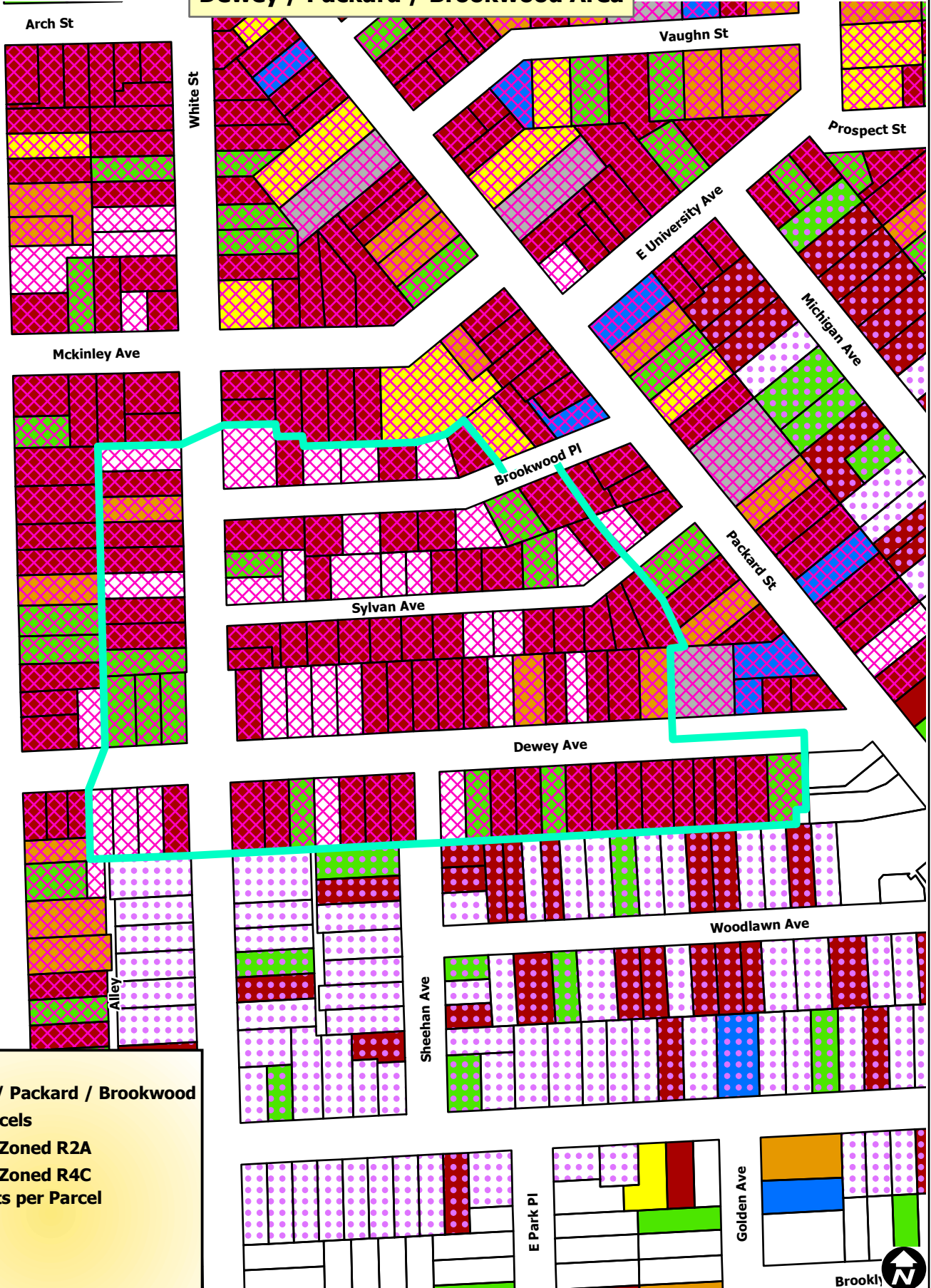
**Recommendations:** The committee recommends that no more than two parcels be allowed to be combined with the resulting parcel not to exceed 10,000 square feet.

**Analysis:** Through the course of the public and Advisory Committee discussion, the issue of lot combinations in the R4C district arose as a concern that should be addressed. While no consensus was reached on the issue, the majority of the Advisory Committee did support a

limitation on lot combinations in the R4C zone in order to help prevent the construction of large buildings that could disrupt the historical scale of the streetscape. Acknowledging the uniqueness of R4C neighborhoods, it is recommended that some ability to combine parcels be maintained. Maintaining the ability to combine parcels is recommended due to the fact that many lots are significantly smaller than even the 4,000 square foot lot size minimum proposed. Allowing a landowner to combine parcels to a maximum of 10,000 square feet will enable some limited redevelopment of small parcels, but given the required setbacks and applicable development regulations, any new building will remain relatively consistent with the goal of the Advisory Committee to maintain the historical scale of the streetscape. It is also advised to allow combinations that enable property owners to add land to their parcels through an Administrative Land Transfer which is typically done to adjust lot lines and transfer small areas of land to adjacent parcels.

DRAFT

# Dewey / Packard / Brookwood Area

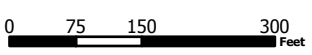


**Map Legend**

- Dewey / Packard / Brookwood
- City Parcels
- Parcels Zoned R2A
- Parcels Zoned R4C

**Rental Units per Parcel**

- 1
- 2
- 3
- 4
- 5 - 10
- 11 or more



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# Hoover / Davis Area

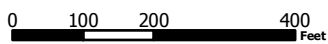


**Map Legend**

- Hoover / Davis Area
- City Parcels
- Parcels Zoned R2A
- Parcels Zoned R4C

**Rental Units per Parcel**

- 1
- 2
- 3
- 4
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