

ORDINANCE NO. ORD-09-12

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AN ORDINANCE TO AMEND SECTIONS 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67 AND 5:88; TO REPEAL SECTIONS 5:10.19, 5:10.20, 5:44 AND 5:44A AND TO REPLACE THEM WITH NEW SECTIONS 5:10.19, 5:10.20 AND 5:44; AND TO REPEAL SECTION 5.10.22 AND 5:45A OF CHAPTER 55 (ZONING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR (TO REVISE ZONING DEFINITIONS, TO ELIMINATE C2A, C2A/R AND C2B/R ZONING DISTRICTS, TO CREATE D1 [DOWNTOWN CORE] AND D2 [DOWNTOWN INTERFACE] ZONING DISTRICTS AND PERMITTED USES AND STANDARDS, TO ADD DOWNTOWN CHARACTER OVERLAY DISTRICTS AND STANDARDS, AND TO REVISE FLOOR AREA PREMIUMS) AND TO AMEND SECTIONS 5:167 AND 5:169 OF CHAPTER 59 (OFF-STREET PARKING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR (TO REVISE OFF-STREET PARKING REQUIREMENTS FOR THE DOWNTOWN SPECIAL PARKING DISTRICT), AND TO AMEND THE ZONING MAP OF SECTION 5:4 OF TITLE V OF THE CODE OF ANN ARBOR TO DESIGNATE CERTAIN PROPERTIES AS D1, D2 AND PL (PUBLIC LAND) AND TO FURTHER DESIGNATE CERTAIN PROPERTIES AS BEING PART OF THE DOWNTOWN CHARACTER OVERLAY ZONING DISTRICTS

The City of Ann Arbor ordains:

Section 1. That Section 5:1 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:1 Definitions.**

- (1) *Accessory apartment.* A dwelling unit for not more than 2 persons which is an integral part of a 1-family detached dwelling.
- (2) *Accessory use.* A land use which is incidental to a principal land use.
- (3) *Affordable housing.* Housing units where the occupant is paying no more than 30% of gross income for housing costs, including taxes and utilities.
- (4) *Agriculture.* The production of crops.
- (5) *Boarding house.* A dwelling, other than a hotel or dormitory, where lodging and meals are provided for more than 75 percent of the people in residence for compensation and by prearrangement for definite periods of 30 days or more.

(6) *Building*. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

(7) *Building, accessory*. A subordinate structure, whether attached or detached, on the same lot as the principal building.

(8) *Building, principal*. A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.

(9) *Building coverage*: The percentage of a lot covered by buildings, including carports and parking structures. Building coverage is measured from exterior wall to exterior wall, including all structural projections except architectural features such as cornices, eaves and chimneys.

~~(9)~~<sup>10</sup> *Building height*. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.

~~(40)~~<sup>11</sup> *Child care center*. A facility, receiving 1 or more children for care for periods of less than 24 hours a day.

~~(44)~~<sup>12</sup> *Church*. A building owned by a religious organization which is principally used for public worship.

~~(42)~~<sup>13</sup> *Dish antenna*. A signal-sending or receiving device for communicating with orbiting satellites.

~~(43)~~<sup>14</sup> *Dwelling unit*. One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by 1 family.

~~(44)~~<sup>15</sup> *Dwelling, multi-family*. A building containing 3 or more dwelling units arranged either side by side or one above the other.

~~(45)~~<sup>16</sup> *Family*. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of Section 5:7.

~~(46)~~<sup>17</sup> *Family day care home*. A private dwelling in which up to 6 minor children are received for care and supervision for periods of less than 24 hours a day.

~~(47)~~<sup>18</sup> *Fraternity or sorority house*. A building used by a college fraternity or sorority as a principal place of residence for its members.

- (18~~19~~) *Funeral home.* A building used for the preparation of the deceased and for ceremonies taking place prior to burial or cremation.
- (19~~20~~) *Group day care home.* A private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.
- (22~~21~~) *High-water mark, ordinary:* The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.
- (24~~22~~) *Home occupation.* An accessory use of a nonresidential nature which is performed within a dwelling or within an accessory building, and conducted by members of the family residing in the dwelling, and not more than one additional employee.
- (23) *Hotel: A building or portion of a building containing 4 or more individual rooms, suites of rooms or dwelling units offered for transient sleeping accommodations for periods of 29 days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services and communication and fitness facilities.*
- (22~~24~~) *Housekeeping unit.* A dwelling unit organized as a single entity in which the members of the household share common facilities.
- (23~~25~~) *Lot.* A parcel of land, not including a public or private street, which may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel of land that meets the requirements of this chapter.
- (24~~26~~) *Lot, corner.* A lot or parcel of land abutting upon 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.
- (25~~27~~) *Lot line.* The boundary of a lot.
- (26~~28~~) *Lot line, front.* The lot line separating a lot from a street.
- (27~~29~~) *Lot line, rear.* The lot line opposite and most distant from the front lot line; or in the case of irregularly-shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

- | (~~28~~30) *Lot line, side.* Any lot line other than a front or rear lot line.
- | (~~29~~31) *Lot of record.* A lot for which the deed, prior to January 1, 1963, is on record with the Washtenaw County Register of Deeds and which exists as described therein. (See Section 5:61 for regulations.)
- | (~~30~~32) *Lot width.* The length of a straight line drawn between the points where the front setback line cuts the side lot lines.
- | (~~31~~33) *Lower income households.* References made collectively to low and very low income households or individuals. Encompasses all households with income levels less than 80% of City of Ann Arbor median income as defined by the United States Department of Housing and Urban Development.
- | (~~32~~34) *Nonconforming structure.* A lawfully-established building or structure that does not conform to the regulations of this Chapter.
- | (~~33~~35) *Nonconforming use.* A lawfully-established use of land which does not conform to the use regulations of this Chapter.
- | (~~34~~36) *Nursery school.* A daytime group facility which has as its main objective a developmental program for pre-school children and whose staff meets the educational qualifications as established by the State of Michigan.
- | (~~35~~37) *Open space, required.* The portion of a lot between the required setback line and the lot line.
- | (~~36~~38) *Open space, permanent.* The portion of a lot or lots, exclusive of road rights-of-way, vehicle access and utility easements, and required storm water management, soil erosion and sedimentation control facilities, which is restricted by a recorded conservation easement or similar binding instrument. Permanent open space is intended for, but shall not be limited to, the preservation and conservation of undeveloped natural resources, natural features, scenic or wooded conditions or naturally occurring water surfaces. It may also include undeveloped greenways of contiguous or linear open space providing habitats or corridors for wildlife, or links between parks, nature reserves, cultural features or historic sites for passive recreation or conservation.
- | (~~37~~39) *Open Space:* The portion of a lot which is devoted to outdoor recreation space, greenery, and space for household activities. Open space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory structures used for recreational purposes, permanent or seasonal water surfaces and protected natural areas. It shall not include area covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.

- | (3840) *Open Space, Active*: The portion of open space devoted to and suitable for outdoor recreation and household activities measuring at least 6 feet by 10 feet if intended for common or shared use by all households and at least 4 feet by 10 feet if intended for private or individual household use. Common or shared active open space may include, but shall not be limited to, lawns, sidewalks and pathways, playgrounds, fields (baseball, soccer, etc.), courts (basketball, tennis, etc.), and swimming pools. Private or individual active open space may include, but shall not be limited to, porches, decks, balconies, patios, and accessible portions of roofs. Active open space shall not include woodlands, storm water management basins, wetlands, natural features open space, conflicting land use buffers, vehicular use area interior landscape islands or screening.
- | (3941) *Principal Use*: The primary use of any lot.
- | (4042) *Private School*: A building used for the purpose of elementary or secondary education.
- | (4143) *Public Utility*: Private enterprise with a franchise for providing a public service.
- | (4244) *Rooming House*: A building, other than a hotel or dormitory, where for compensation and by prearrangement for definite periods, lodging is provided for more than 3 roomers.
- | (4345) *Rooming Unit*: Any room or group of rooms forming a single habitable unit, but which does not contain cooking facilities.
- | (4446) *Setback, Established Front*: The minimum distance at which an existing building is located from the street right-of-way line.
- | (4547) *Setback, Required*: The minimum or maximum distance specified by this chapter which must be provided between a lot line and a structure.
- | (4648) *Setback Line, Established Front*: A line parallel to the street, extending from the point at which an existing building is closest to the street right-of-way line outward to the lot lines.
- | (4749) *Setback Line, Required*: A line parallel to a property line representing the minimum required setback from that property line.
- | (4850) *Single-Family Dwelling*: A detached building containing 1 dwelling unit.
- | (4951) *Special Exception Use*: A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.

- | (50~~52~~) *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.
- | (54~~53~~) *Structure*: A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.
- | (52~~54~~) *Student Cooperative Housing*: A facility used for housing students who therein largely perform their own household maintenance and meal preparation and who have a vote in the operation, maintenance and management of their household affairs. Such housing is registered with The University of Michigan.
- | (53~~55~~) *Townhouse*: A building containing 3 or more dwelling units arranged side by side, separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.
- | (54~~56~~) *Two-Family Dwelling*: A detached building containing 2 dwelling units.
- | (55~~57~~) *Usable Floor Area, Nonresidential*: Usable floor area for nonresidential uses shall be measured to the exterior face of the exterior walls for all floor areas that are accessible by a fixed stairway, ramp, escalator or elevator, which may be made fit for occupancy. The measurement shall include the floor area of any accessory buildings and above-grade parking structures, except those portions of a parking structure used for required premium or PUD parking. Below-grade parking cellar areas shall not be counted as usable floor area. For the purpose of this subsection, the definitions of cellar and grade contained in Chapter 98 of this Code shall apply.
- | (56~~58~~) *Usable Floor Area, Residential*: The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories having more than 90 inches of headroom that are accessible by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of garages, accessory buildings, attics, breezeways and unenclosed porches.
- | (57~~59~~) *Wireless Communications Antenna*: An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, excluding ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.

(58~~60~~61) *Wireless Communications Facility*: Includes wireless communications antennas or towers and all unstaffed facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving signals, usually consisting of an equipment shelter or cabinet, support structure and/or other transmission and reception devices. This definition excludes ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.

(59~~61~~61) *Wireless Communications Tower*: A tower, including, but not limited to, self-supporting lattice, guyed, or monopole which elevates the wireless communications antenna and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

Section 2. That Section 5:2 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

### **5:2. Classification of Districts.**

Ann Arbor shall be, and hereby is, divided into zoning districts and overlay zoning districts as enumerated in the schedule of use regulations and schedule of area, height and placement regulations.

Section 3. That Section 5:3 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

### **5:3. Required Conformity to District Regulations.**

- (1) Except as otherwise provided in this chapter, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, moved or altered, except in conformity with the regulations herein specified for the zoning district or overlay zoning district in which the structure or land is located.
- (2) The provisions of this chapter do not apply to land or structures owned or occupied by a governmental unit or agency, or by a public educational institution, during the time that such land or structure is used by such unit, agency or institution.
- (3) The provisions of this chapter do not apply to private wireless communications facilities licensed or otherwise authorized by a governmental unit or agency, or by a public educational institution, during the time that the land or public structure upon which it is placed is owned or used by such unit, agency or institution.



- (4) Land and structures sold, or otherwise disposed of, by such unit, agency or institution, other than to another such unit, agency or institution, shall be subject to the provisions of this chapter to the same extent as if never owned by such unit, agency or institution.

Section 4. That Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

#### **5:4. Zoning District Boundaries Shown on the Zoning Map.**

The boundaries of ~~said~~the zoning districts and overlay zoning districts are hereby established as shown on the zoning map which accompanies this chapter and which, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described herein. For districts zoned D1 and D2, the required front setbacks are hereby established as shown on the building frontage map which accompanies this chapter and which, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described herein. The zoning map and building frontage map shall be certified as the official copyies by the city clerk and shall be kept on file in the planning and development services unit. Maps and descriptions accompanying enacted amendments shall be displayed adjacent to the official copy until such time as the official copy is corrected.

Section 5. That Section 6:6 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

#### **5:6. Establishment of Use Regulations.**

- (1) No structure or land shall be used or occupied and no structure shall be erected, constructed, moved or altered, except in conformity with the regulations specified for the zoning district in which it is located. Uses not expressly permitted are prohibited.

Permitted uses are subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this ordinance.

A special exception use is subject not only to the minimum requirements specified for such use in the zoning district in which it is located, but also to the applicable standards and requirements found in Section 5:104. Special conditions may be imposed by the Planning Commission in order to make the use compatible with the uses permitted by right in that zoning district.



- (2) The erection, construction, alteration or maintenance of an essential service by a public utility for the purpose of furnishing adequate service by such public utilities for the public health, safety or general welfare of gas, electrical, steam or water transmission, or distribution systems including elevated water towers or tanks; of collection, communication, supply or disposal systems; of poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, hydrants and other similar equipment and accessories in connection therewith, other than buildings and electrical substations, are permitted in any district. For purposes of this chapter, wireless communications towers are not considered to be an essential service.
- (3) Buildings containing essential services and electrical substations are permitted in all districts except the R1A, R1B, R1C, R2A and R2B districts in which special exception use approval pursuant to Section 5:104 is required.
- (4) Wireless communications antennas are permitted in all districts, subject to the requirements of this Code.
- (5) Wireless communications towers and associated facilities are permitted in all non-residential districts except in C1A, C1A/R, ~~and P or on any property within the Downtown Development Authority District~~, subject to the standards found elsewhere in this ordinance. Wireless communications towers are permitted as a special exception use in the D1, D2 and R5 districts, pursuant to the regulations in Section 5:104 and those found elsewhere in this ordinance.
- (6) Any accessory use incidental to the permitted principal use is permitted, unless otherwise permitted or restricted herein. A wireless communications facility may be considered to be either a principal permitted use or an accessory use.

Section 6. That Section 5:10.19 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**~~5:10.19. C2A Central Business District.~~**

- ~~(1) Intent. These districts are designed to serve the central retail marketing function of the entire Ann Arbor trade area which extends at least halfway to surrounding cities of comparable size. A prime characteristic of these districts is a core of intense pedestrian activity. Most persons entering the district will come by automobile and typically will park once to carry out~~

~~several errands. The economic welfare of merchandising activities in these districts depend on intense development of comparison shopping. In these districts each establishment contributes to the whole shopping center by adding to the variety of goods available and to the comparison shopping opportunities. This essential interdependence of activities is given precedence in the regulation and the future planning of the district over any desire to permit automobiles to come directly to each establishment. Provision is made in the C3 district for these uses that need to have the customer come directly to each establishment. Office building activities are compatible with the purpose of the district as long as adequate and convenient automobile parking can be provided for both the office and the retail merchandising activity. Residential development above the street level is also an important component of the district's pedestrian orientation.~~

~~(2) Permitted principal uses:~~

~~(a) Any principal use permitted in the C1 Local Business District without limitation to floor area or seating capacity.~~

~~(b) Hotels and motels.~~

~~(c) Any retail business whose principal activity is the sale of new merchandise in an enclosed building, excepting uses, such as the following, which tend to detract from or interfere with a high intensity of pedestrian shopping activity: automobile dealers, boat dealers, mobile house dealers, motorcycle dealers, filling stations.~~

~~(d) Retail sales in which both a workshop and a retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstery and similar establishments or no more objectionable character, subject to the provision that not more than 50 percent of the total usable floor area of the establishment shall be used for servicing, repairing, manufacturing or processing activities.~~

~~(e) Enclosed theaters, radio and television studios, excluding transmission and receiving towers, assembly halls, concert halls or similar places of assembly or entertainment.~~

~~(f) Governmental, newspaper publishing plants, charitable institutions, local and suburban transit and passenger transportation facilities.~~

~~(g) Any permitted principal use of the "R" dwelling districts.~~

~~(h) Business and personal services which are performed within an enclosed building, including duplicating, hairdressing, blueprinting, printing, photographic reproduction and film processing.~~

~~(l) Retail sales of garden and horticultural supplies, which may have an automobile loading area as an accessory use.~~

~~(3) Permitted accessory uses.~~

~~(a) Those allowed in the R3 district.~~

## 5:10.19. D1 and D2 Downtown Districts

- (1) Intent. These districts, in coordination with the downtown character overlay zoning districts, are designed to support the downtown as the city's traditional center. The downtown serves both the region and local residents as a place to live, work, and take advantage of civic, cultural, educational, shopping, and entertainment opportunities. The downtown districts are intended to allow a mixture of land uses, dense urban development, pedestrian orientation, unique residential opportunities, and a compatible and attractive mix of historic and contemporary building design. Development in these districts is designed to be accessible by a variety of modes of transportation.
- (a) D1 – Downtown Core District. This district is intended to contain the downtown's greatest concentration of development and serves as a focus for intensive pedestrian use. This district is appropriate for high-density mixed residential, office and commercial development.
- (b) D2 – Downtown Interface District. This district is intended to be an area of transition between the Core and surrounding residential neighborhoods. This district is appropriate for medium density residential and mixed-use development.
- (2) Uses of land.
- (a) Uses in the D1 and D2 districts are allowed in accordance with Table 5:10.19A – Schedule of Uses. The following key is to be used with the Schedule of Uses:
1. Permitted Uses. In accordance with section 5:6, these uses are permitted by right in the district. These uses may be mixed within a building, unless otherwise specified in this chapter. Permitted uses are identified with a "P".
  2. Special Exception Uses. In accordance with sections 5:6 and 5:104, these uses may be allowed in a district subject to review and approval by the Planning Commission. Special exception uses are identified with an "S".
  3. Prohibited Uses. These uses are not permitted in the district. Prohibited uses are identified with an "X."
  4. Related Zoning Regulations. The Schedule of Uses lists additional related zoning regulations that apply to specific uses. This list is not

comprehensive and all uses must comply with all applicable laws and regulations.

**Table 5:10.19A – Schedule of Uses: D1 and D2 Downtown Districts**

<u>Use</u>	<u>D1 Downtown Core</u>	<u>D2 Downtown Interface</u>	<u>Related Zoning Regulations</u>
<b><u>RESIDENTIAL</u></b>			
<u>Single- or Two-Family Dwelling</u>	<u>P</u>	<u>P</u>	
<u>Multiple-Family Dwelling</u>	<u>P</u>	<u>P</u>	
<u>Fraternity, Sorority or Student Cooperative</u>	<u>P</u>	<u>P</u>	
<u>Rooming or Boarding House</u>	<u>P</u>	<u>P</u>	
<u>Emergency Shelter</u>	<u>P</u>	<u>P</u>	
<u>Convalescent or nursing home</u>	<u>P</u>	<u>P</u>	
<b><u>LODGING</u></b>			
<u>Hotel</u>	<u>P</u>	<u>P</u>	
<u>Bed &amp; Breakfast</u>	<u>P</u>	<u>P</u>	
<b><u>CIVIC AND INSTITUTIONAL</u></b>			
<u>Religious Assembly</u>	<u>P</u>	<u>P</u>	
<u>Educational Services</u>	<u>P</u>	<u>P</u>	
<u>Day Care Center</u>	<u>P</u>	<u>P</u>	
<u>Community Center</u>	<u>P</u>	<u>P</u>	
<u>Social or Service Club</u>	<u>P</u>	<u>P</u>	
<u>Library</u>	<u>P</u>	<u>P</u>	
<u>Government Office</u>	<u>P</u>	<u>P</u>	
<u>Courthouse</u>	<u>P</u>	<u>P</u>	
<u>Park or Plaza</u>	<u>P</u>	<u>P</u>	
<u>Museum</u>	<u>P</u>	<u>P</u>	
<b><u>OFFICE</u></b>			
<u>Office –General or Business</u>	<u>P</u>	<u>P</u>	
<u>Office – Medical or Dental</u>	<u>P</u>	<u>P</u>	
<u>Office – Veterinary</u>	<u>P</u>	<u>P</u>	
<u>Medical Laboratory</u>	<u>P</u>	<u>P</u>	

P=Permitted S=Special Exception X=Prohibited A=Active

<u>Use</u>	<u>D1 Downtown Core</u>	<u>D2 Downtown Interface</u>	<u>Related Zoning Regulations</u>
<b><u>COMMERCIAL</u></b>			
<u>Bank, Credit Union or Financial Services</u>	<u>P</u>	<u>P</u>	
<u>Retail Sales</u>	<u>P</u>	<u>P</u>	
<u>Restaurant or Bar</u>	<u>P</u>	<u>P</u>	
<u>Personal or Business Services</u>	<u>P</u>	<u>P</u>	
<u>Outdoor Sales, Permanent</u>	<u>P</u>	<u>P</u>	<u>Section 5:10.15(2)e</u>
<u>Outdoor Sales, Temporary</u>	<u>P</u>	<u>P or S</u>	<u>Sections 5:10.15(2) f, g and h; Section 5:104</u>
<u>Conference Center</u>	<u>S</u>	<u>X</u>	<u>Section 5:104</u>
<u>Theater</u>	<u>P</u>	<u>P</u>	
<u>Entertainment - General</u>	<u>P</u>	<u>S</u>	<u>Section 5:104</u>
<u>Entertainment – Adult</u>	<u>X</u>	<u>X</u>	<u>Section 5: 50</u>
<u>Funeral Services</u>	<u>P</u>	<u>P</u>	
<u>Drive-through Facility</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Vehicle Fueling Station</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Vehicle Sales or Rental</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Vehicle Repair or Storage</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Vehicle Wash</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<b><u>INDUSTRIAL &amp; TRANSPORTATION</u></b>			
<u>Warehouse</u>	<u>X</u>	<u>P</u>	
<u>Building Materials Wholesale</u>	<u>X</u>	<u>P</u>	
<u>Construction/Trade Contractors</u>	<u>X</u>	<u>P</u>	
<u>Fabrication – Metal &amp; Canvas</u>	<u>X</u>	<u>P</u>	<u>Performance standards of Section 5:10.24(f)</u>
<u>Assembly or Manufacturing</u>	<u>S</u>	<u>S</u>	<u>Performance standards of Section 5:10.24(f); Section 5:104</u>
<u>Printing or Publishing</u>	<u>P</u>	<u>S</u>	<u>Section 5:104</u>
<u>Parking Structure</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Parking Lot – Principal Use</u>	<u>S</u>	<u>S</u>	<u>Section 5:104</u>
<u>Transit Center or Station</u>	<u>P</u>	<u>P</u>	
<u>Wireless Communications Facility</u>	<u>S</u>	<u>S</u>	<u>Section 5:6; Section 5:82; Section 5:104</u>
<u>Broadcasting Facility</u>	<u>P</u>	<u>S</u>	<u>Section 5:104</u>
<u>Utility Substation</u>	<u>P</u>	<u>P</u>	
<u>Railroad</u>	<u>P</u>	<u>P</u>	

P=Permitted S=Special Exception X=Prohibited A=Active



(3) Area, height and coverage requirements.

(a) Except as otherwise provided, regulations governing area, height, coverage and open space in the D1 and D2 Downtown Districts shall comply with the requirements in Table 5:10.19B.

**Table 5:10.19B. Schedule of Area, Height, Open Space and Coverage Requirements: D1 and D2 Downtown Districts**

<u>Zoning District</u>	<u>Maximum Usable Floor Area in Percentage of Lot Area (FAR)</u>		<u>Minimum Height</u>		<u>Max. Building Height</u>	<u>Max. Building Coverage</u>	<u>Min. Open Space</u>	<u>Min. Gross Lot Size</u>
	<u>Normal (without premiums)</u>	<u>With Premiums (Sections 5:64-5:65)</u>	<u>In Feet</u>	<u>In Stories</u>				
<u>D1</u>	<u>400% of lot area</u>	<u>700% of lot area</u>  <u>900% of lot area with affordable housing premiums</u>	<u>24</u>	<u>2</u>	<u>See Character Overlay Zoning District Massing Standards (Table 5:10.20A)</u>	<u>None</u>	<u>None</u>	<u>None</u>
			(1) <u>The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance (____, 2009); otherwise none.</u>					
			(2) <u>The usable floor area of the second story must be a minimum of 75 percent of the first story usable floor area.</u>					
<u>D2</u>	<u>200% of lot area</u>	<u>400% of lot area</u>	<u>24</u>	<u>2</u>	<u>60 feet</u>	<u>80% of lot area</u>	<u>10% of lot area</u>	<u>None</u>
			(1) <u>The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of this ordinance (____, 2009); otherwise none.</u>					
			(2) <u>The usable floor area of the second story must</u>					

be a minimum of 75 percent of the first story usable floor area.

(b) Relationship to downtown character overlay zoning districts. The D1 and D2 downtown zoning districts shall be further regulated by the downtown character overlay zoning districts. Unless otherwise specified in this chapter, regulations identified for both the downtown district and the applicable downtown character overlay zoning district shall apply.

(4) Parking structures.

(a) In the D1 district, an off-street parking structure is not permitted at the level of the adjacent street unless separated from the street by a portion of the building that is occupied by a permitted use or uses, with the exception of the portion of a parking structure that provides vehicular or pedestrian access to the street. The permitted use(s) shall be located within the building and have a minimum depth of 25 feet from the exterior of the front wall.

1. On corner lots, this requirement shall apply to lot frontages on primary streets, as defined in Section 5:10.20(4). If none of the street frontages is a primary street, an off-street parking structure must be separated from at least one street frontage by a portion of the building that is occupied by a permitted use, with the exception of the portion of a parking structure that provides access to the street.

(b) In the D2 district, an off-street parking structure shall be located a minimum of 10 feet from the front lot line at the level of the adjacent street and provide a landscape buffer or screening wall between the building and the front property line.

(c) In the D1 and D2 districts, any wall of an off-street parking structure that abuts a residential zoning district shall contain no openings or be separated from the lot line by a building occupied by a permitted use or uses.

Section 7. That Section 5:10.20 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**~~5:10.20. C2A/R Commercial Residential District.~~**

- ~~(1) Intent. This district is designed to encourage the orderly clustering and placement of high-density residential and complementary commercial development within the Central Business District.~~
- ~~(2) Permitted principal uses.~~
  - ~~(a) Any principal use permitted in the C2A Central Business District.~~
  - ~~(b) Any permitted principal use of the "R" dwelling districts.~~
- ~~(3) Permitted accessory uses.~~
  - ~~(a) Those allowed in the R3 district.~~

**5:10.20. Downtown Character Overlay Zoning Districts**

- (1) Intent. The purpose of these overlay zoning districts is to supplement the regulations for zoning districts in the downtown to reflect the diversity of historical and built environments within the downtown. These character overlay zoning districts account for differences in the existing street pattern, density, massing and design features that exist throughout the downtown, in addition to the intent of the city for the future development of each area.
  - (a) South University. The South University Character District lies along the southeastern edge of the University of Michigan Central Campus, which separates it from the other mixed use districts of downtown. This is an area characterized by a mix of building types and sizes, with retail uses at the street level and relatively narrow lot widths. The intent for this district is to maintain a variety in scale, with design that reflects the small-scale widths and heights of buildings in the area at the streetwall and locates taller portions toward the interior of the lot. The South University D2 Character District lies just outside the DDA boundaries, adjacent to nearby residential neighborhoods. The intent for this district is to maintain a variety of small-scale commercial and retail enterprises mixed with some residential uses, minimizing the impact on nearby residential streets.
  - (b) State Street. The State Street Character District frames the northwest corner of the University of Michigan central campus and defines the edge of the commercial core. This area is characterized by a mixture of

entertainment and retail uses with strong connections to the campus. The intent for this district is preservation of the integrity of the historic district properties and the overall historic character of the area, with design that includes features of the traditional commercial storefronts at the sidewalk's edge.

- (c) Liberty/Division. The Liberty/Division Character District is located in the core of downtown, yet retains a small-scale residential character. A significant portion of this district coincides with the East William Historic District, and for this reason, preservation of the integrity of these resources is a high priority, as is the retention of the overall sense of scale. While increased building mass can be accommodated in this district, it is the intent to maintain the traditional scale and rhythm of residential buildings.
- (d) East Huron. The East Huron Character District centers along the eastern portion of the Huron Street civic corridor. This area differs from most of downtown in that the uses are primarily institutional and are seen "in the round" with open space surrounding them. The intent for this district is to continue the tradition of free-standing buildings with open space in front, incorporating design that includes signature building elements that give landmark qualities to properties.
- (e) Midtown. The Midtown Character District is framed on all sides by other downtown character districts and contains the Fifth Avenue civic corridor. At present, this district lacks a strong sense of identity and is a place where creation of a new context should occur. The intent for this district is higher density development with a strongly defined street edge and active open spaces.
- (f) Main Street. The Main Street Character District is the traditional heart of downtown, with a regional entertainment and business focus. The center of the district contains the Main Street Historic District, and preservation of these resources is a high priority. The intent for this district is design that maintains the traditional rhythm of existing storefronts along the street edge and varying parapet lines.
- (g) Kerrytown. The Kerrytown Character District frames the north end of downtown and is characterized by a mix of small-scale commercial buildings and houses that have been adapted to different uses. The eastern part of the district is part of the Old Fourth Ward Historic District, while the southeast corner of the district is located in the Fourth/Ann Historic District. The intent for this district is retaining traditional existing building patterns, with lower-scale building modules and residential shapes.

(h) First Street. The First Street Character District runs north-south along the Ann Arbor Railroad and Allen Creek floodplain. This area is characterized by oddly-shaped blocks and a mixture of commercial storefronts, industrial buildings and single-family homes. Many of these buildings are located in the Old West Side historic district, which makes up much of the character area. The intent for this district is for infill development that preserves historic buildings' assets, supports downtown activities, and provides non-motorized connections through preservation of a system of public and common open spaces. New development along the Allen Creek floodplain should be sited to provide greenspace on site and be located in such a way that it will connect with greenspace of abutting properties.

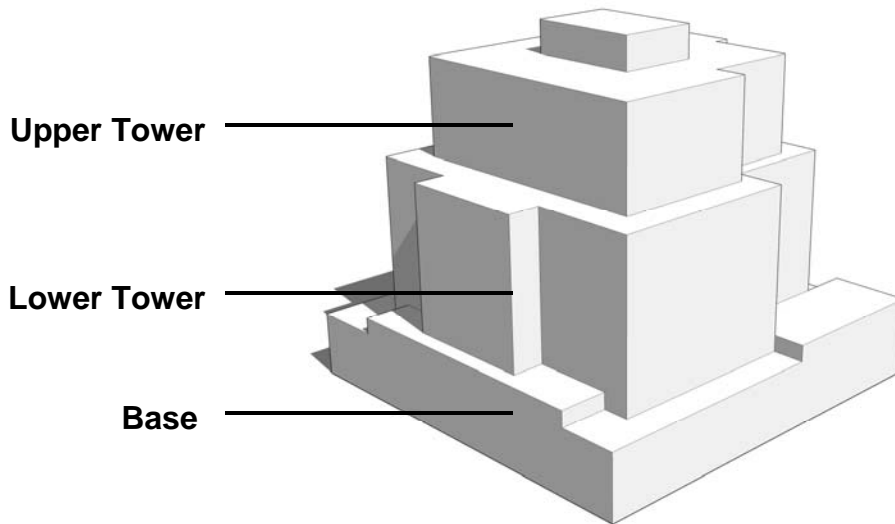
(2) Relationship to D1 and D2 downtown districts. The Downtown Character Overlay Zoning Districts shall provide additional regulations to the D1 and D2 districts. Unless otherwise specified in this chapter, regulations identified for both the downtown district and the applicable downtown character overlay zoning district shall apply.

(3) Building massing standards

(a) Buildings and additions constructed after the effective date of this section ( \_\_\_\_\_, 2009) on lots zoned D1 or D2 in the Downtown Character Overlay Zoning Districts shall comply with the building massing standards in Table 5:10.20A, Table 5:10.20B or Table 5:20C, as applicable.

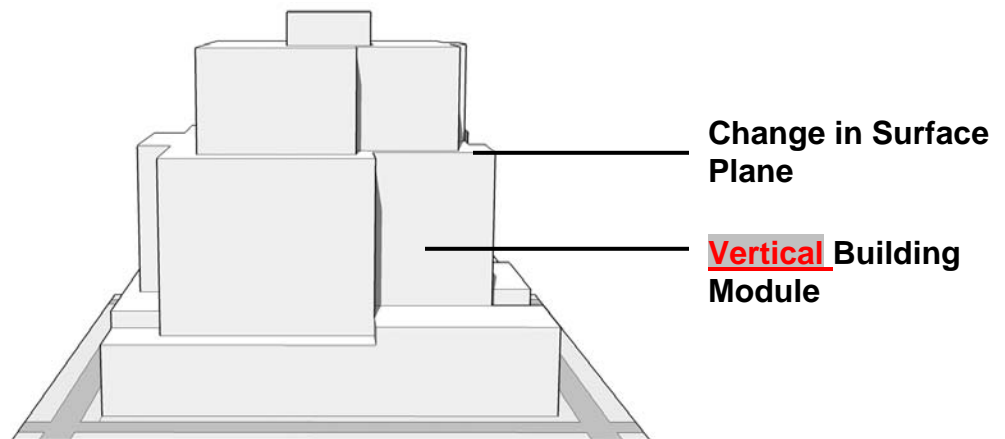
(b) The following definitions shall apply in the application of building massing standards:

1. Base: The portion of a building located between the street grade and the streetwall height (see Figure 1).



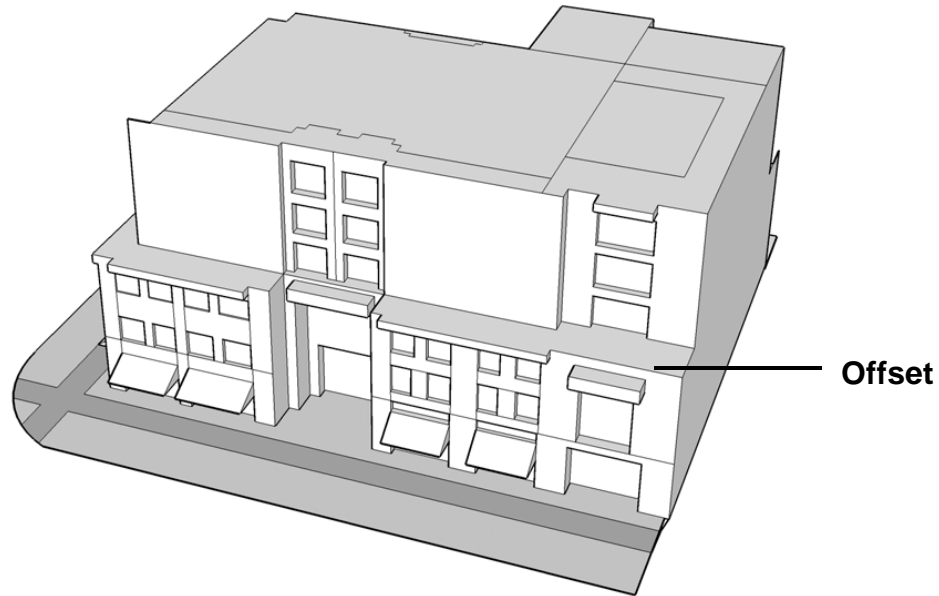
**Figure 1 – Base, Lower Tower and Upper Tower**

2. Massing articulation: The way in which a building wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 2).



**Figure 2 – Massing Articulation**

3. Offset: The distance that the exterior wall of a tower or upper stories of a building is set back from the streetwall or the exterior wall of the base (see Figure 3). For purposes of this definition, unenclosed balconies are not considered to be part of the exterior wall of a tower.



**Figure 3 – Offset**

4. Streetwall: The exterior face of a building that fronts a public street between the street grade and the streetwall height (see Figure 4).



**Figure 4 – Streetwall and Streetwall Height**



5. Streetwall height: The height of the streetwall portion of the building, as measured in stories above the street grade (see Figure 4).

6. Tower: Any portion of the building that rises above the base. Towers often include a lower tower section and an upper tower section (see Figure 1).

(c) The minimum required offset at the top of the streetwall shall be measured from exterior face of the building at the top of the streetwall to the closest point of the exterior face of the tower.

(d) For purposes of applying the required average offset at the top of the streetwall, a total surface area greater than or equal to the product of the width of the building base multiplied by the required offset shall be provided between the exterior face of the building at the top of the street wall and the exterior face of the tower.

Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 Districts)

Overlay Zoning District	Streetwall Height		Offset at Top of Streetwall Required Average	Max. Building Height	Side and Rear Setbacks
	Max. Height	Min. Height			
State Street	3 stories	2 stories	5 feet	180 feet	Minimum Distance from Lot Line Abutting R Zoning District Not applicable
Midtown	4 stories	2 stories	5 feet	180 feet	Not applicable
Main Street	4 stories	2 stories	5 feet	180 feet	Not applicable
East Huron 1	3 stories	2 stories	None	150 feet	Rear or side exterior wall of the tower shall be located no further than 150 feet from the East Huron property line and no closer than 30 feet to a lot line abutting a residential zoning district. In no case shall the required setback reduce the width or depth of a lot suitable for building to less than 25 feet.
East Huron 2	4 stories	2 stories	None	180 feet	Not applicable
Liberty/Division	3 stories	2 stories	5 feet min.	180 feet	Not applicable

**Table 5:10.20B – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)**

<u>Overlay Zoning District</u>	<u>Streetwall Height</u>		<u>Offset at Top of Streetwall</u>	<u>Massing Articulation</u>	<u>Side and Rear Setbacks and Offsets</u>
	<u>Max. Height</u>	<u>Min. Height</u>			
				<u>Maximum building module length (horizontal dimension)</u>	<u>Minimum Distance from Lot Line Abutting R District</u>
<u>Liberty/Division</u>	<u>3 stories</u>	<u>2 stories</u>	<u>5 feet min.</u>	<u>40 feet</u>	<u>5 foot setback– side and rear</u>
<u>First Street</u>	<u>3 stories</u>	<u>2 stories</u>	<u>5 feet average</u>	<u>66 feet</u>	<u>15 foot setback – side</u> <u>30 foot setback – rear</u> <u>10 foot offset - side</u>
<u>Kerrytown</u>	<u>3 stories</u>	<u>2 stories</u>	<u>5 foot min.</u>	<u>40 feet</u>	<u>10 foot setback – side</u> <u>20 foot setback – rear</u>

**Table 5:10.20C – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)**

<u>Overlay Zoning District</u>	<u>Streetwall Height</u>		<u>Offset at Top of Streetwall</u>	<u>Building Height</u>	<u>Massing Articulation</u>	<u>Side and Rear Setbacks</u>
	<u>Max. Height</u>	<u>Min. Height</u>				
			<u>Required Average</u>	<u>Max. Building Height</u>	<u>Maximum building module length (horizontal dimension)</u>	<u>Minimum Distance from abutting R Zoning District</u>
<u>South University</u>	<u>3 stories</u>	<u>2 stories</u>	<u>5 feet</u>	<u>150 feet</u>	<u>45 feet</u>	<u>For D1, a minimum 30 foot setback. For D2, a minimum 40 foot setback. This setback shall be measured from the rear and side exterior walls of the building to any R zoning district boundary on the same block as the building.</u>

(4) Building frontage standards.

(a) Intent. These building frontage designations, in coordination with the downtown character overlay zoning districts, are designed to support the pedestrian-scale character of downtown streets.

1. Primary Street: Lot frontage where placement of buildings at the front property line is desired.

2. Secondary Street: Lot frontage where a range of building setbacks from the front property line is acceptable.

3. Front Yard Street: Lot frontage where a setback from the front property line is desired.

(b) Buildings and additions constructed after the effective date of this section (\_\_\_\_\_, 2009) on lots zoned D1 or D2 in the Downtown Character Overlay Zoning Districts shall comply with the building frontage standards in Table 5:10.20D, as applicable.

**Table 5:10.20D – Downtown Character Overlay Zoning Districts Building Frontage Standards (Additional Regulations for the D1 and D2 Districts)**

<u>Designation at right-of-way line</u>	<u>Required front setback</u>		<u>Additional requirements and exceptions</u>
	<u>Minimum</u>	<u>Maximum</u>	
<u>Primary Street</u>	<u>0 feet</u>	<u>1 foot at the streetwall</u>	<u>(1) Up to 20% of the building frontage may exceed the maximum front setback requirement for entry court or plaza area, except in the Main Street Overlay Zoning District.</u> <u>(2) The maximum front setback may be exceeded up to a maximum of 16 feet from the back of curb to allow for pedestrian circulation.</u> <u>(3) Vehicle access shall be provided from a public alley, if accessible.</u> <u>(4) Recesses and alcoves on the level of the adjacent street to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks, provided the streetwall of upper stories complies with the maximum required front setback.</u>
<u>Secondary Street</u>	<u>0 feet</u>	<u>10 feet at the streetwall</u>	<u>(4) Up to 20% of the building frontage may exceed the maximum front setback requirement for entry court or plaza area.</u>
<u>Front Yard Street</u>	<u>15 feet</u>	<u>None</u>	<u>(5) The average of the established front setback of buildings within 100 feet may be used, if less than 15 feet.</u> <u>(6) Unenclosed porches may encroach 8 feet into the required front open space.</u>

Section 8. That Section 5:10.22 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:10.22. Reserved. ~~C2B/R Business Service/Residential District.~~**

- ~~(1) Intent. This district is designed to encourage the orderly clustering and placement of family-oriented high-density residential and commercial development within the Business Service District.~~
- ~~(2) Permitted principal uses.~~
  - ~~(a) Any principal use permitted in the C2B Business Service District.~~
- ~~(3) Permitted accessory uses.~~
  - ~~(a) Those allowed in the R3 district.~~

Section 9. That Section 5:44, 5:44A and 5:45A of Chapter 55 of Title V of the Code of the City of Ann Arbor are amended as follows:

- 5:44. D1 and D2 Districts and Downtown Character Overlay Zoning Districts: See Section 5:10.19 and 5:10.20 for area, height and coverage requirements.

Zoning District	Normal (without premiums)	With Premiums (Section 5:64-5:65)	Required Setback Line Minimum Dimensions in Feet	Minimum Height		Maximum Height		Minimum Gross Lot Size	
				In Feet	In Stories	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
5:44 C2A	400%	600%	<p>(1) When any lot line abuts residentially zoned land, a required setback shall be applied from that lot line equal to that which is required in the abutting residential zone.</p> <p>(2) No front setback is required.</p>	— 24 — and — 2		None	None	None	None
				<p>(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of ordinance 23-02, (12-2-02); otherwise none.</p> <p>(2) The usable floor area of the second story must be a minimum of 75 percent of the first story usable floor area.</p>					
5:44A C2A/R	300%	600%	<p>(1) Ten foot setback. This setback shall apply to every lot line that abuts a public street.</p> <p>(2) When any lot line abuts residentially zoned land, a required setback shall be applied from that lot line equal to that which is required in the abutting residential zone.</p>	— 24 — and — 2		None	None	None	None
				<p>(1) The minimum height requirement shall apply only to new principal use buildings constructed after the effective date of ordinance 23-02, (12-2-02); otherwise none.</p> <p>(2) The usable floor area of the second story must be a minimum of 75 percent of the first story usable floor area.</p>					

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area		Required Setback Line Minimum Dimensions in Feet			Maximum Height		Minimum Gross Lot Size	
	Normal (without premiums)	With Premiums (Section 5:64-5:65)	Front	Side	Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
5:45A C2B/R	300%	600%	<p>(1) <del>Forty foot setback. This setback shall apply to every lot line that abuts a public street.</del></p> <p>(2) <del>When any lot line abuts residentially zoned land, a required setback shall be applied from that lot line equal to that which is required in the abutting residential zone.</del></p> <p>(3) <del>There shall be window wall and non-window wall setbacks in accordance with Section 5:67.</del></p> <p>(4) <del>When a building containing any residential uses does not exceed 5 stories in height, the total square footage of the front, rear and side yards shall not be less than 30% of the lot area.</del></p>			None	None	None	None

Residential uses in the C2B/R zoning district must comply with the area, height, placement and density regulations of the R4C zoning district as enumerated in Section 5:34. The required front setback for property located in a special parking district (Section 5:169 of this Code) shall be the average of the established front setback of structures on adjacent lots which are located within 100 feet of either side of the lot and on which there are existing buildings. For the purpose of computing such average, an adjacent vacant lot within 100 feet shall be considered as having a 40-foot established front setback. In the case of corner lots, the average of established front setbacks for each street frontage shall be computed separately.

Section 10. That Section 5:50 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:50. Regulations Concerning Adult Entertainment Businesses.**

- (1) Definitions. The following words and phrases shall have the following definitions when used in this section.
  - (a) Adult entertainment business. One or a combination of more than 1 of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, adult nightclub.
  - (b) Adult bookstore. An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
  - (c) Adult motion picture theater. An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
  - (d) Adult mini-motion picture theater. An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
  - (e) Adult novelty business. A business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
  - (f) Adult personal service business. A business having as a principal activity a person ~~of 1 sex~~, while nude or partially nude, providing personal services for a **another** person **of the other sex** on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.



- (g) Adult nightclub. A business with the principal activity of providing entertainment by nude or partially nude performers.
  - (h) Partially nude. Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.
  - (i) Principal activity. A use accounting for more than 20% of a business' stock in trade, display space, floor space, live entertainment time or movie display time per year.
- (2) Locations of adult entertainment businesses. An adult entertainment business may be located in the City only in accordance with the following restrictions:
- (a) No such business shall be located on a ~~parcel~~lot within 700 feet of a district which, pursuant to this chapter, has been classified R1A, R1B, R1C, R2A, R2B, R3, R4A, R4B, R4C, R4C/D, R4D, R6, Planned Unit Developments with residential uses, or land zoned residential in a township.
  - (b) Such businesses shall only be located in a district classified pursuant to this chapter as ~~C2A~~, M1 or M2.
  - (c) No such business shall be established within 700 feet of another adult entertainment business.
- (3) Use regulations.
- (a) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.
  - (b) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
  - (c) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.

- (d) No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the Administrator or the Administrator's designee following an inspection to determine compliance with the Code of the City of Ann Arbor and upon payment of a license fee of \$100.00. Such a license shall be subject to the regulations contained in Chapter 76 of Title VII of this Code.
- (e) No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
- (f) No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- (g) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

Section 11. That Section 5:61 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:61. Application to Lots of Record.**

- (1) Where the owner of a nonconforming lot of record does not own and cannot reasonably acquire sufficient land to enable him to conform to the requirements of this chapter relating to lot area, lot width, or both, such lot of record may be used by such owner as a building site, provided that such a use shall be limited to the permitted principal use that directly corresponds to the area, height, and placement characteristics of the lot of record. Except, that if a lot of record cannot conform to any minimum area, height, and placement regulations of the zoning ordinance, then the lot of record may be developed only for single-family residential use.
- (2) Provided, however, where 2 abutting lots of record are held under 1 ownership, and where 1 or both of these lots are nonconforming, they shall each be considered as a single lot of record and are subject to the provisions of section 5:61(1) of this chapter.

(3) Where 3 or more abutting lots of record are held under 1 ownership, and where 1 or more of these lots are nonconforming, the provisions of this chapter relating to lot area and lot width shall not be avoided by the sale or conveyance of a portion of such lots of record.

~~(4) In the C1A/R, C2-A/R and C2-B/R Zoning Districts, the front setback requirement shall not be applied to a lot of record which is 25 feet or less in depth; in the case of a lot of record in the said zoning district which is more than 25 but less than 35 feet in depth, the front setback requirement shall be interpreted to require a setback only to the extent that the lot exceeds 25 feet in depth. In no case in the said zoning districts shall a front setback requirement be applied to a lot of record so as to require in excess of 20% of the lot area for required front open space; in applying this limitation to a lot which abuts more than 1 public street, the required front and exterior side open space shall be added together in determining whether the 20% limitation would be exceeded.~~

Section 12. That Section 5:64 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:64. Premiums; Intent.**

A premium is a legal authorization to exceed the an increase in allowable floor area to exceed the normal maximum usable floor area in percentages of lot area established by this chapter for structures in the C1A, C1A/R, D1 and D2 ~~C2A, C2A/R and C2B/R~~ Zoning Districts.

- (1) Intent. The intent of incorporating premiums into the Zoning Ordinance is:
  - (a) To provide an incentive for residential development in and in close proximity to the City's central business core and to encourage affordable housing opportunities in situations where such opportunities might not otherwise be provided.
  - (b) To encourage development which reinforces pedestrian activity along streets within the central business core and to achieve a greater mixture of land uses and intensities than might occur in the absence of such premiums in order to strengthen the economic vitality and diversity which is essential to a healthy and vibrant street life.
  - (c) To provide an incentive for the development of public spaces and pedestrian amenities and to encourage excellence in

urban design through the provision of open space and landscaped approaches to buildings at appropriate corners.

(d) To provide incentives for the development of energy-efficient and environmentally sustainable buildings.

(e) To encourage the inclusion of public parking in the development of new private parking structures.

(f) To encourage the preservation of historic buildings not currently located in an historic district.

(2) Premiums are not intended to be used as a basis for the demolition of existing historic buildings in order to increase density.

(3) Application. A premium is not available unless a ~~structure~~ building and its surrounding ~~building~~ site incorporates and maintains certain architectural features or land uses, or both, as designated by this Chapter.

Section 13. That Section 5:65 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows

### **5:65. Floor Area Premium Options.**

In the C1A, C1A/R, D1 and D2 ~~C2A, C2A/R and C2B/R~~ zoning districts, the normal maximum floor area in percentage of lot area set forth in Sections 5:43A, 5:43B and 5:10.19 ~~5:44, 5:44A and 5:45A~~ may be exceeded on lots located entirely outside of an historic district and/or floodplain when ~~pedestrian amenities as described in this section~~ paragraph (2)(b) below are provided, subject to the premium limits designated in Sections 5:43A, 5:43B and 5:10.19B, 5:44, 5:44A and 5:45A.

~~In the C2A and C2A/R zoning districts, the premium limits designated in Sections 5:44 and 5:44A may be exceeded up to a maximum of 10 percent when residential uses as described in paragraph (2)(a) below are provided.~~

(1) General regulations.

(a) Premium options may be applied only to lots that are located entirely outside of an historic district, as designated by Chapter 103, and/or properties that contain no part of an 100-year floodplain, as designated by the city's adopted floodplain map. ~~The required front open space shall be excluded in computing the amount of premiums allowed with the following exception: in the case of any lot which abuts more than one public street, the~~

~~required open space along the shortest abutting lot line may be included in computing the amount of premium allowed.~~

- (b) Premiums options apply only to any structure located on the same lot as the amenities or land uses, or both, which give rise to the premium.
- (c) The use of multiple options to acquire premiums is permitted.~~When seating is provided for a public open space used to acquire a premium, it shall be available for use by the general public at all times the space is open. Tables and/or umbrellas may be placed in usable open space.~~
- (d) ~~A public open space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public open space premiums which are open at night.~~
- (e)(d) All amenities or land uses used to acquire a floor area premium shall remain for the life of the structure. The feature(s) shall only be diminished or discontinued if the additional gross floor area is permanently removed or if it is replaced with another approved premium feature option(s) of at least equivalent floor area value, as described in this section, is approved as part of a site plan.
- (f)(e) Any property that received additional floor area through a premium option(s) which was lawfully established prior to, and lawfully continuing in existence on the effective date of this section (\_\_\_\_\_, 2008), shall be deemed a conforming use and/or structure. When modifications to any such property are requested, compliance with the current premium options is required.~~The use of multiple options to acquire premiums is permitted.~~
- (f) As a condition of receiving the additional floor area through a premium option, the building must comply with the following energy efficiency standards for the construction of all new floor area:
  - 1. A minimum of two points must be achieved under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1. The most recent version in effect at the time of site plan approval shall be applied.

2. Compliance with this requirement shall be verified and documented by the property owner using an industry standard software energy modeling tool (EQUEST or equivalent) prior to the issuance of building permits.

(g) Provisions implementing the premium options, and ensuring future compliance with the premium options, where applicable, shall be included as a condition to the approval of a site plan, and in a development agreement, or both, as determined by the City Attorney.

(2) Premium Options.

(a) Residential Use Premium. In D1 and D2 districts, ~~one~~ 0.75 square foot of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each square foot of floor area, regardless of location within the building, that is used for multiple-family dwellings. ~~housing and that meets the standards of Chapter 105 (Housing Code).~~ Every sleeping room in the building shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every sleeping room shall be not less than 8% of the habitable floor area of such room.

If dwelling units constitute a portion of a mixed use building, dwelling units must be completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the requirements of Chapter 57.

(b) Affordable Housing Premium. In D1 and D2 districts, 3,000 square feet of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each on-site dwelling unit designated as affordable to lower income households. In the D1 district, the normal maximum usable floor area in percentage of lot area with premiums (700%) may be exceeded, up to a maximum of 900%, to provide dwelling units designated as affordable to lower income households. Designated units shall have a minimum of 600 square feet of floor area and shall remain affordable for the life of the building. Provisions to implement the affordable housing premium option shall meet requirements for affordable units, as determined by the Office of Community Development.

(c) Green Building Premium. In D1 and D2 districts, floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed in the following increments for site and/or buildings achieving the following levels of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) certification for new construction (NC) or existing buildings (EB). The most recent version in effect at the time of site plan approval shall be applied.

LEED Silver certification, with a minimum of 4 points in Energy & Atmosphere Credits No. 1 and 2: 50% of lot area

LEED Gold certification, with a minimum of 6 points in Energy & Atmosphere Credits No. 1 and 2: 150% of lot area

LEED Platinum certification, with a minimum of 8 points in Energy & Atmosphere Credits No. 1 and 2: 250% of lot area.

1. Prior to issuance of any building permits, the applicant shall submit proof of LEED registration and a letter in a form satisfactory to the City Attorney stating his/her commitment to achieving the requested LEED certification and to demonstrating compliance with that commitment.
2. Within 6 months of receiving the final Certificate of Occupancy, the applicant shall submit to the planning and development services manager documentation of the credits earned from the U.S. Green Building Council and achievement of the requested certification. This time period may be extended by the planning and development services manager at his or her discretion for a period not to exceed 3 months if additional time is needed to complete the LEED certification process.
3. Failure to submit documentation from the U.S. Green Building Council within the required time period demonstrating the applicant's achievement of the requested LEED certification premium shall be a violation of this ordinance. The penalty for such violation shall be \$500 per day from the date when the report was due to the date it is submitted.
4. Failure to demonstrate full compliance with the applicant's commitment to achieve the requested LEED certification premium shall be a violation of this ordinance. The penalty for each violation is an amount determined by the following formula:

$$P = [(LC-CE) / LC] \times CV \times \text{GPUP}$$

Where:

P is the penalty;

LC is the minimum number of credits to earn the requested LEED certification;

CE is the number of credits earned as documented by the U.S. Green Building Council report;

CV is the construction value, as set forth on the building permit for the new structure;

GPUP, the Green Premium Utilization Percentage, is the greater of (i) 0.075; or (ii) a fraction, the numerator of which is LEED FAR, the denominator of which is TFAR.

LEED FAR is the minimum amount of floor area proposed that is attributable to the Green Building Premium;

TFAR is the total floor area proposed.

5. Failure of the applicant to comply with the applicant's commitment to achieve the requested LEED certification premium shall not affect the right to occupy any of the premium floor area if a penalty is paid to the City in the amount determined in this section. No additional penalty shall be imposed for failure to comply with the commitment.
6. If, within 90 days, or such longer period as the planning and development services manager may allow for good cause, the application shall demonstrate, through a supplemental report from the U.S. Green Building Council that it has made sufficient alternations to improvements to earn the requested LEED certification, or to earn more credits toward such a certification, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final.

(d) Historic Preservation Premium. In D1 and D2 districts, additional floor area of up to 50% of the lot area shall be allowed in excess of the normal maximum usable floor area in percentage of lot area for a development that preserves a historic resource, as defined in Chapter 103, that is currently listed on or eligible for the National Register of Historic Places and/or the State Register of Historic



Sites. For purposes of calculating the maximum floor area in percentage of lot area for the lot, the floor area of the historic resource shall not be counted in the total.

- (be) Pedestrian Amenity Premium. In C1A, C1A/R and D1 districts, Four 10 square feet of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each square foot of pedestrian amenity improvements, up to a maximum of 8,000 square feet of additional floor area. Any space in which a pedestrian amenity is used to acquire a premium shall not be used for the off-street parking of any vehicle, including, but not limited to, automobiles, bicycles, motor bikes, and scooters; nor shall such area be used for access drives, loading, or trash collection stations, except as noted in paragraph 3d. Interconnections of pedestrian amenities between two or more lots are required to the extent feasible. A public open space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public open space premiums which are open at night.

Pedestrian amenities may include:

1. ~~1. Arcade. A non-publicly owned, continuous covered open space along the facade of a building, which either:~~
  - a. ~~Adjoins the front lot line and is not less than 10 feet or more than 15 feet deep, and extends the full length of, or at least 50 feet along, the front lot line, whichever is less; or~~

- b. ~~Is at a corner lot bounded on two sides by two intersecting streets, has an area of not less than 500 square feet, and has a minimum dimension of 10 feet perpendicular to the sidewalk.~~

~~An arcade shall be at the same grade as the adjacent public sidewalk or not more than 24 inches above or below the adjoining public sidewalk for no more than 50 percent of its length measured at the property line, shall have an open and unobstructed headroom of at least 12 feet, and shall be readily visible and identifiable from the public sidewalk.~~

~~The covering shall either be a permanent canopy or part of the building. Structural columns or art works may occupy a maximum of 5 percent of the total arcade area but all~~

~~obstructions shall leave a minimum clearance of 6 feet for circulation.~~

21. Inner Arcade. A non-publicly owned, continuous, covered space which runs through or along a non-street side of a building and connects public streets, arcades, open space, or sidewalks and is readily ~~visible~~ accessible and identifiable from the public street, arcade, or sidewalk. An arcade shall meet the following requirements:

- a. Connect and be accessible from at least two public streets, or a public street and a public or non-public arcade fronting on another public street, or a public street and a public or non-public plaza fronting on another public street, or a public or non-public arcade and another public or non-public arcade fronting on another public street; or a public ~~or private~~ parking garage and a public street; and
- b. Measure not less than 12 feet wide; and
- c. Have an open and unobstructed headroom of at least 12 feet in height; and
- d. Remain open for use by the general public during all business hours common in the area.

Art works may occupy up to 5 percent of the total arcade area if a minimum clearance of 6 feet for circulation is provided.

32. Plaza. A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public street or public sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to two-thirds of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:

- a. ~~Be located at a corner lot bounded on two sides by two intersecting public streets, be located at the corner closest to the street intersection, H~~have a minimum dimension of 10 feet; and occupy a minimum of 5.7 percent of the lot area, but not less than 500 square feet; and
- b. Be at the same grade as the adjacent public sidewalk or not more than 24 inches above or below the grade of adjoining public sidewalk for no more than 50 percent of either length of the sides adjoining and measured at the property line; and
- c. Be readily identifiable from the public sidewalk; and
- d. A portion of a plaza may be used for the parking of ~~non-motorized~~ bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each 2 bicycles parked, and permanently-installed bicycle ~~hoops~~ facilities are provided.
- e. When seating and/or tables are provided, they shall be available for use by the general public at all times the space is open.

(f) Public Parking. In D1 districts, the usable floor area of above-grade parking structures reserved for vehicular parking spaces in excess of the minimum requirement shall not be counted toward the maximum usable floor area in percentage of lot area, up to a maximum of 200% of the lot area, if the following conditions are met:

1. The parking spaces are made available to the general public.
2. The number, location, size, access, layout and design of the parking spaces meet standards for public parking, as determined by the the Downtown Development Authority.
3. The property owner signs and records a development agreement or other document approved by the city attorney outlining the operating conditions for this parking.

Section 14. That Section 5:67 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:67. C1A, C1A/R, and ~~C2B/R~~ Districts; Required Setbacks and Open Space.**

Unless otherwise provided in this chapter, the following regulations apply to structures in the C1A Campus Business District, and the C1A/R Campus Business Residential District ~~and C-2B/R Business Service Residential District.~~

- (1) C1A Districts--Commercial Uses. When a building or structure consists entirely of nonresidential uses, the following required setbacks shall be observed:
  - (a) Window wall required setback. When (a) a building or structure exceeds 5 stories in height and (b) a side or rear wall of such a building or structure does not face a street and (c) such a wall is required by Chapter 98 to contain 1 or more windows, such a wall shall be located not less than 10 feet from the lot line beginning at the bottom of the third story. Such required setback shall be increased in width by 2 feet for each 8 feet of total building height above the third story. The maximum required setback, as determined by this formula, shall apply to the entire wall from the bottom of the third story to the top of said wall.
  - (b) Non-window wall required setback. When (a) a building or structure exceeds 5 stories in height and (b) a side or rear wall of such a building or structure does not face a street and (c) such a wall is not required by Chapter 98 to contain any windows, such a wall shall be set back not less than 10 feet from the lot line beginning at the bottom of the third story. Such required setback shall be increased in width by 2 feet for each 8 feet of total building height above the third story. The maximum required setback, as determined by this formula, shall apply to the entire wall from the bottom of the third story to the top of said wall.
- (2) For all other buildings and structures covered in this section the setbacks shall be as follows:
  - (a) Window wall setback. When a side or rear wall of a building or structure does not face a street and such wall is required by Chapter 98 to contain 1 or more windows, such wall shall be set back not less than 10 feet from the lot line beginning at the bottom of the third story, or at the bottom of the lowest residential story, if such residential story is below the third story. Such setback shall be increased in width by 2 feet for each 8 feet of total building height above the third story. The maximum

setback width determined by this formula shall apply to the entire wall from the bottom of the first residential story to the top of said wall.

- (b) Non-window wall setback. When the side or rear wall of a building or structure does not face a street and such wall is not required by Chapter 98 to contain any windows, such a wall shall be set back not less than 10 feet from the lot line beginning at the bottom of the third story. Such setback shall be increased in width by 1 foot for each 8 feet of total building height above the third story. The maximum setback width determined by this formula shall apply to the entire wall from the bottom of the third story to the top of said wall.

Section 15. That Section 5:88 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:88. Development of Record.**

- (1) Eligibility. In the case of an existing non-residential use or structure, or abutting site of expansion, whether non-residential or not, which
  - (a) Has heretofore conformed with the requirements of this chapter,
  - (b) Has been placed in the C1A, or C1A/R, ~~C2A/R or C2B/R~~ zoning district as a result of amendments enacted contemporaneously with this Section, and
  - (c) Has been made non-conforming as a result of said amendments such use or structure shall be eligible for registration as a "development of record."
- (2) Registration. An eligible use or structure shall become a "development of record" when the following procedure has been followed:
  - (a) The owner or the duly authorized representative of the owner of the non-conforming use or structure shall file with the planning and development services unit a description of the eligible use or structure in such detail as may be requested by the service unit. The information shall be placed on a form provided by the service unit and shall be filed with the service unit within 90 days of the effective date of this ordinance.

- (b) If the service unit determines that the representations made in the application are substantially correct, the service unit shall approve the application. Upon such approval, the use or structure described in the application shall become a "development of record."
  - (c) If the service unit determines that the representations in the application are substantially incorrect, the service unit shall indicate necessary modifications upon the face of the application and return a copy of such modified application to the applicant within 60 days of the time of original filing. Within 45 days of the return of such modified application, an applicant wishing to appeal such modification may file an appeal with the zoning board of appeals; the zoning board of appeals shall determine the correct contents of the "development of record" and return its determination to the service unit. If an appeal is not so filed with said board, the modified application shall become the "development of record."
  - (d) "Owner" means the person in whom the fee title to the property is vested or a person who has an equitable interest in the property under a land contract.
- (3) Continuation, Alteration, Expansion, Rebuilding. A "development of record" may be:
- (a) Continued,
  - (b) Structurally altered,
  - (c) Expanded or increased in intensity of use,
  - (d) Expanded or increased in size, and/or,
  - (e) Rebuilt.

Provided, however, that such alteration, expansion or rebuilding of a "development of record" ~~which, immediately prior to the enactment of this Section, was in a C-2A or C-2B zoning district,~~ shall be subject to the ~~respective C-2A or C-2B~~ regulations in effect at the time of such alteration, expansion or rebuilding. Further provided, that a "development of record" shall not be altered, expanded or rebuilt to a height in excess of 5 stories.

- (4) Site of Expansion. An expansion or increase in size, pursuant to section (3)(d) may only be made upon the original lot; except that such expansion or increase in size may also extend to an abutting lot if the original lot and the abutting lot are "developments of record."
- (5) Non-Registration. An eligible use or structure which has not been registered as a "development of record" in compliance with this section shall be governed by the provisions of section 5:86 or 5:87.
- (6) Change of Ownership. The change of ownership of property does not terminate the status of the property as a "development of record."

Section 16. That Section 5:167 of Chapter 59 of Title V of the Code of the City of Ann Arbor is amended as follows:

**5:167. Required Parking.**

Parking for vehicles and bicycles in the amount specified in this section shall be provided on the same parcel as the principal use or on a separate parcel within 500 feet of the principal building if zoned "P" or zoned for the same uses as allowed on the property of the principal use. No lot zoned other than "P" shall have parking as its principal use, excepting lots containing approved parking lots or structures in the D1 or D2 districts. An off-site permanent parking easement must be recorded if required parking is provided on another lot. An off-site parking easement may not include parking spaces or bicycle parking spaces required to keep the other owner's property in compliance with this chapter. Any fraction of a required parking space or bicycle parking space shall be considered a full space. Required bicycle parking shall meet the design requirements for Class A, B and C facilities provided in Section 5:168.1. Property owners may provide a higher class of bicycle parking facility than is required by this section.

USE	REQUIRED PARKING SPACES	REQUIRED BICYCLE SPACES	REQUIRED BICYCLE CLASS
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Uses in D1 and D2 Downtown Districts: See Section 5:169

**Residential**

(1) Child Care Centers and Nursery Schools	As required by Chapter 55.	One space per 10 care givers.	B
(2) Convalescent Homes, Hospitals and Sanitariums	One space for each 6 beds.	One space per 60 beds.	B
(3) Group Day Care Homes	As required by Chapter 55.	One space per 10 care givers.	B
(4) Multiple-Family Dwellings Zoned R4A	Two spaces per dwelling unit.	One space per 5 units.	A - 50% C - 50%

and R4A/B

(5) Multiple-Family Dwellings Zoned R4B, R4C, R4C/D and R4D	One and one-half spaces per dwelling unit.	One space per 5 units.	A - 50% C - 50%
(6) Multiple-Family Dwellings located in any nonresidential zoning district	One space per dwelling unit.	One space per 5 units.	A - 50% C - 50%
(7) One-Family Dwellings and Mobile Homes	One space per dwelling unit.	None	None
(8) Rooming Houses, Boarding & Lodging Houses	One space for each 3 beds.	One space per 5 beds.	A - 50% B - 50%
(9) Sororities, Fraternities, Student Cooperatives and Other Organized Group Homes	One space for each 5 beds.	One space per 2 beds.	A - 50% B - 50%
(10) Townhouse Dwellings	Two spaces per dwelling unit.	One space per 5 units.	A - 50% C - 50%
(11) Two-Family Dwellings	One and one-half spaces per dwelling unit.	None	None
(12) Community Center Clubhouse and Private Swimming Club Building	One space per 200 square feet.	One space per 1,000 square feet.	C

**Commercial**

(20) Athletic Clubs, Health Spas and Roller Rinks	One space per 200 square feet of floor area.	One space per 1,000 square feet.	B
(21) Auto Washes - Automatic	One space per 500 square feet of floor area.	One space	C
(22) Auto Washes - Self-Serve	One space per bay.	One space	C
(23) Banks and Similar Financial Institutions	One space for each 220 square feet of floor area -- minimum.  One space per 180 square feet of floor area – maximum. <sup>(a)</sup>	One space per 2,000 square feet.	C
(24) Barber, Beauty Shops	One space per 100 square feet of floor area.	One space per 750 square feet.	C
(25) Bowling Alleys	Five spaces per alley.	One space per 5 allies.	C
(26) Dance Halls, Assembly Halls & Convention Halls	One space per 100 square feet of floor area.	One space per 1,000 square feet.	C



(27) Furniture, Home Furnishings and Appliance Stores	One space per 600 square feet of floor area.	One space per 7,500 square feet.	C
(28) Gasoline Filling Station	One space per 300 square feet of floor area	One space	C
(29) Gasoline Service Station, Auto Repair and Service	One space per 200 square feet of floor area.	One space	C
(30) Hotels/Motels	One space per room.	One space per 30 rooms.	A
(31) Indoor Court Game Facilities (Handball, Racquetball and Tennis Clubs)	One space per 1,000 square feet of floor area.	One space per 2,000 square feet.	B
(32) Funeral Homes	One space per 100 square feet of floor area used for viewing or services. Site must provide a separately designated off-street assembly area for the lead car, hearse and family vehicle to be used in funeral processions so that these vehicles do not interfere with off-site traffic or access to required parking spaces.	None	None
(33) Restaurants and Taverns not located in a Retail Center	One space for each 100 square feet of floor area.	One space per 750 square feet.	B - 50% C - 50%
(34) Retail Stores and Retail Centers			
Retail Stores and Retail Centers less than 300,000 Square Feet of Floor Area	One space per 310 square feet of floor area – minimum. One space per 265 square feet of floor area – maximum. <sup>(a)</sup>	One space per 3,000 square feet.	B – 50% C – 50%
Retail Stores and Retail Centers between 300,000 – 600,000 Square Feet of Floor Area	One space per 285 square feet of floor area – minimum. One space per 250 square feet of floor area – maximum. <sup>(a)</sup>	One space per 3,000 square feet.	B – 50% C – 50%
Retail Stores and Retail Centers more than 600,000 Square Feet of Floor Area	One space per 265 square feet of floor area – minimum. One space per 235 square feet of floor area – maximum. <sup>(a)</sup>	One space per 3,000 square feet.	B – 50% C – 50%
(35) Storage and Warehousing	One space per 2,000 square feet of floor area.	One space per 30,000 square feet.	B
(36) Theaters	One space for each 3 seats.	One space per 150 seats.	C

**Office**

(50) Business or Professional Offices	One space per 333 square feet of floor area -- minimum.  One space per 250 square feet of floor area -- maximum. <sup>(a)</sup>	One space per 3,000 square feet.	A - 30% C - 70%
(51) Medical and Dental Offices and Clinics	One space per 220 square feet of floor area – minimum.  One space per 180 square feet of floor area – maximum.	One space per 1,500 square feet.	A - 30% C - 70%

**Educational/Institutional**

(60) Churches	One space per 3 seats or one space per 6 feet of pew. Public off-street parking spaces within 1,000 feet of the site may be counted if approved as part of a site plan.	One space per 50 seats or 100 feet of pew.	C
(61) Elementary and Junior High Schools	Three spaces per classroom.	Five spaces per classroom.	C
(62) Senior High Schools and Institutions of Higher Learning	Five spaces per classroom.	Five spaces per classroom.	C
(63) Stadia Auditorium, not incidental to schools	One space per 3 seats or one space per 6 feet of bench of bench.	One space per 100 seats or 200 feet	C

**Manufacturing and Research**

(70) Heavy manufacturing, including tool and dye, foundries, lumber yards, steel fabrication and welding	One space per 1,500 square feet of floor area.	One space per 25,000 square feet.	B
(71) Limited Manufacturing, Research and Development Laboratories	One space per 600 square feet of floor area.	One space per 6,000 square feet.	B
(72) Headquarters business offices for commercial and industrial firms	One space per 400 square feet of floor area.	One space per 3,000 square feet.	A - 30% C - 70%

**Other**

(80) Other Uses	Parking and bicycle spaces for uses not specified shall be determined by the planning and development services manager, based upon requirements for similar uses.		
(81) Parking Structures or Principal Use Parking Lots		One space per 10 parking stalls.	A - 30% B - 70%

(a) Additional parking may be provided if it does not increase impervious surfaces beyond that which would be provided by meeting the maximum parking required. Examples of additional parking may include, but not be limited to, under-structure parking, rooftop parking, or structured parking above a surface parking lot.

Section 17. That Section 5:169 of Chapter 59 of Title V of the Code of the City of Ann Arbor is amended as follows:

### **5:169. Special Parking Districts.**

Property ~~Lots~~ located in the D1 or D2 downtown zoning districts ~~Downtown Development Authority District as described in Section 1:154 of this Code, or property zoned G2A (Central Business District), is~~ are considered a special parking district and are subject to the following standards:

- (1) No off-street motor vehicle parking is required in the special parking district for structures which do not exceed the normal maximum permitted usable floor area or for structures zoned PUD with usable floor area which does not exceed 300 percent of the lot area. Structures which exceed the normal maximum usable floor area by providing floor area premiums, or PUD-zoned structures that exceed 300 percent of lot area, shall provide parking spaces for the usable floor area in excess of the normal maximum permitted. This parking shall be provided at a rate of 1 off-street parking space for each 1,000 square feet of usable floor area. ~~for residential uses, and 1 space for each 500 square feet for nonresidential uses. The required parking spaces may be provided in a public parking lot or structure pursuant to an agreement with the City. As an alternative, these required parking spaces may also be provided privately on or off site if shown on an approved site plan.~~

Each parking space reserved, signed and enforced for a car-sharing service may count as four (4) required motor vehicle parking spaces.

- (2) ~~The above parking requirement may be reduced by the city council, after having received a recommendation from the city planning commission, if it determines that the parking needs of the property will be met.~~ Off-street bicycle parking is required for residential uses in the special parking district at a rate of 1 off-street bicycle space for each 2,500 square feet of usable floor area and shall be provided in compliance with the requirements of Section 5:168.1 for Class A spaces. Off-street bicycle parking is required for non-residential uses in the special parking district at a rate of 1 off-street bicycle parking space for each 10,000 square feet of usable floor area and shall be provided in compliance with the requirements of Section 5:168.1 for Class C spaces.

(3) The required bicycle or motor vehicle parking shall be provided on-site, off-site as described in this section, or by the payment of a contribution in lieu of required parking consistent with the formula adopted by city council, or any combination thereof, consistent with the requirements of this section. The per-space payment shall be that required by Council resolution at the time of payment.

Approval of a contribution in lieu of required motor vehicle or bicycle parking shall be conditioned upon the execution of a development agreement. Payment of the contribution in lieu for required parking shall be made prior to the issuance of a certificate of occupancy.

(4) The applicant may request, as part of a site plan, to meet all or a portion of the bicycle parking requirements by installing bicycle parking spaces in the public right-of-way and/or a public parking structure. City council may approve this request if there is sufficient space in the right-of-way and/or parking structure and the location is convenient to bicycle users.

(5) Parking structures that are available solely to residents or employees of the building are not subject to the stall and aisle standards of Section 5:168.

Section 18. That this ordinance shall take effect on the tenth day following legal publication.

**As Amended by City Council on April 6, 2009**