

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 18, 2009

**SUBJECT: Amendment to Chapter 59 Off-Street Parking, Section 5:166,
Use of Off-Street Parking Facilities**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 59 (Off-Street Parking Ordinance), Section 5:166, Use of Off-Street Parking Facilities, as amended, to allow off-street parking in the front open space of a lot for nonprofit corporation fundraising events.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment to Chapter 59 of the City Code be **approved** with revisions addressing the comments and concerns expressed by the Ordinance Revisions Committee of the Planning Commission, and noted herein, because it would offer additional means to accommodate off-street parking for relatively rare events with relatively little negative impact to the environment and established neighborhoods.

DESCRIPTION OF AMENDMENT

An amendment to Chapter 59 (Off-Street Parking) is proposed to include parking for nonprofit corporation fundraising events as a circumstance in which parking in the front open space may be allowed. Off-street parking is currently prohibited in the front open space of a lot except when home football games are played in the University of Michigan stadium or with a permit from the City Administrator during the Ann Arbor Street Art Fairs. The proposed amendment would allow parking with a permit from the City Administrator for nonprofit corporation fundraising events. The nonprofit corporation would be allowed up to two parking permits per year.

Front open space is defined in Chapter 59, Section 5:161, Definitions, as the area between the front lot line and the front façade of the principal building on the lot. The front open space may be larger than the minimum required front open space, which is the area between the front lot line and the front setback line, depending on how far back the principal building is situated.

The proposed amendment is attached to this report. Proposed text to be inserted is underlined and proposed text to be deleted is struck out.

HISTORY AND PLANNING BACKGROUND

The proposed amendment was initiated by Councilmember Greden who requested that the City Attorney's Office prepare draft language based on requests made to Councilmember Greden and other Council members over the years. On July 20, 2009, City Council referred the proposal to the City Planning Commission for its recommendation.

The Ordinance Revisions Committee of the Planning Commission met on August 4, 2009 to discuss the proposed amendment. The committee was generally supportive of the proposal but did have some comments and concerns, as follows:

- The proposed language could be interpreted as requiring a permit for the fundraising event itself and not for the parking in the front open space. Revisions to clarify the permit requirement are suggested.
- Nonprofit corporation should be defined. This phrase could be interpreted to only apply to those entities that are tax-exempt in accordance with Section 501(c)(3) of the Internal Revenue Code. However, there are many charitable organizations, trade unions, art associations and other nonprofit groups that have not applied for such tax exemptions or do not qualify to whom this provision might, could or should (or might not, could not, should not) be applicable as well. Further discussion on exactly what is intended to be included in this provision and a corresponding definition of nonprofit corporations are suggested.
- The proposed language could be interpreted to allow a person to apply on behalf of several different nonprofit corporations for front open space parking at the same location. The two times per calendar year limitation should apply to both the number of times a nonprofit corporation could have front open space off-street parking and the number of times front open space off-street parking could occur at a given location. Revisions to tighten the limitations are suggested.
- The committee discussed how this new provision might be implemented and how it might impact residential neighborhoods, especially neighborhoods that may have never before experienced such off-street parking. The discussion touched on questions such as: Should the density and character of the surrounding neighborhood affect a permit application? Should there be any restrictions when multiple properties are needed to accommodate the off-street parking demand? Are there any areas of the city where such parking would not be appropriate under any circumstance? Are there any times of the day, days of the week, or periods of the year when such parking should not be permitted under any circumstance? The committee recommended these issues be discussed further by the Planning Commission and City Council but noted they may already be addressed in the regulations adopted by the City Administrator referenced in the amendment. The committee suggested the City Administrator's regulations be provided to the Planning Commission and City Council for review to enable a more comprehensive evaluation of the proposed amendment.

STAFF COMMENTS

Planning – Staff share the comments and concerns expressed by the Ordinance Revisions Committee. To address these concerns, staff suggests the amendment be revised as attached, or similarly.

Prepared by Alexis DiLeo, City Planner
Reviewed by Connie Pulcifer, Senior Planner
jsj/8/13/09

Attachment: Proposed Ordinance Amendment (as submitted City Attorney's Office)
Proposed Ordinance Amendment (as amended by staff)

c: City Attorney
Systems Planning
File

-- DRAFT --

AN ORDINANCE TO AMEND SECTION 5:166 OF CHAPTER 59 (OFF-STREET PARKING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

Prepared by the City Attorney's Office

The City of Ann Arbor Ordains:

Section 1. That Section 5:166 of Chapter 59 of the Code of the City of Ann Arbor be amended to read as follows:

5:166. Use of off-street parking facilities.

(1) No person shall park a motor vehicle in the front open space, except on the driveway, in a structure or within an approved parking space or lot. This subsection ~~shall not be applicable~~ does not apply:

(a) ~~on~~ On those days when football games are played in The University of Michigan stadium. ~~It shall also be inapplicable to~~

(b) To persons who have obtained a permit issued by the city administrator for parking in the front open space during the Ann Arbor Street Art Fair. Such permits shall be issued in accordance with regulations adopted by the city council for the purpose of ensuring public safety and preserving the attractive appearance of the city. A person to whom a permit has been issued shall post the permit on the property where it can be easily viewed from the adjacent sidewalk or, if there is no sidewalk, from the adjacent street. The fee for the permit shall be as determined by Council resolution.

(c) To persons who have obtained a permit for the purpose of holding a fundraising event for a nonprofit corporation. Such permits shall be issued to a nonprofit corporation no more than two times per calendar year regardless of the location of the proposed parking, pursuant to regulations adopted by the City Administrator. A person to whom a permit has been issued shall post the permit on the property where it can be easily viewed from the adjacent sidewalk or, if there is no sidewalk, from the adjacent street. The fee for the permit shall be as determined by Council resolution.

(2) No person shall obstruct the use of a required off-street parking space or bicycle parking space by storing objects, structures or vehicles that are inoperative, unregistered or for sale.

(3) In residential zones, trailers, boats, campers and similar vehicles must be stored in a structure, on a driveway or in a location other than the front open space.

(4) In residential zones, no person shall park more than 2 commercially-

licensed vehicles in the open on the vehicle owner's private property or within 500 feet of the property on a public street.

(5) In residential zones, no person shall park in any off-street parking space any vehicle over 22 feet long or a commercial vehicle licensed for an empty weight of more than 5,500 pounds.

Section 2. That this Ordinance shall take effect on the tenth day following legal publication.

-- DRAFT --

AN ORDINANCE TO AMEND SECTION 5:166 OF CHAPTER 59 (OFF-STREET PARKING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

Suggested Amendments by Planning Staff

The City of Ann Arbor Ordains:

Section 1. That Section 5:166 of Chapter 59 of the Code of the City of Ann Arbor be amended to read as follows:

5:166. Use of off-street parking facilities.

(1) No person shall park a motor vehicle in the front open space, except on the driveway, in a structure or within an approved parking space or lot. This subsection does not apply:

(a) On those days when football games are played in The University of Michigan stadium.

(b) To persons who have obtained a permit issued by the city administrator for parking in the front open space during the Ann Arbor Street Art Fair. Such permits shall be issued in accordance with regulations adopted by the city council for the purpose of ensuring public safety and preserving the attractive appearance of the city. A person to whom a permit has been issued shall post the permit on the property where it can be easily viewed from the adjacent sidewalk or, if there is no sidewalk, from the adjacent street. The fee for the permit shall be as determined by Council resolution.

(c) To persons who have obtained a permit on behalf of a nonprofit corporation issued by the City Administrator for parking in the front open space ~~for the purpose of holding~~ a fundraising event ~~for any that~~ nonprofit corporation. Such permits shall be issued ~~to a~~ on behalf of a nonprofit corporation no more than two times per calendar year regardless of the location of the proposed parking, and a location may have parking by permit in the front open space no more than two times per calendar year regardless of the nonprofit corporation, pursuant to regulations adopted by the City Administrator. ~~A person to whom a~~The permit ~~has been issued~~ shall be posted ~~the permit~~ on the property ies where it can be easily viewed from the adjacent sidewalk or, if there is no sidewalk, from the adjacent street. The fee for the permit shall be as determined by Council resolution.

(2) No person shall obstruct the use of a required off-street parking space or bicycle parking space by storing objects, structures or vehicles that are inoperative, unregistered or for sale.

(3) In residential zones, trailers, boats, campers and similar vehicles must be

stored in a structure, on a driveway or in a location other than the front open space.

(4) In residential zones, no person shall park more than 2 commercially-licensed vehicles in the open on the vehicle owner's private property or within 500 feet of the property on a public street.

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