

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of December 6, 2011**

**SUBJECT: Proposed Technical Amendments to Chapter 59 (Off-Street Parking)  
Sections 5:168 and 5:169 regarding Front Open Space Parking, Driveways  
serving Drive-up Windows and Special Parking District Options**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed technical amendments to Chapter 59 (Off-Street Parking) Sections 5:168 and 5:169 regarding front open space parking, driveways serving drive-up windows and special parking district options.

### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed technical amendments to Chapter 59 (Off-Street Parking). The proposed changes will prevent new parking lots from being constructed in the front open space for sites with more than two frontages; create standards for driveways serving drive-up windows to ensure safer non-motorized access to commercial businesses; and replace the option of providing a contribution in lieu of required parking with the option of executing a contract for parking permits in the City public parking system for sites within the special parking district.

### **BACKGROUND**

While implementing the recent "Area, Height and Placement" and "Ann Arbor Discovering Downtown" amendments, staff has identified two unintended consequences that have arisen from the changes. The two amendments to Chapter 59 described below are proposed by staff to ensure the intent of the original amendments is preserved. Additionally, staff is proposing amendments to improve pedestrian access to businesses with driveways that serve drive-through windows. The draft amendment language is attached to this report.

The Ordinance Revisions Committee reviewed the draft amendments on November 1, 2011 and made several revisions to the proposal.

### **PROPOSED AMENDMENTS**

Section 5:168(2)(c) Design of Off-Street Motor Vehicle Parking Facilities: Chapter 59 includes a section that requires that "parking structures, lots, and spaces shall not be located in the front open space". This section also includes exceptions to this provision. One of the exceptions indicates that for sites with more than one front lot line, the requirement "shall apply to only one front lot line". Although this provision works as intended for lots with two frontages (corner lots), it does not work as intended for lots with more than two frontages. The proposed amendments intend to address this issue by indicating that, "for sites with more than one front lot line, one

front lot line shall be exempt from the requirements.”

Section 5:169(3) Special Parking Districts: As part of the Ann Arbor Discovering Downtown (A2D2) amendments, which went into effect in December 2009, the Special Parking District section was revised to permit a developer of property in the D1 or D2 districts to provide a contribution in lieu of required parking, consistent with guidelines approved by City Council.

Subsequent to the adoption of the A2D2 amendments, the Downtown Development Authority, as manager of the public parking system, drafted policy guidelines for City Council adoption that would implement the “contribution in lieu” requirement (see attached). The draft policy would permit developers to meet their off-street parking requirement by signing an agreement committing to an equal number of monthly parking permits at the standard parking rate, plus a 20% surcharge that would be used as a contribution to the DDA Parking and Transportation Fund. The agreements would run for 15 years.

Prior to bringing the DDA’s draft policy forward for City Council consideration, staff received comments from the City Attorney’s Office indicating that the use of the term “contribution” in Section 5:169(3) should be interpreted to mean a one-time monetary payment to the parking system and therefore did not anticipate that this contribution would be associated with monthly parking permits. To address this concern, Planning staff has drafted amendments to clarify that contracting for parking permits is an acceptable option in lieu of providing required parking on-site.

If this amendment is adopted by City Council, then the draft parking policy will be moved forward for Council action.

Section 5:168(3)(e) Design of Off-Street Motor Vehicle Parking Facilities: Chapter 59 currently does not include design provisions for driveways located in the front open space that serve drive-through windows. The intent of this modification is to provide standards that ensure safer pedestrian access to buildings with a proposed drive-through driveway located between the right-of-way and the building entrance. The standards are also intended to minimize the visual impact of a driveway in the front open space and ensure that a driveway is not provided in the front open space if two access drives are proposed.

The proposed amendments include: a) limiting the width of the driveway to a maximum of 12 feet, b) requiring a raised sidewalk crossing and bollards to better inform a driver of a pedestrian pathway, c) requiring additional landscaping in the front open space, and d) preventing drive-through driveways in the front open space for sites with more than 1 driveway accessing a public right-of-way.

Prepared by Jeff Kahan  
Reviewed by Wendy Rampson  
11/30/11

Attachments: 11/30/11 Draft Amendments  
06/10/11 Draft Special Parking Districts Policy for Contributions in Lieu of  
Required Parking

**AN ORDINANCE TO AMEND CHAPTER 59 (OFF-STREET PARKING) SECTION 5:168 TO REVISE OFF-STREET MOTOR VEHICLE PARKING FACILITY DESIGN REQUIREMENTS**

**The City of Ann Arbor ordains:**

Section 1. That Section 5:168 of Chapter 59 of Title V of the Code of the City of Ann Arbor is amended as follows:

Section 5:168. Design of Off-Street Motor Vehicle Parking Facilities

No person shall construct or establish a driveway or off-street parking structure, lot or space, except pursuant to a building permit issued upon the submission of plans showing compliance with the following standards:

- (1) Vehicular parking structures, lots and spaces shall not be located in the front open space. No space within a parking structure or lot may be closer to the street than the front face of a building.
- (2) Exceptions:
  - a. Sites with existing vehicular parking structures, lots, and spaces approved or constructed prior to January 16, 2011, and located closer to a street than the front face of a building.
  - b. Sites where an addition is proposed to an existing building.
  - c. Sites with more than 1 front lot line; the requirements of paragraph (1) in this section shall apply to only 1 front lot line. For all other lot lines abutting streets, parking shall be located behind the minimum front setback requirement, per Chapter 55 (Zoning). For sites with more than one front lot line, one front lot line shall be exempt from the requirements of paragraph (1) in this section. Vehicular parking structures, lots and spaces shall be set back a minimum of 25 feet from the exempted front lot line.
  - d. Multiple-family uses having more than 100 feet of street frontage, more than 20,000 square feet of land area, and more than 20 dwelling units may have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in Chapter 55 of this code.
  - e. Churches, child care centers and schools with more than 100 feet of street frontage and more than 20,000 square feet of land area may be permitted to have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in

Chapter 55 of this Code if approved as part of a special exception use review.

- (3) Driveways leading to parking spaces and lots shall meet the following standards:
- (a) A driveway leading to an enclosed space may be widened to the width of the parking space if the driveway does not exceed 30% of the front open space.
  - (b) The width of a driveway serving a single or 2-family dwelling shall be between 10 and 24 feet. For uses other than single or 2-family, the width of 1-way driveways shall be between 10 and 15 feet, and the width of 2-way driveways shall be between 18 and 24 feet.
  - (c) All driveways shall lead to a garage, carport, parking space or structure meeting the requirements of this Chapter, or back onto a street by means of the original opening or a second approved opening. A driveway with a width of up to 10 feet may be installed for single and 2-family dwellings on parcels without adequate space for off-street parking.
  - (d) Driveways providing access to property in nonresidential zones may not be located in residential zones.
  - (e) Driveways located in the front open space that serve drive-up or drive-thru windows shall meet the following standards:
    - (1) The width of the driveway shall not exceed 12 feet in width.
    - (2) A minimum 5 foot wide sidewalk shall be provided across the driveway connecting the public right-of-way to the main entrance of the building. The portion of the sidewalk that crosses the driveway shall be designed in a manner that clearly identifies the pedestrian crossing.
    - (3) Four bollards shall be provided near each corner where the raised sidewalk crosses the driveway to alert drivers of this pedestrian crossing.
    - ~~(4)~~(4) Right-of-way screening per Chapter 62 shall be provided between the right-of-way and the driveway in a manner that screens the driveway from view from the right-of-way but does not obscure the view between the motorist and pedestrians approaching the cross walk.
    - (5) If more than one curb cut is proposed on the same street, a driveway shall not be located in the required front open space for at least one street frontage.
- (4) No parking lot shall be located closer than 10 feet to any building used for a dwelling on the first floor.

- (5) Parking spaces required by this Chapter shall be at least 9 feet wide and 18 feet long (16 feet long if 2 feet of overhang is provided when parking against a curb). However, up to 30% of the parking spaces may be designated as small car spaces, which shall be at least 8 feet wide and 16 feet long and clearly signed for "small cars." Spaces directly adjacent to a fence, wall or enclosure shall be increased by 1 foot in width. Barrier free parking spaces must be designated as required by and in conformity with state law.
- (6) Parking lots shall have adequate maneuvering area and access to permit use of all parking spaces without moving other vehicles and prevent backing into a public street. Parking spaces shall be clearly marked and the lots shall conform to the following minimum stall and aisle standards:

Stall and Aisle Standards

Regular Size Cars

(A)	(B)	(C)	(D)	(E)	(F)
Angle of Parking in Degrees	Stall Width*	Curb Length Per Stall	Stall Depth 90° to Wall***	Aisle Width**	Wall to Wall Width
0°	9'	20'	9'	12'	
45°	9'	12'7"	19'5"	12'	51'
60°	9'	10'4"	20'5"	16'	57'
75°	9'	9'3"	20'	20'	60'
90°	9'	9'	18'	22'	58'

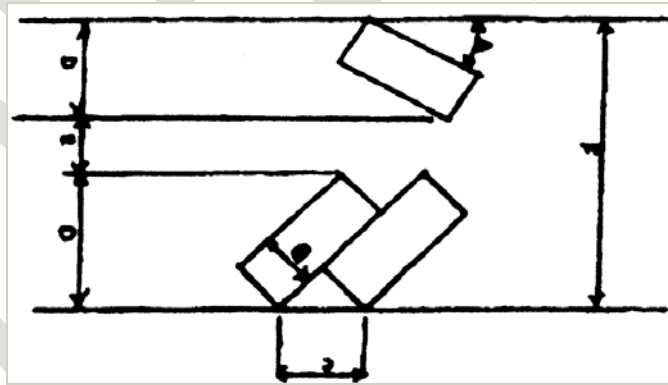
**Small Size Cars**

(A)	(B)	(C)	(D)	(E)	(F)
Angle of Parking in Degrees	Stall Width*	Curb Length Per Stall	Stall Depth 90° to Wall***	Aisle Width**	Wall to Wall Width
0°	8'	18'	8'	12'	
45°	8'	11'3"	17'	12'	46'
60°	8'	9'2"	17'9"	14'	49'8"
75°	8'	8'3"	17'5"	17'	52'
90°	8'	8'	16'	20'	52'

\* Stall width shall be increased by 1 foot for those spaces which are adjacent to a fence, wall or enclosure. Barrier free parking spaces must be designated as required by and in conformity with state law.

\*\* In lots that are designed for both regular and small cars, the regular size aisle width shall be used.

\*\*\* Stalls which allow for vehicle overhang (next to curbs) can be reduced in depth by 2 feet.



(7) Driveways and parking lots shall be surfaced with asphalt, concrete, porous pavement, pavers or brick in accordance with standard engineering practices. However, driveways and parking areas which serve single or two-family dwellings with parking areas of less than 1,200 square feet or less than 5 parking spaces may be surfaced with gravel or other similar material in accordance with standard engineering practices. Approval of such surfacing shall be conditioned upon adequate coverage and barriers sufficient to confine the material.

(8) Parking lots which were constructed or site planned after October 1, 1984 have the option to continue to comply with the standards under which they were approved or to comply with the revised standard in the table below. Parking lots constructed or site planned after July 15, 1987, shall be illuminated from ½ hour after sunset to ½ hour before sunrise, at the levels specified below. The lighting of such parking lots must be designed to provide illumination levels at all

unobstructed points of the parking lots in accordance with the following table. Illumination levels shall be measured 3 feet above the lot surface.

Use	Minimum Illumination Level (footcandles)	Maximum Uniformity Ratio
<b>Residential, church, school, private swimming club, and child care facility</b>		
<b>A. All Parking Lots</b>	<b>0.4</b>	<b>10:1</b>
<b>Non-residential</b>		
<b>Small (5–10 spaces)</b>	<b>0.4</b>	<b>10:1</b>
<b>Medium (11–99 spaces)</b>	<b>0.6</b>	<b>10:1</b>
<b>Large (100 or more spaces)</b>	<b>0.9</b>	<b>10:1</b>

**EXCEPTION:**

Lighting levels may be reduced to 0.4 footcandle with a uniformity ratio of not more than 10:1 after 2:00 a.m., or after established hours of operation as filed with the City Building Department. Established hours of operation are ½ hour before to ½ hour after published business hours.

Church, school, private swimming club, and child care facility parking lots in residential neighborhoods, and site planned after July, 1988, shall have the option of reducing lighting levels by up to 50% after midnight with the uniformity ratio not to exceed 50:1.

Lighting plans and specifications for such illumination must be submitted pursuant to this chapter during the site plan approval process. The uniformity ratio shall be the ratio of the maximum to minimum illumination level.

Illumination level is the initially measured output of the fixture reduced by the lamp loss and luminaire dirt depreciation factors.

- (9) Lighting for parking lots and spaces must be designed and maintained so the illumination is evenly distributed, so no more than 0.1 foot candle of illumination shines, glares or reflects into any premises used for residential purposes, and so that it does not adversely affect the vision of motorists on public streets.
- (10) Parking lots shall be equipped with curbs or other barriers to confine vehicles to the parking lot. Driveways, parking lots and structures shall be constructed and maintained in a manner to prevent drainage nuisances and the formation of potholes and must be kept reasonably free of snow and ice.

Section 3. That Section 5:169 of Chapter 59 of Title V of the Code of the City of Ann Arbor is amended as follows:

## Section 5:169. Special Parking Districts

Lots located in the D1 or D2 downtown zoning districts 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.

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

- (2) 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 Chapter section, or by-through the execution of a contract for parking permits within the City's public parking system payment of a contribution in lieu of required parking consistent with the requirements 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 4. That this ordinance shall take effect on the tenth day following legal publication.



# **City of Ann Arbor Special Parking Districts Policy for Contributions in Lieu of Required Parking**

## Purpose

It is the intent of the City Council and the Downtown Development Authority (DDA) to promote a full range of development choices and flexibility in the downtown. This flexibility includes parking alternatives when it is infeasible or undesirable to construct parking spaces on a downtown site.

Consistent with Chapter 59 (Off-Street Parking), Section 5:169 Special Parking Districts, this Council policy implements the motor vehicle “contribution in lieu” provisions in Paragraph (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 the required parking consistent with the formula adopted by City Council... consistent with the requirements of this section. The per-space payment shall be that required by Council resolution at the time of payment.”

The City Council has determined that, if the provisions of the Contribution in Lieu (CIL) policy, as outlined below, are implemented, these arrangements meet the intent of the City Master Plan to provide a full array of transportation alternatives in the downtown.

## Contribution in Lieu Space Requirements

1. For each required parking space proposed to be provided through a CIL arrangement, the petitioner may request a monthly parking permit in the City of Ann Arbor Parking System. The cost of the monthly parking permit(s) shall be the standard system rate, in addition to a contribution equal to 20% of the monthly parking permit cost. The petitioner shall sign a contract with the City committing to payment of the monthly parking permit(s) and the contribution for 15 years. The DDA is authorized to work with developers to determine the details of this contract.
2. The contributions collected by the DDA through the CIL arrangement shall be used by the DDA to improve the downtown parking system or provide transportation options for downtown businesses and property owners.

## Procedures

1. Upon determining that a CIL arrangement is desired for a proposed development, the petitioner shall submit to the DDA an application indicating the number of spaces requested under the City’s CIL policy and the requested location of the spaces.
2. The DDA shall research the availability of spaces and location and determine if there are spaces available to satisfy the request. The DDA shall provide a response to the petitioner and Planning & Development Services with either a proposal for spaces and location or an explanation as to why the request cannot be supported.

**City of Ann Arbor Special Parking Districts  
Policy for Contributions in Lieu of Required Parking**

3. If the petitioner is in agreement with the DDA proposal, the specific provisions shall be incorporated into a development agreement for the project.
4. City Council shall consider the CIL arrangement when it takes action on the development agreement. City Council may approve the proposed CIL arrangement if it determines that adequate parking is available in the City of Ann Arbor Parking System to satisfy the requirement and that this arrangement is in the best interest of the downtown.
5. Prior to the issuance of any permits for a development, the petitioner shall execute a contract with the City consistent with the provisions of the development agreement.

DDA Responsibilities

1. As managers of the public parking system, the DDA shall evaluate petitioner requests based on its monthly parking permit policies and projections for future parking need.
2. The DDA shall enforce CIL contracts.
3. If the petitioner fails to make payments for the required CIL parking, the DDA may terminate use of monthly parking permits and take legal action to enforce the contract provisions.
4. The DDA shall deposit the collected contributions from CIL payments into the DDA's Parking and Transportation Fund. These funds shall be used to enhance multi-modal transportation services and facilities that serve the downtown, including parking maintenance, new parking construction, bicycle and pedestrian facilities and transit enhancements.

As adopted by City Council on \_\_\_\_\_