

ORDINANCE NO. ORD-22-03

First Reading:	March 7, 2022	Approved:
Public Hearing:	April 4, 2022	Published:
		Effective:

350 S. FIFTH PUD ZONING

AN ORDINANCE TO AMEND THE ZONING MAP, BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5.10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

PARCEL 1:

LOTS 3 AND 4 IN BLOCK 3 SOUTH OF HURON STREET, RANGE 5 EAST, ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR, AS RECORDED IN TRANSCRIPTS, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS.

PARCEL 2:

LOT 5 AND 4 IN BLOCK 3 SOUTH OF HURON STREET, RANGE 5 EAST, ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR, AS RECORDED IN TRANSCRIPTS, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS.

PARCEL 3:

THE SOUTH 30 FEET OF LOT 6, AND THE NORTH 36 FEET OF LOT 6 [ALL OF LOT 6] IN BLOCK 3 SOUTH OF HURON STREET, RANGE 5 EAST, ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR, AS RECORDED IN TRANSCRIPTS, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District) in accordance with the attached 350 S. Fifth Avenue Supplemental Regulations, which are hereby adopted and incorporated into the 350 S. Fifth PUD zoning ordinance.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

350 S. FIFTH PUD SUPPLEMENTAL REGULATIONS
City of Ann Arbor, Michigan

Section 1: Purpose

It is the purpose of the City Council in adopting these regulations to provide for the efficient and coordinated development of a 0.8 acre area. Any proposed development will be in a manner that results in a unified arrangement of affordable homes, expanded public transit and flexible first story use. These regulations seek to promote sustainable, mixed-income development at this location, integrated into the downtown fabric of the City.

Section 2: Applicability

The provisions of these regulations shall apply to the land described as follows:

PARCEL 1:

LOTS 3 AND 4 IN BLOCK 3 SOUTH OF HURON STREET, RANGE 5 EAST, ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR, AS RECORDED IN TRANSCRIPTS, PAGES 152 AND 153, WASHTENAW COUNTY RECORDS.

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Further, the provisions of these regulations shall be adopted and incorporated into the 350 S. Fifth Planned Unit Development (PUD) zoning district. These regulations are intended to supplement only those provisions in the City Code that may be modified as a part of a PUD and shall not be construed to replace or modify other provisions or regulations in the City Code.

Section 3: Findings

During the public hearings on this PUD, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the land as a mixed-income development, furthering the City's goals to advance the development of affordable housing as identified in the 2015 Washtenaw County Affordability and Economic Equity Analysis.
- (B) The proposed development will advance the City's carbon neutrality goals through the development of sustainably-located and constructed housing.
- (C) The location of the site downtown, and its adjacency to the Blake Transit Center provide unique opportunities to emphasize alternative transportation methods than vehicular trips.
- (D) It is desirable to position the property for successful development, with emphasis on desired attributes.

- (E) The creation of this PUD zoning district as described above will allow a unique arrangement of development not permitted in any conventional established zoning district but which are reasonable, sustainable, beneficial, and pose no harm, threat or concern to the natural environment, surrounding area, or the City.
- (F) The land described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of special privilege or deprivation of property rights.

Section 4: PUD Regulations

The standards and regulations provided below shall regulate development in the 350 S. Fifth PUD district using the terms, definitions, interpretations and applicability set forth in Chapter 55, Unified Development Code. All of the standards and regulations provided in the UDC shall also apply unless specifically provided in these Supplemental Regulations.

(A) District Components. The 350 S. Fifth PUD District shall be divided into two phases, an Affordable Phase and a Mixed-Income Phase. The Phases:

- 1. The Affordable Phase shall be developed, constructed and occupied first, or concurrently with the Mixed-Income Phase.

Unless specifically distinguished, all of these regulations shall apply to both Phases.

(B) Principal Uses. The permitted Principal and Special Exception Uses shall be those provided for in the D1 Zoning District as provided in Table 5.15-1: Primary Use Table of Section 5.15 of the Unified Development Code with the following exceptions, which are expressly prohibited:

- 1. Fueling Station
- 2. Automobile, Truck, Construction Equipment Repair
- 3. Vehicle Wash

(C) Accessory and Temporary Uses. The permitted Accessory uses allowed in the D1 Zoning District as provided in Table 5.15.2 of Section 5.15 of the Unified Development Code, with the following exception, which is prohibited:

- 1. Drive Through Facilities

(D) Area, Height and Placement Standards

- 1. **District Area.** The PUD zoning district shall be approximately .8 acres.
- 2. **Setbacks, Building Spacing, and Height**

All applicable area, height and placement regulations of the D1 zoning district shall apply with the following exceptions:

- a. **Streetwall** – Up to 50% of the property frontage along the secondary streets of Fourth Avenue and Fifth Avenue may exceed the required setbacks.
- b. **Front Setback** – The southern Front Setback adjacent to William Street shall be between 0-20 feet.
- c. **Height.** The maximum height permitted for any building in the district shall be 275 feet.

(E) Parking and Transportation

1. **Vehicle** – No vehicular parking shall be required.
2. **Public Transit** – A provision of 30 feet in depth, 25 feet in height, and extending fully between Fourth and Fifth Avenue Right of Ways shall be provided to the Ann Arbor Area Transportation Authority, or successors, for the purpose of expanding and/or improving public transit access at the site and adjacent Blake Transit Center.
3. **Driveways** – There shall be no limitation on the number or width of driveways to the site. No driveways shall be permissible along the William Street Right of Way.

(F) Landscaping and Screening

1. A minimum of one Street Tree shall be required along the Fourth and Fifth Avenue Right of Ways. Street Trees along William Street Right of Way will be provided per current code requirements.

(G) Affordable Housing.

1. In the Affordable Phase, 100% of dwelling units shall be Affordable Housing Dwelling Units as defined by the Unified Development Code.
2. In the Mixed-Income Phase, 20% of dwelling units shall be Affordable Housing Dwelling Units as defined by the Unified Development Code. This requirement for Mixed-Income Phase only, may be satisfied by payment in lieu, based on the most recently adopted formula by the City at the time of payment.
3. The entire PUD District shall provide a minimum of 100 Affordable Dwelling Units and a minimum of 40% of the total number of dwelling units as Affordable Dwelling Units as defined by the Unified Development Code in combination of the Phased options above.
4. Verification of ongoing compliance with Affordable Housing requirements shall be required and verified by the City of Ann Arbor or its designee on a frequency established by the City.

(H) Sustainability

1. The buildings shall be built as fully electric buildings with the ability to meet the City's targets of all affordable housing being Net Zero by 2030. Natural gas connection shall only be permissible for back-up emergency generator purposes.
2. Target Energy Use Intensity (EUI) for each building type in line with 2030 Zero-Carbon Goals of the City.
3. Meet 2021 International Energy Conservation Code (IECC), inclusive of the Zero Code Appendix.
4. The buildings will meet or exceed Enterprise Green Communities (EGS), National Green Building Standard (NGBS) or an equivalent national green building standard.

(Reflects Planning Commission modifications of 1/20/22)