

## Heritage Row Supplemental Regulations

### Section 1: Purpose

It is the purpose of the City Council in adopting these regulations for the comprehensive, unified redevelopment of these seven parcels to provide an economy and efficiency in land, energy and provision of public services and utilities, and to expand the supply of affordable housing for lower income households in the Central Area.

### Section 2: Applicability

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

Commencing at the intersection of the centerline of South Fifth Avenue (66 feet wide) and the centerline of East Jefferson Street (66 feet wide); thence S 88°04'04" E 33.00 feet along the centerline of said East Jefferson Street; thence N 01°48'22" E 137.95 feet along the East line of said South Fifth Avenue, and its extension thereof, to the POINT OF BEGINNING,

thence continuing N 01°48'22" E 373.60 feet along the East line of said South Fifth Avenue;  
 thence S 88°05'54" E 148.50 feet;  
 thence S 01°48'22" W 132.30 feet;  
 thence N 88°05'39" W 16.50 feet;  
 thence S 01°48'22" W 66.61 feet;  
 thence S 88°05'07" E 16.50 feet along the North line of Lot 3, Block 4 South, Range 6 East, of said "Original Plat of the City of Ann Arbor";  
 thence S 01°48'22" W 132.61 feet;  
 thence N 88°04'35" W 16.50 feet along the South line of said Lot 3;  
 thence S 01°48'22" W 42.14 feet;  
 thence N 88°04'35"W 132.00 feet to the POINT OF BEGINNING. Being a part of Lots 1, 2, 3 and 4, Block 4 South, Range 6 East, of said "Original Plat of the City of Ann Arbor", and containing 1.23 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Being Subject to:

- 1.) Right-of-way for ingress and egress, as recorded in Liber 1765, page 313, Washtenaw County Records.
- 2.) Terms, conditions, and description set forth in Driveway Agreement as recorded in Liber 378, page 30, Washtenaw County Records.

Further, the provisions of these regulations shall be adopted and incorporated into the Heritage Row Planned Unit Development District. These regulations, however, are intended to supplement only those provisions in the City Code that may be modified as a part of a PUD such as zoning, landscaping and parking, 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 the Planned Unit Development, the Planning Commission and City Council determined that:

- (A) It is desirable to develop the property described above with a development that achieves an economy and efficiency in land, energy and provision of public services and utilities, [innovation in](#)

~~land use and variety of design through incorporation of preserves an~~ historical streetscape resources and expands the supply of affordable housing in the City. A minimum of 17 percent of the dwelling units on site shall be affordable to lower income households. The ~~significant historic features of the site use and reuse of, including the~~ seven historic homes ~~will contribute to the desired character and form of an established neighborhood, shall be preserved~~. This beneficial effect could not be achieved under any other zoning classification and is not one which is required under any existing requirements.

- (B) The surrounding neighborhood contains existing single and multiple-family homes, apartment buildings, industrial and commercial uses, Main Street's shopping, dining and entertainment to the west, employment centers to the north, and athletic venues to the south and the U of M's central campus to the east. The proposed uses will be compatible with these surrounding conditions.
- (C) It is in the best interest of the surrounding properties and the City of Ann Arbor that a pedestrian-oriented community be established in a location with opportunities for it to prosper nearby. Additionally, the ~~use and reuse of seven historic homes preservation of the historical streetscape~~ and inclusion of on-site affordable housing in this development furthers the City goals set forth the Master Plan Land Use Element. The uses proposed are consistent with the master plan future land use recommendations, and affordable housing is provided in support of additional residential density beyond that envisioned by the future land use recommendation. ~~Affordable units in new construction in a near downtown neighborhood are particularly scarce and are a significant beneficial effect of the development.~~
- (D) Safe, convenient, uncongested and well-defined vehicular, bicycle and pedestrian circulation within and to the district have been provided. Alternative transportation methods are encouraged, and the historical streetscape will be preserved.
- (E) Disturbance to existing natural features has been limited to the minimum necessary, and the significant historical features on the site will be restored and preserved. The development will result in a greater benefit to the community than any negative impacts due to the loss of a landmark tree. The innovative design of the site ~~and,~~ mixture of housing units, ~~underground parking for residents and guests of the buildings, and a plaza amenity with public art~~ will mitigate any negative impacts the development may have on the surrounding neighborhoods and the City's Downtown.
- (F) The regulations and performance standards contained in the supplemental regulations are sufficient to determine the purported benefits, how they will be provided, and how they will be evaluated. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of neither special privileges nor deprivation of property rights.

#### Section 4: PUD Regulations

- (A) Permitted principal uses shall be:
1. Multi-family dwellings, provided that all bedrooms in a dwelling unit have an exterior window that allows natural light.
- (B) Permitted accessory uses shall be:
1. Outdoor plaza areas for active or passive recreation.
  2. Those accessory uses allowed in the R1 districts.

(C) Setbacks: As shown on Exhibit A and summarized below:

Front: 19 feet minimum

Side (North): 2.5 feet minimum to existing house, 5 feet to proposed North building

Side (South): 17 feet minimum to existing house stairway, 7 feet to proposed South building

Rear: ~~13 feet minimum, except~~ 10 feet minimum ~~for southern 35 feet of South building~~

Exterior building walls above the finished grade shall be set back from lot lines abutting public streets and lot lines abutting another lot as provided above. Exterior building walls below the finished grade may abut a lot line when also in conformance with any applicable building codes and City ordinances, regulations and policies (such as the City of Ann Arbor Public Services Standard Specifications Manual).

(D) Height:

Maximum height of the new buildings shall be restricted to:

~~38.625 feet parapet height with the exception of~~  
39.625 feet ~~at the west elevation stairwell parapet only; and~~  
~~1) 37.375 feet at the east elevation only~~

Maximum height of the existing buildings (seven houses along South Fifth Avenue ~~that are required to be preserved~~ as shown on the site plan) shall be restricted to:

~~— 4) 38.875 feet as measured to the peak of the tallest existing ridge height.~~ Reasonable exceptions to this height limit shall be allowed if necessary to comply with any aspect of building codes or other regulatory requirements.

Reasonable exceptions to the maximum height limit shall be allowed ~~at the discretion of the Planning Commission at the discretion of the Planning Manager~~ for roof-top mechanical equipment (which are also subject to screening requirements elsewhere in these supplemental regulations), elevator and stairway shafts and other customary roof-top appurtenances.

(E) District and Lot Size: The district and lot size shall be 1.23 acres (53,689 square feet).(F) Phasing: This PUD ~~may shall~~ be constructed in ~~a single phase~~ multiple phases at the discretion of the property owner. Phases shall be designed such that each phase must be able to operate independently from the other phases. All phases of the PUD, including the renovation or reconstruction of the seven existing homes on site, must be completed within five years of the issuance of the first project building permits.(G) Floor Area and Density Limits:

The maximum usable floor area shall not exceed ~~133~~ 150% of the lot area (~~71,614~~ 80,534 square feet). Usable floor area shall be calculated by measuring from the exterior face of building walls and includes any basement floor area devoted to residential use. Basement storage or laundry facilities shall not be counted toward the maximum useable floor area total. Usable floor area used for structured off-street parking may be excluded from the maximum floor area allowance.

The maximum density shall be ~~82~~ 85 dwelling units total for the site and a maximum of ~~180~~ 163 bedrooms, ~~as shown on an approved site plan.~~

All residential units on site will be a mixture of efficiency, one, two and three ~~and four~~ bedroom units. One 5 bedroom unit will be permitted in the existing houses. No ~~four or six~~ bedroom units are permitted.

The percentage of units that may have 4 or more bedrooms shall not exceed 20% of the total units.

(H) Off-Street Parking:

1. ~~No~~ Off-street parking for vehicles ~~is required to be provided shall be provided at the minimum rate of .73 spaces per dwelling unit with 60 spaces minimum.~~
2. Off-street parking for bicycle shall be a minimum of one space per unit with spaces being a mix of Class B and Class C units. ~~112 Class A, 6 Class B, and 28 Class C bicycle parking spaces shall be provided.~~

(I) Open Space, Landscaping and Screening:

1. Open Space – A minimum of ~~53~~ 30% of the lot area shall be ~~useable~~ open space as defined in the Zoning Ordinance. This area ~~shall~~ may include a plaza with associated amenities including benches, landscaping and other features at the discretion of the property owner ~~public art.~~
2. Landscaping – All open space areas except for sidewalks, terraces, pedestrian paths, paved recreational space and off-street bicycle parking facilities, shall be landscaped with live trees, shrubs, ground cover, lawn or flower beds. ~~Landscaping shall be provided as shown on an approved site plan.~~
3. Screening of Mechanical Equipment – All mechanical equipment, including roof-mounted and ground-mounted, visible from the public right-of-way within 100 feet of the district shall be screened from view. Screening may be provided by architectural walls, retaining walls, fences, ~~or hedges~~ or other methods. ~~Solar panels shall be permitted to be installed on the roofs of the three new buildings without being screened.~~

(J) Energy and Environmental Design:

- ~~1. The three new buildings will be compliant with the Federal Energy Star Program, and in particular will contain insulation with at least an R value of R-30 for all exterior side walls and R-40 for all exterior ceilings which is beyond that required by the applicable building codes. In addition, the new buildings will contain energy saving lighting, HVAC systems, and appliances rated and approved by the Energy Star program. Documentation of proposed compliance shall be provided with building permit applications for each building.~~
1. The eExisting ~~seven~~ buildings will be rehabilitated renovated or reconstructed, at the discretion of the owner, with new mechanical, electrical, and plumbing systems and additional thermal insulation, where possible. ~~All existing and new buildings will have fire suppression systems.~~
2. The project shall achieve certification from the Society of Environmentally Responsible Facilities.

~~3.—All residential units shall be outfitted with Energy Star appliances. A renewable energy source shall be utilized as the primary energy source for the building. The renewable energy source may be located on-site, such as geothermal energy for heating and cooling systems, or off-site such as purchasing renewably produced energy for electricity, or a combination thereof.~~

~~4.—All on-site irrigation shall use stormwater collected on-site.~~

~~5.—All energy and environmental systems or techniques used in the building beyond those requirements of the applicable building codes shall be incorporated into a Development Agreement to be executed by the City and the owners of the property.~~

(K) Affordable Housing: A minimum of 1748% of the total number of dwelling units in the district shall be designated as affordable housing for lower income households, as defined in Chapter 55 of Ann Arbor City Code. The affordable units ~~shall~~may be provided in the district or a contribution may be paid in lieu of the units consistent with the formula adopted by annual resolution of city council; ~~however~~, when the affordable housing requirement results in a fractional unit, the requirement may be rounded up to the next whole number or the fractional unit shall be converted to an affordable housing contribution in lieu of the fractional unit consistent with the formula adopted by annual resolution of city council. Affordable housing units shall be made available for lease or sale to eligible lower income households consistent with City ordinances, policies and regulations regarding affordable housing, and under terms reasonably acceptable to the City.

(L) Architectural Design:

1. Development of the three new buildings shall be articulated design elements, both horizontal and vertical, that add interest to the face of the building. The articulation, modulation, materials and colors of the design shall result in an overall character that is complimentary to the established neighborhood surrounding the district as determined by the property owner in consultation with the Planning Manager~~City Planning Commission and City Council~~.
2. Exterior façade materials and colors of the three new buildings shall be in harmony with the existing character of the surrounding residential neighborhood as determined by the property owner in consultation with the Planning Manager. ~~Exterior wood or Hardi-Plank siding shall be a light yellow or similar color with a 6 inch reveal. Exterior window trim and building trim will be wood with a white or similar color. Metal stairs and landings shall be black or dark bronze in color.~~ Changes to the exterior facades as shown on the approved site plan shall be coordinated between the property owner and the Planning Manager~~require either the approval of the planning and development services director if minor or the City Planning Commission if major. Minor or major changes shall be determined by the planning and development services manager, in consultation with the chair of the City Planning Commission if desired.~~ The final design and selection of colors and materials shall be at the discretion of the property owner.
3. The seven existing houses on the site shall be renovated or reconstructed in order to preserve the historical streetscape. The seven existing houses shall be renovated or reconstructed to reasonably match the elevation drawings of the existing houses provided to the City and dated February 2, 2010, to be incorporated into the site plan. The renovated or reconstructed houses must retain similar exterior form, shape, roofline, window and door placement and ornamentation as the existing houses in order to preserve the character of the streetscape. Minor modifications to window and door size and placement, placement of ornamentation, house placement and other minor changes may be made following approval of the Planning Manager. Aluminum and/or pressboard siding covering original wood siding shall be removed and exterior facades shall be restored using either original material or

composite siding equal to Hardi Plank siding. Historic color palates shall be used, and the existing foundation stone shall be re-used to cover the new foundations of the houses on which it currently exists wherever feasible as determined by the property owner. Where possible as determined by the property owner, restoration of the houses shall include retaining and repairing all original architectural features. Existing wood siding and trim may be replaced with cementitious siding, and cementitious or composite trim in like similar dimensions and reveals. Where the integrity or serviceability of the original materials or features is questionable, those materials may be replaced with new materials in matching dimensions as determined by the property owner. ~~All existing windows, siding, doors and architectural accents shall be restored according to Secretary of Interior Standards for Rehabilitation. Existing windows, siding, doors and architectural accents may only be removed after consultation with and approval of the City's Planning Manager.~~

- ~~4. Changes to the architectural design of the three new buildings, as shown on the approved site plan, shall require either the approval of the City's Planning Manager, if minor, or the City Planning Commission, if major. Whether a proposed change is major or minor shall be determined by the Planning Manager, in consultation with the chair of the City Planning Commission.~~

~~MJK/WLR; March 2, 2010~~