

## **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, preserves historical resources and expands the supply of affordable housing in the City. A minimum of ~~eighteen~~ fifteen percent of the dwelling units on site shall be affordable to lower income households. The significant historic features of the site, including the seven historic homes, shall be preserved or reconstructed. 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 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:

- ~~1) 38.625 feet parapet height with the exception of~~
- ~~2) 39.625 feet, at the west elevation stairwell parapet only; and~~
- ~~3) 37.375 feet at the east elevation only~~

Maximum height of the existing buildings (seven houses along 5<sup>th</sup> Avenue ~~that are required to be preserved as shown on the site plan~~) shall be restricted to:

- 1) 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~~ 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 ~~shall~~ may be constructed in ~~a single~~ multiple phases at the discretion of the property owner.

(G) Floor Area and Density Limits:

The maximum usable floor area shall not exceed ~~150~~ 33% of the lot area ~~(71,611 square feet).~~ The usable floor area calculation shall exclude basement or primarily below grade areas regardless of the use in such areas. Usable floor area shall be calculated by measuring from the exterior face of building walls. Usable floor area used for structured off-street parking may be excluded from the maximum floor area allowance.

The maximum density shall be ~~85~~ 2 dwelling units total for the site and a maximum of ~~463~~ 180 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.

(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 ~~112 Class A, 6 Class B, and 28 one~~ Class C bicycle parking space ~~per units shall be provided.~~

(I) Open Space, Landscaping and Screening:

1. Open Space – A minimum of ~~530~~ % 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 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.

(J) Energy and Environmental Design:

1. ~~The project shall achieve certification from the Society of Environmentally Responsible Facilities. 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.~~
2. The existing seven buildings will be rehabilitated or reconstructed with new mechanical, electrical, and plumbing systems and additional thermal insulation, where possible. All existing and new buildings will have fire suppression systems.
3. ~~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: The rental rate for a minimum of 15% of the total number of dwelling units in the district shall be restricted to the rate that would be affordable based on 30% of gross income being used for housing expenses at an income level of 80% of the Ann Arbor PMSA Median Income. The City of Ann Arbor shall have the right to audit the rental rates on the affordable units annually to ensure compliance with this provision. The affordable units shall be provided in the district; 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.

~~(K)~~ A minimum of 18% 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 be provided in the district; 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 and Development Services 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 and development services manager. Changes to the exterior facades as shown on the approved site plan shall be coordinated between the property owner and the planning and development services manager. The final design, and selection of colors and materials shall be at the discretion of the property owner.
- ~~2. Exterior façade materials and colors of the three new buildings shall be in harmony with the existing character of the surrounding residential neighborhood. 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 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.~~
3. The seven existing houses on the site shall be renovated or reconstructed to reasonable match the look of the existing houses. 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 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. The seven existing houses on the site shall be preserved and restored. 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. 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.~~

HERITAGE ROW  
EXHIBIT A - PUD SUPPLEMENTAL REGULATIONS

