

Part 12 - PLANNING AND ZONING CODE

TITLE 2. - PLANNING

CHAPTER 1210. - DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

Footnotes:

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Cross reference— *Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i; Zoning and planning generally - see M.C.L.A. Secs. 125.11 et seq., 125.31 et seq., 125.581 et seq.; Department of Planning generally - see CHTR. Sec. 4-306; Planning Board - see CHTR. Art. V, Ch. 6; P. & Z. Ch. 1212; Weights and measures generally - see ADM. 204.01; Assistance of Department of Planning and Neighborhood Development to Waterfront Development Board - see ADM. 264.05; Qualifications of the Director of Planning and Neighborhood Development - see ADM. 288.10; Duties re street name changes - see S.U. & P.S. 1020.12; Planning Division; enforcement of Zoning Code - see P. & Z. 1242.01 Neighborhood enterprise zones - see B. & H. Ch. 1462.*

1210.01. - Division of sealer of weights and measures.

The Department of Economic Development and Planning will contain the Offices of Planning, Development, Building Safety, Code Compliance, and Parking, and such other administrative offices, divisions, and function that support, enforce, advance and encourage economic development, planning, zoning, housing, building and safety, and property regulations, maintenance and renewal, consistent with the departmental purposes and functions. The managers of the offices and divisions within the Department shall report to the Director of Economic Development and Planning and be under the direct administration and operational control of the Director.

(Ord. No. 603, 7-13-81; Ord. No. 1229, § 1, 6-11-18)

CHAPTER 1211. - GROUNDWATER WELL REGULATIONS

Footnotes:

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Editor's note— *Ord. No. 1110, § 1, adopted Aug. 21, 2006, amended Ch. 1211 in its entirety to read as herein set out. Former Ch. 1211, §§ 1211.01 —1211.08, pertained to similar subject matter. See the Code Comparative Table for complete derivation.*

1211.01 - Statement of purpose.

The City Council finds that protection of the groundwater resources is in the best interests of the public health, safety and welfare of the residents of the City. To protect the residents of the City, the City Council has determined that it is necessary to prohibit the drilling of wells within the restricted zone.

(Ord. No. 1110, § 1, 8-21-06)

1211.02 - Definitions.

For the purposes of this chapter, the words and phrases listed below shall have the following meanings:

- (a) *Abandoned well* means plugging a well in accordance with the Michigan Water Well Construction and Pump Installation Code.

- (b) *BWL* means the Board of Water and Light of the City of Lansing and its successors and assigns.
- (c) *City* means the City of Lansing.
- (d) *Contaminated groundwater* means groundwater in which there is present concentrations of materials that exceed the residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq. and as amended from time to time), or Part 213, leaking underground storage tanks (MCL 324.21301A et seq. and as amended from time to time), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether the release is regulated pursuant to Part 201 or Part 213.
- (e) *Exacerbation* means any activity with respect to existing contamination that causes the contamination to migrate beyond the property boundaries or any change in facility conditions that increases response activity costs for cleaning up the contamination.
- (f) *Groundwater* means underground water within the zone of saturation.
- (g) *ICHD* means the Ingham County Health Department.
- (h) *MDEQ* means the Michigan Department of Environmental Quality, or its successor agency.
- (i) *New well* means any well installed after the effective date of this chapter and any well requiring major maintenance, which includes but is not limited to redrilling or replacement of casing.
- (j) *Person* means any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (k) *Release* means a "release" as defined in Part 201, Environmental Remediation (MCL 324.10101 et seq. as amended from time to time), or Part 213, leaking underground storage tanks (MCL 324.21301A et seq. as amended from time to time), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., dependent upon whether an underground storage tank is involved.
- (l) *Restricted zone* means any aquifer in sections 9 and 10 and the north half of Sections 15 and 16 of Range 2, 4 North, 2 West in the City of Lansing, County of Ingham. A map illustrating the restricted zone is attached as Exhibit A.
- (m) *U.S. EPA* means the United States Environmental Protection Agency, or its successor agency or delegated agency.
- (n) *Water Bureau* means the Water Bureau of the MDEQ or its successor, bureau or division.
- (o) *Well* means an opening in the surface of the earth for the purpose of removing water through nonmechanical or mechanical means.

(Ord. No. 1110, § 1, 8-21-06)

EXHIBIT A

1211.03 - Wells and groundwater use prohibited in restricted zone.

- (a) *New wells.* Except as provided in Section 1211.04 of this chapter, no person, lessee or tenant who has an ownership interest or exercises any control over any property within the restricted zone shall install or allow or permit to be installed a new well.
- (b) *Existing wells.* Except as provided in Section 1211.04, no person, lessee, tenant or legal entity with a legal interest in a property shall use or allow or permit or provide for the use of an existing well on any City property in which they have an ownership interest within the restricted zone.

(Ord. No. 1110, § 1, 8-21-06)

1211.04 - Exceptions.

Any wells permitted under this section for the restricted zone shall comply with all laws, rules, regulations, permits and license requirements, orders or directives regarding the installation, use and abandonment of the well.

- (a) *BWL wells.* Previously installed wells or any new wells to be installed by bwl are not subject to the prohibitions stated in Section 1211.03. The BWL may request a waiver for any new bwl well from the Water Bureau, which the Water Bureau may approve, provided BWL demonstrates compliance with applicable statutes and rules, including the Safe Drinking Water Act, MCL 325.1001 et seq., as amended from time to time, and its corresponding rules. BWL must demonstrate any new BWL well will protect the public's health, safety, welfare, and the environment.
- (b) *Construction de-watering.* A well may be installed and/or used for construction de-watering, if the following conditions are satisfied:

1. Notice is given stating the existence of the well to ICHD, Water Bureau, City Public Service Director, and Board of Light;
 2. The use of the de-watering well will not result in unacceptable (as determined by BWL) exposure to contaminated groundwater, possible cross-contamination between saturated zones, or hydrogeological effects on contaminated groundwater plumes, and
 3. The water generated by the de-watering well is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction.
 4. Any exacerbation of contamination caused by the installation and/or use of the well under this exception shall be the responsibility of the person operating the de-watering well, to remedy as provided in Part 201 of the Natural Resources and Environmental Protection Act, being MCL 324.20101 et seq. as amended from time to time.
- (c) Groundwater monitoring and remediation wells installed or used for groundwater monitoring and/or remediation as part of response activity approved by the MDEQ or the U.S. EPA (if the U.S. EPA has jurisdiction of any issue affected by the well) are not prohibited by this chapter.

(Ord. No. 1110, § 1, 8-21-06)

1211.05 - Nonconforming wells.

Any existing well, the use of which is prohibited by Section 1211.03 or 1211.04 (except as otherwise permitted by Section 1211.04), shall be plugged or abandoned by the person having an ownership interest in the premises or by the lessee or tenant or other person in control of the premises unless Section 1211.06 applies. Any plugging or abandonment of wells shall be done in conformance with all applicable laws, rules, regulations, permit or license requirements, orders and directives of the ICHD, Water Bureau or any other governing entity, agency or court of competent jurisdiction. Proof of abandonment and plugging shall be provided to the City and BWL, in addition to any other applicable authorities, within 90 days of such closure.

(Ord. No. 1110, § 1, 8-21-06)

1211.06 - Use of ordinance as an institutional control mechanism.

Any person involved in preparing a response action plan dealing with contaminated groundwater in the restricted zone who seeks to use the provisions of this chapter as an institutional control acceptable to MDEQ, must:

- (a) Locate and identify, by all means practicable, all wells existing within the restricted zone.
- (b) At no cost to the well owner, properly plug all wells being used for purposes other than those allowed in Section 1211.04, in accordance with the Michigan Water Well Construction and Pump Installation Code.
- (c) Provide well closure records of all wells plugged to ICHD, BWL and MDEQ.
- (d) If a well that is closed and plugged under this section was being used, the person using this chapter shall connect the premises being served by it to the municipal water supply and shall pay all fees and costs associated with the connection so that there is no cost to the well owner.

(Ord. No. 1110, § 1, 8-21-06)

1211.07 - Penalty.

Any violation of this chapter shall be deemed a misdemeanor offense punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.00.

In addition, the City may seek an order from a court of competent jurisdiction to restrain any person from violating this chapter, including the collection of costs and attorney fees associated with the enforcement action. Any well in violation of this chapter shall also be declared a nuisance subject to abatement, and shall be immediately taken out of service and abandoned consistent with all applicable laws, rules, regulations, permits, license requirements, and orders.

(Ord. No. 1110, § 1, 8-21-06)

1211.08 - Notification of lapse, or intent to amend or repeal.

Prior to any amendment or repeal in whole or in part of this chapter, the City shall notify the MDEQ, or its successor agency, in writing, of the City's intent to so act. No amendment, repeal or lapse of the chapter shall take effect until 30 days after the MDEQ receives notice of the amendments, repeal, or lapse.

(Ord. No. 1110, § 1, 8-21-06)

CHAPTER 1212. - PLANNING BOARD

Editor's note— There are no sections in Chapter 1212. This chapter has been established to provide a place for cross references and any future legislation.

Cross reference— Municipal planning commissions - see M.C.L.A. Secs. 125.31 et seq.; County planning commissions - see M.C.L.A. Secs. 125.101 et seq.; Department of Planning and Neighborhood Development - see CHTR. Sec. 4-306; P. & Z. Ch. 1210; Planning Board generally - see CHTR. Art. V, Ch. 6; Administration of Subdivision Regulations - see P. & Z. 1232.01; Approval of preliminary plats - see P. & Z. 1234.03(c); Planning Division; enforcement of Zoning Code - see P. & Z. 1242.01.

CHAPTER 1214. - COMPREHENSIVE PLAN

Editor's note— EDITOR'S NOTE: In 1976, the City was geographically subdivided into four planning areas (the River Island Area, the Southwest Area, the Southeast Area and the North-East Area) for the purpose of revising the City's Comprehensive Master Plan, for the physical development of the City, which Plan had been established under authority of Act 285 of the Public Acts of 1931. The revision was completed with the Planning Board's adoption of the North-East Area Plan on February 15, 1983. The revised Plan consists of written text, maps and other graphic aids used to describe present and future land use, housing, circulation, community facilities, business and industry, and urban design features of the City. Copies of the revised Comprehensive Master Plan may be obtained, at cost, from the City Clerk.

Cross reference— Department of Planning and Neighborhood Development - see P. & Z. Ch. 1210; Plans for development of blighted areas - see P. & Z. 1216.03, 1216.16; Soil erosion and sedimentation control - see P. & Z. 1218.07, 1218.14; Historic districts - see P. & Z. Ch. 1220; Planned residential developments - see P. & Z. Ch. 1280; Neighborhood enterprise zones - see B. & H. Ch. 1462.

CHAPTER 1216. - CLEARING, REPLANNING, REHABILITATING AND MODERNIZING OF BLIGHTED AREAS

Footnotes:

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Cross reference— *Blighted area rehabilitation - see M.C.L.A. Secs. 125.71 et seq.; Persons displaced by urban renewal - see M.C.L.A. Secs. 125.961 et seq.; Economic development corporations - see M.C.L.A. Secs. 125.1531 et seq.; Plant rehabilitation and industrial development districts - see M.C.L.A. Secs. 207.551 et seq.; Downtown Development Authority - see ADM. Ch. 262; Downtown Development District - see ADM. 262.03; Economic Development Corporation Board of Directors - see ADM. Ch. 263; Downtown Mall and Environs - see B.R. & T. Ch. 812; Construction of sidewalks - see S.U. & P.S. Ch. 1024; Use of Community Development Block Grant Funds to prevent and eliminate blighted areas - see P. & Z. Ch. 1217; Subdivision improvements - see P. & Z. Ch. 1238; Landscaping, screening and buffering - see P. & Z. Ch. 1290; Substandard, hazardous, unsafe or dangerous buildings - see B. & H. 1420.02(U.B.C. 203), 1460.07, 1460.20, 1460.21, 1460.24; Repair of substandard buildings and premises - see B. & H. 1460.22, 1460.23; Neighborhood enterprise zones - see B. & H. Ch. 1462.*

1216.01. - Statement of purpose.

It is hereby declared that there exist substandard, unsanitary, polluted or neglected areas in the City; that replanning, rehabilitation and reconstruction of such areas is difficult and costly; that it is difficult and uneconomical for individual owners independently to undertake to remedy such conditions; that it is desirable to encourage owners of property or holders of claims thereon in such areas to join together and with outsiders in corporate groups for the purpose of the clearance, replanning, rehabilitation, modernization, improvement and reconstruction of such areas by joint action; that it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, rehabilitation, modernization, improvement and reconstruction of such areas; that the freezing of the assessed value of land and buildings in such areas at the assessed values appearing on the tax rolls prior to the clearance, replanning, rehabilitation, modernization, improvement and reconstruction of such areas under a plan approved by the Planning Board and Council is a necessary and fiscally sound inducement for the employment of private investments and equity capital authorized by the State; that such conditions further require the acquisition at fair prices of adequate areas, the gradual clearance of such areas through demolition of existing obsolete, inadequate, unsafe and unsanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning, land use and construction policies; that such clearance, replanning, rehabilitation, modernization, improvement and reconstruction are necessary for the public welfare; that the State has created legislation authorizing redevelopment corporations for the purpose of dealing with such conditions; that the State has authorized cities to assist such corporations in the manner hereinafter provided; that the protection and promotion of the health, safety, morals, welfare and reasonable comfort of residents of the City are a matter of public concern; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

(Ord. No. 551, 12-17-79)

1216.02. - Definitions.

Unless the context clearly indicates a different meaning, as used in this chapter:

Assessed valuation means, with respect to any local tax on any parcel of real property, the value of such parcel, including therein buildings and improvements as well as land, as assessed by the respective official, bureau, board, commission or agency charged with assessing the same for such local tax.

Development means a specific work, repair or improvement to put into effect a development plan. The term includes the real property, buildings and improvements owned, constructed, managed or operated by a redevelopment corporation.

Development plan means a plan submitted by the redevelopment corporation for the redevelopment of all or any part of an area and includes any amendments thereto approved in accordance with the requirements of the Urban Redevelopment Corporations Act, Public Act 250 of 1941, as amended, being M.C.L.A. 125.901 et seq.

Local taxation means any State, County, City and school taxes, any special district taxes and any other tax on real property, but does not include special assessments for local benefit improvements.

Maximum assessed valuation means, with respect to any local tax on any parcel of real property, the assessed valuation of such parcel appearing on the first assessment roll warranted to the City Treasurer after the completion of the development plan for the particular parcel, together with certification to that effect by the supervising agency to the City Treasurer.

Maximum exemption period means, with respect to any parcel of real property, the period of maximum assessed valuation for that particular parcel as designated in an ordinance, but which shall not exceed ten years from and after establishment of the maximum assessed valuation for that particular parcel.

Planning Board means the Planning Board of the City.

Redevelopment corporation means a corporation organized pursuant to the corporation laws of the State, whose certificate of incorporation shall comply with the requirements of Section 6 of the Urban Redevelopment Corporations Act, Public Act 250 of 1941, as amended, being M.C.L.A. 125.906.

Supervising agency means the Mayor.

Other terms not referred to in this section which are used or referred to in this chapter shall be defined and construed pursuant to Section 3 of Public Act 250 of 1941, as amended, being M.C.L.A. 125.903.

1216.03. - Approval of development plans; fees.

- (a) A development plan shall be submitted by each redevelopment corporation and shall contain all information required by Section 4(1) of Public Act 250 of 1941, as amended, being M.C.L.A. 125.904(1).
- (b) The Planning Board may approve the development plan, but may not issue a certificate of approval unless and until it has received the development plan from the redevelopment corporation, and an application for the approval thereof, and unless and until the Board has determined that the development plan has met all requirements of Section 4.3 of Public Act 250 of 1941, as amended, being M.C.L.A. 125.904(3).
- (c) The supervising agency may approve the development plan, but may not issue a certificate of approval therefor unless and until it has received the development plan and the certificate of approval from the Planning Board and an application for approval by the supervising agency from the redevelopment corporation, and unless and until it has determined that the proposed method of financing and the ability and experience of the redevelopment corporation management are acceptable pursuant to Section 4.4 of Public Act 250 of 1941, as amended, being M.C.L.A. 125.904(4).
- (d) The Planning Board and the supervising agency may approve an amendment to a development plan, but no such amendment to a development plan which has theretofore been approved by the Board and the supervising agency shall be approved, unless and until an application therefor has been filed with the Planning Board or the supervising agency by the redevelopment corporation containing that part of the material required by subsection (a) hereof, which material shall be relevant to the proposed amendment, and unless and until the Board or the supervising agency, as the case may be, makes the determinations required by subsection (a) hereof, which shall be relevant to the proposed amendment.
- (e) The Board and the supervising agency may each adopt a schedule of fees to be paid upon the filing of the development plan, amendments thereto and other instruments in connection therewith. The amount of such fees shall not exceed the reasonable cost of the examination, inspection and supervisory services required under this chapter.

1216.04. - Procedures and time limits.

All procedures and time limits, including contents of development ordinances, hearings, determinations of development costs, certifications and approvals, established by Public Act 250 of 1941, as amended, being M.C.L.A. 125.901 et seq., shall be adhered to by the redevelopment corporation under the supervision and direction of the Planning Board and the supervising agency.

(Ord. No. 551, 12-17-79)

1216.05. - Certificates of approval required.

No development shall be initiated by any redevelopment corporation until certificates of approval of the development plan therefor are issued by both the Planning Board and the supervising agency.

(Ord. No. 551, 12-17-79)

1216.06. - Commencement of construction; permits.

Upon approval of a development plan, the redevelopment corporation shall commence construction of the development, and pursuant thereto, shall obtain all necessary permits as prescribed by law and shall perform such other and necessary acts as are required by this chapter and Public Act 250 of 1941, as amended, being M.C.L.A. 125.901 et seq.

(Ord. No. 551, 12-17-79)

1216.07. - Supervision and investigations; certificates of completion.

- (a) Upon approval of a development plan, the supervising agency shall assign the duty of inspecting the construction work on the development to the departments of the City which have, by law, jurisdiction over facilities which are directly or indirectly affected by the construction of the development. Any department which is assigned to investigate shall make a written report on a periodic basis to the supervising agency, which report shall contain the following:
- (1) A general description of the progress and type of work investigated;
 - (2) The stages of the development plan which have been completed and whether or not construction work in progress will meet the time limits of the stages set forth in the development plan;
 - (3) Such other information as the supervising agency may require by rules and regulations; and
 - (4) Such other information as the department deems necessary and relevant.
- (b) Upon completion of the development or stage of development, the redevelopment corporation shall request the supervising agency to issue a certificate of completion. The supervising agency shall, within ten days, determine whether or not the development or stages of development have been completed in accordance with the development plan.
- (c) If the supervising agency determines that the development has been completed in accordance with the development plan, it shall issue a certificate of completion which shall state the date on which development was completed and shall forthwith transmit the same to the redevelopment corporation and the City Assessor.
- (d) If the supervising agency determines that the development has not been completed in accordance with the approved development plan, the supervising agency shall forthwith notify the redevelopment corporation by registered mail, return receipt requested, of the fact and stating the reasons for such finding. The supervising agency

may thereafter undertake such enforcement proceedings as are provided in this chapter or by law.

(e) After completion of the construction of the development, and during the maximum exemption period, the redevelopment corporation shall:

- (1) Submit to the supervising agency for its review such reports, financial information, statements, audited report or other material as the supervising agency may from time to time require, provided that such reports may not be required more often than once every six months; and
- (2) Establish and maintain such depreciation and other reserves, surplus and other accounts as the supervising agency may reasonably require.

(f) The duties of the supervising agency contained herein may be amended from time to time.

(Ord. No. 551, 12-17-79)

1216.08. - Conditions for issuance of building permits.

In the event of an approval of a development plan for an area, the Director of Building Safety shall not issue a building permit for construction in the area unless the building plans are found by the Director to be in substantial compliance with the approved development plan.

(Ord. No. 551, 12-17-79)

1216.09. - Assessment of property.

At the end of a maximum exemption period, the City Assessor shall forthwith assess the real property at its assessed value at the end of such period according to law, shall warrant the same to the Tax Collector and shall notify the redevelopment corporation forthwith, in writing, of the reassessment.

(Ord. No. 551, 12-17-79)

1216.10. - Limitations on redevelopment corporations.

No redevelopment corporation shall exceed the scope of its rights and powers as enumerated in the Urban Redevelopment Corporations Act, Public Act 250 of 1941, as amended, being M.C.L.A. 125.901 et seq.

(Ord. No. 551, 12-17-79)

1216.11. - Exemption from increase in assessed value.

Real property held by redevelopment corporations in a development shall be exempt, during the maximum exemption period of ten years, from any increase in assessed value over the maximum assessed value.

(Ord. No. 551, 12-17-79)

1216.12. - Exemption of subsequent improvements.

Council may determine, by resolution, that:

- (a) Any improvement made upon real property held by a redevelopment corporation after the commencement of the maximum exemption period for such real property shall have a value, for assessment purposes, equal to the maximum assessed value of the real property upon which the improvement is constructed.

- (b) The maximum exemption period for the improvement shall commence upon the issuance of a certificate of occupancy improvement by the Director of Building Safety and shall expire upon the expiration of the maximum exemption period for real property upon which the improvement is constructed.

(Ord. No. 551, 12-17-79)

1216.13. - Violations; enforcement.

Whenever a redevelopment corporation has not obtained certificates of approval of its development plan as required by Section 1216.03 within 12 months of the date upon which it became a redevelopment corporation; or has not substantially completed its development plan within the time limits for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen difficulties excepted; or does or permits to be done anything contrary to this chapter, or fails or omits to do anything required of it by this chapter; or is about to do so, permit to be done, or fail or omit to have done, as the case may be, then any such fact may be certified by the supervising agency to the City Attorney, who may thereupon commence a proceeding in the Circuit Court of the County. Such proceeding shall be commenced by a petition to the Circuit Court alleging the violation complained of and praying for appropriate relief as provided in Public Act 250 of 1941, as amended, being M.C.L.A. 125.914 and any other remedies available at law or equity.

(Ord. No. 551, 12-17-79)

1216.14. - Sale or lease of property to redevelopment corporations.

- (a) The City may, by resolution, determine that real property, title to which is held by the City, specified and described in such resolution, is not required for use by the City and may authorize the City to convey, sell or lease such real property to a redevelopment corporation subject, however, to Section 20 of Public Act 250 of 1941, as amended, being M.C.L.A. 125.920.
- (b) If real property of the City is leased to a redevelopment corporation, it shall be done pursuant to Section 21 of Public Act 250 of 1941, as amended, being M.C.L.A. 125.921.

(Ord. No. 551, 12-17-79)

1216.15. - Acceptance of Urban Redevelopment Corporations Act.

The Urban Redevelopment Corporations Act, Public Act 250 of 1941, as amended, being M.C.L.A. 125.901 et seq., is hereby accepted and incorporated into this chapter by reference as if fully set out at length herein. The provisions of such Act shall apply, where applicable, to any person or corporation acting under this chapter.

(Ord. No. 551, 12-17-79)

1216.16. - Multiple or overlapping development plans.

If one or more redevelopment corporations submit development plans to the Planning Board for development areas, which plans overlap in whole or in part, then the Board shall:

- (a) Disapprove all plans in accordance with this section; or
- (b) Approve one plan over all the others with respect to the common development area and disapprove, in part, the other plans for the common area if it is able to determine that the plan approved is best suited to the public interest.

(Ord. No. 551, 12-17-79)

CHAPTER 1217. - USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO PREVENT AND ELIMINATE BLIGHTED AREAS

Footnotes:

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Cross reference— *Blighted area rehabilitation - see M.C.L.A. Secs. 125.71 et seq.; Persons displaced by urban renewal - see M.C.L.A. Secs. 125.961 et seq.; Economic development corporations - see M.C.L.A. Secs. 125.1531 et seq.; Plant rehabilitation and industrial development districts - see M.C.L.A. Secs. 207.551 et seq.; Downtown Development Authority - see ADM. Ch. 262; Downtown Development District - see ADM. 262.03; Economic Development Corporation Board of Directors - see ADM. Ch. 263; Downtown Mall and Environs - see B.R. & T. Ch. 812; Construction of sidewalks - see S.U. & P.S. Ch. 1024; Clearing, replanning, rehabilitating and modernizing of blighted areas - see P. & Z. Ch. 1216; Subdivision improvements - see P. & Z. Ch. 1238; Landscaping, screening and buffering - see P. & Z. Ch. 1290; Substandard, hazardous, unsafe or dangerous buildings - see B. & H. 1420.02(U.B.C. 203), 1460.07, 1460.20, 1460.21, 1460.24; Repair of substandard buildings and premises - see B. & H. 1460.22, 1460.23.*

1217.01. - Purpose.

The purpose of this chapter is to better assist the City in meeting the national objectives established for the Community Development Block Grant Program (CDBG) pursuant to 24 CFR 570.208 by defining "blighted, deteriorated or deteriorating areas"; by authorizing the use of CDBG Funds for rehabilitation and improvement activities on an area basis; and by authorizing Council to designate the boundaries of such an area by resolution.

(Ord. No. 869, 9-27-93)

1217.02. - Blighted, deteriorated or deteriorating area defined.

For purposes of this chapter, "blighted, deteriorated or deteriorating area" means a portion of the City, developed or undeveloped, improved or unimproved, characterized by obsolescence, physical deterioration of structures therein, incompatible land uses, improper division or arrangement of lots, streets and other open spaces, mixed character and uses of structures, or any other similar characteristics which endanger the health, safety, morals or general welfare of the City and its residents, which may include any buildings or improvements not in themselves obsolescent, and any real property, residential or nonresidential, whether improved or unimproved.

(Ord. No. 869, 9-27-93)

1217.03. - Findings.

Council hereby finds and declares that blighted, deteriorated or deteriorating areas, continue to exist in the City, notwithstanding prior efforts of the City to eradicate the same.

(Ord. No. 869, 9-27-93)

1217.04. - Use of community development block grant funds.

The use of CDBG Funds as a tool to prevent and eliminate blighted, deteriorated and deteriorating conditions in designated areas is hereby authorized.

(Ord. No. 869, 9-27-93)

1217.05. - Designation of areas by Council resolution.

Council may designate, by resolution, the boundaries of a blighted, deteriorated or deteriorating area. Upon such a designation, and subject to funding, CDBG assistance may be provided for eligible activities in the area to prevent or eliminate blighted, deteriorated and deteriorating conditions.

(Ord. No. 869, 9-27-93)

CHAPTER 1218. - SOIL EROSION AND SEDIMENTATION CONTROL

Footnotes:

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Editor's note— Ord. No. 1118, § 1, adopted December 11, 2006, amended chapter 1218 in its entirety to read as herein set out. Former chapter 1218, §§ 1218.01—1218.23, 1218.99, pertained to similar subject matter, and derived from Ord. No. 424, 5-10-76; Ord. No. 391, 6-23-75.

Cross reference— Removal of dirt from grassplots - see GEN. OFF. 688.06; Drain layers - see B.R. & T. Ch. 814; Construction of culverts - see S.U. & P.S. 1028.01; Plans for drains and drainage - see S.U. & P.S. 1044.04; Private connections for drains - see S.U. & P.S. 1044.11; Floodplain development - see P. & Z. 1236.02; Drainage in subdivisions - see P. & Z. 1238.07; Landscaping in subdivisions - see P. & Z. 1238.09(b); Floodplain control - see P. & Z. Ch. 1288; Construction in the floodplain - see P. & Z. 1288.05; Landscaping, screening and buffering - see P. & Z. Ch. 1290.

1218.01. - Definitions.

As used in this chapter:

Certification means a signed, written statement by the City Engineer that specific constructions, inspections or tests required by this chapter have been performed and that such comply with the applicable requirements of this chapter.

City Engineer means the City Engineer or his or her authorized representative.

Earth change means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Earth change does not include the practice of plowing and tilling of the soil for the purpose of crop production.

Designated agent means a person who has written authorization from the land owner to sign the application and secure a permit in the land owner's name.

Land owner means the person who owns or holds the recorded easement on the property or who is engaged in construction in a public right-of-way in accordance with Sections 13, 14, 15, and 16 of Act No. 368 of the Public Acts of 1925, as amended, being §§ 247.183, 247.184, 247.185 and 247.186 of the Michigan Compiled Laws.

Nonerosive velocity means a speed of water movement which is not conducive to the development of soil erosion.

Permit means a State prescribed permit issued by the City Engineer to authorize work to be performed under this chapter.

Sediment means solid particulate matter, including both mineral and organic matter, that is in suspension in water, is being transported or has been removed from its site of origin by the actions of wind, water, or gravity and has been deposited elsewhere.

Soil erosion means the wearing away of land by the action of wind, water, gravity or a combination of wind, water or gravity.

Waters of the State means the Great Lakes and their connecting waters, inland lakes and streams as defined in the rules promulgated by the Michigan Department of Environmental Quality or its successors, and wetlands regulated under MCL 324.30301, et seq.

(Ord. No. 1118, § 1, 12-11-06)

1218.02. - Enforcement by Department of Public Service; adoption of rules by reference.

The Department of Public Service, through the office of the City Engineer, shall be the municipal enforcing agency responsible for the administration and enforcement of this chapter, MCL 324.9101, et seq., and the promulgated rules and the Department of Agriculture, which are hereby adopted by reference as they are amended from time to time.

(Ord. No. 1118, § 1, 12-11-06)

1218.03. - Compliance required.

No site plan, development plan or plat shall be approved under this Planning and Zoning Code unless such site plan, development plan, or plat includes soil erosion and sediment control measures consistent with this chapter and the related regulations, standards and specifications adopted by reference in this chapter.

(Ord. No. 1118, § 1, 12-11-06)

1218.04. - Certificates of occupancy.

No certificate of occupancy for any building or structure shall be issued under the Zoning Code or the Building Code, unless the application for such certificate has complied with this chapter and related land development regulations and standards adopted pursuant hereto, and has satisfactorily completed, as evidenced by a certificate of completion issued pursuant to Section 1218.22, the soil erosion and sediment control measures approved for such applicant.

(Ord. No. 1118, § 1, 12-11-06)

1218.05. - Building permits.

Upon receipt of an application for a building permit proposing earth changes, which work disturbs one or more acres of land or disturbs land located within 500 feet of the waters of the State of Michigan, the Building Safety Division of the Department of Planning and Neighborhood Development shall immediately notify the City Engineer. The Building Safety Division shall not issue a building permit to such applicant until the City Engineer has issued the required permit pursuant to this chapter.

(Ord. No. 1118, § 1, 12-11-06)

1218.06. - Soil Erosion and Sedimentation Control.

Except as otherwise provided in this chapter, a land owner or designated agent, who contracts for, allows or engages in any earth changes which disturbs one or more acres of land, or which is within 500 feet of the waters of the State of Michigan, shall obtain a State prescribed permit issued by the City Engineer prior to the commencement of such earth changes.

(Ord. No. 1118, § 1, 12-11-06)

1218.07. - Soil erosion and sediment control plan.

The land owner or designated agent shall submit with their application for a State prescribed permit a soil erosion and sedimentation control plan. This soil erosion and sediment control plan shall be reviewed and approved by the City Engineer. The soil erosion and sediment control plan shall be prepared or approved and signed by a qualified person in the management of soil erosion and sedimentation control. Such person may be a professional engineer, registered architect, landscape architect, agronomist, soil scientist, soil engineer or other person of established experience and training. However, the City

Engineer may waive the preparation or approval and signature by such qualified person when the work for which a permit is sought entails little or no hazard to adjacent property or to a lake, stream, river or natural drain within 500 feet of the work site and does not include the construction of a fill upon which a structure may be erected. This plan shall identify factors that may contribute to soil erosion, sedimentation or both. The plan shall be designed in a manner to effectively reduce accelerated soil erosion and sedimentation. The plan submitted to the City Engineer shall include, but not be limited to, all of the following:

- (a) A site location sketch, at a scale of not more than one inch equals 200 feet, showing the proximity of any proposed earth changes to lakes or streams or both, as well as adjacent properties within 100 feet of the site boundaries;
- (b) A boundary line survey and legal description of the site on which the work is to be performed; and
- (c) A plan of the site, at a scale of not more than one inch equals 100 feet, showing:
 - (1) The name, address and telephone number of the owner, developer and applicant;
 - (2) A timing schedule and sequence description of each proposed earth change, including a schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of the soil erosion and sediment control measures required by this chapter;
 - (3) A description and location of all proposed temporary and permanent soil erosion and sediment control measures required by this chapter;
 - (4) A description and location of all existing and proposed on-site drainage facilities and dewatering facilities, including delineation of the drainage area of the land tributary to the site and estimated runoff of the area served by any drain;
 - (5) A statement of the quantity of excavation or fill involved;
 - (6) The existing topography at a maximum of two-foot contour intervals;
 - (7) The proposed topography at a maximum of two-foot contour intervals;
 - (8) The location of predominant land features, including structures or natural features on the site;
 - (9) The location of any structure or natural feature on the land adjacent to the site and within one hundred feet of the site boundary line, including any catch basins tributary to the site;
 - (10) The proximity of any earth change to any lake, stream, river or natural drain;
 - (11) The location of any proposed additional structures or development on the site;
 - (12) The description, location, elevations, dimensions, extent and slope of all proposed earth changes, including building and driveway grades;
 - (13) The estimated total cost of the required soil erosion and sediment controls;
 - (14) A soil investigation report, which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site;
 - (15) A signed statement of assurance that Section 1218.17, pertaining to maintenance of the approved soil erosion and sediment control measures, will be observed; and
 - (16) Any other information or data as may be required by the City Engineer.

(Ord. No. 1118, § 1, 12-11-06)

1218.08. - Bonds.

As part of the submittal for the soil erosion and sedimentation control permit, the applicant, except where the applicant is a school district, community college district or other governmental entity, shall post with the City Clerk either cash, a certified check, an irrevocable letter of credit issued by a bank or a surety bond in an amount sufficient to ensure the installation and completion of the soil erosion and sedimentation control measures specified in the approved plan. The surety bond shall be open ended and shall be executed by the applicant and a United States based corporate surety authorized to do business in this State as a surety. Any surety bond or irrevocable letter of credit shall be in a form approved by the City Attorney, and shall be made payable to the City in the amount of the estimated total cost of the required soil erosion and sediment controls approved by the City Engineer pursuant to this chapter. The total cost of the work shall be estimated by the City Engineer. The bond shall include penalty provisions for failure to complete the work on schedule as specified in the permit or in the approved plan. Every bond and instrument of credit shall include, and every cash deposit or certified check shall be made on, the condition that the applicant shall comply with this chapter and all of the terms and conditions of the permit and the approved plan, and shall complete all of the work contemplated under the permit and approved plan within the time limit specified in the permit or plan or, if no time limit is specified, within 180 days after the date of the issuance of the permit. The bond, instrument of credit, cash deposit or certified check shall be released to the applicant upon issuance of the certification of completion as per Section 1218.22.

(Ord. No. 1118, § 1, 12-11-06)

1218.09. - Extension of time.

If an applicant is unable to complete the work within the specified time, he or she may, at least ten days prior to the expiration of the permit, present, in writing, to the City Engineer, a request for an extension of time setting forth the reasons for the requested extension. If such an extension is warranted, the City Engineer may grant additional time for the completion of the work, but no such extension shall operate to release the owner or the surety on the bond or the person furnishing the instrument of credit, surety bond, cash or certified check.

(Ord. No. 1118, § 1, 12-11-06)

1218.10. - Notice of violation; completion of work by City.

If the City Engineer determines that soil erosion or sedimentation of adjacent properties or the waters of the State has or will reasonably occur from land in violation of MCL 324.9101, et seq., the promulgated rules adopted by the City, or in violation Chapter 1218 of the Codified Ordinances, the City Engineer may enforce a violation of this part by notifying the land owner in writing, as identified by the most current Assessor's records, either in person or by mail, with return receipt requested, of its determination.

This Notice of Violation shall include the following:

- (a) The location of the property in violation.
- (b) The owner of the property in violation.
- (c) Description of the violation.
- (d) The proposed remedy to the violation.
- (e) The time specified to remedy the violation.
- (f) If City corrects the violation, Notification of City costs if they exceed \$10,000.00.

Within five days after the Notice of Violation has been issued or the time specified in the notice of violation, the person who owns the land shall bring the soil erosion and sedimentation control into compliance, as described in the proposed remedy to the violation.

After at least five days after the date of the Notice of Violation, or the time specified in the Notice of Violation, if it is the City Engineer's opinion that the condition of the land may result in or contribute to soil erosion or sedimentation of adjacent properties or the waters of the State, and if the required soil erosion and sedimentation control measures are not in place, the City Engineer, or his or her designee, may enter the site and construct, implement and maintain soil erosion and sedimentation control measures in order to bring the site within compliance of the Notice of Violation. If the cost for bringing the site into compliance, including the work, materials, labor, and administration, exceeds \$10,000.00, the City Engineer shall in the Notice of Violation inform the person who owns the land that an expenditure of more than \$10,000.00 may be made. If more than \$10,000.00 is to be expended, work shall not begin until at least ten days after the Notice of Violation has been served.

All expenses incurred by the City, including administrative costs, to construct, implement and maintain soil erosion and sedimentation control measures to bring the site into conformance with the Notice of Violation shall be reimbursed to the City by the land owner.

The City shall have a lien on the land for the expenses incurred to bring the site into conformance with the Notice of Violation. With respect to single-family or multi-family residential property, the lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, MCL 211.1, et seq.

(Ord. No. 1118, § 1, 12-11-06)

1218.11. - Permit applications; review.

The land owner or designated agent, proposing to undertake earth changes shall submit to the City Engineer a State prescribed application for a permit. A separate application shall be required for each permit.

The City Engineer shall approve, disapprove or require modification of the application for a permit within 30 calendar days following receipt of the application.

Upon a determination that a permit applicant has met all the requirements of this chapter, the City Engineer shall issue a permit for the proposed earth changes. The permit shall be posted at the work site and a copy of the approved soil erosion and sedimentation control plan shall be available at the work site for inspection. Notification of approval shall be made in writing, in person or by first class mail. If the application is disapproved, the City Engineer shall advise the applicant in writing, in person, or by certified mail of the reasons for disapproval and conditions required for approval. A permit given to the applicant either in person or by first class mail shall constitute approval.

(Ord. No. 1118, § 1, 12-11-06)

1218.12. - Conditions for nonissuance of permits.

A permit required by this chapter shall not be issued where:

- (a) The work, as proposed by the applicant, will damage any public or private property, interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waters of the state, or create an unreasonable hazard to persons or property.

- (b) The land area for which the project is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to person or property.
- (c) The applicant has not met the bond, cash, certified check or instrument of credit deposit requirements of Section 1218.08.

(Ord. No. 1118, § 1, 12-11-06)

1218.13. - Fees.

At the time of filing an application for a permit required by this chapter, a nonrefundable filing fee, as determined by resolution of Council, shall be paid to the City Engineer. An additional nonrefundable fee per acre of site area involved (rounded up to the nearest acre), as determined by resolution of Council, shall be charged for plan and site inspections, with a minimum fee for such review and inspection as determined by resolution of Council.

(Ord. No. 1118, § 1, 12-11-06)

1218.14. - Modification of approved plans.

All modifications of approved soil erosion and sedimentation control plans must be submitted to and approved by the City Engineer. All necessary sustaining reports shall be submitted with any proposal to modify such approved plans. No earth changes in connection with any proposed modification shall be undertaken without the approval of the City Engineer. Additional fees may be required, as provided in Section 1218.13.

(Ord. No. 1118, § 1, 12-11-06)

1218.15. - Responsibilities of permittee.

During any earth change operation, the Land owner to whom a valid permit has been issued shall be responsible for:

- (a) The prevention of damage to any public utilities or services within the limits of earth changes and along any routes of travel by the equipment utilized in site operations;
- (b) The prevention of damage to adjacent property, including not performing earth changes on the site so close to the property line as to endanger any adjoining public street, sidewalk, alley or public or private property without supporting and protecting such property from settling, cracking or other damage which might result;
- (c) The carrying out of the proposed work in accordance with the approved plan and in compliance with all the requirements of the permit and this chapter;
- (d) The prompt removal of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks or other thoroughfares during transit to and from the construction site where such spillage constitutes a public nuisance or hazard;
- (e) The removal of sediment insofar as possible from any runoff water before it leaves the permitted site;
- (f) The design and installation of permanent or temporary control measures for the conveyance of water around, through or from the earth change area to limit the flow of water to a nonerosive velocity;
- (g) The design, construction and completion of an earth change in a manner that limits the exposed area of any disturbed land for the shortest possible period of time as determined by the City Engineer; and
- (h) The installation of temporary soil erosion and sedimentation control measures before or upon commencement of earth change activity and the maintenance of these measures on a daily basis. The removal of temporary soil

erosion and sediment control measures after permanent soil erosion and sediment control measures have been implemented and the area stabilized.

(Ord. No. 1118, § 1, 12-11-06)

1218.16. - Permanent and temporary soil erosion and sediment control measures.

Permanent soil erosion control measures required by this chapter for all slopes, channels, ditches or disturbed land areas shall be completed within five calendar days after final grading or earth changes has been completed. When it is not possible to permanently stabilize a disturbed area after such activity has been completed, or where significant earth change activity ceases, temporary soil erosion control measures required under this chapter shall be maintained until permanent soil erosion control measures are in place and the area is stabilized. If significant earth change activities have ceased for more than 30 days, the City Engineer may issue a notice of violation, or complete the work pursuant to Section 1218.10, for the installation of permanent soil erosion control.

(Ord. No. 1118, § 1, 12-11-06)

1218.17. - Maintenance requirements.

All persons carrying out soil erosion and sediment control measures under this chapter shall have a program for the continued maintenance of all soil erosion and sediment control measures that remain after project completion. Any conveyance of the land on which the permanent soil erosion control measures are located shall provide for maintenance responsibilities. If the conveyance fails to so provide, the subsequent land owner shall be responsible for maintenance responsibilities.

(Ord. No. 1118, § 1, 12-11-06)

1218.18. - Plans and specifications.

All plans and specifications required by this chapter, including the extension of previously approved plans, shall include provisions for soil erosion and sediment control in accordance with the standards and specifications of all the following:

- (a) The product manufacturer.
- (b) The local conservation district.
- (c) The Michigan Department of Environmental Quality or its successor.
- (d) The Michigan Department of Transportation or its successor.
- (e) The Michigan Department of Agriculture or its successor.
- (f) The City.

If a conflict exists between the standard and specifications, the City Engineer shall determine which specifications are appropriate for the project.

(Ord. No. 1118, § 1, 12-11-06)

1218.19. - Exceptions from getting permits.

- (a) No soil erosion sedimentation control permit shall be required for:
 - (1) The industry generally referred to as logging, except access roads and ancillary activities;
 - (2) The industry generally referred to as mining, not including the removal of clay, gravel, sand, peat or topsoil. The

exception from obtaining a permit does not include access roads and ancillary activities;

- (3) The plowing or tilling of land for the purpose of crop production or the harvesting of crops;
 - (4) Normal road and driveway maintenance, such as grading and leveling that does not increase the width or length of the road or driveway and will not contribute sediment to lakes or streams;
 - (5) Earth changes of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams;
 - (6) Installation of oil, gas or mineral wells under permit from the Supervisor of Wells if the owner-operator is found by the Supervisor of Wells to be in compliance with MCL 324.9101, et seq., as amended; or
 - (7) A project carried out by the authorized public agency designated pursuant to MCL 324.9101, et seq., as amended.
- (b) The exemptions provided in this section shall not be construed as exemptions from the enforcement procedures specified in MCL 324.9101, et seq., as amended, the rules pertaining to soil erosion and sedimentation control pursuant to MCL 324.9104 and MCL 324.9114 promulgated by the Michigan Department of Environmental Quality, the Michigan Department of Agriculture, or this chapter, if such exempted activities cause or result in a violation of MCL 324.9101, et seq., as amended.
- (c) A waiver to the permit may be granted at the City Engineer's discretion for an earth change after receiving a signed affidavit from the land owner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes and streams.
- (d) Notwithstanding the exceptions of this section, a person who owns land on which an earth change has been made that may result in or contribute soil erosion or sedimentation of the waters of the State, whether or not a permit was required, shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.

(Ord. No. 1118, § 1, 12-11-06)

1218.20. - Inspections.

The City Engineer shall inspect the work undertaken pursuant to this chapter and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, approved by the City Engineer, unless the City Engineer determines that such inspection requirements may be waived due to the nonhazardous nature of the work as it pertains to soil erosion and sedimentation.

(Ord. No. 1118, § 1, 12-11-06)

1218.21. - Certification of completion.

Upon satisfactory execution of all approved soil erosion and sedimentation control plans, and upon ascertaining that the applicant has complied with this chapter, MCL 324.9101, et seq., as amended, and the promulgated rules governing soil erosion and sedimentation control, the City Engineer shall issue a certification of completion.

(Ord. No. 1118, § 1, 12-11-06)

1218.22. - Cease and desist orders; revocation of permits; legal remedies.

Upon making a finding that there is a violation of any of the provisions of this chapter, MCL 324.9101, et seq., as amended, the promulgated rules pertaining to soil erosion and sedimentation control, the terms of a permit issued hereunder, or the soil erosion and sedimentation control plan approved herein, the City Engineer shall issue a cease and desist order and shall revoke

the permit issued under this chapter. All violations of this chapter shall be reported by the City Engineer to the Michigan Department of Environmental Quality or its successor. Notwithstanding the existence or pursuit of any other remedy, the City may maintain an action in its own name in a court of competent jurisdiction for an injunction or other process against a person to restrain or prevent violations of this chapter.

At all reasonable times, the City Engineer may enter in or upon any private or public property for the purpose of inspecting and investigating conditions or practices that may be in violation of this chapter. However, an investigation or inspection under this chapter shall comply with the United States Constitution and the State Constitution of 1963.

(Ord. No. 1118, § 1, 12-11-06)

1218.23. - Land owner and contractor responsibility.

Prior to a contractor commencing an earth change, an approved soil erosion and sedimentation control permit, where required, shall be in place. The contractor shall have a copy of approved permit on site and available for inspection. The contractor shall implement the soil erosion and sedimentation control plan in a workmanlike manner and in compliance with Chapter 1218 of the Codified Ordinances.

If the land owner or contractor is found to be in noncompliance of Chapter 1218, the City Engineer may deny to the land owner or contractor utility permits, sewer permits and other permits to use the public right-of-way. The City Engineer may also request from the Building Safety Division of the Department of Planning and Neighborhood Development the withholding of building, foundation, electrical, plumbing and mechanical permit inspections until such time that the land owner or contractor returns to compliance.

(Ord. No. 1118, § 1, 12-11-06)

1218.99. - Penalty.

- (a) *Municipal civil infraction; fine.* Person who violates any of the provisions in this chapter is responsible for a Municipal civil infraction and may be ordered to pay a civil fine pursuant to MCL 324.9121, as provided in Section 203.03.
- (b) *Knowing violation; false statement; fine.* In addition, a person who knowingly violates this chapter or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of violation, pursuant to MCL 324.9121.
- (c) *Notice of violation; fine.* In addition, a person who knowingly violates this chapter after receiving a Notice of Violation is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation, pursuant to MCL 324.9121.

(Ord. No. 1118, § 1, 12-11-06)

CHAPTER 1219. - POST-CONSTRUCTION STORMWATER MANAGEMENT

1219.01. - Purpose.

- (a) The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the City of Lansing and the watersheds to which it drains and to comply with the City's National Pollution Discharge Elimination System (NPDES) permit and other applicable Federal and State regulations.

- (b) This chapter seeks to meet that purpose by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment through the following objectives:
- (1) To minimize increased stormwater runoff rates and volumes from identified land development and redevelopment.
 - (2) To minimize nonpoint source pollution.
 - (3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.
 - (4) To encourage water recharge where geologically favorable conditions exist.
 - (5) To maintain the ecological integrity of stream channels.
 - (6) To minimize the negative impacts of development on downstream channel stability.
 - (7) To preserve and protect water supply facilities and water resources by controlling increased flood discharges, stream erosion, and runoff pollution.
 - (8) To reduce the adverse impact of changing land use on water bodies and, to that end, this chapter establishes minimum standards to protect water bodies from degradation resulting from changing land use where stormwater management controls are insufficient to meet water quantity and quality goals.
 - (9) To ensure that storm drains and stormwater BMPs are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this chapter and the City of Lansing's Stormwater Management Policies and Procedures Manual (policies manual) are designed for these purposes.
 - (10) To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or for overseeing the performance of maintenance by a private entity.
 - (11) To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plans of the City.
 - (12) To establish legal authority to carry out all of the inspection and monitoring procedures necessary to ensure compliance with this chapter.

(Ord. No. 1234, § 1, 9-10-18)

1219.02. - Definitions.

As used in this chapter:

Applicant means any person proposing or implementing the development or redevelopment of land.

BMP or best management practice means any practice, or combination of practices and design criteria that comply with the City of Lansing Stormwater Management Design Manual or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City Engineer and/or, where appropriate, the standards of the County Drain Commissioner.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conveyance facility means a storm drain, pipe, swale, or channel.

Design Engineer means the registered professional engineer responsible for the design of the stormwater management plan.

Detention means a system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate. The goals of this BMP are to control peak discharge rates and provide gravity settling of pollutants.

Developed or development means the installation or construction of impervious surfaces on a development site that require, pursuant to State law or local ordinance, City of Lansing approval of a site plan, site condominium, special land use, planned unit development, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for the purposes of this article only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one acre.

Engineered site grading plan means a sealed drawing or plan and accompanying text prepared by a registered engineer or landscape architect which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this chapter are met.

Erosion and sediment control plan means a plan that is designed to minimize the accelerated erosion and sedimentation runoff at a site during construction.

Fee in lieu contribution means a payment of money in place of meeting all or part of the stormwater performance standards required by this chapter.

Grading means any stripping, excavating, filling, or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

Impervious surface means surface that does not allow stormwater runoff to slowly percolate into the soil.

Infiltration means the percolation of water into the ground, expressed in inches per hour.

Land disturbing activity means any activity that changes the volume or peak flow discharge of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or manmade watercourse.

Maintenance agreement means a binding agreement that establishes the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means the permit issued to the City of Lansing by the Michigan Department of Environment Quality for point source discharges of stormwater from municipal separate storm sewer systems.

Non-structural measure means a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site.

Offsite facility means all or part of a drainage system that is located partially or completely off the development site which it serves.

Peak rate of discharge means the maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).

Permanent stormwater BMP means a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

Plan means written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this chapter.

Post-construction stormwater management plan (stormwater plan) means drawings and written information prepared by a registered engineer, registered landscape architect, or registered surveyor which describe the way in which accelerated soil erosion and/or stormwater flows from a particular site are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this chapter are met.

Receiving stream or channel means the body of water or conveyance into which stormwater runoff is discharged.

Recharge means the replenishment of underground water reserves through percolation.

Redevelopment means a change to a previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Responsible party means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity, or any other legal entity; or their representatives, agents, or assigns that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

Retention means a holding system for stormwater, either natural or manmade, which does not have a direct outlet to adjoining watercourses or wetlands.

Runoff means that part of precipitation, which flows over the land.

Sediment means mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

Stormwater BMP means any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this chapter.

Stormwater Management Design Manual means the document that provides a detailed explanation of the design criteria and specific constructed approaches for achieving compliance with the City's post-construction stormwater management ordinance.

Stormwater Management Policies and Procedures Manual means the document that provides a detailed explanation of the policies and procedures for achieving compliance with the City's post-construction stormwater management ordinance.

Stream buffer means an area of land at or near a streambank, wetland, or waterbody that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may otherwise result in significant degradation to water quality.

Watercourse means any natural or manmade waterway or other body of water having reasonably well-defined banks. Rivers, streams, creeks, brooks, and channels, whether continually or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.

Watershed means an area of land draining to a common outlet otherwise known as a drainage or catchment area.

Wetlands means as defined by Michigan's wetland statute, Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

(Ord. No. 1234, § 1, 9-10-18)

1219.03. - Applicability.

- (a) This chapter shall be applicable to all land development (new development and redevelopment), including but not limited to, site plan, plot plan and plat applications as well as any grading applications. In addition, this chapter shall be applicable to public improvement projects that disturb one acre or more.

The City Engineer may waive the channel protection requirements, water quality requirements and/or flood control requirements of Section 1219.08(d) of this chapter for:

- (1) Projects that are within areas of the City's sewer collection system that are served by combined sewers; or
 - (2) Projects that disturb less than one acre and are not part of a larger common plan of development or sale that would disturb one acre or more.
- (b) The procedures and standards set forth in this post-construction stormwater management chapter, and the policies, procedures, and design data specified in the City of Lansing Stormwater Management Policies and Procedures Manual (policies manual) and the City of Lansing Stormwater Management Design Manual (design manual) provide the minimum standards to be adhered to by developers and in no way limits the authority of the City to adopt or publish and/or enforce higher standards as a condition of approval of developments.
 - (c) No site plan, plot plan, or plat shall be approved under Part 12 of this Code until approval by the City Engineer that said development or redevelopment meets all:
 - (1) Soil erosion and sedimentation control measures consistent with the requirements of Chapter 1218 of this Code;
 - (2) Requirements for an approved post-construction stormwater management plan (stormwater plan) as outlined in Section 1219.07; and
 - (3) Related land development regulations.
 - (d) In order to ensure completion of construction of the permanent stormwater BMPs specified in the applicant's stormwater plan as outlined in Sections 1219.07 and 1219.08, a completion bond must be provided to the City in conjunction with the site plan or plot plan submitted consistent with Part 12 of this Code. The value of the completion bond must be in an amount equivalent to the value of the permanent stormwater BMPs specified in the approved stormwater plan. Consistent with Section 1219.10(g), the completion bond will be released by the City following final verification of the construction by a registered professional engineer.
 - (e) For an existing stormwater basin constructed prior to the effective date of the ordinance from which this chapter is derived, an approved stormwater plan must be secured prior to any significant expansion, repair, or maintenance of said stormwater basin.

(Ord. No. 1234, § 1, 9-10-18)

1219.04. - Exemptions.

- (a) Notwithstanding the requirements of Section 1219.03, a stormwater plan shall not be required for activities protected by the Right to Farm Act 93 of 1981.
- (b) The installation or removal of individual manufactured homes within a manufactured home park is exempted from the requirements of this chapter. This exemption shall not be construed to apply to the construction, expansion, or

modification of a manufactured home park.

- (c) Plats that have received preliminary plat approval and other developments with final land use approval prior to the effective date of the ordinance from which this chapter is derived are exempted from the requirements of this chapter, where such approvals remain in effect.
- (d) Any emergency projects that are immediately necessary for the protection of life, property, or natural resources, are exempted from the requirements of this chapter.
- (e) Linear construction projects, such as pipeline or utility line installation, that do not result in the installation of any impervious cover, as determined by the City Engineer, are exempted from the requirements of this chapter.

(Ord. No. 1234, § 1, 9-10-18)

1219.05. - Liability.

Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this chapter and other applicable City ordinances are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters to the maximum extent practicable.

(Ord. No. 1234, § 1, 9-10-18)

1219.06. - Designation of stormwater authority; powers and duties.

- (a) The City Engineer shall administer and enforce this chapter, and may furnish additional policy, criteria and information including specifications and standards and/or establishment of a permitting program, for the proper implementation of the requirements of this chapter and may provide such information in the form of a stormwater management policies and procedures manual and/or stormwater management design manual.
- (b) The City's stormwater management policies and procedures manual and/or stormwater management design manual may be updated and expanded from time to time, at the discretion of the City Engineer based on regulatory revisions and/or improvements in engineering, science, monitoring and local maintenance experience.
- (c) Representatives of the City Engineer shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this chapter.

(Ord. No. 1234, § 1, 9-10-18)

1219.07. - Contents of post-construction stormwater management plan.

- (a) The Stormwater Management Plan (stormwater plan) shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.
- (b) The stormwater plan shall be presented as follows:
 - (1) Through plans, illustrations, reports, and calculations, the stormwater plan shall display the required information specified in the City of Lansing Stormwater Management Design Manual (design manual).
 - (2) The stormwater plan must be sufficiently detailed to specify the type, location, and size of stormwater

management facilities.

(3) If it is proposed to develop a parcel in two or more phases, the stormwater plan shall be prepared and submitted for the total project.

(c) The stormwater plan shall be prepared by a registered civil engineer in accordance with the requirements outlined in the design manual. Other persons and professionals may assist in the preparation of the plan. All plans shall be properly sealed.

(Ord. No. 1234, § 1, 9-10-18)

1219.08. - Standards for post construction Stormwater Management Plan (stormwater plan) approval.

(a) All developments requiring a stormwater plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this chapter, as stated above. The City has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as described below and in the City of Lansing Stormwater Management Design Manual (design manual).

(b) Designers may select any combination of stormwater BMPs which meet the performance standards provided the selections:

(1) Comply with the requirements identified in this chapter and the associated City of Lansing Stormwater Management Policies and Procedures Manual (policies manual) and design manual;

(2) Comply with all other local, County, State, or Federal requirements; and

(3) Do not conflict with the existing local stormwater management and watershed plans.

(c) The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site.

(d) The following on-site stormwater management concepts must be followed:

(1) Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.

(2) The preferred conveyance strategy is to transport, wherever possible, untreated and treated runoff in conveyance facilities open to the atmosphere (e.g. swales, vegetated buffer strips, energy-dissipating structures, etc.), rather than through enclosed pipes, so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.

(3) Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City Engineer, relevant County agencies and the applicable State of Michigan department(s).

(4) The stormwater plan and associated BMPs must demonstrate compliance with required channel protection/volume criteria by providing retention as necessary to meet volume and peak flow limits consistent with the requirements of the design manual. Specific details for achieving compliance with the volume/channel protection criteria are outlined in the design manual.

(5) The stormwater plan and associated BMPs must demonstrate compliance with required water quality criteria by providing treatment of total suspended solids (TSS) or by providing retention to achieve the same criteria for maximum TSS concentrations in the stormwater discharge from the site with either approach being consistent

with the requirements of the design manual. Specific details for achieving compliance with the water quality criteria are outlined in the design manual.

- (6) The stormwater plan and associated BMPs must demonstrate compliance with required peak flowrate and flood control criteria by providing stormwater detention and/or retention consistent with the requirements of the design manual. Specific details for achieving compliance with the peak flowrate and flood control criteria are outlined in the design manual.
- (7) Under certain conditions, the City, upon recommendation by the City Engineer, may impose the following additional restrictions on stormwater discharges.
 - a. Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be further aggravated.
 - b. Measures shall be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by the City Engineer.
- (e) Stormwater "credits" for onsite stormwater management may be considered in accordance with the provisions provided in the policies manual.
- (f) Stormwater "offsets" may be considered where water quantity or water quality BMPs required by this chapter cannot be fully accommodated on-site in accordance with the provisions provided in the policies manual.

(Ord. No. 1234, § 1, 9-10-18)

1219.09. - Stormwater management plan and BMP construction plans submission.

- (a) The Stormwater Management Plan (stormwater plan) and the associated, proposed BMP construction plans and specifications shall be submitted for review in accordance with the site plan submittal requirements of Part 12 of this Code.
- (b) The BMP construction plans and specifications shall be prepared in accordance with the requirements of this chapter and the City of Lansing Stormwater Management Design Manual (design manual).
- (c) The BMP construction plans and specifications shall be prepared by a licensed landscape architect, certified professional surveyor, or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater BMPs meet the requirements of this chapter.
- (d) No substantive changes shall be made to an approved stormwater plan without review and written approval by the City. The Engineering Division may request additional data with a plan amendment as may be necessary for a complete review of the stormwater plan and BMP construction plans and specifications to ensure that changes to the plan will comply with the requirements of this chapter.
- (e) Compliance with the requirements of this chapter does not eliminate the need for the proprietor to obtain required permits and approvals from County and State agencies.
- (f) For site condominiums, complete master deed documents (including "exhibits" drawings) must be submitted for the City's review and approval prior to recording.

(Ord. No. 1234, § 1, 9-10-18)

1219.10. - Review procedures.

- (a) All stormwater management plans and BMP construction plans and specifications shall be subject to review and approval by the City Engineering Division in order to ensure conformance with the requirements of this chapter and the associated Lansing Stormwater Management Policies and Procedures Manual and the City of Lansing Stormwater Management Design Manual.
- (b) Upon submission of a stormwater management plan (stormwater plan) and BMP construction plans and specifications, as provided herein, such plan shall be reviewed by the Engineering Division and a written response prepared and submitted to the City Planning Office. If the proposed plan is not sufficient as originally submitted, the Engineering Division will notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval, and will state the changes necessary to obtain approval. Failure of the owner to ultimately demonstrate that the project meets requirements, as determined by the City, shall be reason to deny approval of the stormwater plan and BMP construction plans and specifications.
- (c) Before approval of the final stormwater BMP construction plans, copies of all necessary wetland, floodplain, inland lakes and streams, erosion control or other needed State, Federal, or local permits relating to stormwater management have been provided by the applicant for the City's files.
- (d) A satisfactory maintenance agreement in accordance with Section 1219.18 that assures long-term maintenance of all drainage improvements will be in place before approval of the stormwater plan and BMP construction plans and specifications. Documentation of the maintenance agreement will be supplied to the engineering division and approved by the City Engineer.
- (e) A soil erosion and sedimentation control permit shall not be issued under Chapter 1218 of this Code unless the detailed stormwater plan and BMP construction plans and specifications meet the standards of this chapter and the associated City of Lansing Stormwater Management Policies and Procedures Manual and the City of Lansing Stormwater Management Design Manual.
- (f) For developments that will result in disturbance of five or more acres of land, a complete notice of coverage for construction-phase stormwater must be submitted to the Michigan Department of Environmental Quality, Water Resources Division, to have the discharge authorized under a National Pollutant Discharge Elimination system permit.
- (g) The applicant will make arrangements acceptable to the Engineering Division for inspection during construction and for final verification of the construction of all permanent stormwater BMPs by a registered professional engineer. Following final verification of the construction by a registered professional engineer, the completion bond required consistent with Section 1219.03(d) will be released by the City.
- (h) Electronic files of the as-built storm drains and stormwater BMPs will be submitted by the applicant or his/her engineer to the Engineering Division along with the final plan for existing systems, or upon completion of system construction for new systems.
- (i) Complete development agreements (including deed restrictions) must be submitted for City review and approval prior to recording.

(Ord. No. 1234, § 1, 9-10-18)

1219.11. - Review fees.

The City Council shall establish application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.

(Ord. No. 1234, § 1, 9-10-18)

1219.12. - Off-site stormwater management.

Requirements for off-site stormwater management may be considered in accordance with the offset provisions provided in the City of Lansing Stormwater Management Policies and Procedures Manual.

(Ord. No. 1234, § 1, 9-10-18)

1219.13. - Revision of plan.

If it becomes necessary to alter a development or earth change proposal after the stormwater plan has been approved, a revised stormwater plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. All requirements and standards for stormwater plans shall apply.

(Ord. No. 1234, § 1, 9-10-18)

1219.14. - Drains under the jurisdiction of the Drain Commissioner.

- (a) Drainage districts will not be altered when designing development drainage, except as provided under Section 433 of Act 40, Public Act 1956, as amended.
- (b) Existing county drain easements will be indicated on the stormwater plan as well as the final stormwater BMP construction plans and will be designated as "Ingham County drain", "Eaton County drain", or the appropriate inter-county drain as applicable. County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the Drain Office to see if a drain easement is in existence on the subject property.
- (c) A permit will be obtained from the appropriate Drain Commissioner's office prior to discharging into, tapping or crossing any County or inter-county drain. The permit must be obtained prior to final plan approval.
- (d) Proposed relocations of County drains will be processed through the office of the appropriate Drain Commissioner.

(Ord. No. 1234, § 1, 9-10-18)

1219.15. - As-built certification.

An as-built certification for stormwater BMPs must be provided to the Engineering Division prior to final approval of the development. The certification should include all of the requirements noted in the design manual.

(Ord. No. 1234, § 1, 9-10-18)

1219.16. - Notice of construction commencement.

The applicant must notify the City of Lansing Engineering Division before the commencement of construction. In addition, the applicant must notify the City of Lansing Engineering Division in advance of construction of critical components of the stormwater practices shown on the approved stormwater BMP construction plans and specifications. The City may, at its discretion, issue verbal or written authorization to proceed with critical construction steps, such as installation of permanent stormwater BMPs based on stabilization of the drainage area and other factors.

(Ord. No. 1234, § 1, 9-10-18)

1219.17. - Construction inspections by City or its representatives.

The City of Lansing Engineering Division or its representatives may conduct periodic inspections of the stormwater practices shown on the approved stormwater BMP construction plans and specifications, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan, and the resolution of such issues.

(Ord. No. 1234, § 1, 9-10-18)

1219.18. - Maintenance agreement.

- (a) *Purpose of maintenance agreement.* The purpose of the maintenance agreement is to provide the means and assurance that perpetual, long-term maintenance of stormwater BMPs shall be provided for and undertaken. A maintenance agreement shall be submitted to the City for review by the City Engineer and his/her designee, and shall be subject to approval in consistent with the approved stormwater management plan and BMP construction plans and specifications.
- (b) *Responsible party.*
- (1) The responsible party named in the recorded stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances. Such repairs or restoration and maintenance shall be in accordance with the approved stormwater BMP construction plans and specifications and the stormwater maintenance agreement.
 - (2) The responsible party shall make records of installation and of all maintenance and repairs, and shall retain the records for at least five years. These records shall be made available to the City during inspection of the practice and at other reasonable times upon request.
- (c) *Maintenance agreement provisions.*
- (1) The maintenance agreement shall provide for routine, emergency, and long-term maintenance of all stormwater BMPs.
 - (2) The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the appropriate County Register of Deeds prior to the effectiveness of the approval of the City.
 - (3) If it has been found by the City, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this chapter and/or as required in the approved maintenance agreement as required hereunder, the City Engineer shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this chapter shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

(Ord. No. 1234, § 1, 9-10-18)

1219.19. - Maintenance inspections.

The City of Lansing Engineering Division or its representatives may conduct periodic inspections for all stormwater practices constructed as part of the approved BMP construction plans and specifications. All inspections will be documented in writing. The inspection shall document any maintenance and repair needs and any discrepancies from the stormwater maintenance agreement.

(Ord. No. 1234, § 1, 9-10-18)

1219.20. - Stormwater management easements.

- (a) *Necessity of easements for on-site stormwater BMPs.* Stormwater management easements shall be provided in a form required by the City of Lansing Engineering Division, and recorded as directed as part of the approval of the City to assure:
 - (1) Access for inspections;
 - (2) Access to stormwater BMPs for maintenance purposes; and
 - (3) Preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.
- (b) *Easements for off-site stormwater BMPs.* The owner shall obtain easements assuring access to all areas used for off-site stormwater management, including undeveloped or undisturbed lands.
- (c) *Recording of easements.* Easements shall be recorded with the appropriate County Register of Deeds based on jurisdiction and according to County requirements.
- (d) *Recording prior to building permit issuance.* The applicant must provide the City Engineering Division with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.
- (e) *Right-of-entry.* The easements must contain a provision granting the City and its representatives the right of entry for the purposes of inspecting all stormwater BMPs at reasonable times and in a reasonable manner. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

(Ord. No. 1234, § 1, 9-10-18)

1219.21. - Severability.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and effect.

(Ord. No. 1234, § 1, 9-10-18)

1219.22. - Stop work order.

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this chapter, the City is authorized to issue a stop work order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this chapter or to avoid or reduce the effects of noncompliance

herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

(Ord. No. 1234, § 1, 9-10-18)

1219.23. - Sanctions for violations.

- (a) Any person violating any provision of this chapter shall be responsible for a municipal civil infraction, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in this chapter shall be a misdemeanor. The City is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this chapter. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.
- (b) Any person who neglects or fails to comply with a stop work order issued under this chapter shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment in the County jail for not more than 90 days, or both, such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.
- (c) Any person who aids or abets a person in a violation of this chapter shall be subject to the sanctions provided in this section.

(Ord. No. 1234, § 1, 9-10-18)

1219.24. - Failure to comply; completion.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the City may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

(Ord. No. 1234, § 1, 9-10-18)

1219.25. - Emergency measures.

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the City is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this chapter, and shall promptly reimburse the City for all such costs.

(Ord. No. 1234, § 1, 9-10-18)

1219.26. - Cost recovery for damage to storm drain system.

A discharger shall be liable for all costs incurred by the City as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain or receiving waters, or violates any of the provisions of this chapter. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Michigan Department of

Environmental Quality for violation of an NPDES permit, attorney fees, and other costs and expenses.

(Ord. No. 1234, § 1, 9-10-18)

1219.27. - Collection of costs; lien.

Costs incurred by the City and either of the Drain Commissioners pursuant to this chapter shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six months or more may be certified annually to the City Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City or the appropriate Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

(Ord. No. 1234, § 1, 9-10-18)

1219.28. - Effect of approval on remedies.

The approval or disapproval of any post-construction stormwater management plan shall not have any effect on any remedy of any person at law or in equity.

(Ord. No. 1234, § 1, 9-10-18)

CHAPTER 1220. - HISTORIC DISTRICTS

Footnotes:

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Cross reference— *Historic districts - see M.C.L.A. Secs. 399.201 et seq.; Variances from the Zoning Code - see P. & Z. 1244.06, 1284.06, 1288.10.*

1220.01. - Purposes.

The purpose of this chapter is to provide for the recognition, preservation and protection of historical and architectural sites, buildings, structures, objects, open spaces and features, hereinafter referred to as district resources, which may be organized into Historic Districts significant to the cultural, social, economic, political and architectural heritage of the City. Further, the purpose of this chapter is to regulate the construction, addition, alteration, repair, moving, excavation and demolition of resources in Historic Districts. In addition, the purpose shall be to accomplish one or more of the following:

- (a) Safeguard the City's heritage by preserving Historic Districts that reflect elements of Lansing's history, architecture, archaeology, engineering or culture.
- (b) Stabilize and improve property values in each District and surrounding areas.
- (c) Preserve neighborhoods.
- (d) Strengthen the local economy.
- (e) Foster civic beauty and pride and promote the use of Historic Districts for the education, pleasure and welfare of the residents of the City and the State.

(Ord. No. 905, 12-12-94)

1220.02. - Definitions.

As used in this chapter:

Addition means any construction, such as a porch or attached garage, which increases the height or floor area of an existing district resource or adds to it.

Alteration means work that changes the detail of a resource, but does not change its basic size or shape.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Certificate of financial hardship means a certificate issued which authorizes an alteration, construction, removal, or demolition of a district resource, notwithstanding whether a certificate of appropriateness has previously been denied.

Commission means the Lansing Historic District Commission appointed by the Mayor and confirmed by City Council.

Committee means a Historic District Study Committee appointed by the Mayor and confirmed by City Council.

Demolition means the razing or destruction, whether entirely or in part, of a district resource within a designated Historic District and includes, but is not limited to, demolition by neglect.

Department means the Department of History, Arts and Libraries or its successor.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

District resource means a site, building, structure, object, open space or feature to be found individually or in a related group within a Historic District. Specifically:

- A. "Site" means a district resource that is related to important historical events, a prehistoric or historic occupation or activity, an institution or organization or an architectural district resource that is ruined or vanished, where the location itself maintains historical value regardless of the value of any existing architectural district resources. Examples: park, cemetery, courtyard square, designed garden.
- B. "Building" means an existing or proposed residential, commercial, industrial or institutional district resource created to shelter any form of human activity. Examples: house, courthouse, jail, barn, church, theater, hospital, office building.
- C. "Structure" means an existing or proposed district resource made up of interdependent and interrelated parts in a definite pattern of organization, often reflective of an engineering design. Examples: bridge, dam, water tower, bell tower.
- D. "Object" means a district resource of functional, aesthetic, cultural, historical, architectural or scientific value that may be, by nature of design, movable, yet related to a specific setting or environment. Examples: statue, fountain, lighting fixture, sign, sundial.
- E. "Open space" means a district resource that is undeveloped land, a naturally landscaped area, a formal or man-made landscape or developed open space, significant as a connective link or buffer between other district resources. Examples: naturally landscaped park, formal garden, vacant land, parking lot.
- F. "Feature" means a prominent or distinctive aspect, quality or characteristic of a designated Historic District. Examples: landscaped boulevard, brick paving, tree-lined street.

Elevation means a scale drawing of the side, front or rear facades of a given district resource.

Historic means the age of a district resource; however, there is no age limit implied by the use of the term "historic." Rather, the term shall apply to any district resource that is significant to the overall appearance of a Historic District and that plays a role in the evolutionary growth of a Historic District's streetscape.

Historic District means a geographically defined area, or group of areas, not necessarily having contiguous boundaries, that contains a resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

Historic District Commission means the member body created to fulfill the duties and functions established in this chapter.

Historic preservation means the identification, evaluation, establishment, protection, rehabilitation, restoration and reconstruction of resources significant in history, architecture, archaeology, engineering or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering or culture of this State or a community within this State, or of the United States.

New construction means planned district resources that are to be constructed or placed within a designated Historic District. Such planned new construction shall be treated by the Historic District Commission the same as older existing district resources.

Notice to proceed means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under [Section 1220.08](#).

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this chapter.

Preservation standards and guidelines means preservation principles which shall be considered by the Historic District Commission in assessing the appropriateness of activities which will affect district resources included in designated Historic Districts. The Commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. The Commission may develop additional guidelines within the parameters of the standards and guidelines.

Property owner means any individual, business or association having legal or equitable title in real property.

Proposed Historic District means an area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a Historic District or added to an established Historic District.

Reconstruction means the process of reproducing by new construction the exact form and detail of a vanished district resource, or part thereof, as it appeared at a specific time.

Rehabilitation means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

Resource means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a Historic District.

Restoration means the process of accurately recovering the form and detail of a district resource as it appeared at a particular period of time, by removing later work, replacing missing elements or enhancing original work.

Standing committee means a permanent body established pursuant to Section 1220.04, to conduct the activities of the Historic District Study Committee on a continuing basis.

Work means construction, addition, alteration, repair, moving, excavation or demolition of a resource.

(Ord. No. 905, 12-12-94; Ord. No. 01063, § 1, 12-16-02)

1220.03. - Procedure for establishment.

- (a) Historic Districts shall be established by ordinance. The Historic District Commission shall oversee studies and research and make reports on the historical and architectural significance of districts, sites, buildings, structures, objects, open spaces and features in the City. The Historic District Commission shall be assisted in carrying out its duties by the staff of the Planning Division, including the giving of required notices and the keeping of records.
- (b) Requests to establish a Historic District may be made to Council by the Historic Districts Commission or by any property owner or other person or legal entity. After a request is received, Council, by resolution, may schedule a public hearing and/or a public meeting and give by mail at least ten days advanced written notice of the public hearing and/or public meeting to all property owners in the requested Historic District. Thereafter, prior to establishing a Historic District, Council must first, by resolution, approve the formation of a Historic District Study Committee. This Committee shall have local historic organization representation and shall contain a majority of persons who have a clearly demonstrated interest in or a knowledge of historic preservation. Property owners within the proposed district of more than eight properties shall make up at least 33 percent of the Study Committee. Members of the Study Committee may be recommended by the Historic District Commission to the Mayor. The Mayor shall make Committee appointments with Council approval. The Committee shall do all of the following:
 - (1) Conduct a photographic inventory of resources within each proposed Historic District following procedures established or approved by the Department.
 - (2) Conduct basic research of each proposed Historic District and the historic resources located within that District and provide owners of the individual historic properties under consideration with a mailing inviting written comments and forward any comments received to council with the preliminary report.
 - (3) Determine the total number of historic and non-historic resources within a proposed Historic District and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR Part 60, and criteria established or approved by the Department, if any.
 - (4) Prepare a preliminary Historic District Study Committee report that addresses, at a minimum, all of the following:
 - A. The charge of the Committee.
 - B. The composition of the Committee membership.
 - C. The Historic District or Districts studies.
 - D. The boundaries for each proposed Historic District, in writing and on maps.
 - E. The history of each proposed Historic District.
 - F. The significance of each District as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the District, relative to the evaluation criteria.

Within 180 days from the date of its establishment by City Council resolution, the Study Committee shall issue its preliminary report. Extensions for issuance of the preliminary report may be granted by City Council upon written request from the Study Committee before the elapse of 180 days from the date of the original resolution.

- (5) Transmit copies of the preliminary report for review and recommendations to the Lansing Planning Board, the Department, the Michigan Historical Commission and the State Historic Preservation Review Board.
- (6) Make copies of the preliminary report available to the public.

In compliance with the requirements of the Michigan Open Meetings Act, the Committee shall hold a public hearing not less than 60 calendar days after the transmittal of the preliminary report and after notice is given. Written notice shall be mailed by first-class mail, not less than 14 calendar days before the hearing, to the owners of the properties within the proposed Historic District, as listed on the City Assessor's tax records.

- (c) The Committee and Council shall be required, in a time period not to exceed one year after the public hearing date, unless otherwise authorized by Council to take the following actions:
 - (1) The Committee shall prepare and submit to Council a final report, with its recommendations and the recommendation, if any, of the Planning Board and the Historic District Commission. If the recommendation is to establish a Historic District or Districts, the final report shall include a draft of a proposed ordinance or ordinances.
 - (2) After receiving a final report that recommends the establishment of a Historic District or Districts, Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If Council passes an ordinance or ordinances establishing one or more Historic Districts, the City Clerk shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the Historic District or Districts, with the Register of Deeds. Unless all of the affected property owners concur in the passage of the ordinance and provide a written waiver of the 60 day delay, Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed Historic District, as listed on the tax rolls of the City, have approved the establishment of the Historic District pursuant to a written petition, pursuant to Section 3 of Act 169 of the Public Acts of 1970, as amended, being MCL 399.203. However, such a petition shall not be a prerequisite to modify or eliminate a Historic District as the City Council may otherwise determine.
 - (3) A writing that is prepared, owned, used or retained by, or in the possession of, a committee in the performance of an official function, shall be made available to the public in compliance with the Michigan Freedom of Information Act.
- (d) Council may, at any time, establish by ordinance additional Historic Districts, including proposed Districts previously considered and rejected, may modify boundaries of an existing Historic District, or may eliminate an existing Historic District. Before establishing, modifying or eliminating a Historic District, the City shall notify the property owners in the Historic District in the manner provided in Subsection 1220.03(b) and a Historic District Study Committee shall be established, as set forth in Section 1220.03(b), to consider any previously written committee reports pertinent to the proposed action. To conduct these activities, the Council may retain the initial committee, establish a standing committee or establish a committee to consider only specific proposed districts and then be dissolved.
- (e) When considering the elimination of a Historic District, a committee shall follow the procedures and time limits set forth in this section for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:
 - (1) The Historic District has lost those physical characteristics that qualified it for establishment as a District.
 - (2) The Historic District was not significant in the way in which it was previously defined.

- (3) The Historic District was established pursuant to defective procedures.
- (f) Upon the receipt of substantial evidence showing the presence of the historic, architectural, archaeological, engineering or cultural significance of a proposed Historic District, Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed Historic District be referred to the Commission as prescribed in Sections 1220.05, 1220.06 and 1220.07. The Commission shall review permit applications with the same powers that would apply if the proposed Historic District was an established Historic District. The review may continue in the proposed Historic District for not more than one year, or until such time as Council approves or rejects the establishment of the Historic District by ordinance, whichever occurs first.
- (g) If Council determines that pending work will cause irreparable harm to the resources located within an established Historic District or a proposed Historic District, Council may, by resolution, declare an emergency moratorium on all such work for a period not to exceed six months. Council may extend the emergency moratorium for an additional period, not to exceed six months, upon finding that the threat of irreparable harm to the resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. No. 905, 12-12-94; Ord. No. 01063, § 1, 12-16-02)

1220.04. - Establishment of Historic District Commission; membership; chairperson; meetings.

- (a) The Historic District Commission is hereby established. The Commission shall consist of nine members whose residences are located within the City. They shall be appointed by the Mayor, with the consent of Council, for terms of office of three years. Members shall be reappointed at a rate of three per year, so that in any one year, no less than six unexpired terms of office shall continue.

At least two members shall be appointed from a list of residents submitted by a duly organized and existing preservation organization, and at least one member shall be an architect, duly registered in the State with a minimum of two years experience, if such a person resides within the City and is available for appointment. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members of the Commission may be reappointed. A vacancy occurring in the membership of the Commission for any cause shall be filled, within 60 days, by a person appointed by the Mayor, with the consent of Council, for the unexpired term. All members of the Commission shall serve without compensation.

- (b) The Chairperson shall be elected annually by a majority vote of the members of the Commission. The Commission may meet at such times as the Commission may determine or as otherwise required in this chapter. The Commission shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the action of the Commission and the vote of each member upon each question considered. All meetings of the Commission shall be open to the public and any person shall be entitled to address the Commission before it reaches a decision. The Commission shall keep a record which shall be open to the public. The presence of five members shall constitute a quorum. In the absence of a quorum, any number less than a quorum may recess any meeting to a later time.

(Ord. No. 905, 12-12-94)

1220.05. - Powers and duties of Commission.

- (a) The Historic District Commission shall review all permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a District resource, or interior work only if said work will cause a visible change to the exterior of the resource, along with all accompanying plans and information

as they pertain to the exterior features only. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of approval or a notice to proceed.

- (b) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Commission within the Department of State. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court having jurisdiction over the Historic District Commission whose decision was appealed to the State Historic Preservation Review Board.
- (c) In reviewing permit applications and plans, the Commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 CFR Part 67. The Commission shall also consider all of the following:
 - (1) The historical or architectural value and significance of a structure or building and its relationship to the historic value of the surrounding area;
 - (2) The relationship of the exterior architectural features of the structure or building to the rest of the structure or building and to the surrounding area;
 - (3) The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and
 - (4) Any other factors, including aesthetic, which it deems pertinent.
- (d) The Commission may propose to Council the establishment and/or elimination of any Historic District.

(Ord. No. 905, 12-12-94)

1220.06. - Procedure for review of permit applications; certificates of appropriateness and denial.

- (a) Officials of the Planning And Neighborhood Development Department, in reviewing all applications for permits, shall ascertain whether or not District resources are located in designated Historic Districts and, if so, shall advise applicants of the requirements. An application for a permit required by City ordinance to construct, alter, repair, move or demolish any structure or to erect any sign within a Historic District shall be forwarded to the Historic District Commission by the Planning And Neighborhood Development Department, with all accompanying plans and information. The Commission shall publish the hearing notice in an official paper or a paper of general circulation in the City, and provide written notice to the applicant and surrounding property owners within 300 feet of any point on the boundaries of the land included in the proposed change, at least ten days prior to the public hearing. The applicant or his or her representative may be heard in person or in writing and may present evidence, witnesses and arguments, including an application for financial hardship as described in subsection (e). Any other person or his or her representative may be heard before the Commission on any matter relevant to the Commission's decision.
- (b) Approval of applications for a permit required by City ordinance shall be evidenced by a certificate of appropriateness signed by the Chairperson of the Commission.
- (c) If an application is for work the Commission finds will adversely affect the exterior of a resource and does not qualify for a notice to proceed under Section 1220.08, a certificate of denial will be issued. Disapproval will be evidenced by a written statement of findings of fact signed by the concurring members, which statement shall be attached to the application and returned to the Planning And Neighborhood Development Department with any suggestions as to how the plans might be modified for re-submission and approval.
- (d) Any application not acted upon by the Commission within 60 days of receipt by the Commission shall constitute approval by the Commission, unless otherwise mutually agreed upon by the applicant and the Commission, and the Planning And Neighborhood Development Department official shall proceed to process the application without regard to an attached certificate of appropriateness.

- (e) Notwithstanding the other subsections of this section, the Commission may issue a certificate of financial hardship under the following conditions:
- (1) Application for financial hardship shall be made on a form prepared by the Commission and approved by the City Council and submitted in conjunction with an application for work.
 - (2) The Commission may require the applicant for a certificate of financial hardship to make submissions concerning any or all of the information set forth below before it makes a determination on the application.
 - A. Estimate from an architect, engineer, developer, real estate consultant, appraiser, or other real estate professional as to the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a determination of appropriateness.
 - B. Estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and in the case of a proposed demolition, after renovation of the existing resource for continued use.
 - C. In the case of a proposed demolition, an estimate from an architect, engineer, developer, real estate consultant, appraiser, or other real estate professional as to the economic feasibility of rehabilitation or reuse of similar structures.
 - D. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - E. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 - F. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - G. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
 - H. Assessed value of the property according to the two most recent assessments;
 - I. Real estate taxes for the previous two years;
 - J. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 - K. Any other information the owner chooses to provide.
 - (3) In the event that any of the information is not reasonably available to the owner, cannot be obtained by the owner, and/or may not be disclosed without a substantial adverse impact upon the owner, the owner may file with the Commission a description of the information which cannot be obtained and describe the reasons why such information cannot be obtained and/or provided.
 - (4) The Commission shall review all the evidence and information required of an applicant for a certificate of financial hardship and make a determination whether the denial of a determination of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Failure of the Commission to act within 60 calendar days after the date a complete application is received, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval of the determination of appropriateness.
 - (5) Upon a finding by the Commission that without approval of the proposed work all reasonable use of, or return

from, property within a historic district will be denied a property owner, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to: authorization for alterations, construction or reconstruction not in strict conformance with applicable preservation standards but consistent with the effectuation of the purposes of this ordinance; presentations to the property owner of available tax incentives and development and preservation options; to the extent possible under then-existing law, a reduction in real property taxes; financial assistance; building code modifications, and/or changes in zoning regulation.

- (6) if the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain any reasonable economic return therefrom, then the Commission shall issue a certificate of financial hardship approving the proposed work and provide a copy of same to the Director of Planning and Neighborhood Development Department. If the Commission finds otherwise, it shall deny the applications for work and for a certificate of financial hardship and shall notify the applicant in writing of the reasons for the denial and the applicant's right to appeal to the State Historic Preservation Review Board and Circuit Court and provide a copy of same to the Director of Planning And Neighborhood Development Department.

(Ord. No. 905, 12-12-94; Ord. No. 01063, § 1, 12-16-02)

1220.07. - Removal or demolition of district resources.

- (a) A certificate of approval or notice to proceed which will allow for the removal or demolition of a District resource shall be granted by the Historic District Commission if any of the following conditions prevail and if, in the opinion of the Commission, the proposed removal or demolition will materially improve or correct such conditions:
- (1) The Department of Planning and Neighborhood Development Director or his or her designee determines the District resource to be a hazard to public safety or health or to its occupants;
 - (2) The District resource is a deterrent to a major improvement program which will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary approvals, permits, financing and environmental clearances required by law or regulation of the Federal, State or City government;
 - (3) Retention of the District resource would not be in the best interests of the majority of the community; or
 - (4) Retention of the structure would cause undue financial hardship to the owner when governmental action, an act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.
- (b) In the case of an application concerning a District resource which the Commission deems so valuable to the City, State or Nation that the loss thereof will adversely affect the public purpose of the City, State or Nation, the Commission shall endeavor to develop with the owner an economically feasible plan for preservation of the District resource.

(Ord. No. 905, 12-12-94)

1220.08. - Notice to proceed.

- (a) Work within a Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions exist and if the proposed work can be demonstrated, by a finding of the Commission, to be necessary to substantially improve or correct any of the following conditions:

- (1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 - (2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary approvals, permits, financing and environmental clearances required by law or regulation of the Federal, State or City government.
 - (3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.
 - (4) Retaining the resource is not in the interest of the majority of persons in the community.
 - (5) A certificate of financial hardship has been issued under Section 1220.06.
- (b) Any property owner or party ordering or effecting demolition, or continuing work after receiving written notice of cancellation, or proceeding in violation of either the scope or the nature of a notice to proceed, shall be subject to the penalty set forth in Section 1220.99.

(Ord. No. 905, 12-12-94; Ord. No. 01063, § 1, 12-16-02)

1220.09. - Demolition by neglect.

Upon a finding by the Commission that a historic resource within a Historic District or a proposed Historic District subject to its review and approval is threatened with demolition by neglect:

- (a) The Commission may require the owner of the resource to repair all conditions contributing to demolition by neglect; or
- (b) If the owner does not make repairs within a reasonable time, the Commission or its agents, if granted prior authorization by Council, may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The Commission or its agents, upon approval by Council, may enter the property, for purposes of enforcing this section, upon obtaining an order from the Circuit Court.

(Ord. No. 905, 12-12-94)

1220.10. - Work without permit.

When work has been done upon a resource without a permit and the Commission finds that such work does not qualify for a certificate of approval, the Commission may require an owner to restore the resource to the condition it was in before the inappropriate work or to modify the work so that it qualifies for a certificate of approval. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission, upon approval of Council, may seek an order from the Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of approval. If the owner does not comply or cannot comply with the order of the Court, the Commission or its agents, if granted prior authorization by Council, may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of approval in accordance with the Court's order. The costs of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. When acting pursuant to an order of the Circuit Court, the Commission or its agents may enter a property for purposes of enforcing this section.

(Ord. No. 905, 12-12-94)

1220.11. - Yard variances.

Due to particular conditions of design and construction in historic neighborhoods where structures are often built close to lot lines, and since it is in the public interest to retain a neighborhood's historic appearance by making variances to normal yard requirements where it is deemed that such variances will not adversely affect neighborhood properties, the Historic District Commission may recommend to the Board of Zoning Appeals that a variance from standard yard requirements be made.

(Ord. No. 905, 12-12-94)

1220.12. - Acceptance of grants and gifts; acquisition and disposal of district resources.

- (a) The Historic District Commission may accept, on behalf of the City, grants from the State or Federal government for historic preservation purposes. It may also accept other public and private gifts for historic purposes. Title to any such property shall be vested in the City and all moneys shall be deposited with the City Treasurer and designated for Historic District Commission purposes.
- (b) If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by Council that public ownership is most suitable, Council may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds, if it considers the same to be in the public interest. The acquisition shall be based upon the recommendation of the Commission or a standing committee. Upon recommendation of the Commission or a standing committee, Council may sell resources acquired pursuant to this section, with protective easements included in the property transfer documents, if appropriate.

(Ord. No. 905, 12-12-94)

1220.13. - Enforcement; appeals.

- (a) The enforcement of this chapter shall be the responsibility of the Department of Planning and Neighborhood Development.
- (b) Any person or duly organized historic preservation organization in the City, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission, may appeal the decision to the Circuit Court, except that a permit applicant aggrieved by a decision rendered according to Section 1220.05(a) may not appeal to the Court without first exhausting the right to appeal to the State Historic Preservation Review Board under Section 1220.05(b).

(Ord. No. 905, 12-12-94)

1220.14. - Review and re-adoption of chapter.

This chapter is presumed to be continuing in perpetuity. However, Council shall review and re-adopt this chapter every five years from the date of its original adoption.

(Ord. No. 905, 12-12-94)

1220.16. - Darius B. Moon House Historic District.

The Darius B. Moon House Historic District, being the property and area legally described as:

Lots 1, 2, and 3, Block 3, KEMFS Addition, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 01026, § 1, 3-19-01)

1220.17. - Arbaugh Building Historic District.

The Arbaugh Building Historic District, being the property and area legally described as:

Lots 11 and 12 inclusive, and the north 8.68 feet of Lot 10 all in Block 135 of original plat, according to the recorded plat thereof as recorded in Liber 2 of plats, page 36 of Ingham County records, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1082, § 1, 4-25-05)

1220.18. - Mutual Building Historic District.

The Mutual Building Historic District, being the property and area legally described as:

Lots 8 and 9 all in Block 96 of original plat, as recorded in Liber 2 of plats, page 36 of Ingham County records, plus an area within the Capitol Avenue right-of-way particularly described as: Beginning at the northwest corner of Lot 9, Block 96, thence west 18.58 feet, thence south 132 feet along a line which is parallel to the east line of the Capitol Avenue right-of-way, thence east 18.58 feet to the southwest corner of Lot 8, Block 96, thence north 132 feet along the east line of the Capitol Avenue right-of-way to the place of beginning, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1083, § 1, 4-25-05)

1220.19. - Prudden/Motor Wheel Factory Historic District.

The Prudden/Motor Wheel Factory Historic District, being the property and area legally described as:

A parcel of land being a part of Lot 2, Block 2, Prine's Subdivision, City of Lansing, Ingham County, Michigan, as recorded in Liber 51 of deeds, page 440, Ingham County records, and a part of Lots 3, 4, 15, 16, 17, 18, 19, 25, 26, vacated Summit Street and Superior Street, Lathrop's Subdivision, City of Lansing, Ingham County, Michigan, as recorded in Liber 3 of plats, page 28, Ingham County records, Lot 22 and vacated East Street and Saginaw Street, Seymour's Subdivision on Section 10, City of Lansing, Ingham County, Michigan as recorded in Liber 9 of plats, page 6 Ingham County records and a part of the southwest $\frac{1}{4}$ of Section 10, T4N, R2W, City of Lansing, Ingham County, Michigan, the boundary of said parcel described as: Commencing at the southwest corner of said Section 10: Thence N00°35'41" west 41.08 (recorded as 41.25 feet) feet along the west line of said Section 10 to the point of beginning of this description; thence continuing N00°35'41" west 351.64 feet; thence S89°39'09" east 110.65 feet; thence S00°20'51" west 83.00 feet; thence S89°39'09" east 49.20 feet; thence S00°20'51" west 185.50 feet; thence S89°39'09" east 120.70 feet; thence N00°20'51" east 3.70 feet; thence S89°39'09" east 281.14 feet; thence S00°13'41" west 84.27 feet; thence S45°07'40" west 58.13 feet; thence N89°54'44" west 492.50 feet along the south line of said Section 10; thence N00°35'41" west 41.10 (recorded as 41.25 feet) feet; thence N89°54'44" west 21.75 feet to the point of beginning,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1083, § 1, 6-13-05)

1220.20. - Ranney Building Historic District.

The Ranney Building Historic District, located at 208 S. Washington Avenue, being legally described as:

Lot 17 Board of State Auditors SUB REC L1 P 26, City of Lansing, Ingham County, Michigan, as recorded in Liber 1 of Deeds, page 26, Ingham County Records, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1107, § 1, 2-27-06)

1220.21. - Ottawa Street Station Historic District.

The Ottawa Street Station Historic District, located at 217 E. Ottawa Street, being legally described as:

Commencing at a point on the north side of Ottawa Street sixty-eight (68) feet east from the northeast corner of Ottawa and Grand Streets; running thence north parallel with the east line of Grand Street two hundred fifty-eight and five sixths (258 $\frac{5}{6}$) feet; thence east parallel with the north line of Ottawa Street to the banks of the Grand RIVER; thence southerly along the banks of the Grand River to the north line of Ottawa Street; thence west along the north line of Ottawa Street to the place of the beginning. Being situated in the City of Lansing, County of Ingham, State of Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1137, § 1, 11-6-08)

1220.22. - Cherry Hill Historic District.

The Cherry Hill Historic District, being the property and area legally described as:

Commencing on the center of E. Hillsdale Street and the center of S. Grand Avenue, plat of the Town of Michigan now City of Lansing; thence north 107.25 feet; thence east 206.25 feet; thence north 132 feet; thence east 206.25 feet; thence north 239.5 feet; thence east 164.25 feet; thence south 239.25 feet; thence east 9 feet; thence south 123.75 feet; thence west 66 feet; thence south 293.70 feet; thence west 312.5 feet; thence north 173.25 feet; thence west 66 feet; thence south 107.25 feet; thence west 140.25 feet; thence north 107.25 feet to the point of beginning,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 813, § 1, 2-12-90)

Editor's note— Ord. No. 813, § 1, adopted Feb. 12, 1990, did not specifically amend the Code; therefore, said provision has been included as § 1220.22, at the editor's discretion.

1220.23. - Ottawa/Walnut Street Historic District.

The Ottawa/Walnut Street Historic District, being the property and area legally described as:

Lots 7 and 8, Block 94, Original Platt, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 815, § 1, 5-14-90)

Editor's note— Ord. No. 815, § 1, adopted May 14, 1990, did not specifically amend the Code; therefore, said provision has been included as § 1220.23, at the editor's discretion.

1220.24. - Marshall Street Armory Historic District.

The Marshall Street Armory Historic District, located at 330 Marshall Street and having the following legal description, is hereby established as a Lansing Historic District in accordance with this chapter:

A parcel of land, being part of the northeast $\frac{1}{4}$ of Section 15, T4N, R2W, City of Lansing, Ingham County, Michigan, being more particularly described as: Commencing at the northeast corner of Section 15, T4N, R2W; thence S01 44'44"W, 1600.25 feet along the east line of said Section 15 also being the west line of Adam's Addition to the City of Lansing, Ingham County, Michigan (Liber 4, page 25) to the northeast corner of Longyear's Addition to the City of Lansing, Ingham County, Michigan (Liber 2, page 17); thence N88 53'28"W, 369.49 feet along the north line of said Longyear's Addition and the north line of J.B. Rayner's Addition to the City of Lansing, Ingham County, Michigan (Liber 3, page 20) to the point of beginning of the following described parcel; thence continuing N88 53' 28"W, 390.06 feet along said north line and the north line of Brown's Insurance Agency Addition to the City of Lansing, Ingham County, Michigan (Liber 4, page 15) and the north line of Rumsey's Michigan Avenue Addition to the City of Lansing, Ingham County, Michigan (Liber 2, page 12) to the east line of Marshall Street; thence S88 53'28"E, 388.16 feet; thence S01 30'42"W, 502.98 feet to the point of beginning,

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1164, § 1, 1-20-11)

Editor's note— Ord. No. 1164, § 1, adopted Jan. 20, 2011, set out provisions intended for use as § 1220.22. For purposes of classification, and at the editor's discretion, these provisions have been included as § 1220.24.

1220.25. - Knapp Building Historic District.

The Knapp Building Historic District, located at 300 S. Washington Avenue, being legally described as:

Lots, 1, 2, and the east 56 feet of Lots 11 and 12, Block 128, Original Plat, City of Lansing, Ingham County, Michigan, plus the subsurface area of the building beneath the public right of way to the north and east of the property line. [PPN 33-01-01-16-331-112]. Being situated in the City of Lansing, County of Ingham, State of Michigan.

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1176, § 1, 12-12-11)

1220.26. - Central United Methodist Church Historic District.

The Central United Methodist Church Historic District, located at 215 N. Capitol Avenue (A.K.A. 200 W. Ottawa Street), being legally described as:

Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

is hereby established as a Lansing Historic District in accordance with this chapter.

(Ord. No. 1214, § 1, 6-26-17)

1220.99. - Penalty.

Any person, individual, partnership, firm, corporation, organization, institution or government agency who or which violates any of the provisions of this chapter is responsible for a civil violation and may be fined not more than \$5,000.00. In addition, any violator of this chapter may be ordered by the Court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 905, 12-12-94)

CHAPTER 1222. - SEVEN BLOCK NEIGHBORHOOD DEVELOPMENT PLAN

Footnotes:

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Cross reference— *Blighted area rehabilitation - see M.C.L.A. Secs. 125.71 et seq.; P. & Z. 1216.03, 1216.16; Persons displaced by urban renewal - see M.C.L.A. Secs. 125.961 et seq.; Department of Planning and Neighborhood Development - see P. & Z. Ch. 1210; Planning Board - see P. & Z. Ch. 1212; Substandard, hazardous, unsafe or dangerous buildings - see B. & H. 1420.02(U.B.C. 203), 1460.07, 1460.20, 1460.21, 1460.24; Repair of substandard buildings and premises - see B. & H. 1460.22, 1460.23.*

1222.01. - Approval of plan; file copies.

The Seven Block Neighborhood Development Plan (hereinafter referred to as the Development Plan), as may be amended, for the Development Area described in Section 1222.02, having been duly reviewed and considered, is hereby approved. A copy of such Development Plan is on file in the office of the City Clerk.

(Ord. No. 866, 8-2-93)

1222.02. - Description of development area.

Pursuant to Act 344 of the Public Acts of 1945, as amended by Act 189 of the Public Acts of 1968 and Act 173 of the Public Acts of 1969, a Seven Block Development Area (hereinafter referred to as the Development Area) was established by Ordinance 811, passed December 18, 1989, which area is described as follows:

- (a) *Part I.* Blocks 7, 8, 9, 10 and 11, Bush/Butler/Sparrow Subdivision, commencing at the intersection of the centerline of Butler Boulevard and Allegan Street, thence southerly along the centerline of Butler Boulevard 2,266.25 feet, plus or minus, to the centerline of St. Joseph Street, thence westerly along the centerline of St. Joseph Street 704.25 feet, plus or minus, to the northbound centerline of Dr. Martin Luther King, Jr. Boulevard/Logan Street, then northerly along the northbound centerline of Dr. Martin Luther King, Jr. Boulevard/Logan Street 2,266.25 feet, plus or minus, to the centerline of Allegan Street, thence easterly along the centerline 708.25 feet, plus or minus, to the point of beginning.
- (b) *Part II.* Portions of Assessors Plat No. 9 and Assessors Plat No. 42 commencing at a point 41.25 feet south and 33 feet east of the southeast corner of Lot 79, Assessors Plat No. 42, thence northerly along the northbound centerline of Dr. Martin Luther King, Jr. Boulevard/Logan Street, thence southwesterly along the centerline 1,420.25 feet, plus or minus, to 41.25 feet south of the St. Joseph north right-of-way line, thence easterly 668 feet, plus or minus, to the point of beginning.

(Ord. No. 866, 8-2-93)

1222.03. - Development strategies.

The Seven Block Neighborhood Development Plan, as approved in Section 1222.01, is subject to available financing and reflects and emphasizes the following strategies:

- (a) A housing strategy that emphasizes rehabilitation, where feasible, with selective acquisition to remove structures because of overcrowding and/or poor condition, as well as to facilitate development of public-purpose projects. Where housing rehabilitation is not feasible, new housing development will be encouraged in conformance with the Development Plan. To carry out the housing objectives of the Development Plan, experienced nonprofit housing corporations with representation from neighborhood residents will be encouraged, and each will have accessibility to the monies available for housing rehabilitation in the Development Plan.
- (b) An economic development strategy that endorses a office/commercial center at the northeast corner of Kalamazoo and Dr. Martin Luther King, Jr. Boulevard/Logan Street north to the south boundaries of properties fronting Allegan, east to the westerly property lines of the properties fronting on Butler; continued and expanded commercial use along St. Joseph; and office uses facing the State Park and State Museum.
- (c) A community facilities strategy that includes the following:
 - (1) Locating Union Missionary Baptist Church with a 97,450 square foot building containing a sanctuary for 1,650 persons and a family-life center with a gym, classrooms and offices in the Dr. Martin Luther King, Jr. Boulevard/Logan Street triangle according to plans on file with the Planning Division, the construction of which will be completed within four years from the time of purchase.
 - (2) Purchasing and relocating the congregation of the Church of Greater Joy to a more appropriate location consistent with the Capitol Loop Plan and in accordance with Federal guidelines.
 - (3) Establishing, with State and Federal funds, a new passive park area along Dr. Martin Luther King, Jr. Boulevard/Logan Street.
 - (4) Selling or leasing the old Union Missionary Baptist Church building to a nonprofit organization that will be responsible for renovating the building to house and operate a neighborhood services facility.
- (d) A circulation strategy that endorses the Capitol Loop Plan and focuses nonlocal traffic onto major streets by closing both Lenawee and Washtenaw Streets.
- (e) A public services strategy that will provide physical amenities such as street lighting, curbs, gutters and sidewalk and street resurfacing to improve the general aesthetic appearance and functioning of the neighborhood.
- (f) An overall strategy that will retain a residential character that is compatible with the many surrounding uses, enhance the appearance and quality of life for residents, improve the physical structures and establish support services and amenities that will stabilize future development.

(Ord. No. 866, 8-2-93; Ord. No. 994, § 1, 8-31-98)

1222.04. - Findings.

Upon consideration and review of the reports and recommendation of the Citizens District Council, the Planning Board and the Department of Planning and Neighborhood Development staff, the public comments made at the hearings held by the Planning Board on this matter and the public comments made at the hearing held by City Council on this matter, it is found that:

- (a) The Development Area is a blighted area and qualifies as an eligible Development Area under Act 344 of the Public Acts of 1945, as amended.
- (b) The objective of this Development Plan, as may be amended, can only be substantially achieved through

redevelopment and construction of the specified public improvements.

- (c) The Development Plan, as may be amended, for the Development Area conforms to the Comprehensive Plan of the City.
- (d) The financial aid provided, and to be provided, pursuant to grant agreements for Federal financial assistance from the Department of Housing and Urban Development (HUD) pertaining to this housing rehabilitation and redevelopment project, is necessary to enable the project to be undertaken in accordance with the Development Plan, as may be amended, for the Development Area.
- (e) The redevelopment of the Development Area for residential uses and related nonresidential uses is necessary for the Development of the Lansing community as a whole.
- (f) The Development Plan, as may be amended, for the Development Area gives appropriate consideration to providing adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children and senior citizens who will reside in the general vicinity of the Development Area.
- (g) The program providing that individuals and/or families displaced in carrying out the Development Plan, as may be amended, be relocated to decent, safe and sanitary dwellings in conformity with acceptable standards, is feasible and can occur in a reasonable and timely fashion, thereby permitting the timely execution and completion of the housing redevelopment project; that dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals; and that dwelling units are available at rents or prices within the financial means of the displaced individuals and families and are located in areas from which their place of employment is reasonably accessible.
- (h) In order to implement and facilitate the effectuation of the Development Plan, as may be amended, which has been approved herein, the City, if appropriate, will take official action for the vacating and removal of some streets, the establishment of new street patterns, the location and relocation of sewers and other public facilities and other appropriate governmental action.
- (i) The City, through the Department of Planning and Neighborhood Development, shall seek the additional financial assistance that will be necessary to accomplish the Development Plan in accordance with the projected funding sources delineated in the financial impact statement, subject to the availability thereof.

(Ord. No. 866, 8-2-93)

1222.05. - Monitoring of development plan implementation.

The implementation of the development plan will be monitored as follows:

- (a) The application for a Section 108 loan guarantee will be submitted to [HUD] based on the financial impact statement, it is not anticipated that the City will have to draw down funds on the Section 108 loan unless project timing or costs differ substantially from available projections. Should this occur, a proposed fund draw down repayment schedule and source of funds will be submitted to Council for approval.
- (b) Approval of Council must be obtained prior to execution of legally binding commitments with either the Michigan Department of Transportation or the Union Missionary Baptist Church regarding the purchase or sale of the "triangle" property.
- (c) All proposals received for developing an office/commercial center at the northeast corner of Kalamazoo Street and Dr. Martin Luther King, Jr. Boulevard/Logan Street must be reviewed by the Seven Block Citizen Monitoring Team and the Development and Planning and Ways and Means Committees prior to final selection by City Council.

Prior to initiating acquisition, a performance bond cash deposit and/or letter of credit must be posted by the developer, sufficient to warrant proceeding with expending City funds. The selection criteria shall also comply with Chapter 206 of the Administration Code.

- (d) All proposals received for the sale, long-term lease and/or re-use of the existing Union Missionary Baptist Church structure at 1020 West Hillsdale Street and the associated linear park land must be approved by City Council after review by the Development and Planning and Ways and Means Committees.
- (e) All acquisitions which result from eminent domain must first be reviewed by the Development and Planning and Ways and Means Committees.
- (f) The Ways and Means Committee shall be notified and may wish to review property acquisition offers where the appraisal price exceeds more than 2.4 times the state equalized value, exclusive of taxes, closing costs, appraisal fees and relocation expenses.
- (g) All proposed amendments or material changes to the Development Plan regarding financial matters, which increase the estimated costs as included in the financial impact statement, shall be reviewed by the Ways and Means Committee prior to approval by City Council
- (h) An annual report shall be made to a joint session of the Development and Planning and Ways and Means Committees each year in November throughout the duration of the project, detailing the progress made relative to timetables, funding schedules and anticipated or potential problems for the various component projects in the Plan.

(Ord. No. 866, 8-2-93; Ord. No. 994, § 1, 8-31-98)

TITLE 4. - SUBDIVISION REGULATIONS

CHAPTER 1230. - GENERAL PROVISIONS AND DEFINITIONS

Footnotes:

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Cross reference— *Approval of plats; street system - see M.C.L.A. Sec. 125.43; Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44; Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45; Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.; Planning Board - see P. & Z. Ch. 1212; Administration by Planning Board - see P. & Z. 1232.01; Fees - see P. & Z. 1232.02.*

1230.01. - Short title.

This Title Four of Part Twelve of these Codified Ordinances shall be known and may be cited as the "City of Lansing Subdivision Control Ordinance" or just the "Subdivision Regulations." References throughout this Title Four to "these Regulations" mean these Subdivision Regulations.

(Ord. No. 156, 3-18-68)

1230.02. - Purpose; intent.

The purpose of these Subdivision Regulations is to regulate and control the subdivision of land within the City in order to promote the safety, public health and general welfare of the community. These Regulations are intended to:

- (a) Provide for the orderly growth and harmonious development of the community;

- (b) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares subdivisions and public facilities;
- (c) Achieve individual property lots of maximum utility and livability;
- (d) Ensure adequate provisions for water, drainage, sanitary sewer facilities and other health requirements; and
- (e) Plan for the provision of adequate recreational areas, school sites and other public facilities.

(Ord. No. 156, 3-18-68)

1230.03. - Legal basis.

These Subdivision Regulations are enacted pursuant to the statutory authority granted by Public Act 288 of 1967, as amended, Public Act 285 of 1931, as amended, and Public Act 222 of 1943, as amended.

(Ord. No. 156, 3-18-68)

1230.04. - Scope; conflict of laws.

These Subdivision Regulations shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where these Subdivision Regulations impose a greater restriction upon land than is imposed or required by such existing provision of law, ordinance, contract or deed, these Subdivision Regulations shall control.

(Ord. No. 156, 3-18-68)

1230.05. - Definitions.

As used in these Subdivision Regulations:

Alley. "Alley" means a dedicated or deeded public way affording a secondary means of access to abutting property and not intended for general circulation, located at the rear or side of properties otherwise abutting on a street.

Base flood. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

Block. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, or by a combination of streets, highways or ways and rivers, streams, railroad right-of-ways or exterior boundaries of the subdivision.

Building line or set-back line. "Building line" or "set-back line" means a line parallel to a street right-of-way line, shore of a lake or edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the shore of a lake or edge of a stream or river bank.

Commercial development. "Commercial development" means a planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

Comprehensive Plan (or Master Plan). "Comprehensive Plan" or "Master Plan" means a Comprehensive Plan approved by the Planning Board and including graphic and written materials indicating the general location for streets, parks, schools, public buildings and other physical development of the City, and includes any unit or parts of such Plan and any amendment to such Plan or parts thereof.

City. "City" means the incorporated Municipality of Lansing, Michigan.

City Engineer. "City Engineer" means the Director of the Division of Engineering in the Department of Public Service.

Council. "Council" means Council of the City of Lansing, Michigan.

County Plat Board. "County Plat Board" means the respective County Plat Board.

County Road Commission. "County Road Commission" means the respective County Road Commission.

Crosswalkway (pedestrian walkway). "Crosswalkway" or "pedestrian walkway" means a right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dedication. "Dedication" means the intentional appropriation of land by the owner to public use.

Department of Natural Resources. "Department of Natural Resources" means the State Department of Natural Resources.

Easement. "Easement" means a right-of-way granted by a property owner for limited use of private property for specific public or semipublic purposes, and designated as "public" or "private" on the plat.

Federal Insurance Administrator. "Federal Insurance Administrator" means the Administrator to whom the Secretary of Housing and Urban Development has delegated the administration of the National Flood Insurance Program.

Flood or flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters;
- B. The unusual and rapid accumulation of runoff of surface waters from any source; or
- C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood insurance rate map. "Flood insurance rate map" means an official map of the City on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the City.

Flood plain. "Flood plain" means the area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a base flood, as determined by studies of the U.S. Army Corps of Engineers and the Michigan Water Resources Commission, until such time as a flood insurance rate map is issued by the Federal Insurance Administrator.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a height designated by the Department of Natural Resources.

Governing body. "Governing body" means Council or that agency which is delegated to administer these Subdivision Regulations.

Greenbelt or buffer parks. "Greenbelt" or "buffer parks" means a strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Improvements. "Improvements" means any structure incident to servicing or furnishing facilities for a subdivision, such as grading, street surfacing, curbs and gutters, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities and other appropriate items, with appurtenant construction.

Industrial development. "Industrial development" means a planned industrial area designed specifically for industrial use, providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

Lot. "Lot" means a parcel, tract or portion of land, separated from other parcels or portions by description only on a recorded plat, for the purpose of sale, lease or separate use.

- A. *Lot depth.* "Lot depth" means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- B. *Lot width.* "Lot width" means the horizontal distance between the side lot lines measured at the set-back line and at right angles to the lot depth.

Outlot. "Outlot" means, when included within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use. Any area for other uses should be so stated on the plat.

Parcel or tract. "Parcel" or "tract" means a continuous area or acreage of land which can be described.

Planning Board. "Planning Board" means the Planning Board of the City, established under Public Act 285 of 1931, as amended.

Plat. "Plat" means a map of a subdivision.

- A. *Preliminary plat.* "Preliminary plat" means a map showing the preliminary layout of a subdivision in sufficient detail to allow review by the Planning Board and other interested agencies.
- B. *Final plat.* "Final plat" means a map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the Subdivision Control Act, Public Act 288 of 1967, as may be amended.

Public utility. "Public utility" means a firm, corporation, copartnership, municipal authority or public agency providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.

Right-of-way. "Right-of-way" means land reserved, used or to be used for a street, alley, walkway or other public purpose.

Shall. "Shall" is mandatory and not merely directory.

Sketch plan. "Sketch plan" means an informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

Sight distance. "Sight distance" means the minimum extent of unobstructed vision on a horizontal plane along a street from a point five feet above the centerline of a street.

Street, public. "Public street" means a public way or right-of-way dedicated to public use which is used for the transportation of goods and people and may provide for vehicular and pedestrian access to abutting properties.

- A. *Freeway.* "Freeway" means those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.
- B. *Expressway.* "Expressway" means those streets designed for high speed, high volume traffic, with full or partially controlled access and some grade crossings, but no private driveway connections.
- C. *Parkway.* "Parkway" means a street designed for noncommercial, pleasure oriented traffic moving at moderate speeds between and through scenic areas and parks.
- D. *Arterial street.* "Arterial street" means those streets of considerable continuity which are used or may be used

primarily for fast or heavy traffic.

- E. *Collector street*. "Collector street" means those streets used to carry traffic from local streets to arterial streets, including principal entrance streets of large residential developments.
- F. *Cul-de-sac*. "Cul-de-sac" means a local street of short length and having one end permanently terminated by a vehicular turn-around.
- G. *Marginal access street*. "Marginal access street" means a local street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.
- H. *Local street*. "Local street" means those streets which are used primarily for access to abutting properties.
- I. *Street width*. "Street width" means the shortest distance between the lines delineating the right-of-way of a street.

Studies of the U.S. Army Corps of Engineers and Michigan Water Resources Commission. "Studies of the U.S. Army Corps of Engineers and Michigan Water Resources Commission" means the publication: Flood Plain Information Grand River, Red Cedar River and Sycamore Creek, Lansing, Michigan, and Vicinity, prepared for the Water Resources Commission, Department of Natural Resources and the Tri-County Regional Planning Commission by the Corps of Engineers, U.S. Army, Detroit District, April, 1970.

Subdivider (developer). "Subdivider" or "developer" means a person, firm, corporation, association or other legal entity engaged in the subdividing of land hereunder for himself, herself or itself or for another.

Subdivision. "Subdivision" means the division of a parcel of land into five or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, building development or lease, or the division of a parcel of land into two, three or four lots involving the dedication of a new street, provided that the division of a parcel of land into lots or parcels of ten acres or more for agricultural purposes and not involving a new street shall not be deemed a subdivision.

Subdivision Regulations. "Subdivision Regulations" or "these Regulations" means Ordinance 156, passed March 18, 1968, as amended, codified herein as Title Four of Part Twelve - the Planning and Zoning Code.

(Ord. No. 156, 3-18-68; Ord. No. 510, 8-7-78)

CHAPTER 1232. - ADMINISTRATION, ENFORCEMENT AND PENALTY

Footnotes:

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Cross reference— *Approval of plats; street system - see M.C.L.A. § 125.43; Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. § 125.44; Approval or disapproval of plats; procedure; effect - see M.C.L.A. § 125.45; Certification of city plats - see M.C.L.A. §§ 125.51 et seq.; Planning Board - see P. & Z. Ch. 1212; Purpose and intent of Subdivision Regulations - see P. & Z. 1230.02; Scope of Subdivision Regulations; conflict of laws - see P. & Z. 1230.04.*

1232.01. - Administration by Planning Board.

These Subdivision Regulations shall be administered by the Planning Board by the authority granted in the City Charter and in accordance with Public Act 285 of 1931, as amended, and Public Act 288 of 1967, as amended.

(Ord. No. 156, 3-18-68)

1232.02. - Fees.

- (a) *Filing Fees.* When a preliminary plat is submitted to the City Clerk pursuant to Section 1234.03(e), the subdivider shall deposit a filing fee of \$20.00 which is nonreturnable.
- (b) *Examination and Inspection Fees.* In addition to the filing fee, the subdivider, at the time of final plat approval, shall pay a fee according to the following schedule:

1 to 25 lots	\$ 50.00
26 to 50 lots	75.00
51 to 100 lots	100.00
Each additional 25 lots or portion thereof	10.00

(Ord. No. 156, 3-18-68)

1232.03. - Approval of plats by Council.

Council shall review each plat and a report from the Planning Board at a Council meeting held within two weeks of receipt thereof, and shall approve or disapprove the final plat within 20 days of the filing of the final plat with the City Clerk by the Board in accordance with Section 1234.05(c). If approved, the plat shall then follow the procedures set forth in the Subdivision Control Act, Public Act 288 of 1967, as amended.

(Ord. No. 156, 3-18-68)

1232.04. - Submission of final plats to County Plat Board.

After final approval of a final plat has been given by the Planning Board and Councils the City Clerk shall forward five copies of the final plat, together with the sum of \$20.00, to the County Plat Board.

(Ord. No. 156, 3-18-68)

1232.05. - Final approval required prior to recording.

No subdivision located within the City shall be received or recorded by the County Register of Deeds, until such subdivision has received final approval and been signed by the Planning Board and Council.

(Ord. No. 156, 3-18-68)

1232.06. - Prerequisites to recording of subdivisions.

No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the City, except by permission and approval of Council, by resolution passed for such purpose; until such streets and alleys are graded according to the plans and specifications of the City Engineer, approved by council by resolution adopted for such purpose; and until the owner thereof files with the City Clerk a correct survey, plan and map of such grounds and the subdivision thereof, platted and subdivided, as approved by Council and made to its satisfaction, showing also the relative position and location of such lot, streets and alleys with respect to the adjacent lots and streets of the City. No such plat, and dedication of the streets and public

grounds thereon, shall be recorded in the office of the Register of deeds, until a certificate has been endorsed thereon by the City Clerk under the Seal of the City, showing that such plat and dedication has been approved by Council. The City, by reason of such approval, shall not be responsible for the improvement, care and repairs of such streets and alleys, excepting such as Council accepts and confirms by ordinance or resolution as in this section provided.

(1958 Code, § 28-31)

1232.98. - Issuance of municipal civil infraction citations and violation notices.

The Director of Planning and Neighborhood Development, the Zoning Administrator, the Planning Manager and all code compliance officers are hereby designated as the authorized City officials to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) as provided in Chapter 203 of these Codified Ordinances.

(Ord. No. 933, 2-19-96)

1232.99. - Penalty; equitable remedies.

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations is responsible for a Municipal civil infraction, and shall be subject to the civil fine provided in Section 203.06 of these Codified Ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Section 202.99(c)(2). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Any land owner, tenant, subdivider, builder, public official or other person who commits, participates in, assists in or maintains such violation or noncompliance may each be found responsible for a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Planning Board, Council or any other public official or private citizen from taking such lawful action as is necessary to prevent or remedy any violation or noncompliance.

(Ord. No. 933, 2-19-96)

CHAPTER 1234. - PLATTING PROCEDURE

Footnotes:

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Cross reference— *Approval of plats; street system - see M.C.L.A. Sec. 125.43; Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44; Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45; Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.; Planning Board - see P. & Z. Ch. 1212; Approval of plats by Council - see P. & Z. 1232.03; Submission of final plats to County Plat Board - see P. & Z. 1232.04; Final approval required prior to recording - see P. & Z. 1232.05; Prerequisites to recording of subdivisions - see P. & Z. 1232.06.*

1234.01. - Preapplication contact.

The purpose of the preapplication stage is to provide the subdivider with an opportunity to avail himself or herself of the advice and assistance of the Department of Planning and Municipal Development and the many agencies involved in subdividing, before preparation of the preliminary plat and its submission for approval, in order to save him or her time and money and to make the best of his or her opportunities.

Nothing in this section shall be so construed as to require any preapplication contact. Any subdivider may elect to begin subdividing by submitting a preliminary plat in accordance with Section 1234.03(a).

(Ord. No. 156, 3-18-68)

1234.02. - Sketch plans.

Since the preapplication stage is established to encourage subdividers to determine the procedures and requirements of various agencies concerned with platting prior to the expenditure of funds for plat preparation, only a minimum amount of information is needed. At a minimum, the sketch plan shall show existing conditions on and adjacent to the site, the general layout of streets, blocks and lots and any general areas set aside for schools, parks and other community facilities.

(Ord. No. 156, 3-18-68)

1234.03. - Preliminary plat procedures.

Before making or submitting a final plat for approval, the subdivider shall make a preliminary plat and submit copies to authorities as provided in Sections 111 to 119 of Public Act 288 of 1967, as amended.

(a) *Copies of Preliminary Plat.*

- (1) The subdivider shall submit four copies of the preliminary plat and other data to the City Clerk, one of which shall be a reproducible tracing.
- (2) The City Clerk will cause the submitted copies of the plat to be forwarded to the Planning Board for its study and approval. The Board shall advise Council of its recommendation concerning the preliminary plat.
- (3) The Board will function to coordinate the requirements of all other City departments for inclusion in the plan by distributing the plan to those related departments involved in providing public services. The Board, in its report to Council, will advise Council of such elements of the plan. In particular, the Board will refer the plan to the following agencies:
 - A. Transportation Division (Department of Public Service);
 - B. Public Service Director;
 - C. Board of Education;
 - D. Tri-County Regional Planning Commission;
 - E. Department of Parks and Recreation;
 - F. Fire Department; and
 - G. Board of Water and Light.

(b) *Notice of Public Hearing.* The Board, in conjunction with the City Clerk's office, shall prepare and publish in a local newspaper a notice of public hearing at least 15 days prior to the date set for the public hearing.

Five days notice of such hearing shall also be given to all abutting property owners as found in the records of the City Assessor, by United States certified mail, pursuant to Public Act 285 of 1931, as amended.

(c) *Approval of Planning Board.* The Board shall approve, modify or disapprove the plat within 60 days after the referral thereof to it; otherwise such plat shall be deemed to be approved, and a certificate to that effect shall be issued by the Board on demand. However, the applicant for the Board's approval may waive this requirement in writing and consent to an extension of such period.

(d) *Tentative Approval.*

- (1) Council, within 30 days from the date of Board action, shall tentatively approve such plat and note its approval of the preliminary plat to be returned to the subdivider, or set forth, in writing, its reasons for rejection and require tentative approval.
 - (2) Tentative approval under this section shall confer upon the subdivider, for one year from the approval date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the subdivider and granted by Council, in writing.
- (e) *Preliminary Approval.*
- (1) After tentative approval of the preliminary plat by Council, the subdivider shall:
 - A. Submit copies of the preliminary plat to all public agencies as required by Sections 112 to 119 of Public Act 288 of 1967, as amended;
 - B. Submit a list of all such authorities to the City Clerk, certifying that the list shows all authorities as required by Sections 112 to 119 of Public Act 288 of 1967, as amended; and
 - C. Submit all approved copies to the City Clerk, after all necessary approvals are obtained.
 - (2) Council, after receipt of the necessary approved copies of the preliminary plat and after a report from the Department of Planning and Municipal Development certifying that all conditions and requirements imposed upon the plat at the time of tentative approval have been complied with, shall, within 20 days of receipt of the necessary data, consider and review the preliminary plat.
- (f) *Length of Approval.* The granting of preliminary approval by Council shall be for two years from the date of approval. Failure on the part of the subdivider to proceed under these Subdivision Regulations in accordance with final plat procedures within such two-year period shall result in automatic withdrawal of the preliminary approval. If any portion of a preliminary plat has been finally platted, the same shall constitute an automatic extension for two years. In order to reinstate the preliminary plat, the subdivider must again proceed through the preapplication and preliminary plat preparation and submittal stages, in accordance with these Subdivision Regulations. However, Council may make exception hereto and grant an extension.

(Ord. No. 156, 3-18-68)

1234.04. - Preliminary plat specifications.

A preliminary plat shall be at a scale of 200 feet to one inch, or larger, on a standard size sheet of paper, or cloth, 24 inches by 36 inches.

- (a) *Information Required.* The following shall be shown on the preliminary plat or submitted with it:
- (1) The title of the proposed subdivision;
 - (2) Names, addresses and telephone numbers of the owner, subdivider, surveyor or engineer preparing the plat;
 - (3) Names of abutting subdivisions;
 - (4) The location of the subdivision, giving the numbers of section, township and range, and the name of the Township, County and State;
 - (5) A map indicating plans for the development of the entire area, if the proposed plat is a portion of a larger holding intended for subsequent development;
 - (6) A location map showing the relationship of the proposed plat to the surrounding area;
 - (7) Lot lines and the total number of lots in each block or other portion;
 - (8) Streets, street names, right-of-ways and roadway widths;

- (9) Other right-of-ways or easements, showing location, width and purpose, as available;
 - (10) Contours at two-foot intervals;
 - (11) The location of the floodplain according to the Public Service Department, the U.S. Army Corps of Engineers or the Water Resources Commission, if the plat includes or is adjacent to such lands as may be flooded;
 - (12) Proposed and existing storm and sanitary sewers, if required;
 - (13) All existing structures and other physical features which would influence the layout and design of the subdivision;
 - (14) Proposed sites, if any, for multifamily dwellings, shopping centers, churches, industry and other nonpublic uses, exclusive of single-family dwellings;
 - (15) A legend indicating the total acreage contained within the plan, together with the total acreage and percentage in lots, road allowances, parks and other uses;
 - (16) Any sites proposed for parks, playgrounds, schools or other public uses;
 - (17) Date, north arrow and a scale of one inch to 200 feet or greater;
 - (18) The existing zoning of the proposed subdivision and adjacent tracts; and
 - (19) The location of the last flood of record according to the City Engineer, Water Resources Commission, Corps of Engineers or like source, if the plat includes or is adjacent to flooded lands.
- (b) *Preliminary Engineering Plans.* Preliminary engineering plans may be submitted for street, sewer and other public improvements required in Chapter 1238. Such plans shall contain enough information and detail to enable the Department of Public Service and other responsible agencies to make a preliminary determination as to the conformity of the proposed improvements to applicable regulations and standards.

(Ord. No. 156, 3-18-68)

1234.05. - Final plat procedures.

The final plat shall conform substantially to the preliminary plat as approved by the Planning Board. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time, provided that the approved preliminary plat comprises more than 25 one-family or two-family lots or ten acres, whichever is less, or in the case of a multifamily, commercial or industrial development, more than ten acres. The final plat shall conform to the Subdivision Control Act, Public Act 288 of 1967, as amended.

- (a) *Submittal.* Prior to filing the final plat with the City Clerk for transmittal to Council, the subdivider shall submit a written application for approval of the plat, along with five copies of the final plat and one set of the final construction plans, drawn on linen or mylar, if plans are to be drawn by the developer's engineer, and two copies of any landscaping plans as may be required in accordance with Section 1238.04(a)(4), to the Planning Board.

The subdivider shall also submit an abstract of title certified to the date of the proprietor's certificate, which title establishes the recorded ownership interest of all parties of interest and which is accompanied by an attorney's opinion based on such abstract of title as to the ownership and marketability or title to the land, or, in the alternative, the subdivider shall provide a certificate of title insurance.

Such application shall be submitted not less than ten days prior to the regular monthly meeting of the Board at which the application is to be considered.

- (b) *Review.* Prior to consideration of the final plat by the Board, the Department of Public Service shall review the plat and the accompanying construction plans to determine its conformity to engineering specifications and

improvement plans proposed in the preliminary plat. The Department of Planning and Municipal Development shall also review the final plat application and determine its conformity or nonconformity with the lot layout, street design and other proposals contained in the approved preliminary plat. The Department of Public Service and the Department of Planning and Municipal Development shall certify their approval or disapproval of the plat, in writing, to the Board for its consideration.

(c) *Approval.*

- (1) If the final plat is in substantial agreement with the preliminary plat previously approved by the Planning Board, the Board shall prepare a report on its recommendations to Council and immediately forward the plat and accompanying recommendations to Council. The Secretary of the Board shall sign the plat indicating the Board's approval of the same. The signed copies shall then be transmitted to Council. A copy of the Board's report shall be retained in the files of the Board.
- (2) If the final plat does not conform to the street arrangement and other aspects of the approved preliminary plat, or preliminary utility and facility plans, the Board shall prepare a report to Council setting forth the points at which the plat fails to conform to the approved preliminary plat and recommending to Council that it disapprove the plat until its objections have been overcome. The plat and the accompanying report shall be forwarded immediately to Council. A copy of the report shall be retained in the files of the Board.
- (3) Approval of the final plat by the Board shall not indicate public acceptance of any lands, right-of-ways or easements shown on the plat.

(Ord. No. 156, 3-18-68)

1234.06. - Preparation of final plats; final engineering plans.

The preparation of the final plat shall be in accordance with State law, the Subdivision Control Act, Public Act 288 of 1967, as amended.

Final engineering plans, profiles, cross-sections and specifications for improvements, as required to be installed in these Subdivision Regulations, shall meet the specifications established by the Department of Public Service and/or the minimum specifications as provided by the respective agencies as required in Section 1234.05(a). Such final engineering plans shall accompany the final plat.

(Ord. No. 156, 3-18-68)

1234.07. - Model homes.

Construction of up to four model homes in a new subdivision is permitted, but only under the following conditions:

- (a) Each model home shall be constructed on a proposed lot and in accordance with all conditions or regulations which would be in effect if the final plat were recorded.
- (b) The final plat has been submitted to the Planning Board for approval.
- (c) No certificate of occupancy shall be issued until such time as the plat has been recorded and all utilities and improvements have been installed and accepted by the City.

(Ord. No. 156, 3-18-68)

CHAPTER 1236. - DESIGN STANDARDS

Footnotes:

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Cross reference— *Approval of plats; street system - see M.C.L.A. Sec. 125.43; Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44; Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45; Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.; Streets and sidewalks generally - see S.U. & P.S. Ch. 1020; Planning Board - see P. & Z. Ch. 1212; Floodplain control - see P. & Z. Ch. 1288.*

1236.01. - Conformity to comprehensive plan.

A proposed subdivision and its ultimate use shall be in conformity with the Comprehensive Plan as adopted and shall not encroach upon any area designated in the Comprehensive Plan for future public use.

Where such conflict appears and the land in question is otherwise suitable for subdividing, Council, or in the case of a school site, the Board of Education, shall, in its tentative consideration, decide whether or not to implement the Comprehensive Plan. If Council or the Board elects to implement the Comprehensive Plan, it shall enter into an agreement to purchase the land within 90 days and shall accomplish acquisition within three years.

Land which the Planning Board has found to be unsuitable for subdivision development due to flooding, poor drainage, soil conditions or other features which are likely to be harmful to the health, safety and welfare of future residents shall not be subdivided, unless satisfactory methods of correction are formulated by the subdivider and approved by the Planning Board.

(Ord. No. 156, 3-18-68)

1236.02. - Floodplain development.

- (a) No building shall be located on any portion of a lot lying within a floodplain, unless approved in accordance with Chapter 1288.
- (b) The natural floodplain may be altered if its original discharge capacity is preserved and the stream flow is not revised so as to affect the riparian rights of the other owners.
- (c) Alteration of any floodplain area shall be based upon a plan approved by the Planning Board and the Department of Natural Resources.
- (d) The floodplain shall be shown within a contour line, established by the studies of the U.S. Army Corps of Engineers and the Michigan Water Resources Commission, until such time as a flood insurance rate map is issued by the Federal Insurance Administrator.
- (e) The floodplain area shall be clearly labeled on any and all plats hereafter filed with the words "floodplain area."

(Ord. No. 156, 3-18-68; Ord. No. 508, 8-7-78)

1236.03. - Streets.

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the major street plan as adopted by the Planning Board and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and to the proposed uses of the land to be served by such streets.
- (b) Public right-of-way widths shall be as shown on the major street plan and, unless otherwise indicated on the major street plan, shall be not less than the following:

	Classification	Right-Of-Way Width (ft.)
(1)	Freeway	300

(2)	Expressway	200—300
(3)	Parkway	Variable (minimum 120)
(4)	Major arterial	100—175
(5)	Minor arterial	100-120
(6)	Collector	86—100
(7)	Local	60—66
(8)	Cul-de-sac	50—66
(9)	Alleys	20
(10)	Crosswalks (pedestrian ways)	10
(11)	Utility easements	12

- (c) Additional street right-of-way may be required to ensure adequate access, circulation and parking in subdivisions within high density residential areas, commercial areas and industrial areas.
- (d) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional width for the existing street may be required in conformity with the standards outlined in paragraph (b)(6) hereof.
- (e) If Council deems that right-of-ways in excess of 120 feet are necessary, it shall enter into an agreement to purchase the land within 90 days and shall accomplish acquisition within three years, expressways and freeways excepted.
- (f) Dedication of expressway and freeway right-of-ways shall not be required. Such right-of-ways may be reserved for public acquisition in accordance with Public Act 222 of 1943, as amended.
- (g) Local streets shall be so arranged as to discourage their use by through traffic. Curvilinear street design is recommended for residential streets to discourage excessive speeds and to provide attractive vistas.
- (h) The street arrangement in a subdivision shall provide for the continuation of existing streets in surrounding areas and shall provide for suitable access to adjoining unplatted areas at points not more than 1,320 feet apart.
- (i) Where a proposed subdivision abuts or contains a major street as defined in the major street plan, the Planning Board may require marginal access streets, reverse frontage lots containing a ten-foot nonaccess, reservation with screen planting along the rear property line or such other treatment as may be necessary for the adequate protection of residential properties and the separation of through and local traffic.
- (j) Intersections on major or minor arterial streets shall be located not less than 800 feet apart, measured from centerline to centerline.
- (k) When a tentative layout, including streets, of the general area or neighborhood has been made by the Department of Planning and Municipal Development and approved and adopted by the Planning Board, the proposed subdivision shall be in general conformity thereto.
- (l) Where a proposed subdivision abuts or contains a railroad right-of-way, expressway or other limited access highway, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use with due regard for the requirements of approach grades for future bridge or grade separations.
- (m) Street jogs with centerline offsets of less than 125 feet shall be prohibited, except as provided in Section 1236.11.
- (n) There shall be no private streets, lanes or ways platted in any subdivision, except under the special design considerations mentioned under Section 1236.10(a).
- (o) Half streets shall be prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformity with these Subdivision Regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

- (p) Dead-end streets are prohibited, except those designed as permanent cul-de-sacs or those required for future access to adjacent unplatted property. Temporary turnaround arrangements for dead-end streets which will be extended in the future may be required by the Planning Board.
- (q) Cul-de-sac streets shall be not longer than 600 feet or seven times the average lot width of the lots fronting the cul-de-sac and shall contain at the closed end a turnaround having an outside road pavement of 90 feet and a street property line diameter of 120 feet. Special consideration will be given to longer cul-de-sacs under unusual topographical conditions.
- (r) Streets shall be not greater than five percent or less than one-half percent, except as provided in Section 1236.11.
- (s) To ensure adequate site distance, horizontal curves shall have the following minimum centerline ratio:
 - (1) Local streets150 feet
 - (2) Collector300 feet
 - (3) Minor arterial500 feet
 - (4) Major arterial750 feet

A tangent at least 100 feet long shall be provided between reverse curves on collector streets and at least 250 feet long on minor and major arterial streets.

- (t) Streets shall intersect one another at right angles or as nearly at right angles as conditions permit. No street shall intersect another at an angle of less than 80 degrees.
 - (1) "T" intersections of minor streets shall be encouraged.
 - (2) Multiple intersections involving the junction of more than two streets shall be prohibited.
 - (3) Minor streets intersecting with a major street or thoroughfare shall have a tangent section of centerline not less than 50 feet in length.
- (u) No street names shall be used which will duplicate or be confused with the names of existing streets within the area of jurisdiction of these Subdivision Regulations. Street and subdivision names and house numbers shall be subject to the approval of the Director of Public Service.

(Ord. No. 156, 3-18-68)

1236.04. - Alleys and crosswalkways.

- (a) Alleys shall be prohibited in subdivisions within single-family or two-family districts, unless warranted by special or unique conditions.
- (b) The Planning Board may require that alleys be provided in subdivisions where the intended use is for multiple dwellings or commercial or industrial purposes, unless other definite provisions are made for service access and off-street loading and parking.
- (c) Dead-end alleys are prohibited, unless unavoidable because of special physical conditions. If permitted, dead-end alleys shall be provided with adequate turnaround facilities for service trucks, as determined by the Planning Board.
- (d) Crosswalks or pedestrian ways may be required where, in the judgment of the Planning Board, they are necessary to provide for safe and convenient access to schools, parks, shopping centers or other community facilities.

(Ord. No. 156, 3-18-68)

1236.05. - Easements.

- (a) Easements shall be provided along rear and side lot lines, as necessary, for utility lines.

- (b) Where a proposed subdivision is traversed by a watercourse, drainage way, channel or stream, a drainage easement shall be provided which conforms with the width of such watercourse as determined by the Director of Public Service. Such easement shall be shown on the final plat.
- (c) One-foot reserves shall be provided at the end of all stub-end streets and such reserves shall be deeded to the City to ensure the future extension of the street.
- (d) When a subdivision provides the entire road allowance width and has lots on only one side, the subdivider shall be permitted to retain a one-foot reserve, which reserve or portion thereof shall be released to the City when the respective abutting property owner agrees to pay to the subdivider 50 percent of the costs of the services that normally would have been required had he or she been a party to the subdivision, at an interest rate not to exceed six percent, from the time of installation of services and development of the road. In the event of a dispute, Council shall be the final arbitrator.

(Ord. No. 156, 3-18-68)

1236.06. - Blocks.

- (a) Block length shall be not longer than 1,320 feet nor less than 500 feet, unless special physical conditions justify a departure from these standards.
- (b) Block width shall be sufficient to provide for a development of two tiers of lots between streets, except in cases where lots back to a major street under the conditions specified in Section 1236.03(i).
- (c) Blocks designated for multiple dwelling, business, commercial or industrial use may be specifically designed for such purposes with spaces set aside for off-street parking and loading facilities as specified in the Zoning Code.

(Ord. No. 156, 3-18-68)

1236.07. - Lot area.

- (a) Lot size, width, depth, shape and orientation shall be appropriate for the location and contemplated use of each subdivision, but in no case shall any of the lot dimensions, building set-back lines or lot area requirements be less than the minimum specified in the Zoning Code for the particular district in which the subdivision is located.
- (b) The minimum lot width of all lots platted or created from existing parcels, lots or unplatted land shall be 60 feet at the building line, except on corner lots where the minimum lot width shall be 70 feet, except as provided in Sections 1236.10(a) and 1236.11.
- (c) The minimum lot depth for residential lots shall be 100 feet and 135 feet on major streets, except as provided in Section 1236.11.
- (d) The general width to depth ratio of lots shall not exceed one to 2.5, except as provided in Section 1236.11.
- (e) Every lot shall abut upon and have permanent access to a public street, provided that in subdivisions designed under conditions specified in Section 1236.10(a), this requirement may be modified or waived by the Planning Board.
- (f) Side lot lines shall be at approximately right angles or radial to the street right-of-way line.

(Ord. No. 156, 3-18-68)

1236.08. - Lot divisions.

Lots, outlots and other parcels of land in a recorded plat may be divided for the purposes of sale or lease for building development, provided that the same is approved by the Department of Planning and Municipal Development, as follows:

- (a) *Procedures*: An application for lot divisions shall be submitted in writing to the Department and shall be accompanied by a sketch drawn to scale showing the original lot, proposed divisions, all pertinent dimensions and the proposed legal description.
- (b) *Conformity to Minimum Size*: In residential subdivisions, divisions shall not create any lot which is less than the minimum sizes required by these Subdivision Regulations except that City Council may grant a variance to this subsection in accordance with Section 1236.11.
- (c) A violation of this section shall be sufficient cause for denial of an application for a building permit.

(Ord. No. 156, 3-18-68; Ord. No. 999, § 1, 2-15-99)

1236.09. - Public sites and open spaces.

- (a) Where a site for a park, playground, playfield, school, library, fire station or other public use is deemed necessary by the Planning Board to fulfill the objectives of the Master Plan, the Board may recommend the reservation of such areas within a subdivision.

Upon determination by the respective public agency that space for the public facility is required, the agency involved shall, within 90 days, enter into an agreement to purchase the site. Acquisition of the site shall be accomplished within three years.

- (b) Reservation of other public open spaces may be required where deemed necessary by the Board for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision but not anticipated in the Comprehensive Plan.
- (c) Dedication of greenbelts or buffer parks may be required by the Board in areas where they are desirable to separate and protect residential subdivisions from adjacent commercial developments, highways, streets and railroads or any obnoxious use.
- (d) Any subdivision located within an area which has had a precise plat map adopted by council under Public Act 222 of 1943, as amended (Mapped Improvement Act), shall be required to dedicate or reserve such open spaces or street right-of-ways shown on such precise plat.

(Ord. No. 156, 3-18-68)

1236.10. - Planned unit developments.

- (a) The Planning Board will consider plats designed for special development which may require modification or adjustment of the design standards set forth in this chapter. Modifications may be made to allow:
 - (1) Cluster housing which need not front on a public street;
 - (2) Reduced lot size to accommodate the sale of townhouse units;
 - (3) Common private open spaces;
 - (4) Commercial or industrial developments;
 - (5) Condominium or cooperative developments; or
 - (6) Other types of development which may emerge as a result of changing patterns of living in the Greater Lansing region.
- (b) An application for a development under this section shall be made in writing and shall be supplemented with maps, plans or other additional data which may aid the Board and Council in the analysis of the proposed plat.

(Ord. No. 156, 3-18-68)

1236.11. - Variances.

A variation, exception and/or modification of the design requirements set forth in this chapter may be made by Council in specific cases where it is deemed that conditions justify such a variance.

Applications for variances to the design requirements lot size or number outlined in this chapter shall be made in writing at the time the preliminary plat is filed for consideration with the City Clerk, when a plat is being applied for or under 1236.08(b) after plat approval. Applications for variances shall be filed with the planning office of the Department of Planning and Neighborhood Development for transmittal to city council for consideration. The application for a variance shall state fully the grounds for the variance and all facts relied upon by the petitioner.

(Ord. No. 156, 3-18-68; Ord. No. 999, § 1, 2-15-99)

CHAPTER 1238. - IMPROVEMENTS

Footnotes:

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Cross reference— *Approval of plats; street system - see M.C.L.A. Sec. 125.43; Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44; Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45; Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.; Streets and sidewalks generally - see S.U. & P.S. Ch. 1020; Construction of sidewalks generally - see S.U. & P.S. Ch. 1024; Sewers generally - see S.U. & P.S. Chs. 1040 et seq.; Planning Board - see P. & Z. Ch. 1212.*

1238.01. - Performance contracts; manner of installation.

- (a) Council, before giving approval to a final plat, shall require that a contract with the subdivider be drawn up, approved and signed to ensure performance of the conditions which will lead to the completion of all required public improvements deemed to be necessary. To ensure performance of such contract, Council may require financial security as provided in Section 1238.10.
- (b) The subdivider may elect to install or cause to be installed, prior to the approval of the final plat, all or a part of the required public improvements. In such case the subdivider shall, at the time of final plat approval, provide financial security for any remaining public improvement obligations.
- (c) Any improvements made to the property by the subdivider shall be inspected by the Municipality for conformity to Municipal standards and such inspections shall be charged against the subdivider. Such charges shall be paid in full prior to final plat approval.

(Ord. No. 156, 3-18-68)

1238.02. - Construction plans required.

The subdivider of every proposed subdivision shall have prepared, by a registered engineer, a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for the required public streets, utilities and other facilities. All construction plans shall be prepared in accordance with the public improvement standards or specifications provided in this chapter.

(Ord. No. 156, 3-18-68)

1238.03. - Monuments.

- (a) Permanent monuments shall be located in the ground at all angles in the boundaries of a plat; at the intersection

lines of streets; at the intersection of the lines of streets with the boundaries of the plat; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

- (b) All monuments shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete.
- (c) All lot corners shall be marked in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter.
- (d) The subdivider may elect to postpone the placement of monuments and lot corner markers for a period not to exceed one year, provided that the subdivider deposits with the City Controller cash, a certified check or irrevocable letter of credit, whichever the proprietor selects, in the amount of \$60.00 per monument and not less than \$200.00 in total, except that lot corner markers shall be at a rate of \$40.00 per marker. Such deposit shall be retained by the City until such time as the subdivider provides the City with certification by a surveyor, and verified by the Department of Public Service within 30 days, that all required monuments and lot corner markers are properly placed.
- (e) The property owner shall be required to maintain all monuments or lot corner markers and shall be responsible for replacing damaged monuments or lot corner markers.

(Ord. No. 623, 10-18-82)

1238.04. - Streets.

All subdivisions shall be improved with the following public improvements in accordance with conditions and specifications as follows:

- (a) *Streets and Alleys.* Full street improvements, including adequate subgrade preparation, hard surfacing, curbs and gutters, shall be required in every subdivision in conformity with the construction standards of the Department of Public Service. Minimum standards for such street improvements shall be as follows:
 - (1) *Street surfacing.* The finished roadway surface shall be either bituminous aggregate or Portland cement concrete, installed in conformity with the specifications of the Department.
 - (2) *Street surfacing width.* Minimum street surfacing widths shall be as specified by typical cross-sections of the major street plan as adopted by the Planning Board.
 - A. Freeway48—72 feet
 - B. Expressway48—96 feet
 - C. Parkway48 feet
 - D. Major arterial48—60 feet
 - E. Minor arterial48—60 feet
 - F. Collector44—48 feet
 - G. Local22—36 feet
 - H. Cul-de-sac22—36 feet
 - (3) *Curbs and gutters.* Concrete curbs and gutters of a type approved by the Department shall be provided for all cul-de-sac, local, collector, minor or major arterials and parkways within each subdivision and along all streets that border on the subdivision.
 - (4) *Street islands and boulevards.* Where the subdivider proposes boulevard streets and/or street islands in the

street pattern, the subdivider shall have suitable plans made for landscaping such areas. All such landscape plans shall be approved as to height, size and type of plant material by the Department of Parks and Recreation before construction by the subdivider. The City will accept responsibility of living materials only after one year of growth.

- (5) *Street signs.* Street signs shall be installed, identifying the names of all streets at every intersection, of a type approved by the Department of Public Service. If the subdivider desires to erect a more ornate or other type of sign than the City uses as its standard, he or she may do so with the consent of the Department.
- (b) *Sidewalks and Crosswalks.* Concrete sidewalks shall be installed along each side of every street within the subdivision and along the sides of all streets that border on the subdivision in accordance with the specifications of the Department of Public Service. Crosswalks, where required, shall have a five-foot paving width centered within the required ten-foot right-of-way.
- (c) *Alleys.* Where permitted, alleys shall be paved to their full width with concrete or other bituminous materials in accordance with specifications approved by the Department of Public Service.
- (d) *Street Trees.* Street trees may be required in each subdivision of a type, size and location as specified by the Department of Parks and Recreation. If, in the opinion of the City Forester, lot trees of suitable species are located to give proper benefit to the street, this requirement will be waived.

(Ord. No. 623, 10-18-82)

1238.05. - Water.

A public water system containing a supply line, fire hydrants, valves and other system appurtenances shall be constructed in conformity with the requirements of the Board of Water and Light.

(Ord. No. 156, 3-18-68)

1238.06. - Sanitary sewers.

A public sanitary sewer system shall be constructed and the sewer size, grade and other appurtenances of the system shall be constructed in conformity with the requirements of the Department of Public Service.

(Ord. No. 156, 3-18-68)

1238.07. - Storm sewers; drainage.

A storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts and other necessary appurtenances, shall be required and constructed in conformity with requirements of the Department of Public Service and the following:

- (a) *Natural Water Drainage Ways.* All natural water drainage ways shall be preserved at their natural gradient, unless otherwise determined by the Department.
- (b) *Grading.* All lots shall be finished graded so that all storm water drains therefrom.

(Ord. No. 156, 3-18-68)

1238.08. - Underground wiring.

Underground electrical and communication distribution systems operating at 15,000 volts or less to ground, exclusive of main supply and perimeter feed lines, for residential subdivisions, shall be constructed in conformity with the requirements of the Board of Water and Light and Michigan Bell Telephone Company. Conduits or cables shall be placed entirely underground within private easements, as provided in Section 1236.05, or within public ways or other public and quasi-public utility right-of-ways. Such communication and electric facilities placed in public ways or other public and quasi-public utility right-of-ways shall be planned so as not to conflict with other underground utilities.

(Ord. No. 261, 2-16-71)

1238.09. - Optional public improvements.

- (a) *Street Lights.* The subdivider may install boulevard standard street lights, provided that the street lighting plans and specifications have been approved by the Board of Water and Light. If the subdivider elects not to install boulevard street lights, overhead street lights shall be installed and financed by the City at street intersections and at such other locations as may be required to maintain minimum standards of public safety.
- (b) *Landscaping.* Landscape plantings, louvered fences for screening or other suitable landscape treatment may be made by the subdivider within required greenbelts, buffer parks or other open spaces where he or she desires to protect his or her development from the detrimental effects of adjacent expressways, major streets, railroads or other land uses. Such landscape plans should be indicated on the subdivider's improvement plans and shall be approved by the Planning Board after review by the Department of Parks and Recreation.

(Ord. No. 156, 3-18-68)

1238.10. - Financial guarantees.

- (a) *Arrangements.* As a condition of final plat approval, if prior to the actual installation of those public improvements which the City has determined to be the responsibility of the subdivider, the subdivider shall, pursuant to Section 182 of the Subdivision Control Act, Public Act 288 of 1967, as amended, provide financial security in one or a combination of the following arrangements, whichever the subdivider elects:
 - (1) *Performance bond.* A performance or surety bond to cover the costs of the contemplated improvements, as estimated by the City or its agents, shall be filed with the City Controller. Such bond shall specify the time period in which improvements are to be completed and shall be with an acceptable bonding company authorized to do business in the State.
 - (2) *Escrow fund.* A cash deposit, or deposit by certified check, sufficient to cover the cost of the contemplated improvements, as estimated by the City or its authorized agents, shall be deposited with the City Controller. The escrow deposit shall be for the time period estimated as necessary to complete the required improvements.
 - (3) *Irrevocable letter of credit.* An irrevocable letter of credit issued by a bank authorized to do business in the State, in an amount to cover the cost of the contemplated improvements as estimated, shall be deposited.

Council shall rebate or release to the proprietor, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project.

- (b) *Failure to Complete Improvement.* If the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees of this section, Council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check or surety bond or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

(Ord. No. 623, 10-18-82)

1238.11. - Installation by City.

The City will assume the payment for the hard-surfacing of streets subsequent to the installation of six inches of compacted gravel base and grading and installation of curbs and gutters by the subdivider. The City will also continue to assume the obligations relative to storm or sanitary sewers as provided by Section 1044.07. The City will also pay for the installation of street signs, which signs are considered as standard by the Department of Public Service.

(Ord. No. 623, 10-18-82)

1238.12. - Sidewalks.

Sidewalks shall be installed within a subdivision as follows:

- (a) The subdivider shall, as a condition of final plat approval, provide financial security in a manner consistent with Section 1238.10(a) equal to the estimated cost, as determined by the Department, of installing all required corner lead walks within the subdivision.
- (b) Sidewalks shall be installed currently with the development of the subdivision and all building permits issued to individual lots within a subdivision shall reference the requirements of Chapter 1024 and these Subdivision Regulations pertaining to the installation of sidewalks.
- (c) Notwithstanding the requirements of subsection (b) hereof, sidewalks within a subdivision may be installed pursuant to the sidewalk provisions contained in Chapter 1024.

(Ord. No. 623, 10-18-82)

TITLE 6. - ZONING

Footnotes:

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Editor's note— Ord. No. 1273, § 1, adopted Mar. 8, 2021, repealed the former Tit. 6, Chs. 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284—1286, 1288, 1290, 1292, 1294, 1296, 1298, and 1302, and leaving Ch. 1300, pertaining to marijuana operations, intact. The former Tit. 6 pertained to similar subject matter and derived from Ord. No. 373, adopted Nov. 25, 1974; Ord. No. 406, adopted Oct. 6, 1975; Ord. No. 407, adopted Oct. 6, 1975; Ord. No. 509, adopted Aug. 7, 1978; Ord. No. 636, adopted Mar. 7, 1983; Ord. No. 735, adopted Nov. 24, 1986; Ord. No. 748, adopted Feb. 9, 1987; Ord. No. 765, adopted Oct. 5, 1987; Ord. No. 766, adopted Jan. 19, 1988; Ord. No. 780, adopted May 31, 1988; Ord. No. 809, adopted Dec. 11, 1989; Ord. No. 827, adopted Dec. 17, 1990; Ord. No. 846, adopted Dec. 16, 1991; Ord. No. 848, adopted Feb. 17, 1992; Ord. No. 849, adopted Mar. 2, 1992; Ord. No. 934, adopted Feb. 19, 1996; Ord. No. 996, § 1, adopted Sept. 14, 1998; Ord. No. 1013, § 1, adopted June 19, 2000; Ord. No. 1014, § 1, adopted June 19, 2000; Ord. No. 1041, § 1, adopted Oct. 22, 2001; Ord. No. 1042, § 1, adopted Oct. 22, 2001; Ord. No. 1051, § 1, adopted Sept. 16, 2002; Ord. No. 1055, § 1, adopted Oct. 21, 2002; Ord. No. 1116, § 1, adopted Dec. 11, 2006; Ord. No. 1117, § 1, adopted Dec. 11, 2006; Ord. No. 1128, § 1, adopted Dec. 10, 2007; Ord. No. 1131, § 1, adopted Apr. 21, 2008; Ord. No. 1134, § 1, adopted May 12, 2008; Ord. No. 1138, § 1, adopted Nov. 10, 2008; Ord. No. 1152, § 1, adopted Mar. 22, 2010; Ord. No. 1158, § 1, adopted Aug. 30, 2010; Ord. No. 1159, § 1, adopted Sept. 20, 2010; Ord. No. 1163, § 1, adopted Dec. 13, 2010; Ord. No. 1168, § 1, adopted June 27, 2011; Ord. No. 1178, § 1, adopted June 4, 2012; Ord. No. 1183, § 1, adopted May 6, 2013; Ord. No. 1198, § 1, adopted Oct. 26, 2015; Ord. No. 1211, § 1, adopted May 22, 2017; and Ord. No. 1236, § 1, adopted Oct. 22, 2018.

CHAPTER 1240. - PURPOSE AND DEFINITIONS

1240.01. - Short title.

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the "Zoning Ordinance of the City of Lansing" or just the "Zoning Code."

(Ord. No. 1273, § 1, 3-8-21)

1240.02. - Enabling authority.

This ordinance establishes comprehensive zoning regulations for the City of Lansing, and provides for the administration, enforcement, and amendment of those regulations, in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, being M.C.L. 125.581 et seq., and the Michigan Planning Enabling Act (Public Act 33 of 2008), as amended, being M.C.L. 125.3801 et seq.

(Ord. No. 1273, § 1, 3-8-21)

1240.02.01. - Applicability.

This Zoning Code applies only to real property within the corporate limits of the City of Lansing. It does not apply to any real property treated as part of the City of Lansing by virtue of an intergovernmental agreement pursuant to the Michigan Intergovernmental Conditional Transfer of Property by Contract Act (Public Act 425 of 1984) (a "425 Agreement"). Zoning for any real property subject to a 425 Agreement shall be governed by the terms of that 425 Agreement. Any Zoning classification in a 425 Agreement that pre-existed this ordinance shall persist, notwithstanding such classification is no longer in this ordinance.

(Ord. No. 1273, § 1, 3-8-21)

1240.03. - Purpose.

The purpose and intent of this Zoning Ordinance is to:

- (a) Protect the public health, safety, general welfare and investment-backed expectations of property owners by ensuring some level of certainty in the land use pattern, arrangement and compatibility of uses.
- (b) Be consistent with the Michigan Zoning Enabling Act.
- (c) Implement the vision for development as specified in the Design Lansing Comprehensive Plan ("the Plan").
- (d) Maintain consistency with the development patterns of architecture, setbacks and intensity of development that are already in conformance with the Plan.
- (e) Create incentives to encourage additional preservation and development quality than is required in this ordinance.

(Ord. No. 1273, § 1, 3-8-21)

1240.04. - Definitions.

1240.04.01. - Construction of language.

The following rules of construction apply to the text of this ordinance:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.

- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Zoning Administrator or any other City staff noted, Planning Board, City Council or Board of Zoning Appeals; as indicated.
- (d) Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (g) The term "including" means "including, but not limited to" and the term "such as" means "such as, but not limited to" unless otherwise noted.
- (h) The word "person" has the same definition as in Chapter 202 of this Code.
- (i) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows.
 - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e. "or" also means "and/or").
 - (3) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (j) The terms "abutting" or "adjacent to" include contiguous property along the lot lines of the subject site including those in another community. The first lot may be directly across a public right-of-way from the second lot.
- (k) The word "days" shall mean calendar days and include all week-end days and holidays.
- (l) Terms not herein defined shall have the meaning customarily assigned to them.

In an instance where graphics are used in the ordinance, text prevails over graphics, which are shown to assist the reader.

For ease of use, some terms are defined in the sections containing the regulations to which they apply.

(Ord. No. 1273, § 1, 3-8-21)

1240.04.02. - Definitions.

As used in this Zoning Ordinance, unless otherwise provided:

Accessory building or structure means a detached structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use.

Accessory use means a use which meets all of the following criteria:

- (1) It is clearly incidental to the principal use.
- (2) It is customarily found in connection with the principal use.
- (3) It is subordinate to the principal use.
- (4) It is located on the same lot as the principal use, except as otherwise permitted in this Zoning Code.

Adjacent residential district means the residential district to which the majority of the subject site is contiguous, abutting or located directly across a public right-of-way.

Adult care facilities means:

- (1) *Adult care facilities, state-licensed.* A facility for the care of adults, over 18 years of age, as licensed and regulated by under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Human Services, providing care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, physically handicapped who require supervision on an ongoing basis, but do not require continuous nursing care. A foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehab center, or a residential center for persons released from or assigned to a correctional facility.
- (2) *Adult day-care facility.* A facility other than a private residence, which provides care for more than six adults for less than 24-hour period.
- (3) *Adult foster care family home.* A private home with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. This may include adult day care for six or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Adult foster care large group home.* A private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection, in addition to room and board, for compensation, for 24 hours a day, five or more days a week, and for two or more consecutive weeks. This may include adult day care for 20 or fewer adults.
- (5) *Adult foster care small group home.* A private home with the approved capacity to receive more than six but not more than 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. This may include adult day care for 12 or fewer adults.
- (6) *Adult congregate care facility.* A private home with the approved capacity to receive more than 20 adults for 24 hours a day, five or more days a week, and for two or more consecutive weeks.
- (7) *Convalescent or nursing home.* A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

Adult uses. See definitions related to adult uses in Chapter 1250.

Alley means any dedicated public right-of-way affording a secondary means of access to abutting property.

Animal hospital means a structure or lot where animals are given medical or surgical care or treatment.

Applicant means a person having a legal, equitable or leasehold interest in a lot, or a representative of such person, who is making a request pursuant to this Zoning Code.

Architectural elements means physical features that relate to building architecture and character such as, but not limited to:

- (1) Belt courses;
- (2) Cornices/moldings;
- (3) Columns or recesses;
- (4) Awnings/canopies; and
- (5) Step-backs; as depicted below.

Figure 1

Articulation means architectural variations in a building wall that accentuates details of the building design and can define a building base, middle and top, and variety along the facade. Horizontal and vertical articulation is achieved by using changes in architectural elements to promote varied front building lines and interesting, non-uniform and non-repetitive facade designs.

Bar. See "Restaurant: Bar/lounge/tavern."

Basement or cellar means that portion of a structure between floor and ceiling which is partly below and partly above grade. A basement is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A cellar is that portion of a structure between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Bed and breakfast inn means any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest only. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities, employ only those living in the house or up to one additional employee, and have facade style that is compatible with surrounding homes.

Bedroom means a room within a dwelling unit that meets the following criteria:

- (1) It is intended to be used, or is used, for sleeping purposes.
- (2) It contains a floor area of not less than 70 square feet.
- (3) It is not the only room in the dwelling unit (e.g., an efficiency dwelling unit).

Berm means an earthen mound designed to separate one area from another.

Block face means the cumulative property on one side of a street exhibiting one of the following characteristics:

- (1) The property lying between two intersecting streets or public rights-of-way;
- (2) The property lying between an intersecting street and railroad right-of-way, river or stream; or
- (3) The property lying between a public right-of-way, railroad right-of-way, river or stream and the corporate boundaries of the City.

Boundary line means the dividing line between zoning districts and/or subdivisions.

Buffer means a land area that separates one land use from another. Such area may be landscaped and may also contain a berm, fence or other screening material.

Building means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure. This

refers to both temporary and permanent structures, and includes tents, sheds, garages, stables, greenhouses or other accessory structures. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Building code means the Stille-Derossett-Hale-Single State Construction Code Act, Act 230 of 1972, known as the Michigan Building Code, with amendments, adopted by reference as part of these Codified Ordinances.

Building frontage means the percentage of the building facade that adjoins the front setback or build-to line.

Building height means the vertical distance from the grade at the front of a structure to the highest point of the coping of a flat roof; the average height between the eaves and a ridge or to the declivity of a mansard roof; or the average height between the plate and ridge of a gable, hip or gambrel roof; in all cases, excluding minor projections such as finials, chimneys, vent pipes, aials, or other appurtenance of similar scale.

Build-to line means the building line to which a building must be constructed. Similar to setback, a build-to line runs parallel to the right-of-way and is established to create a generally consistent building line along a street. The build-to line designates the specific location or range within which the front building line must be located.

Figure 2

Business means an office, commercial or industrial use entered into for the purpose of financial gain, earning a livelihood or improving a person's economic conditions and desires.

Canopy means an ornamental or roof-like structure which is fastened to a structure and used for protection.

Carport means an accessory structure used primarily to shelter private motor vehicles. A carport is attached to the principal structure and is completely open on not less than two sides.

Child care/residential care facilities means:

- (1) *Child care facility*. A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
- (2) *Child care centers, nursery schools, and day nurseries*. A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (3) *Family day care home (six or fewer children less than 24 hours per day)*. A private home in which not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a

parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- (4) *Group day care home (seven to 12 children less than 24 hours per day)*. A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (5) *Foster family group home*. A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (6) *Foster family home*. A private home in which one but not more than six minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Church. See "Places of assembly."

Clear height means, within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Comprehensive Plan means a master plan described by Public Act 33 of 2008, as amended.

Construction means the putting together of materials to build a new structure or to restore, reconstruct, extend, enlarge or repair an existing structure. This definition does not apply to section 1250.06.

Construction, start of means the first placement of permanent construction of a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, cellar, footings, piers or foundations or for the erection of temporary forms; or the installation on the property of accessory structures, such as garages or sheds, not occupied as dwelling units or part of the main structure. For a structure, other than a mobile home, without a basement, cellar or poured footings, "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For premanufactured homes, "start of construction" means the affixing of the premanufactured home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and the installation of utilities is completed.

Contiguous means abutting.

Cumulative means increasing or enlarging by successive addition through all points in time.

Damaged means an item that still functions as it was intended, but is missing parts or has parts that have suffered some degree of destruction.

Department means the Department of Economic Development and Planning, or its successor.

Deteriorated means an item which still functions as it was intended, but is missing parts or requires substantial maintenance.

Development agreement means a contract between a local jurisdiction and a property owner within the jurisdiction detailing a development plan for the property.

Drive-through business means a business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Duplex. See "Dwelling, two-family."

Dwelling, multiple means a structure or portion of a structure which contains three or more dwelling units, including fraternities and sororities.

Dwelling, one-family means a structure designed and/or used exclusively for residential purposes for one family only and containing one dwelling unit.

Dwelling, two-family means an attached or semidetached structure used for residential occupancy by two families living independently of each other. Such dwelling is also known as a "duplex dwelling."

Dwelling unit means a structure or a portion of a structure on a permanent foundation with one or more rooms, including a bathroom and complete kitchen facilities, which rooms are arranged, designed or used as living quarters for one family.

Dwelling unit, efficiency means a dwelling unit of not more than one room in addition to a kitchen and bathroom.

Elevation, secondary means the building elevation built along the build-to line on the Secondary Frontage.

Emergency services facility includes, but is not limited to, public or private civil defense, ambulance or fire service.

Excavation means any breaking of ground, except for agricultural purposes, ground care and landscaping.

Extension means an addition to the floor area of an existing structure, an increase in the intensity of a use, an enlargement of land area utilized by a specific use or an increase in the activity of a use.

Facade, primary means the building elevation built along the build-to line on the Primary Frontage.

Fair market value means an estimate of the actual worth of a lot, structure or combination thereof, which estimate is made by a licensed real estate broker or assessor experienced and qualified in the appraisal of real estate using appropriate appraisal techniques, as determined by the City Assessor.

Family means any one of the following (see also "family, functional" hereof):

- (1) An individual;
- (2) An individual or two or more persons related by blood, marriage or adoption, together with not more than two other persons as roomers; or
- (3) Two or more persons related by blood, marriage, or adoption, with not more than two of the unrelated persons as roomers.

Family, functional means a group of persons, which group does not meet the definition of "family" in above paragraph hereof, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature."

Fence means any wall (except a retaining wall), screen, partition or similar structure existing on a yard or parcel of land, which structure encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light or air into adjacent land or obstructs the vision of motorists on or near public roads. Barbed wire shall not be considered part of a fence for purposes of determining the height thereof.

Fenestration means openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than one inch are considered part of the opening.

Filling means the permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.

Floor area means the sum of the horizontal areas of each story of a structure measured from the exterior faces of the exterior walls.

Floor area, usable means, for the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the interior faces of the exterior walls.

Figure 3

Footcandle means a unit of luminance amounting to one lumen per square foot.

Frontage means the front part of a property that faces the street, as measured in linear feet.

Frontage, minimum means the minimum percentage of the frontage that the facade must occupy.

Frontage, primary means the primary frontage applies to parcels that front on more than one street. The primary frontage shall be considered the property line that abuts the street that either:

- (1) Is envisioned to be the most pedestrian-oriented, according to the street typologies described in the Comprehensive Plan and defined in this ordinance (see "Street types"). In these cases the primary frontage should be considered the more active street type per the list in Section 1242.03.
- (2) Or, in the case where the above is not clear or where both streets are the same type, the street to which the majority of principal structures face within 500 feet of the subject site, subject to Zoning Administrator's approval.

Frontage, secondary means parcels that front on more than one street. The secondary property lines are those which are not the primary frontage (see "Frontage, primary").

Figure 4

Frontage types means the design for the front facade of a building type, as described below:

- (1) *Porch*. A porch is a frontage type applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building. An "enclosed porch" is surrounded on all sides by glass, screen, wood, brick, plastic, or other materials permitted by the Building Code. An "open porch" is one that is not enclosed.
- (2) *Stoop*. A stoop is a small elevated landing space above the sidewalk level which provides entry into the building. Stoops may be covered or uncovered and may project beyond the building setback line towards the right-of-way.
- (3) *Storefront*. A frontage type appropriate for the ground floor of commercial / retail buildings. Storefronts provide large windows with transparent views into the building interior. Awnings may be incorporated into the frontage design, projecting beyond the building setback line.

Funeral home means a structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garage means an accessory structure for the storage of motor vehicles.

Garage, private means an accessory structure which is used primarily for the parking of private motor vehicles operated as accessory uses. A private garage has access through an overhead door and has a hard-surfaced driveway leading to the structure from a property line.

Garage, public means any garage other than a private garage.

Garden means the growing of plants for human consumption, including berries, herbs, vegetables, seeds, or other similar products incorporated into, and used as food and flowers, but not including plants grown for commercial sale or purposes. Gardens that are accessory to a primary permitted use are allowed by right in all residential districts. Gardens that are the primary use of a lot are permitted in all residential districts, subject to compliance with all applicable standards of the Lansing zoning ordinances and sign ordinance, including, but not limited to setback, building height, placement and lot coverage, landscape, screening and buffering and sign restrictions; and also subject to all other applicable state laws and City ordinances, including, but not limited to noise and other nuisances as defined by City ordinance, except that vegetation as described in a defined garden may exceed eight inches in height.

Garden structure means a structure used for the purpose of enclosing a garden, including the incidental use and storage of gardening implements, machinery, equipment and appurtenances used in the onsite gardening activities. Garden structures are permitted in all residential districts, subject to compliance with setback, lot coverage, building height and all other applicable requirements of the Zoning Ordinance and building codes.

Gardening means the growing of a garden or the act of working in a garden.

Golf course means a comparatively large, unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

Governmental entity means the Federal Government, this State or any of its instrumentalities; a county, city, township, village, school district, community college district or community hospital district; any agency authorized to exercise a governmental function in a limited geographical area or other political subdivision; any instrumentality of one or more of such units; or any of such units and one or more other States or political subdivision of such States.

Grade means the lowest point of elevation within the area between the exterior surface of the structure and the property line. If the property line is more than five feet from the exterior surface of the structure, "grade" means the lowest point of elevation between the exterior surface of the structure and a line five feet from the exterior surface of the structure.

Green building means a structure that uses practices and materials that are environmentally responsible and resource-efficient throughout a building's life-cycle, from siting to design, construction, operation, maintenance, renovation, and demolition. Although new technologies are constantly being developed to complement current practices in creating greener structures, the common objective is that green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- (1) Efficiently using energy, water, and other resources.
- (2) Protecting occupant health and improving employee productivity.
- (3) Reducing waste, pollution and environmental degradation greenhouse, commercial. "Commercial greenhouse" means a glass or less than opaque enclosure which exceeds 150 square feet in floor area and is designed or used for the cultivation or protection of plants; or a glassed enclosure, regardless of size, designed or used for the cultivation or protection of plants for commercial purposes.

Hedge means a dense row of low branching trees, shrubs, vines or other plants which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air into adjacent land or obstructs the vision of motorists on or near public roads.

Home occupation means a business conducted in a dwelling unit by a person with legal or equitable interest in the dwelling unit.

Hospital means a health facility offering in-patient, overnight care and services for observation, diagnosis and active treatment of human patients with a medical, surgical, obstetric, chronic or rehabilitative condition requiring the daily direction or supervision of a physician.

Horizontal mixed-use. See "Mixed-use, horizontal."

Hotel means a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: Maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may contain within it a restaurant or cocktail lounge, public banquet halls, or meeting rooms.

Incentive means regulatory flexibility, reductions, or rewards that may be granted to a development or project that provides certain recognized benefits or elements that go beyond the minimum requirements. The level of incentive granted is relative to the extent of the recognized benefit provided.

Integrated parking means a feature of a building that utilizes a portion of the ground level for vehicle storage and parking.

Intensity of use means the amount of activity associated with a specific use. Intensity of use shall be determined by the Economic Development and Planning Department based on the following criteria:

- (1) Amount of vehicular traffic generated;
- (2) Amount of pedestrian traffic generated;
- (3) Noise, odor and air pollution generated;
- (4) Potential for litter or debris;
- (5) Type and storage of materials connected with the use;
- (6) Total residential units and density if residential; and
- (7) Total structure coverage and structure height on the parcel.

Junk means any of the following products which are stored in the open and which are damaged or deteriorated or are in such a condition that the product cannot be used for the purpose for which it was manufactured:

- (1) Motor vehicles;
- (2) Machinery;
- (3) Appliances;
- (4) Merchandise with missing parts;
- (5) Scrap metal; and
- (6) Scrap materials, including, but not limited to, rags, paper or building materials.

Junkyard means a lot used to store or process junk.

Kennel means the keeping on a lot for commercial purposes of four or more dogs, cats or other household pets which are more than six months old. Keeping includes, but is not limited to, boarding, breeding or training.

Loading space or area means an off-street space on the same lot with a structure or group of structures for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and having direct and unobstructed access to a public street or alley. "Unobstructed" does not preclude the use of security devices.

Lot means a parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal structure or use and any accessory structure or by any other use or activity permitted on the parcel of land. Lot includes the open spaces and yards required under this Zoning Code and has its frontage on a public street or road either dedicated to the public or designated on a recorded subdivision plat. Corner, interior and through lots are described as follows:

- (1) *Corner lot*. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street is a corner lot if the radius of the arc is less than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than 135 degrees.
- (2) *Interior lot*. A lot other than a corner lot.
- (3) *Through lot*. An interior lot having frontage on two more or less parallel streets.

Figure 5

Lot area means the total horizontal area within the lot lines of the lot.

Lot coverage means the part or percentage of lot area, not including right-of-way, occupied by buildings, structures and hard-surfaced parking areas.

Lot depth means the horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

Lot line means any of the lines bounding a lot.

Figure 6

Lot line, front means the line separating a lot from the right-of-way line of a street.

Lot line, rear means a lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall be only one rear lot line. In the case of a lot converging toward the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long and wholly within the lot.

Lot line, side means any lot line not a front lot line or a rear lot line.

Lot of record means a parcel of land which is part of a subdivision, the dimension and configuration of which has been recorded on a map in the office of the Register of Deeds for the appropriate county, or a parcel described by metes and bounds in any instrument of conveyance recorded at the appropriate Register of Deeds.

Lot width means the horizontal distance from one side lot line to the opposite side lot line, beginning and ending where the side lot lines meet the required setback from the front lot line.

Figure 7

Low impact development means land development that uses nature, through preserving or recreating natural landscape features and minimizing effective imperviousness, to manage stormwater.

Maintenance of structure means to keep up, to keep from change, to preserve, to hold or keep in any particular state or condition or to support what has already been brought into existence.

Mid-rise and *high-rise* means a mid-rise or high-rise building is a medium- to large-size structure that can incorporate a mixture of uses and may often have integrated parking. Mid-rise buildings are typically four to eight floors in height, and high-rise buildings are nine or more floors in height.

Mixed-use means a development that blends a combination of residential and nonresidential where those functions are physically and functionally integrated. Mixed-use development typically uses a combination of vertical and horizontal mixed-use development practices.

- (1) *Mixed-use, horizontal.* Horizontal mixed-use refers to development patterns where uses within a development site or along a block are mixed along the extent of the building and/or development. Horizontal mixed-use can be combined with vertical mixed-use.
- (2) *Mixed-use, vertical.* Vertical mixed-use refers to development patterns where uses within a building are mixed, often with retail or active commercial uses on the ground and lower floors, and office or residential uses on the upper floors.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel means a series of attached, semidetached or detached rental units containing a bedroom and a bathroom. A motel provides for overnight lodging which is offered to the public for compensation and caters primarily to the public traveling by motor vehicle.

Motor vehicle repair station means a use where minor repairs (as defined in "Motor vehicle service station") are performed and any of the following major repairs are performed: Bumping, vehicle painting, replacement of body parts and collision service, engine repair, engine rebuilding or replacement, replacement of transmission or internal transmission parts, and rebuilding or reconditioning of motor vehicles.

Motor vehicle service station means a use for supplying gasoline, oil and minor accessories at retail directly to the customer and which performs minor repairs. "Minor repairs" means: Engine tune up, alternator or generator replacement, battery replacement, fan belt replacement, radiator hose replacement, radiator repair or replacement, tire and strut repair or replacement, wheel balancing, oil change, windshield repair or replacement, brake repair or replacement, muffler and exhaust system replacement, front end alignment, and auto detailing.

Nonconformity means a use, structure or lot which does not conform with a use or dimensional provision or any combination of a use or dimensional provision of this Zoning Code, but which use, structure or land was lawfully established prior to the effectiveness date of such use or dimensional provision.

Nonresidential use means any use not a residential use.

Nursery means any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

Nursing home. See "Adult care facilities."

Occupant means a person who takes or enters upon possession of all or part of a building, parcel, or lot.

Off-street parking facility means an off-street parking surface lot or an off-street parking structure.

Off-street parking structure means a structure which provides for vehicular parking spaces, along with drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of two or more vehicles.

Off-street parking surface lot means the use of an area for vehicular parking spaces, along with drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles on the surface of a lot.

Office means a structure in which a person transacts his or her business or carries on his or her stated occupation.

Open space means the ground area, and the space above such ground area, which is unimpeded from the ground to the sky by any structure, except that the area may be used for landscaping, gardening or recreational purposes such as swimming, shuffleboard, tennis or similar uses. Parking lots and storage areas for vehicles and material shall not be considered as open space.

Open storage means any of the following items which are stored in the open and which are inoperable, damaged and/or deteriorated in such a condition that any such item cannot be used for the purpose for which it was manufactured, or is not reasonably associated with the principal use of the lot itself, including, but not limited to motor vehicles, machinery, appliances, motor vehicle parts; and other materials, including, but not limited to, metal, pipes, rags, papers or building materials.

Outdoor play space means the outside area on a lot reserved at a day care or group day care home for outside exercise, large motor skill development and play space of children.

Outdoor storage means the keeping, in an unroofed area, of any goods, junks, material, merchandise or vehicles in the same place for more than 24 hours.

Panelized structure means a structure consisting of preconstructed units for walls, roofs, and floors, which may include structural framing, windows, doors, exterior finishes, interior wall finishes, installed wiring, plumbing and insulation, which is brought on-site and erected thereon on a permanent foundation.

Parcel means a tract of land officially described and registered under one ownership.

Parking space means an area of defined length and width for the parking of motor vehicles. Such area shall be exclusive of drives, aisles or entrances giving access thereto.

Peak hour parking demand means the number of parking spaces required during the highest intensity of use.

Perimeter line or *boundary line* means the exterior limits of a lot.

Personal service establishment means any premises or business in which services for persons are performed, including but not limited to shoe repair, tailoring, beauty parlors, nail salons, tanning salons, or barbershops.

Places of assembly means any structure wherein persons regularly gather for religious activity, entertainment, or political purposes including, but not limited to, churches, theaters, fraternal organizations, and trade union halls. A "church" is a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

Planned unit development means an office, residential, commercial, industrial or mixed complex developed as a single entity by one person, which complex contains more than one structure on a lot, not including accessory structures, and which is planned and developed as an integral unit in a single development operation according to the requirements of Chapter 1264.

Plot plan means a diagram depicting the existing and proposed structures, lot lines, setbacks, parking areas and the location of any known wells.

Porch. See "Frontage type."

Premanufactured unit means an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

Primary facade. See "Facade, primary."

Primary frontage. See "Frontage, primary."

Principal use means the primary, major, main, leading, outstanding or chief use which a lot serves or is intended to serve.

Probate means the period of probate, as defined in Public Act 386 of 1998, as amended, being M.C.L. 700.1101 et seq.

Production facilities means facilities for the production of consumer goods such as food, beverages, art, clothing, textiles, etc. and have a minimum of 20 percent floor area dedicated to retail sales.

Public utility means electric light and power companies, whether private, public, corporate or cooperative; gas companies; water, telephone, telegraph, oil, gas and pipeline companies; motor carriers; and all public transportation and communication agencies other than railroads and railroad companies.

Real property means a lot, plot or parcel of land recorded and located in the City of Lansing.

Recognized benefit means the provision of certain elements or improvements that are desired by the City, as either expressed in the Comprehensive Plan or as stated in the Zoning Ordinance, or that go beyond the minimum requirements.

Reconstruction means the act of rebuilding a structure to meet the standards of the Building Code or Housing Code.

Recreational equipment means a watercraft, vehicle, or other conveyance designed to be used primarily off of public streets and roads, and not regulated by the Michigan Vehicle Code, including by way of example, but not limited to: Snowmobiles; boats and boat trailers; jet skis, floats and rafts, including transportation equipment.

Recreational facility means a structure or open space which provides activities, including, but not limited to, swimming, racquet sports, exercise and fitness rooms or areas and gymnasiums.

Recreational vehicle means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This includes by way of example, but is not limited to: Travel trailers; camp trailers; tent trailers; campers, pop-up campers, and pickup campers; folding tent trailers; and utility trailers.

Repair means to restore to a sound or good state after decay, injury, dilapidation or partial destruction.

Residential use means a use [of] all or part of a lot, parcel, or building as a single-family, two-family or multifamily residence, boarding or lodging house or residential care facility, and accessory uses thereto.

Restaurant means an establishment serving foods and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

- (1) *Restaurants with outdoor seating.* A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk.
- (2) *Carry-out restaurant.* A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.
- (3) *Drive-in restaurant.* A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle while parked on the premise.
- (4) *Drive-through restaurant.* A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.
- (5) *Standard restaurant.* A standard restaurant is a use that involves either of the following:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
- (6) *Bar/lounge/tavern.* A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

Restoration means to put back into original or historic condition.

Resumption means to begin the use of a nonconformity after it has been previously discontinued from use.

Retail store means an establishment which primarily serves the surrounding neighborhood and includes, but is not limited to, the following: Limited service food store, drug store, hardware store, laundry or cleaners pickup, jewelry store, florist, gift shop, book store, clothing store, photographer, and bakery whose products are sold only on the premises.

Salvage yard means a lot where any product, including, but not limited to, any of the following, is taken apart in such a way that the usable parts are separated from the nonusable: Motor vehicles, machinery, appliances, fixtures, goods, and merchandise.

Setback means the minimum horizontal distance measured from the lot line, as required under this ordinance, for the front, side, or rear property line as appropriate.

Shared parking means a parking facility that serves two or more parcels of land or multiple uses under different ownership. A recorded shared parking agreement is generally used.

Shopping center means a grouping of two or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Site plan means a plan that conforms to the requirements contained in Chapter 1260.

Stable means a structure used to keep horses for commercial purposes.

Stoop. See "Frontage types."

Storage means the holding or safekeeping of goods to await the happening of some future event or contingency which will call for the removal of the goods.

Storefront. See "Frontage types."

Street means a public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane or court which affords the principal means of access to abutting property.

Street, private means a street which is not public.

Street type means a classification or typologies for streets that considers the characteristics of vehicle travel (speed and volume), the street's function in the transportation network (types of travel accommodated: Through traffic, cross-town, connections to highways or local), the extent of pedestrian and bicycle accommodation, typical types of land uses served, the design context (block length, building setbacks), and access system design. In many cases, a streets classification may change as it traverses different zoning districts. The following street types are illustrated on the official Street Typology Map:

- (1) *Expressway*. Restricted access divided interstate and U.S. highways for motor vehicle use only that are typically under the jurisdiction of the State of Michigan or the Federal Highway Administration.
- (2) *Non-local streets*:
 - a. *Activity corridor*. An arterial or major street that traverses an area that typically is designed to promote a multi-modal balance between vehicle, pedestrian and bicycle travel. Such streets may have more frequent traffic signals, a higher level of service of public transit, on-street parking, and more abundant locations for pedestrian crossings to encourage activity along the sidewalks.
 - b. *Prime connector*. Major collector streets that link higher class streets with local streets. Prime connector

typically traverse residential districts and are designed for moderate traffic speeds and volumes, often with special design features to bicyclists.

- c. *Suburban corridor.* A class of arterial or major streets that are similar in traffic function as arterial corridors, but typically are lined with more suburban style auto-oriented development with lower density and deeper setbacks.
 - d. *Arterial corridor.* Major streets that, compared to most other types of streets, are designed accommodate higher volumes of vehicle traffic and often are "cross town" routes that are, or may connect with, state trunklines or roads in adjacent communities. May also be referred to as principal or major arterials.
 - e. *Neighborhood connector.* Minor residential collector streets that link local streets with higher classes of streets. Neighborhood connectors are designed for lower traffic volumes and speeds to complement the character of the neighborhoods served. Dedicated bike facilities may be provided.
- (3) *Local street.* Lowest traffic streets providing access to residents. Lanes are typically unmarked with on-street parking and stop-controlled intersections.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structure, minor means a structure having a replacement cost of not more than \$5,000.00.

Structure, temporary means a structure which is located on a lot for less than one year, or, if the structure is connected with a construction activity on a lot, until the construction activity is completed.

Substitution means to put in place of another.

Tavern. See "Restaurant: Bar/lounge/tavern."

Temporary use means any use that is not permitted as a principal use, accessory use or a conditional use in a zoning district, and which is limited in its duration.

Townhouse means a group of dwellings having party walls with each other and located side by side.

Trailer means a vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. As defined in this code, trailer is not exclusive of recreational vehicle.

Upper floor setbacks means, for the elevation adjacent to a residential district (R-1 through R-6), the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.

Figure 9

Use means:

- (1) Any purpose for which a structure or lot may be designed, arranged, intended, maintained or occupied; or
- (2) Any activity, occupation, business or operation carried on in a structure or on a lot.

Vertical mixed-use. See "Mixed-use, vertical."

Yard means a space on a lot with a structure, which space is unobstructed and unoccupied from the ground upward, except as occupied or obstructed as permitted in this Zoning Code.

- (1) *Front yard* means a yard extending across the full width of a lot between the front lot line of the structure containing the principal use and the front lot line.
- (2) *Rear yard* means a yard extending the full width of a lot between the rearmost structure containing the principal use and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the structure containing the principal use.
- (3) *Side yard* means a space within a lot between a side lot line and a structure containing the principal use or an attached accessory structure, whichever is closer to the side lot line. A side yard extends on each side of a lot from the front lot line to the rear lot line of the lot.

Figure 10

Zoning variance means a modification of the strict letter of this Zoning Code granted by the Board of Zoning Appeals when, by reason of exceptional conditions, the strict application of this Zoning Code results in peculiar, exceptional or practical difficulties or unnecessary hardship to the owner of the lot.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1242. - DISTRICTS GENERALLY AND ZONING MAP

1242.01. - Establishment of districts.

The City is hereby divided into the following zoned districts:

(a) Commercial/mixed-use zones:

S-C	Suburban Commercial
MX-C	Mixed Use Urban Corridor
MX-1	Mixed Use Neighborhood Center
MX-2	Mixed Use Community Center
MX-3	Mixed Use District Center
DT-1	Urban Edge
DT-2	Urban Flex
DT-3	Downtown Core

(b) Residential zones:

R-1	Suburban Residential
R-2	Suburban Residential
R-3	Suburban Residential
R-4	Urban Edge Residential
R-5	Urban Edge Residential
R-6A	Urban Residential

R-6B	Urban Residential
MFR	Multi-Family Campus Residential
R-MX	Mixed Residential
R-AR	Adaptive Reuse Residential

(c) *Special district zones:*

IND-1	Suburban Industrial
IND-2	General Industrial
IND-3	Urban Industrial
INST-1	Suburban Institutional
INST-2	Urban Institutional

(Ord. No. 1273, § 1, 3-8-21)

1242.02. - Official Zoning Map.

- (a) The boundaries of the districts described in Section 1242.01 are established as shown upon the official Zoning Map of the City, which map is incorporated by reference and made a part of this Zoning Code as if fully set out herein.
- (b) The official Zoning Map shall be kept on file in the office of the Planning Office.
- (c) Whenever a district boundary is amended pursuant to Chapter 1276, the Planning Office shall, within 30 days, make the correlative change in the official Zoning Map so as to reflect the change of the district boundary.
- (d) If a territory is annexed to the City, or comes under City jurisdiction for zoning purposes under 1984 PA 425, a map of the annexed or 1984 PA 425 territory shall be prepared by the Planning Office and shall be included as part of the official Zoning Map.
- (e) If a street, alley or public way is vacated, it shall take the zoning of the land to which it is attached, pursuant to Section 227a of Public Act 288 of 1967, as amended, being M.C.L.A. 560.227a.
- (f) A conformed copy of the official Zoning Map shall be made available by the Planning Office to a person requesting a copy, if the person pays a fee set by Council, which fee covers costs involved in preparing the copy.

(Ord. No. 1273, § 1, 3-8-21)

1242.03. - Street typologies.

The Design Lansing Comprehensive Plan identified a hierarchy of street typologies that are codified in this ordinance and shown on the official Street Typology Map (in order from most active street type to least active):

- (a) *Non-local streets:*
 - (1) Activity corridor.
 - (2) Prime connector.
 - (3) Suburban corridor.
 - (4) Arterial corridor.
 - (5) Neighborhood connector.
- (b) Local street.

The Design Lansing Street Typologies map shall be used in conjunction with the Zoning Map to regulate street design and frontage character.

(Ord. No. 1273, § 1, 3-8-21)

1242.04. - Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts established in this ordinance as shown on the Zoning Map, the following rules shall be applied:

- (a) *Centerline or right-of-way of streets.* Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (b) *Parallel to streets.* Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or rail rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Zoning Map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map. The official Zoning Map maintained by the City shall be used to determine such dimensions in the case of any multiple interpretations.
- (c) *Lot lines.* Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (d) *Waterways.* Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at the center line of such feature, or terminated at the limit of the adjacent jurisdiction unless otherwise indicated.
- (e) *Subdivisions.* Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- (f) *Determination.* The Board of Zoning Appeals shall make a determination, upon written application or upon its own motion, in those situations where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the Zoning Map there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1243. - COMMERCIAL MIXED-USE DISTRICTS

1243.01. - Applicability.

- (a) The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in Chapter 1246, Building Types, and other applicable chapters of this Zoning Ordinance. If there is a conflict between any standards, the stricter standards shall apply.
- (b) Exempt expansions. Changes of use to another permitted use or to increase parking to meet the minimum number of spaces required, building maintenance or facade changes that do not alter the building footprint or require site improvements, shall be permitted according to Chapter 1260, Site Plan Review, provided that standards of other applicable City codes and ordinances are met.

(Ord. No. 1273, § 1, 3-8-21)

1243.02. - Administration.

- (a) *Site plan review*. Applications shall be reviewed according to Chapter 1260, Site Plan Review.
- (b) *Incentives*.
 - (1) *Types of incentives*. To promote redevelopment and stimulate reinvestment in the City, the Planning Office may grant additional flexibility or development options where one or more of the recognized benefits, listed below, are provided. The following incentives may be granted:
 - a. *Dimensional flexibility*. Flexibility may be granted of the minimum lot coverage, building frontage, or setbacks provided the resulting layout will not negatively impact nearby residences.
 - b. *Additional building height*. The maximum building height may be increased by one additional story.
 - c. *Reduced minimum parking*. Reduced parking may be allowed consistent with Section 1254.01.04.

Figure 11

- (2) *Recognized benefits*. Additional building height or flexibility may be granted during the project review when one or more of the following recognized benefits are provided:
 - a. *Open space*. Inclusion of five percent open space above what may be required for the building type. Open space must meet the following standards to be counted toward the minimum requirement:
 - 1. Open space may be public or private but must be accessible to the public along with employees or residents or visitors.
 - 2. Dimensions, grading and design of the open space shall provide useable area for seating, gathering,

recreation or other activities.

3. Required open space shall not include wetlands, required setbacks, required landscape areas, water bodies, easements for private roads or overhead utilities, stormwater control facilities as required by Chapter 1219, floodplain area or public right-of-way, provided that where additional public right-of-way is desired by the City, it may be included.
 4. Required open space shall be functional provided to supplement public space along a sidewalk, provide pedestrian or greenway connections, pocket parks to serve nearby uses, located and designed to terminate views along streets, or otherwise provide an amenity that would not be provided in a project that just met minimum code requirements.
- b. *Low impact development (LID, e.g. green roof, on-site stormwater retention)*. Use of alternative stormwater management design that may include green roofs, natural retention systems, porous pavement alternatives, or other energy or water conserving applications above and beyond the requirements of Chapter 1219, Post-Construction Stormwater Management.
 - c. *Provision for mixed-use*. Proposals that include a mix of different but compatible use types within the same building, such as first-floor retail with offices or residential units on upper floors.
 - d. *Green buildings*. Significant use of sustainable building and site design features such as: Water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, solar heating, reuse/recycled/renewable materials, indoor air quality or other sustainable elements.
 - e. *Additional landscape elements*. Exceeding minimum quantities or sizes required in Chapter 1252, Landscaping, or additional plantings or decorative fence or wall where needed to help reduce impacts on neighboring properties. Native species, larger caliper plantings.
 - f. *Pedestrian amenities*. Provision of public plazas, walkways or pedestrian-oriented features, such as street trees or benches beyond those required or enhancements to a transit stop, such as a shelter, large pad size or similar improvements endorsed by public transit authority.
 - g. *Shared access*. Removal of a driveway or use of (not isolated remnant parcels) and shared driveway for access from public streets. This may require an access easement approved by the City Attorney.
 - h. *Shared public parking*. See Section 1254.01.04, Factors to Permit a Reduction from the Amount of Parking Required.
- (c) *Allowed flexibility*. It is recognized that certain existing site conditions may prohibit full compliance with this section. The Director of Economic Development and Planning is authorized to approve modifications to the standards of this section, after considering the criteria and standards below. Any request for relief from a required standard other than those listed below shall be made through the variance procedures set forth in Chapter 1274, Board of Zoning Appeals.
- (1) *Criteria for modification*.
 - a. Demonstration by the applicant that there is a unique situation with the property that makes it impractical to fully comply with the standards herein.
 - b. The proposed development is consistent with the Design Lansing Comprehensive Plan, as amended.
 - c. The proposed development is consistent with the intent of this district.
 - d. The proposed modification will not prevent or complicate logical extensions of streets, infrastructure, parking, open space, or development of adjacent properties.

- e. The modification is the minimum necessary to allow reasonable development that is consistent with the intent of the Ordinance and the Design Lansing Comprehensive Plan.
- f. The proposed development will not impair public safety.
- g. The modification is not simply for convenience of the development.
- h. The design will not be detrimental to adjacent residential uses.

(2) *Modification standards.*

a. *Height:*

- 1. Minimum and maximum height—Up to ten percent for any cumulative increase or decrease in building height.
- 2. Clear height—Up to ten percent.

b. *Building placement:*

- 1. Build-to line—Up to one foot.
- 2. Frontage—Reduction of up to ten percent of required length.
- 3. Street wall requirements—Up to ten percent of the height/fenestration/access gate requirements.
 - A. Upper floor step-backs—Up to ten percent.
 - B. Street wall/fence/screening requirements—Up to ten percent.

c. *Architectural regulations (per Chapter 1246):*

- 1. Windows (minimum and maximum fenestration percentage)—Up to ten percent.
- 2. Projections (stoops, porches, awnings, balconies)—Up to ten percent.
- 3. Required open space—Up to ten percent.
- 4. Entrances (maximum average spacing)—Up to ten percent increase in spacing.

(d) *Conditions and phasing.* Where deemed necessary, the Zoning Administrator, or Planning Board and Council for special uses, as applicable, may:

- (1) Require a phasing plan that explains how new development and infrastructure, meeting the requirements of this section, will be constructed, and elements of the site not in compliance will be phased out over time. This may require temporary or permanent easements or commitments through a written agreement and performance guarantee.

(e) *Agreement.* The City may require a written agreement if flexibility is granted through incentive or to ensure compliance with conditions of approval. An agreement with the City shall be prepared in a form acceptable to the City Attorney that specifies the required improvements, commitments and obligations of the development. The agreement shall specify any recognized benefits provided by the developer, flexibility granted by the City, and maintenance provisions for all site improvement.

(Ord. No. 1273, § 1, 3-8-21)

1243.03. - Commercial mixed-use permitted uses.

In the Commercial Mixed-Use Districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses shall adhere to the conditions noted in the section referenced. Special land uses may be permitted by Council in accordance with the procedures and conditions described in Chapter 1262, Special Land Use Permits, if

the conditions described in this section for each use are met, and if all Federal, State and local laws are met. Permitted and approved uses may be mixed both horizontally and vertically, subject to conditions and regulations in the district sections that follow.

Figure 12

City of Lansing Form-Based Code Master Use Table

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions
Commercial/Office									
Retail sales and personal services	C	C	C	C	C		C	C	Permitted on non-local streets. Permitted on local street only within 50 feet of a non-local street.
Professional/business offices	P	P	P	P	P	P	P	P	
Animal hospital	C	C	C	C	C	C	C	C	No kennels
Bank	P	P	P	P	P	P	P	P	
Brewpub	C	C	C	C	C		C	C	Permitted on non-local streets. Permitted on local street only within 50 feet of a non-local street.
Clinic	C	C	C	C	C	C	C	C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor.

Funeral home	C	C	C	C	C	C	C		<ol style="list-style-type: none"> 1. Assembly area for funeral procession shall be provided in addition to off-street parking requirements. 2. At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor.
Hotel	P	P		P	P		P	P	
Kennel	C	C	C	C	C		C		<ol style="list-style-type: none"> 1. Structures must be setback at least 50 feet from each adjacent residential lot line. 2. Lot size of at least three acres for a kennel having an outside exercise run or treatment area. 3. Outside exercise run or treatment area must be located at least 100 feet from all lots lines and at least 400 feet from an adjacent residential lot line.
Laundromat, dry cleaner	P	P	P	P	P		P		
Mini-golf	P								
Mobile food vending (food trucks and carts)	C	C	C	C	C		C		(TO BE DRAFTED)

<p>Motor vehicle service station</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p></p>	<p>C</p>	<ol style="list-style-type: none"> 1. The building shall meet the district placement standards. 2. For a building located on a corner lot, the secondary front facade may occupy no less than 50 percent of the frontage. The remainder of the frontage not occupied by the building shall be screened per the parking standards of the district. 3. The fueling pumps shall be located a minimum of 20 feet behind the build-to line. 4. The canopy over the fueling pumps shall have a roof with the same slope as the principal building. Canopy clearance should not exceed 14 feet from the ground to the bottom of the canopy. Maximum canopy height is limited to 20 feet. 5. One access per street frontage however a second access may be approved by City staff upon a finding that the additional access is essential for convenient access, and that the access is spaced adequately and designed to minimize conflicts per <u>Section 1254.01.12</u>. A secondary access drive is permitted for shared access with adjacent parcels.
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Nursery, commercial greenhouse	C	C					P		<ol style="list-style-type: none">1. The lot on which the nursery or commercial greenhouse is located contains not less than three acres.2. The lot on which the nursery or commercial greenhouse is located has not less than one property line which abuts and has primary access to a major or minor arterial.3. The outdoor storage of landscape materials, other than plants, shall be screened from view of all public rights-of-way and residential parcels of land by a six-foot high opaque wood or vinyl fence, decorative screen wall or landscaped berm.
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Parking structure	C	C		C	C		C	C	<ol style="list-style-type: none"> 1. Parking structures are encouraged to be lined on exterior elevations by non-parking uses. 2. On activity corridors, the first floor shall have a minimum depth of 20 feet to be occupied by commercial uses permitted in the district. 3. Access drives shall be permitted on the ground level, provided they are collectively no more than 25 percent of the frontage. 4. The facade of the parking structure shall be integrally designed with the architecture of the overall building, utilize the same building materials, provide an architectural treatment at the top of the structure, such as a cornice, and have wall openings with proportions that comply with the fenestration requirements in Section 1246.04. 5. New parking structures shall be designed with a upper story minimum clear height of nine feet.
Restaurant, bar, tavern	C	C	C	C	C		C	C	<p>Permitted on non-local streets. Permitted on local street only within 50 feet of a non-local street.</p>
Studio (dance, health, music, etc.)	P	P	P	P	P	P	P	P	

<p>Vehicle sales, vehicle leasing, and other outdoor sales facility</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>C</p>	<p>S</p>		<p>S</p>	<ol style="list-style-type: none"> 1. The area of the lot on which the items described in this subsection are located shall be covered with Portland cement or asphaltic concrete. 2. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets. 3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure. 4. Lighting shall be confined within and directed onto the parking area only. 5. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight feet from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property. The buffer zone shall be landscaped, screened and buffered in accordance with the requirements of <u>Section 1252.09</u>. 6. In MX-3, the storage of vehicles in the front is limited to one single loaded bay.
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Drive-thru, as accessory use	C	C	C	C	C	S	S		<p>1. The drive-thru window shall be on the side or rear of the building. The side of the building with the drive-thru lane shall be setback a minimum of 25 feet from any lot line.</p> <p>2. The site will be adjacent to a suburban corridor, arterial corridor, prime connector, or activity corridor and all points of ingress and egress shall be directly onto one of the aforementioned street types.</p> <p>3. Adequate waiting or standing areas for vehicles shall be provided on-site so that no vehicle is required to wait, stand, or be stored within a right-of-way, in accordance with the parking requirements of <u>Chapter 1254</u>.</p> <p>4. Methods to minimize the impact of noise from outdoor speakers on adjacent residential are required.</p>
Residential Uses									
Single-family detached						P			
Two-family dwelling						P			
Multi-family dwelling	P	P	P	P	C	P	P	P	For MX-3, ground floor multiple family dwelling not permitted on activity corridor and arterial corridor street types.
Mobile home									

Bed and breakfast						P	P		<p>Must be the principal residence of the owner and the owner shall live on the premises when in operation.</p> <p>Must provide one surfaced off-street parking spot per guest room in addition to standard parking for residence.</p>
Human care facilities									
Adult day care facility						P	P		
AFC small group home (≤ 12)						P	P		
AFC large group home (13—20)						S	S		
Child care centers, preschools, and commercial day care	C	C	C	C	C	C	C		<p>At least one property line abutting an arterial, suburban or activity corridor.</p>

Group day care home (7—12 children, < 24 hours/day)	C	C	C	C	C	C	C	C	<ol style="list-style-type: none"> 1. The facility provides and maintains on the lot not less than 900 square feet of outdoor play space. 2. The use of the structure as a group day care home shall be clearly incidental to the principal residential use. 3. One person, other than a member of the family residing in the dwelling, may be employed, so long as that person is not the primary caregiver. 4. No change occurs in the outside appearance of the dwelling. 5. No signs are permitted. 6. The outdoor play space shall be fenced. This requirement can be waived by approval of the Planning Office if the specified outdoor area is common open space shared with other dwelling units.
Institutional									
Places of assembly	S	S	S	S	S	S	S	S	
Hospital	C	C	C	C	C	C	C	C	At least one property line abutting an arterial, suburban or activity corridor.
Museum						P	P	P	
Library	P	P	P	P	P	P	P	P	

Schools			C		C	C	C		All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor.
Trade school	C	C	C	C	C	C	C	C	
Park, open space, plaza	P	P	P	P	P	P	P	P	
Industrial									
Cleaning, processing, servicing, or repair of any product							P		
Lumber yards							P		
Manufacture of already processed components (bakeries, cosmetics, candies, etc.)							P		
Manufacture of toys, furniture, appliances, etc.							P		
Metal forming							C		
Motor vehicle repair station	P						S		
Production of consumer goods, with 20 percent GFA retail sales	P			P			P		
Research laboratory	S	S	S	S	S	S	P		

Wholesale and warehouse uses							S		
Adult business uses	S	S		S					See <u>1250.02.11</u> .

Accessory uses customarily incidental to any of the above principal uses are allowed provided the Zoning Administrator may require additional parking or compliance with other standards upon a determination that such use may impact site operations beyond that of the principal use.

(Ord. No. 1273, § 1, 3-8-21)

1243.04. - S-C Suburban Commercial.

Figure 13

1243.04.01. - S-C Intent.

The purpose and intent of the S-C Suburban Commercial District is to provide a location for suburban style commercial developments that rely largely on customers arriving by vehicle. Development is characterized by larger single-tenant or strip style commercial development with ample parking and setbacks from adjacent roads. Development in this district is less integrated with others, so screening, setbacks and transitions from residential districts are needed to ensure uses blend into the surroundings. However, a mixture of uses both vertically and horizontally is still encouraged, including multi-family residential, commercial, and 36 service-oriented land uses.

(Ord. No. 1273, § 1, 3-8-21)

1243.04.02. - S-C building types.

The following building types are required to meet the intent of this district. The table at right shows which building types are required along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 14

1243.04.03. - S-C site layout requirements.

(a) *Building massing.*

A = Minimum height	16'	1 story
B = Maximum height	40'	3 stories
See Section 1250.03.02 for height exceptions		
C = Required upper floor step-backs. When adjacent to R-1 through R-6 Districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is set back from the adjacent residential district a distance at least equal to the height of the building.	
D = Minimum frontage, primary street	0%	
E = Minimum frontage, secondary street	0%	

Figure 15

(b) *Building placement.*

F = Build-to line (from street to curb):	Suburban corridor	An additional 70' of setback for a double-loaded aisle of parking or 50' setback for a single-loaded aisle of parking is permitted.
	Activity corridor or prime connector	30' build-to line from curb. An additional 10—20' may be allowed (with approval) for outdoor public space.
G = Minimum side setback		0' when adjacent to another S-C zone; otherwise 10'
H = Minimum rear setback		10' building
I = Minimum setback from adjacent residential districts:		
a. Width equal to rear setback of adjacent residential district		
b. Six-foot opaque screenwall/fencing required along edge of residentially zoned or used property		
J = Maximum lot coverage		75%

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 16

(c) *Parking.*

Allowed surface parking locations	Front, side or rear yards; maximum front yard parking limited to one double-loaded bay of parking.
a. K = Side and rear parking lot setback/screening	8' landscape buffer
b. L = Front parking lot setback/screening	8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line
Required parking spaces	Parking per <u>Chapter 1254; Section 1254.01.04</u> , for parking reductions
Loading bays not permitted in front yard	See <u>Section 1254.01.17</u>
Truck turning templates and access to loading must be delineated on site plan	

Figure 17

See also Chapter 1250, General Provisions.

(Ord. No. 1273, § 1, 3-8-21)

1243.05. - MX-C Mixed-Use Urban Corridor.

Figure 18

1243.05.01. - MX-C intent.

The purpose and intent of the MX-C Mixed Use Urban Corridor District is to provide for a vertical and horizontal mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Development is characterized by buildings located closer to the street to promote walking and biking, and to create a character that is more "place" based than auto-oriented. However, in recognition of the arterial and suburban corridors that dominate the district frontages, this district is likely to contain some single-use buildings, so some variation in development is expected.

(Ord. No. 1273, § 1, 3-8-21)

1243.05.02. - MX-C building types.

The following building types are suggested to meet the intent of this district. The table at right shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 19

(Ord. No. 1273, § 1, 3-8-21)

1243.05.03. - MX-C site layout requirements.

(a) *Building massing.*

A = Minimum height	25'	1 story
B = Maximum height	60'	5 stories
See Section 1250.03.02 for height exceptions		
C = Required upper floor step-backs. When adjacent to R-1 through R-6 districts: For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.		
D = Minimum frontage, primary street		75%
E = Minimum frontage, secondary street		25%

Figure 20

(b) *Building placement.*

F = Build-to-line shall be five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:

- a. A setback of ten feet from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art.
 - b. A setback of zero feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten feet in width.
 - c. A setback equal to the average setback of 50 percent of the buildings to be retained within the blockface.
- The applicant shall provide a map with those measurements.

G = Minimum side setback	0'
H = Minimum rear setback	10' building
I = Minimum setback from adjacent R-1 through R-6 districts	25'
J = Maximum lot coverage	80%

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 21

(c) *Parking.*

<p>Allowed surface parking locations</p>	<p>Municipal parking On-street parking On-site: Side or rear yard, one bay of front yard only on suburban and arterial corridors</p>
<p>K = Side and rear parking lot setback/screening</p>	<p>8' landscape buffer; rear or side setback may be reduced to 5' with 6' opaque fence or screen wall when adjacent to R-1 through R-6 districts</p>
<p>L = Front parking lot setback/screening</p>	<p>8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line</p>
<p>Required parking spaces</p>	<p>No parking required if adequate on-street and municipal parking is available, <u>Section 1254.01.04</u> for parking reductions</p>
<p>Parking incentives/bonuses</p>	<p>Shared parking, cross-access, driveway removal</p>

Figure 22

See also Chapter 1250, General Provisions.

(Ord. No. 1273, § 1, 3-8-21)

1243.06. - MX-1 Mixed-Use Neighborhood Center.

Illustrative example of the intent of this district:

Figure 23

1243.06.01. - MX-1 intent.

The purpose and intent of the MX-1 Mixed-Use Neighborhood Center District is to provide for a vertical and horizontal mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Development is characterized buildings located closer to the street to promote walking and biking, and to create a character

that is more "place" based than auto-oriented. Development in this district needs to be appropriately scaled to adjacent residential areas.

(Ord. No. 1273, § 1, 3-8-21)

1243.06.02. - MX-1 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in Chapter 1246, Building Types.

Figure 24

(Ord. No. 1273, § 1, 3-8-21)

1243.06.03. - MX-1 site layout requirements.

Figure 25

(a) *Building massing.*

A = Minimum height	25'	1 story
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B = Maximum height	40'	3 stories
See Section 1250.03.02 for height exceptions		
C = Required upper floor step-backs—when adjacent to R-1 through R-6 districts		For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street		75%
Entrances	Arterial corridor	Primary entrance must face frontage, unless site also fronts prime connector or neighborhood connector
	Suburban corridor	
	Prime connector	At least one entrance must face primary frontage
	Neighborhood connector	
E = Minimum frontage, secondary street		25%
Required corner massing		When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage from the corner

See [Chapter 1246](#), Building Types, for dimensional standards.

Figure 26

(b) *Building placement.*

F = Build-to line	<p>Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:</p> <ul style="list-style-type: none"> a. A setback of 10' from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback of 0' from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least 10' in width. c. A setback equal to the average setback of 50% percent of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
G = Minimum side setback	0'
H = Minimum rear setback	10' building
I = Minimum setback from adjacent R-1 through R-6 districts	25'
J = Maximum lot coverage	85%

Figure 27

(c) *Parking.*

K = Allowed surface parking locations	Arterial	Side or rear yards with one row in front yard
	Suburban	Front, side and rear yards
	Prime connector	On-street and rear yard
	Neighborhood connector	Side or rear yards
L = Side and rear parking lot setback/screening when adjacent to R-1 through R-6 districts		6' landscape buffer. Rear or side setback may be reduced to 5' with 3' opaque masonry wall
Front parking lot setback/screening		8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line
Required parking spaces		85% of parking required per Chapter 1254
		Section 1254.01.04 for parking reductions

Parking incentives/bonuses	Shared parking, cross-access, driveway removal
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(Ord. No. 1273, § 1, 3-8-21)

1243.07. - MX-2 Mixed-Use Community Center.

Illustrative example of the intent of this district:

Figure 28

1243.07.01. - MX-2 intent.

The purpose and intent of the MX-2 Mixed-Use Community Center District is to provide for both a horizontal and vertical mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Development is characterized by buildings located closer to the street to promote walking and biking, and to create a character that is more "place" based than auto-oriented. Taller buildings and less required parking are allowed in this district to create the density needed to help support the urban places within the district. Development in this district needs to maintain a consistency in character and form with adjacent sites to create the type of neighborhood centers desired.

(Ord. No. 1273, § 1, 3-8-21)

1243.07.02. - MX-2 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 29

(Ord. No. 1273, § 1, 3-8-21)

1243.07.03. - MX-2 site layout requirements.

Figure 30

(a) *Building massing.*

A = Minimum height		25'	2 stories
B = Maximum height	Arterial corridor	60'	5 stories
	Activity corridor	60'	5 stories
	Prime connector	40'	3 stories
	Neighborhood connector	40'	3 stories
	Local street	40'	3 stories

<p>C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts</p>	<p>For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building</p>
<p>D = Minimum frontage, primary street</p>	<p>75%</p>
<p>E = Minimum frontage, secondary street</p>	<p>25%</p>
<p>Required corner massing</p>	<p>When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage from the corner</p>

Figure 31

(b) *Building placement.*

F = Build-to line	Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve: <ul style="list-style-type: none"> a. A setback of 10' from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback of 0' from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least 10' in width. c. A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
G = Minimum side setback	0'
H = Minimum rear setback	10' building
I = Minimum setback from adjacent residential districts	25'
J = Maximum lot coverage	80%

Figure 32

(c) *Parking.*

Allowed surface parking locations	Municipal parking On-street parking On-site: Side or rear yard
Side and rear parking lot setback/screening when adjacent to R-1 through R-6 districts	6' landscape buffer. Rear or side setback may be reduced to 5' with 3' opaque masonry wall.
K = Front parking lot setback/screening	8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line
Required parking spaces	No parking required if adequate on-street and municipal parking is available
	See Section 1254.01.04 for parking reductions
Parking incentives/bonuses	Shared parking, cross-access, driveway removal

(Ord. No. 1273, § 1, 3-8-21)

1243.08. - MX-3 Mixed-Use District Center.

Figure 33

1243.08.01. - MX-3 intent.

The intent and purpose of the MX-3 Mixed-Use District Center District is to provide primarily a vertical mix of uses with higher density residential. Ground floor uses should be active and pedestrian focused. Development in this district is characterized by tall buildings lining urban streets near the City core. This district is intended to be one of the City's most walkable and higher density areas because of its proximity to downtown.

(Ord. No. 1273, § 1, 3-8-21)

1243.08.02. - MX-3 building types.

The following building types are suggested to meet the intent of this district. The table at right shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 34

(Ord. No. 1273, § 1, 3-8-21)

1243.08.03. - MX-3 site layout requirements.

Figure 35

(a) *Building massing.*

A = Minimum height	25'	2 stories
B = Maximum height	80'	6 stories
C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts		For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street		85%
E = Minimum frontage, secondary street		75%
Required corner massing		When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage from the corner.

Figure 36

(b) *Building placement.*

<p>F = Build-to line</p>	<p>Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:</p> <ul style="list-style-type: none"> a. A setback of 10' from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback of 0' from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least 10' in width. c. A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
<p>G = Minimum side setback</p>	<p>0'</p>
<p>H = Minimum rear setback</p>	<p>0'</p>
<p>I = Maximum lot coverage</p>	<p>100%</p>
<p>Minimum setback from adjacent residential districts</p>	<p>25'</p>
	<p>6' opaque screenwall/fencing required along edge of residentially zoned or used property</p>

Figure 37

(c) *Parking.*

J = Allowed surface parking locations	Municipal parking On-street parking On-site: Side or rear yard, front yard only when corner lot on secondary streets
K and L = Side and rear parking lot setback/screening when adjacent to R-1 through R-6 districts	6' landscape buffer. Rear or side setback may be reduced to 5' with 3' opaque masonry wall.
Front parking lot setback/screening on secondary street corners	5' with a 3' masonry knee wall at build-to line
Required parking spaces	See <u>Section 1254.01.04</u> for parking reductions
Parking incentives/bonuses	Shared parking, cross-access, driveway removal

(Ord. No. 1273, § 1, 3-8-21)

1243.09 - DT-1 Urban Edge.

Figure 38

1243.09.01. - DT-1 Urban Edge District intent.

The DT-1 Urban Edge District permits a mixture of office and residential uses complementary to the Downtown Core but lower in intensity. Urban Edge areas are intended to retain elements of the historic residential character such as short block lengths and existing front-yard setbacks. One purpose of this district is to permit homes to be converted to offices provided the historic residential character is maintained.

(Ord. No. 1273, § 1, 3-8-21)

1243.09.02. - DT-1 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district.

Architectural regulations and building types are further described in [Chapter 1246](#), Building Types.

Figure 39

(Ord. No. 1273, § 1, 3-8-21)

1243.09.03. - DT-1 site layout requirements.

Figure 40

(a) *Building massing.*

A = Minimum height	25'	2 stories
B = Maximum height	40'	4 stories
See Section 1250.03.02 for height exceptions		

<p>C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts</p>	<p>For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building</p>
<p>D = Minimum frontage, primary street</p>	<p>50%</p>
<p>Minimum frontage, secondary street</p>	<p>25%</p>
<p>Required corner massing</p>	<p>When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage from the corner</p>

Figure 41

(b) *Building placement.*

<p>F = Build-to line</p>	<p>Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:</p> <ul style="list-style-type: none"> a. A setback of 10' from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
<p>G = Minimum side setback</p>	<p>Ten feet. The Planning Office may allow a reduction to 5' if minimum 10' from adjacent building or appurtenance and side facade has windows and quality materials.</p>
<p>H = Minimum rear setback</p>	<p>10' building</p>
<p>I = Maximum lot coverage</p>	<p>50%</p>

Figure 42

(c) *Parking.*

<p>J = Allowed surface parking locations</p>	<p>Municipal parking On-street parking On-site side or rear yard</p>
--	--

K = Front parking lot setback/screening on secondary street corners	8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line
L = Side and rear parking lot setback/screening when adjacent to R-1 through R-6 districts	6' landscape buffer. Rear or side setback may be reduced to 5' with 3' opaque masonry wall.
Required parking spaces	Parking per <u>Chapter 1254</u>
	See <u>Section 1254.01.04</u> for parking reductions
Parking incentives/bonuses	Shared parking, cross-access, driveway removal

(Ord. No. 1273, § 1, 3-8-21)

1243.10. - DT-2 Urban Flex.

Figure 43

Illustrative example of the intent of this district

1243.10.01. - DT-2 intent.

The intent and purpose of the DT-2 Urban Flex District is to foster a mixture of residential, commercial, and industrial uses that complement the nearby Downtown Core and Mixed-Use corridors. The Urban Flex districts generally are areas transitioning from older industrial and auto-oriented uses with pockets of residential to higher density modern infill and adaptive reuse. These areas are characterized by an eclectic mixture of entertainment, retail, residential, and lower intensity industrial uses in a warehouse setting. Along activity corridors, ground floor uses should be those that generate pedestrian activity along the street front through the location of doors, windows, and displays.

(Ord. No. 1273, § 1, 3-8-21)

1243.10.02. - DT-2 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 44

(Ord. No. 1273, § 1, 3-8-21)

1243.10.04. - DT-2 site layout requirements.

Figure 45

(a) *Building massing.*

A = Minimum height		25'	1 story
B - Maximum height	Arterial corridor	60'	6 stories
	Activity corridor	60'	6 stories

	Prime connector	55'	4 stories
	Local street	40'	4 stories
See Section 1250.03.02 for height exceptions			
C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts		For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
D = Minimum frontage, primary street		75%	
E = Minimum frontage, secondary street		25%	
Required massing		When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage.	

Figure 46

(b) *Building placement.*

Build-to line	<p>Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:</p> <ul style="list-style-type: none"> a. A setback of 10' from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback of 0' from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least 10' in width. c. A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
G = Minimum side setback	10'
H = Minimum rear setback	10' building
I = Maximum lot coverage	75%
J = Minimum setback from adjacent residential districts	10'

Figure 47

(c) *Parking.*

<p>K = Allowed surface parking locations</p>	<p>On-street parking On-site: side or rear yard Front yard parking limited to one single-loaded bay of parking</p>
<p>L = Side and rear parking lot setback/screening— When adjacent to R-1 through R-6 districts</p>	<p>6' landscape buffer. Rear or side setback may be reduced to 5' with 3' opaque masonry wall.</p>
<p>M = Front parking lot setback/screening</p>	<p>8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line</p>
<p>Required parking spaces</p>	<p>Parking per <u>Chapter 1254</u></p>
	<p>See <u>Section 1254.01.04</u> for parking reductions</p>
<p>Parking incentives/bonuses</p>	<p>Shared parking, cross-access, driveway removal</p>

(d) *Accessory outdoor storage.* See Section 1250.04.01 for placement of accessory buildings. See also Chapter 1250, General Provisions.

(Ord. No. 1273, § 1, 3-8-21)

1243.11. - DT-3 Downtown Core.

Figure 48

1243.11.01. - DT-3 intent.

The intent and purpose of the DT-3 Downtown Core District is to provide primarily a vertical mix of uses with higher density residential housing and office buildings. Ground floor uses should be those that generate pedestrian activity along the street front through the location of doors, windows, and displays. Development in this district is characterized by tall buildings lining urban streets with most or all parking provided on street or in municipal lots or structures. This district accommodates the City's highest intensity and density development.

(Ord. No. 1273, § 1, 3-8-21)

1243.11.02. - DT-3 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district.

Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 49

(Ord. No. 1273, § 1, 3-8-21)

1243.11.03. - Reserved.

1243.11.04. - DT-3 site layout requirements.

Figure 50

(a) *Building massing.*

A = Minimum height	25'	2 stories
B = Minimum frontage, primary street		85%
C = Minimum frontage, secondary street		75%
Required corner massing		When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20' of each frontage from the corner

Figure 51

(b) *Building placement.*

D = Build-to line	<p>Five feet, as measured from the inside edge of the public sidewalk. The Zoning Administrator may approve:</p> <ul style="list-style-type: none"> a. A setback of ten feet from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. b. A setback of zero feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten feet in width. c. A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
E = Minimum side setback	0'
F = Minimum rear setback	0'
G = Maximum lot coverage	100%

(c) *Parking.*

Required parking spaces	No parking required
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See [Section 1250.04.01](#) for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1244. - RESIDENTIAL DISTRICTS

1244.01. - Applicability.

The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in Chapter 1246, Building Types, and other applicable chapters of this Zoning Ordinance. If there is a conflict between any standards, the stricter standards shall apply conventionally on-site constructed homes. For purposes of compatibility, all structures shall:

- (1) Have not less than two exterior doors with one door being in front of the structure and the other being in either the rear or on the side of the structure;
- (2) Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by the difference in between the ground and floor levels.

(Ord. No. 1273, § 1, 3-8-21)

1244.02. - General development.

1244.02.01. - Requirements for dwelling units.

Any dwelling unit, including a structure or portion of a structure constructed on-site, a mobile home not located in a mobile home park, a premanufactured unit, a precut structure or a panelized structure, whether erected above and/or below ground, shall comply with the following standards:

- (a) It shall conform with the minimum residential lot dimensional requirements and building types for the district in which it is located.
- (b) On lots 40 feet or greater in width, it shall contain a core area of living space of at least 24 feet by 24 feet in size and shall have a minimum internal height of seven and one-half feet. For single-family dwellings on lots less than 40 feet in width in R-5 and R-6 Residential Districts, it shall contain a core area of living space of at least 20 feet by 20 feet in size and shall have a minimum internal height of seven and one-half feet.
- (c) It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code of the City and has a wall of the same perimeter dimensions as the structure which is constructed of such materials and type as required in the Building Code. If the structure is a mobile home not located in a mobile home park, it shall be installed pursuant to the manufacturer's set-up instructions, shall be secured to the premises by an anchoring system or device complying with all State and Federal rules and regulations governing the same and shall have a perimeter wall as required in this paragraph which is aesthetically compatible in design and appearance with conventionally on-site constructed homes.
- (d) If it is not a structure constructed on site, it shall be aesthetically compatible in design and appearance with conventionally on-site constructed homes. For purposes of compatibility, all structures shall:
 - (1) Have not less than two exterior doors with one door being in front of the structure and the other being in either the rear or on the side of the structure;
 - (2) Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by a difference in elevation;

- (3) Have siding firmly affixed to the exterior walls of the structure constructed of conventional materials such as wood, aluminum or brick;
- (4) Have a shingled roof constructed of conventional material, which roof is permanently attached to the structure and has a minimum 3:12 pitch and an overhang of at least one foot; and
- (5) Not have wheels, towing mechanisms, undercarriages or chassis that are visible from the outside of the structure.

This paragraph shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or architectural design.

(Ord. No. 1273, § 1, 3-8-21)

1244.03 - Administration.

- (a) Residential construction for single-family detached homes and duplexes are not required to follow the site plan review process in Chapter 1260 but must adhere to the regulations of this Zoning Ordinance and other applicable City codes and ordinances.
- (b) Any other residential use not listed in subsection (a) above shall be reviewed according to Chapter 1260, Site Plan Review.

(Ord. No. 1273, § 1, 3-8-21)

1244.04. - Residential permitted uses.

In the residential districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses shall adhere to the conditions noted in the section referenced. Special land uses may be permitted by Council in accordance with the procedures and conditions described in Chapter 1262, Special Land Use Permits, if the conditions described in this section for each use are met, and if all Federal, State and local laws are met. Permitted and approved uses may be mixed both horizontally and vertically.

Figure 52

City of Lansing Form-Based Code Master Use Table

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	R-1	R-2	R-3	R-4	R-5	R-6a	R-6b	R-MX	MFR	R-AR	Conditions
	Residential Uses										
Single-family detached	P	P	P	P	P	P	P	P		P	
Two-family dwelling							C	P	P	P	For R-6B: 1. Must maintain the appearance of a medium sized home

Multi-family dwelling								C	P	P	P	and is appropriately scaled to fit within primarily single-family neighborhoods.
Mobile home										S		
Short-term rental	C	C	C	C	C	C	C	C	C	C	C	Lansing Airbnb/Short-term rental housing policy
Boarding house									P	P	P	
Human care facilities												
Adult day care facility									S	S		
Adult foster care (≤ 6)	P	P	P	P	P	P	P	P	P	P	P	
AFC small group home (≤ 12)	S	S	S	S	S	S	S	P	P			
AFC large group home (13—20)									S	S	S	
AFC congregate care									S	S	S	
Child care centers, preschools, and commercial day care	S	S	S	S	S	S	S				S	
Family day care (≤ 6, < 24 hours/day)	P	P	P	P	P	P	P	P	P	P		
Group day care home (7—12 children, < 24 hours/day)	C	C	C	C	C	C	C	C	C	C	C	1. The facility provides and maintains on the lot not less than 900 square feet of outdoor play space. 2. The use of the

											<p>structure as a group day care home shall be clearly incidental to the principal residential use.</p> <p>3. One person, other than a member of the family residing in the dwelling, may be employed, so long as that person is not the primary caregiver.</p> <p>4. No change occurs in the outside appearance of the dwelling.</p> <p>5. No signs are permitted.</p> <p>6. The outdoor play space shall be fenced. This requirement can be waived by approval of the Planning Division if the specified outdoor area is common open space shared with other dwelling units.</p>
<p>Foster family home (6 or fewer children. 24 hours/day)</p>	P	P	P	P	P	P	P	P	P		
<p>Convalescent or nursing home</p>								S	S	S	

Institutional												
Places of assembly	S	S	S	S	S	S	S	S	S	S	C	At least one property line abutting an arterial, suburban or activity corridor or it must be determined by the City Engineer or his/her designee that the existing transportation system is sufficient to accommodate the proposed use. A traffic impact study may be required to assist in making this determination.
Hospital											C	At least one property line abutting an arterial, suburban or activity corridor.

Museum	C	C	C	C	C	C	C	C	C	C	<ol style="list-style-type: none"> 1. Front, rear and side yards are not less than 25 feet, except as provided below. 2. If a front, rear or side yard abuts a Commercial Mixed-Use District, then the yard which abuts such district shall meet the dimensional requirements of the district which abuts such front, rear or side yard. 3. No parking exists in the front yard. 4. No accessory structure is located in the front yard.
Library	C	C	C	C	C	C	C	C	C	C	

Schools	C	C	C	C	C	C	C	C	C	C	C	All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor or it must be determined by the City Engineer or his/her designee that the existing transportation system is sufficient to accommodate the proposed use. A traffic impact study may be required to assist in making this determination.	
Trade school											C		
Park, open space, plaza	P	P	P	P	P	P	P	P	P	P	P		
Commercial/Office													
Retail sales and personal services												P	
Professional/business offices												P	
Cemetery	S	S										S	

Clinic										C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Golf courses	S	S								S	

Nursery, commercial greenhouse										C	<p>1. The lot on which the nursery or commercial greenhouse is located contains not less than three acres.</p> <p>2. The lot on which the nursery or commercial greenhouse is located has not less than one property line which abuts and has primary access to a major or minor arterial.</p> <p>3. The outdoor storage of landscape materials, other than plants, shall be screened from view of all public rights-of-way and residential parcels of land by a six-foot high opaque wood or vinyl fence, decorative screen wall or landscaped berm.</p>
Industrial											
Research laboratory										S	

Accessory uses customarily incidental to any of the above principal uses are allowed provided the Zoning Administrator may require additional parking or compliance with other standards upon a determination that such use may impact site operations beyond that of the principal use.

(Ord. No. 1273, § 1, 3-8-21)

1244.05. - R-1 Suburban Residential.

Figure 53

1244.05.01. - R-1 intent.

The R-1 Suburban Residential District is intended for the largest, lowest-density single-family development in the City. These neighborhoods feature large lots, large homes with attached garages, significant landscaping and curvilinear streets and cul-de-sacs. These houses are intended to each be unique with significant architectural detail and quality. Typical character types include contemporary and neo-eclectic.

(Ord. No. 1273, § 1, 3-8-21)

1244.05.02. - R-1 building types.

Detached houses are the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in Chapter 1246, Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.05.03. - Site layout requirements.

Figure 54

(a) *Building massing.*

A = Minimum height	20'	2 stories
B= Maximum height	35'	2.5 stories
Maximum dwelling units per lot	1	

Figure 55

(b) *Building placement.*

C = Minimum front setback	The average setback on block face
D = Minimum side setback	5'; total of 2 side yards, 15' feet
E = Minimum rear setback	30'
F = Minimum lot size	6,000 sq. ft.

G = Lot width	Minimum	60'
	Maximum	200'
Lot depth	Minimum	100'
	Maximum	200'
Maximum lot coverage	Impervious surfaces	55%
	Building	40%

(c) *Building access and services.*

Parking	See <u>Chapter 1254</u> for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages may be attached but may not project in front of the front building facade. Side entry garage preferred.

(Ord. No. 1273, § 1, 3-8-21)

1244.06. - R-2 Suburban Residential.

Figure 56

Illustrative example of the intent of this district

1244.06.01. - R-2 intent.

The R-2 Suburban Residential District is intended for mid-century to modern subdivisions. These neighborhoods feature medium-sized lots, often attached garages, curvilinear streets and cul-de-sacs, and a variety of housing types and sizes. Typical character styles include ranch, split level, minimal traditional, and contemporary, often with side-facing gables or hip roofs.

(Ord. No. 1273, § 1, 3-8-21)

1244.06.02. - R-2 building types.

Detached Houses are the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

(Ord. No. 1273, § 1, 3-8-21)

1244.06.03. - Site layout requirements.

Figure 57

Figure 58

(a) *Building massing.*

A = Minimum height	15'	1 story
B = Maximum height	35'	2.5 stories
Maximum dwelling units per lot	1	

(b) *Building placement.*

C = Minimum front setback	25' or the average setback on block face	
D = Minimum side setback	5'; total of 2 side yards, 15'	
E = Minimum rear setback	30'	
Minimum lot size	5,000 sq. ft.	
F = Lot width	Minimum	50'
	Maximum	100'
G = Lot depth	Minimum	100'
	Maximum	175'
Maximum lot coverage	Impervious surfaces	55%
	Building	40%

(c) *Building access and services.*

Parking	See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages may be attached but may not project in front of the front building facade.

(Ord. No. 1273, § 1, 3-8-21)

1244.07. - R-3 Suburban Residential.

Figure 59

Illustrative example of the intent of this district

1244.07.01. - R-3 intent.

The R-3 Suburban Residential District is intended to accommodate a more flexible rural character in the City. Deep lots are typical with variable setbacks. Typical character types include ranch and minimal traditional, often with side-facing gable roofs.

(Ord. No. 1273, § 1, 3-8-21)

1244.07.02. - R-3 building types.

Detached houses are the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in [Chapter 1246](#), Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.07.03. - Site layout requirements.

Figure 60

(a) *Building massing.*

A = Minimum height	15'	1 story
B = Maximum height	25'	2 stories
Maximum dwelling units per lot		1

Figure 61

(b) *Building placement.*

C = Front setback	Minimum	25' or the average setback on block face
	Maximum	50'

D = Minimum side setback		5'; total of 2 side yards, 15'
E = Minimum rear setback		30'
Minimum lot size		4,000 sq. ft.
F = Lot width	Minimum	40'
	Maximum	150'
G = Lot depth	Minimum	100'
	Maximum	None
Maximum lot coverage	Impervious surfaces	60%
	Building	45%

(c) *Building access and services.*

Parking	See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard.
H = Garages	Rear

See [Section 1250.04.01](#) for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

1244.08. - R-4 Urban Edge Residential.

Figure 62

Illustrative example of the intent of this district

1244.08.01. - R-4 intent.

The intent of the R-4 Urban Edge Residential District is to preserve the character of Lansing's most historic neighborhoods. These neighborhoods were originally designed in the style of the City Beautiful/Garden City movement, with a variety of high-style historic single-family homes. Any modifications or new construction in this district should respect the high-style character types of the early 20th century. Typical character types include tudor, colonial revival, and craftsman.

(Ord. No. 1273, § 1, 3-8-21)

1244.08.02. - R-4 allowed building types.

Detached houses are the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in [Chapter 1246](#), Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.08.03. - Site layout requirements.

Figure 63

Figure 64

(a) *Building massing.*

A = Minimum height	20 feet'	2 stories
B = Maximum height	35'	2.5 stories
Maximum dwelling units per lot		1

(b) *Building placement.*

C = Minimum front setback		Lesser of 20' or the average setback on the block face
D = Minimum side setback		5', total of 2 side yards 15'
Minimum rear setback		30'
Minimum lot size		4,000 sq. ft.
F = Lot width	Minimum	40'
	Maximum	80'
G = Lot depth	Minimum	100'
	Maximum	150'
Maximum lot coverage	Impervious surfaces	60%
Building	45%	

(c) *Building access and services.*

Parking	See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages shall be located in rear yard or along alley.

See [Section 1250.04.01](#) for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

1244.09. - R-5 Urban Residential.

Figure 65

Illustrative example of the intent of this district

1244.09.01. - R-5 intent.

The R-5 Urban Residential District is intended to preserve a lower density urban district than R-6. Homes in this district are primarily mid-century one and one-half story bungalows and any new constructions should match that smaller scale rather than the larger, more historic two-story homes in R-4 and R-6. Typical character types include minimal traditional, Cape Cod, and Neocolonial. Front- or side-facing gables with dormers are typical roof styles.

(Ord. No. 1273, § 1, 3-8-21)

1244.09.02. - R-5 allowed building types.

Detached houses are the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in [Chapter 1246](#), Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.09.03. - Site layout requirements.

Figure 66

Figure 67

(a) *Building massing.*

A = Minimum height	15'	1.5 stories
B = Maximum height	25'	2 stories
Maximum dwelling units per lot		1

(b) *Building placement.*

C = Minimum front setback	Lesser of 20' or the average setback on the block face	
D = Minimum side setback	5'; total of 2 side yards 15'	

E = Minimum rear setback		30'
Minimum lot size		4,000 sq. ft.
F = Lot width	Minimum	40'
	Maximum	70', or average of adjacent lots, whichever is less
G = Lot depth	Minimum	100'
	Maximum	200'
Maximum lot coverage	Impervious surfaces	60%
	Building	45%

(c) *Building access and services.*

Parking	See <u>Chapter 1254</u> for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages shall be located in rear yard or along alley.

See Section 1250.04.01 for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

1244.10. - R-6 Urban Residential.

Figure 68

1244.10.01. - R-6 A & B intent.

The intent of the R-6 Urban Residential District is to preserve the historic character of Lansing's most urban neighborhoods maintaining the scale of medium-density single-family detached residences. These neighborhoods feature small lots, early 20th century-built homes often with alleys and rear loading garages. Infill development in this district should respect the historic single-family character. Typical character types include Four-Square, Craftsman, and Queen Anne vernacular types. Front-facing gable and hip roofs are typical. The intent of sub-district R-6B is to integrate attached residential units into appropriate locations at the perimeter of established residential neighborhoods. Attached residential units are intended to provide a physical transition from the adjacent busier street types, and/or non-residential uses to the purely residential neighborhood.

(Ord. No. 1273, § 1, 3-8-21)

1244.10.02. - R-6 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in Chapter 1246, Building Types.

Figure 69

(Ord. No. 1273, § 1, 3-8-21)

1244.10.03. - Site layout requirements.

Figure 70

Figure 71

(a) *Building massing.*

A = Minimum height	20'	2 stories
B = Maximum height	35'	2.5 stories
Maximum dwelling units per lot	R-6A	1
	R-6B	6

(b) *Building placement.*

C = Minimum front setback		Lesser of 20' or the average setback on the block face
D = Minimum side setback		5'; total of 2 side yards 15'
E = Minimum rear setback		30'
Minimum lot size	R-6A	4,000 sq. ft.
	R-6B	Efficiency: 2,200 sq. ft.; 1-bedroom: 2,600 sq. ft.; 2-bedroom: 3,000 sq. ft.; 3 or more bedrooms: 3,800 sq. ft.
F = Lot width	Minimum	40'
	Maximum	60'
G = Lot depth	Minimum	100'
	Maximum	200'
Maximum lot coverage	Impervious surfaces	60%
	Building	45%

(c) *Building access and services.*

Parking	See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages shall be located in rear yard or along alley.

See [Section 1250.04.01](#) for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

1244.11. - MFR Multi-Family Campus Residential.

Figure 72

Illustrative example of the intent of this district

1244.11.01. - MFR intent.

The MFR Multiple Family Campus Residential District is applied to areas of Lansing that are appropriate for the highest range of residential densities to accommodate multiple family dwellings. The MFR Zone is suitable as a transition from the residential districts into mixed-use commercial areas. MFR complexes should be designed with a campus-like character, providing shared open space, landscape buffering, and consistent site design features.

(Ord. No. 1273, § 1, 3-8-21)

1244.11.02. - MFR building types.

Attached residential is the only building type intended to meet the intent of this district. Architectural regulations and building types are further described in [Chapter 1246](#), Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.11.03. - Site layout requirements.

Figure 73

(a) *Building massing.*

A = Minimum height	15'	1 story
B = Maximum height	45'	4 stories

Figure 74

(b) *Building placement.*

C = Minimum front setback		20'
D = Minimum side setback		10% up to a maximum of 25'
E = Minimum rear setback		25'
F = Minimum lot size per unit	Efficiency	2,200 sq. ft.
	One-bedroom	2,600 sq. ft.
	Two-bedroom	3,000 sq. ft.
	Three+ bedroom	3,800 sq. ft.
Maximum lot coverage	Impervious surfaces	60%
	Building	40%

See [Section 1250.04.01](#) for placement of accessory buildings.

(c) *Building access and services.*

Building access and entrances	Entrances may face interior parking but should have pedestrian connections to the public right-of-way sidewalks.
Parking	See <u>Chapter 1254</u> for parking standards. Parking permitted in rear yard or side yard.

(Ord. No. 1273, § 1, 3-8-21)

1244.12. - R-MX Mixed Residential.

Figure 75

Illustrative example of the intent of this district

1244.12.01. - R-MX intent.

The R-MX Mixed Residential District is intended to accommodate a mixture of housing types along corridors and near the downtown. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained where possible for their character and infill housing should respect the established scale and massing. Denser housing along corridors is intended to provide a transition to the adjacent established single-family neighborhoods.

(Ord. No. 1273, § 1, 3-8-21)

1244.12.02. - R-MX building types.

Detached houses and attached residential are the only building types intended to meet the intent of this district. Architectural regulations and building types are further described in Chapter 1246, Building Types.

(Ord. No. 1273, § 1, 3-8-21)

1244.12.03. - Site layout requirements.

See Chapter 1246, Building Types, for architectural standards.

See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard. Garages shall be located in rear yard or along alley.

Figure 76

Figure 77

(a) *Building massing.*

A = Minimum height	20'	2 stories
B = Maximum height	45'	4 stories
Maximum dwelling units per lot		6

(b) *Building placement.*

C = Minimum front setback	20'
D = Minimum side setback	5'; total of 2 side yards 15'

E = Minimum rear setback		30'
Minimum lot size per unit	Efficiency	2,400 sq. ft.
	One-bedroom	2,800 sq. ft.
	Two-bedroom	3,200 sq. ft.
	Three+ bedroom	4000 sq. ft.
F = Lot width	Minimum	30'
	Maximum	60'
G = Lot depth	Minimum	150'
	Maximum	200'
Maximum lot coverage	Impervious surfaces	60%
	Building	40%

(c) *Building access and services.*

Parking	See Chapter 1254 for parking standards. Parking permitted in rear yard or side yard.
Garages	Garages shall be located in rear yard or along alley.

See [Section 1250.04.01](#) for placement of accessory buildings.

(Ord. No. 1273, § 1, 3-8-21)

1244.13. - R-AR Adaptive Reuse Residential.

Figure 78

Illustrative example of the intent of this district

1244.13.01. - R-AR intent.

The purpose and intent of the R-AR Adaptive Reuse Residential District is to:

- (a) Promote the appropriate reuse or redevelopment of former institutional sites that is compatible in scale and intensity with the previous use or character of the area.
- (b) Minimize impacts on and ensure proper transitions from taller buildings and more intense uses to adjoining residential neighborhoods and less intense uses.
- (c) Provide for recreational, pedestrian and open space needs that may be displaced by redevelopment of vacant institutional sites.
- (d) Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.

(Ord. No. 1273, § 1, 3-8-21)

1244.13.02. - R-AR building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 79

Figure 80

(a) *Building massing.*

A = Minimum height	15'	1 story
B = Maximum height		<ul style="list-style-type: none"> a. Equal to adjacent residential district; or b. Equal to existing height or maximum in adjacent residential district, whichever is greater, for sites where more than 75% of original structure is preserved.
C = Required upper floor building step-backs—When adjacent to residential districts		Equal to each story height, for each story above the maximum.
D = Minimum built frontage, primary street		60% maximum on any street
E = Minimum built frontage, secondary street (for corner lots)		60% maximum on any street

Figure 81

(b) *Building placement.*

<p>F = Front setback (from inside edge of public sidewalk)</p>	<p>Whichever is greater:</p> <ul style="list-style-type: none"> a. Allow extension of established setback along frontage; or b. Match to double the setback in adjacent residential district; or c. Equal to building height.
<p>G = Minimum side setback</p>	<p>Whichever is greater:</p> <ul style="list-style-type: none"> a. Double setback in adjacent residential district; b. Equal to building height.
<p>H = Minimum rear setback</p>	
<p>I = Minimum setback from adjacent residential districts</p>	<ul style="list-style-type: none"> a. Equal to double the front setback in adjacent residential district <p>Landscaping per Chapter 1252; or screening wall or fence where adequate buffer cannot be provided.</p>
<p>J = Maximum lot coverage</p>	<p>Equal to adjacent residential district (see incentives coverage bonuses)</p>

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 82

(c) *Building access and services.*

Allowed surface parking locations	Rear yards only; Side yard parking may be extended where transitions and buffers will exceed requirements
K = Side and rear parking lot setback/screening	8' landscape buffer. Either setback may be reduced to 5' with 6' opaque screen wall.
Required parking spaces	Parking per <u>Chapter 1254</u>

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1245. - SPECIAL DISTRICTS

1245.01. - Applicability.

- (a) The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in Chapter 1246, Building Types, and other applicable chapters of this Zoning Ordinance. If there is a conflict between any standards, the stricter standards shall apply.
- (b) Exempt expansions. Changes of use to another permitted use or to increase parking to meet the minimum number of spaces required, building maintenance or facade changes that do not alter the building footprint or require site improvements, shall be permitted according to Chapter 1260, Site Plan Review, provided that standards of other applicable City codes and ordinances are met.

(Ord. No. 1273, § 1, 3-8-21)

1245.02. - Administration.

(a) *Site plan review.* Applications shall be reviewed according to Chapter 1260, Site Plan Review.

(b) *Incentives.*

- (1) *Types of incentives.* To promote redevelopment and stimulate reinvestment in the City, the Planning Office may grant additional flexibility or development options where one or more of the recognized benefits, listed below, are provided. The following incentives may be granted:
- a. *Dimensional flexibility.* Flexibility may be granted of the minimum lot coverage, building frontage, or setbacks provided the resulting layout will not negatively impact nearby residences.
 - b. *Additional building height.* The maximum building height may be increased by one additional story.
 - c. *Reduced minimum parking.* Reduced parking may be allowed consistent with Section 1254.01.04.

Figure 83

(2) *Recognized benefits.* Additional building height or flexibility may be granted during the project review when one or more of the following recognized benefits are provided:

- a. *Open space.* Inclusion of five percent open space above what may be required for the building type. Open space must meet the following standards to be counted toward the minimum requirement:
 1. Open space may be public or private but must be accessible to the public along with employees or residents or visitors.
 2. Dimensions, grading and design of the open space shall provide useable area for seating, gathering, recreation or other activities.
 3. Required open space shall not include wetlands, required setbacks, required landscape areas, water bodies, easements for private roads or overhead utilities, stormwater control facilities as required by Chapter 1219, floodplain area or public right-of-way, provided that where additional public right-of-way is desired by the City, it may be included.
 4. Required open space shall be functional (not isolated remnant parcels) and provided to supplement

public space along a sidewalk, provide pedestrian or greenway connections, pocket parks to serve nearby uses, located and designed to terminate views along streets, or otherwise provide an amenity that would not be provided in a project that just met minimum code requirements.

- b. *Low impact development (LID, e.g. green roof, on-site stormwater retention).* Use of alternative stormwater management design that may include green roofs, natural retention systems, porous pavement alternatives, or other energy or water conserving applications above and beyond the requirements of Chapter 1219, Post-Construction Stormwater Management.
 - c. *Provision for mixed-use.* Proposals that include a mix of different but compatible use types within the same building, such as first-floor retail with offices or residential units on upper floors.
 - d. *Green buildings.* Significant use of sustainable building and site design features such as: Water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, solar heating, reuse/recycled/renewable materials, indoor air quality or other sustainable elements.
 - e. *Additional landscape elements.* Exceeding minimum quantities or sizes required in Chapter 1252, Landscaping, or additional plantings or decorative fence or wall where needed to help reduce impacts on neighboring properties. Native species, larger caliper plantings,
 - f. *Pedestrian amenities.* Provision of public plazas, walkways or pedestrian-oriented features, such as street trees or benches beyond those required or enhancements to a transit stop, such as a shelter, large pad size or similar improvements endorsed by the Capital Area Transportation Authority (CATA).
 - g. *Shared access.* Removal of a driveway or use of shared driveway for access from public streets. This may require an access easement approved by the City Attorney.
 - h. *Shared public parking.* See Section 1254.01.04, Factors to permit a reduction from the amount of parking required.
- (c) *Allowed flexibility.* It is recognized that certain existing site conditions may prohibit full compliance with this section. The Director of Economic Development and Planning, upon recommendation of the Zoning Administrator, is authorized to approve modifications to the standards of this section, after considering the criteria and standards below. Any request for relief from a required standard other than those listed below shall be made through the variance procedures set forth in Chapter 1274, Board of Zoning Appeals.
- (1) *Criteria for modification.*
 - a. Demonstration by the applicant that there is a unique situation with the property that makes it impractical to fully comply with the standards herein.
 - b. The proposed development is consistent with the Design Lansing Comprehensive Plan, as amended.
 - c. The proposed development is consistent with the intent of this district.
 - d. The proposed modification will not prevent or complicate logical extensions of streets, infrastructure, parking, open space, or development of adjacent properties.
 - e. The modification is the minimum necessary to allow reasonable development that is consistent with the intent of the Zoning Ordinance and the Design Lansing Comprehensive Plan.
 - f. The proposed development will not impair public safety.
 - g. The modification is not simply for convenience of the development.
 - h. The design will not be detrimental to adjacent residential uses.

- (2) *Modification standards.*

- a. *Height.*
 - 1. Minimum and maximum height—Up to ten percent for any cumulative increase or decrease in building height.
 - 2. Clear height—Up to ten percent.
- b. *Building placement.*
 - 1. Build-to line—Up to one foot.
 - 2. Frontage—Reduction of up to ten percent of required length.
 - 3. Street wall requirements—Up to ten percent of the height/fenestration/access gate requirements.
 - 4. Upper floor step-backs—Up to ten percent.
 - 5. Street wall/fence/screening requirements—Up to ten percent.
- c. *Architectural regulations (per Chapter 1246).*
 - 1. Windows (minimum and maximum fenestration percentage)—Up to ten percent.
 - 2. Projections (stoops, porches, awnings, balconies)—Up to ten percent.
 - 3. Required open space—Up to ten percent.
 - 4. Entrances (maximum average spacing)—Up to ten percent increase in spacing.
- d. *Conditions and phasing.* Where deemed necessary, the Zoning Administrator, or Planning Board and Council for special uses, as applicable, may:
 - 1. Require a phasing plan that explains how new development and infrastructure, meeting the requirements of this section, will be constructed, and elements of the site not in compliance will be phased out over time. This may require temporary or permanent easements or commitments through a written agreement and performance guarantee.
- e. *Agreement.* The City may require a written agreement if flexibility is granted through incentive or to ensure compliance with conditions of approval. An agreement with the City shall be prepared in a form acceptable to the City Attorney that specifies the required improvements, commitments and obligations of the development. The agreement shall specify any recognized benefits provided by the developer, flexibility granted by the City, and maintenance provisions for all site improvement.

(Ord. No. 1273, § 1, 3-8-21)

1245.03. - Industrial and institutional permitted uses.

In Industrial and Institutional Districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses are permitted if the conditions noted in the section referenced are met. Special land uses may be permitted by Council in accordance with the procedures and review standards described in Chapter 1262, Special Land Use Permits.

Figure 84

City of Lansing Form-Based Code Master Use Table

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND-1	IND-2	IND-3	INST-1	INST-2	Conditions

Industrial						
Cleaning, processing, servicing, or repair of any product	P	P				
Dry cleaning plants	P	P	P			
Industrial scrap metal processing		P				
Lumber yards	P		P			
Manufacture of already processed components (bakeries, cosmetics, candies, etc.)	P	P	P			
Manufacture of automobiles parts and car assembly		P				
Manufacture of toys, furniture, appliances, etc.	P	P	P			
Metal forming	P	P	P			
Mining		S				
Motor vehicle repair station	P	C	C			<p>1. All activities shall be conducted within an enclosed structure.</p> <p>2. Any vehicle stored on the lot shall be stored in an enclosed structure or within a completely fenced area.</p>
Power plants		P				
Production of consumer goods, with 20% GFA retail sales	P	P	P			
Research laboratory	P		P	P	P	

Salvage yards		C				<ol style="list-style-type: none"> 1. The materials are enclosed by a structure or a fence, not less than 8' in height, that obstructs vision. 2. The materials stored within 20' of the fence shall not exceed the height of the fence. 3. A plan is submitted to and approved by the Planning Division, which plan shows the type and location of the fence. 4. No outdoor burning occurs on the lot on which the salvage yard is located.
Sanitary land fill		S				
Tool, die, and machine shops	P	P	P			
Truck terminals	P	P				
Wholesale and warehouse uses	P	P	P			
Wireless communications towers	S	S	S			
Adult business uses	S	S	S			See 1250.02.11
Residential Uses						
Single-family detached						
Two-family dwelling				P	P	

Multi-family dwelling	C	C	C	P	P	In Industrial Districts, multiple-family only as part of renovation of or addition to an existing structure.
Human care facilities						
AFC large group home (13—20)				S	S	
Child care centers, preschools, and commercial day care				C	C	At least one property line abutting an arterial, suburban or activity corridor
Institutional						
Places of assembly	S	S	S	S	S	
Hospital				P	P	
Museum	C	C	C	P	P	<ol style="list-style-type: none"> 1. Front, rear and side yards are not less than 25', except as provided below. 2. If a front, rear or side yard abuts a Commercial Mixed-Use District, then the yard which abuts such district shall meet the dimensional requirements of the district which abuts such front, rear or side yard. 3. No parking exists in the front yard. 4. No accessory structure is located in the front yard.

Library	C	C	C	P	P	
Schools				C	C	All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Trade school	C	C	C	C	C	
Park, open space, plaza				P	P	
Commercial/Office						
Retail sales and personal services	P	P	P			
Professional/business offices	P	P	P	P	P	
Animal hospital	C	C				
Bank	P	P	P			
Brewpub	P	P	P			
Clinic	P	P	P	C	C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Funeral home	P	P	P	P	P	
Golf courses	S					
Hotel	P	P	P			

Kennel	C	C				<ol style="list-style-type: none"> 1. Structures must be setback at least 50' from each adjacent residential lot line. 2. Lot size of at least three acres for a kennel having an outside exercise run or treatment area. 3. Outside exercise run or treatment area must be located at least 100' from all lots lines and at least 400' from an adjacent residential lot line.
Laundromat, dry cleaner	P	P	P			
Mini-golf	P					
Mobile food vending (food trucks and carts)	C	C	C			(TO BE DRAFTED)
Motor vehicle service station	P	P	P			
Nursery, commercial greenhouse	P	P	P			

<p>Parking structure</p>			<p>C</p>	<p>C</p>	<p>C</p>	<ol style="list-style-type: none"> 1. Parking structures are encouraged to be lined on exterior elevations by non-parking uses. 2. On activity corridors, the first floor shall have a minimum depth of 20' to be occupied by commercial uses permitted in the district. 3. Access drives shall be permitted on the ground level, provided they are collectively no more than 25% of the frontage. 4. The facade of the parking structure shall be integrally designed with the architecture of the overall building, utilize the same building materials, provide an architectural treatment at the top of the structure, such as a cornice, and have wall openings with proportions that comply with the fenestration requirements in <u>Section 1246.04</u>. 5. New parking structures shall be designed with a upper story minimum clear height of 9'.
<p>Restaurant, bar, tavern</p>	<p>P</p>	<p>P</p>	<p>P</p>			

Self-storage rental	P	P	P			
Studio (dance, health, music, etc.)	P	P	P			

Vehicle sales, vehicle leasing, and other outdoor sales facility	C	C	C			<ol style="list-style-type: none">1. The area of the lot on which the items described in this subsection are located shall be covered with Portland cement or asphaltic concrete.2. Each point of vehicular ingress and egress to the lot shall be not less than 60' from the intersection of any two streets.3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure.4. Lighting shall be confined within and directed onto the parking area only.5. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least 8' from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property. The buffer zone shall be landscaped, screened and buffered in accordance with the requirements of <u>Section 1252.09</u>.
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Drive-thru, as accessory use	C	C	C			<ol style="list-style-type: none"> 1. The drive-thru window shall be on the side or rear of the building. The side of the building with the drive-thru lane shall be setback a minimum of 25' from any lot line. 2. The site will be adjacent to a suburban corridor, arterial corridor, prime connector, or activity corridor and all points of ingress and egress will be directly onto said street type. 3. Adequate waiting or standing areas for vehicles shall be provided on-site so that no vehicle is required to wait, stand, or be stored within a right-of-way, in accordance with the parking requirements of <u>Chapter 1254</u>. 4. Methods to minimize the impact of noise from outdoor speakers on adjacent residential are required.
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Accessory uses customarily incidental to any of the above principal uses are allowed provided the Zoning Administrator may require additional parking or compliance with other standards upon a determination that such use may impact site operations beyond that of the principal use.

All activities shall take place within a completely enclosed building unless otherwise indicated.

(Ord. No. 1273, § 1, 3-8-21)

1245.04. - IND-1 Suburban Industrial.

Figure 85

Illustrative example of the intent of this district

1245.04.01. - IND-1 Suburban Industrial District intent.

The IND-1 Suburban Industrial District is intended for light-to-medium intensity industrial uses including research and development, manufacturing, warehousing and similar uses. IND-1 districts are distinct from other industrial districts in that the setting is of a more suburban style industrial park with low rise buildings, with relatively larger lots with expansive lawns.

(Ord. No. 1273, § 1, 3-8-21)

1245.04.02. - IND-1 site layout requirements.

Figure 86

(a) *Building massing.*

A = Minimum height	16'
B = Maximum height	45'

See <u>Section 1250.03.02</u> for height exceptions.	
C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street	50%
E = Minimum frontage, secondary street	25%

These standards apply to principal and accessory buildings.

Figure 87

(b) *Building placement.*

F = Front setback	Arterial corridor	Minimum 25'
	Suburban corridor	Minimum 25' (include 20' landscape greenbelt)
	Activity corridor	Minimum 25'/maximum 40'
	Prime connector	Minimum 25' (include 20' landscape greenbelt)
	Neighborhood connector	Minimum 25'

	Local street	Minimum 25'
G = Minimum side setback		10'
H = Minimum rear setback		10'
I = Minimum setback from adjacent residential districts (adjacent residential includes directly abutting residential or across the street from residential)		Whichever is greater: a. Match to double the setback in adjacent residential district; or b. Equal to building height.
J = Maximum lot coverage	45%	

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 88

(c) *Parking/loading.*

K = Allowed surface parking locations	One single-loaded bay in front Side or rear parking allowed
L = Side and rear parking lot setback/screening from non-industrial districts	8' landscape buffer
Required parking spaces	See Table 1254.01.03 and Section 1254.01.04 for parking reductions
Loading bays—Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard See Section 1254.01.17

(d) *Accessory outdoor storage.*

- (1) Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use. See Section 1250.02.07 for more on vehicle storage.
- (2) Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.09(e).
- (3) The Zoning Administrator may require the area identified on the site plan.

(Ord. No. 1273, § 1, 3-8-21)

1245.05. - IND-2 General Industrial.

Figure 89

1245.05.01. - IND-2 General Industrial District intent.

The IND-2 General Industrial District is intended for a wide range of industrial uses ranging from medium intensity, such as contractor yards and warehousing, to larger scale heavy industrial uses such as vehicle manufacturing plants, processing or storage and distribution of raw materials, trucking terminals and similar uses. This district also provides for higher intensity extractive uses and landfills, though given the urban character of the City, those types of uses have extensive regulations to ensure compatibility with surrounding land uses and the environment.

(Ord. No. 1273, § 1, 3-8-21)

1245.05.02. - IND-2 site layout requirements.

Figure 90

(a) *Building massing.*

A = Minimum height	16'
B = Maximum height	60'
See Section 1250.03.02 for height exceptions.	
C = Required upper floor step-backs—When adjacent to residential districts or uses	For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street	0%
E = Minimum frontage, secondary street	0%

Figure 91

(b) *Building placement.*

F = Minimum front setback	25' (if less than 50% of buildings on blockface to be retained are residential, may be 0')
G = Minimum side setback	0' allowed provided meet Building Code for firewall, otherwise, minimum 10'
H = Minimum rear setback	0'
I = Minimum setback from adjacent residential districts (adjacent residential includes directly abutting residential or across the street from residential)	Whichever is greater: a. Match to double the setback in adjacent residential district; or b. Equal to building height.
J = Maximum lot coverage	60%

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 92

(c) *Parking/loading.*

K = Allowed surface parking locations	Side or rear only
L = Side and rear parking lot setback/screening from non-industrial districts	8' landscape buffer
Front parking lot setback/screening	8' landscape buffer
Required parking spaces	Parking per Chapter 1254

	See Table <u>1254.01.03</u> and <u>Section 1254.01.04</u> for parking reductions
Loading bays—Truck turning templates and access to loading must be delineated on site plan	Not more than 50% of front yard frontage See <u>Section 1254.01.17</u>

(d) *Accessory outdoor storage.*

- (1) Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use.
- (2) Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.09(e).
- (3) The Zoning Administrator may require the area identified on the site plan.

(Ord. No. 1273, § 1, 3-8-21)

1245.06. - IND-3 Urban Industrial.

Figure 93

1245.06.01. - IND-3 Urban Industrial District intent.

The IND-3 Urban Industrial District generally applies to areas in the City that have long been used for a variety of industrial uses. A distinction of the IND-3 District is that it includes many older multi-story industrial buildings in a more urban setting with shallow building setbacks often nestled into areas adjacent to older residential neighborhoods. Uses permitted range from office and research to manufacturing, with some uses offering goods or services for sale directly to the general public, such as heavy auto repair and lumber yards.

(Ord. No. 1273, § 1, 3-8-21)

1245.06.02. - IND-3 site layout requirements.

Figure 94

(a) *Building massing.*

A = Minimum height	16'
B = Maximum height	60'
See Section 1250.03.02 for height exceptions.	
C = Required upper floor step-backs—When adjacent to residential districts or uses	For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street	75%
E = Minimum frontage, secondary street	25%

Figure 95

(b) *Building placement.*

F = Front setback	Arterial corridor	0' feet minimum/15' maximum
	Activity corridor	0' minimum/15' maximum
	Local street	0' minimum/30' maximum
G = Minimum side setback		0' allowed provided meet Building Code for firewall, otherwise, minimum 10'
H = Minimum rear setback		0'
I = Minimum setback from adjacent residential districts		10' plus 1' setback for each 1' height above 10'
(Adjacent residential includes directly abutting residential or across the street from residential)		
J = Maximum lot coverage		75%

See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 96

(c) *Parking/loading.*

K = Allowed surface parking locations	Side or rear only
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L = Side and rear parking lot setback/screening from non-industrial districts	8' landscape buffer. Buffer may be reduced to 5' with 6' opaque fence or screen wall when adjacent to R-1 through R-6 districts.
Front parking lot setback/screening	8' landscape buffer which may be reduced to 5' with a 3' masonry knee wall at build-to line
Required parking spaces	Parking per <u>Chapter 1254</u>
	See Table <u>1254.01.03</u> and <u>Section 1254.01.04</u> for parking reductions
Loading bays—Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard See <u>Section 1254.01.17</u>

(d) *Accessory outdoor storage.*

- (1) Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use.
- (2) Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.09.
- (3) The Zoning Administrator may require the area identified on the site plan.

(Ord. No. 1273, § 1, 3-8-21)

1245.07. - INST-1 Suburban Institutional.

Figure 97

1245.07.01. - INST-1 Suburban Institutional District intent.

The INST-1 Suburban Institutional District is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The Suburban Institutional District encourages campus-type character, which includes landscaped open space between buildings, a green buffer at the perimeter, and uniform site design and details.

(Ord. No. 1273, § 1, 3-8-21)

1245.07.02. - INST-1 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 98

(Ord. No. 1273, § 1, 3-8-21)

1245.07.03. - INST-1 site layout requirements.

Figure 99

(a) *Building massing.*

A = Minimum height	16'
B = Maximum height	60' Buildings of greater than the maximum height may be allowed provided side and rear yards are increased above the minimum required yards by 1' for each foot of building height that exceeds the maximum height allowed. See Section 1250.03.02 for height exceptions.
See Section 1250.03.02 for height exceptions.	
C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts.	For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street	75%
E = Minimum frontage, secondary street	25%

These standards apply to principal and accessory buildings.

Figure 100

(b) *Building placement.*

F = Setbacks	30' minimum
G = Maximum lot coverage	75%

See Section 1250.04.01 for placement of accessory buildings.

Figure 101

(c) *Parking/loading.*

H = Allowed surface parking locations	Arterial corridor	Front/side/rear
	Suburban corridor	Front/side/rear
	Activity corridor	Side/rear
	Prime connector	Front/side/rear
	Neighborhood connector	Front/side/rear
	Local street	Front/side/rear
I = Side and rear parking lot setback/screening from non-industrial districts	Wherever an off-street parking area is adjacent to a residential district, there shall be a minimum parking lot setback of 25" with a continuous obscuring wall, fence and/or landscaped area at least 42" in height shall be provided. The Zoning Administrator may reduce this buffer based on the provision of landscaping, the presence of existing trees or in consideration of topographic conditions.	

Required parking spaces	Parking per <u>Chapter 1254</u>
	See Table <u>1254.01.03</u> and <u>Section 1254.01.04</u> for parking reductions
Loading bays—Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard See <u>Section 1254.01.17</u>
Drop-off zones	Permitted at the rear, side or front of the building

(Ord. No. 1273, § 1, 3-8-21)

1245.08. - INST-2 Urban Institutional.

Figure 102

1245.08.01. - INST-2 Urban Institutional District intent.

The INST-2 Urban Institutional District is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The Urban Institutional District encourages a walkable character, uniform site design and details, and integration into the neighboring urban mixed-use districts.

To help ensure any future expansion of this district is consistent with the intent of this Code, the applicant shall demonstrate the following during a rezoning application:

- (a) The expansion is a logical extension that abuts an existing district boundary at least 200 feet in length.
- (b) The expansion has frontage along a non-local street or all access must connect to a non-local street through the existing district.
- (c) A conceptual design for the lot(s) must be described as part of a campus plan associated with the rezoning. The

concept plan shall demonstrate adequate buffering from any adjacent residential use. The City may require additional setback, landscaping or other design elements to help ensure compatibility with the adjacent land uses.

(Ord. No. 1273, § 1, 3-8-21)

1245.08.02. - INST-2 building types.

The following building types are suggested to meet the intent of this district. The table below shows which building types are suggested along the various street types in this district. Architectural regulations and building types are further described in [Chapter 1246, Building Types](#).

Figure 103

(Ord. No. 1273, § 1, 3-8-21)

1245.08.03. - INST-2 site layout requirements.

Figure 104

(a) *Building massing.*

A = Minimum height	16'
Maximum height	60'
See <u>Section 1250.03.02</u> for height exceptions.	
C = Required upper floor step-backs—When adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
D = Minimum frontage, primary street	75%
E = Minimum frontage, secondary street	25%

These standards apply to principal and accessory buildings.

Figure 105

(b) *Building placement.*

Setbacks	Activity corridor	0' minimum/15' maximum
	All other street types	Whichever is greater: 1. Allow extension of established setback along frontage; or 2. Match to double the setback in adjacent residential district

F = Maximum lot coverage	100%
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See [Section 1250.04.01](#) for placement of accessory buildings.

Figure 106

(c) *Parking/loading.*

H = Allowed surface parking locations	Arterial corridor	Side/rear
	Suburban corridor	Side/rear
	Activity corridor	Side/rear
	Prime connector	Side/rear
	Neighborhood connector	Side/rear
	Local street	Side/rear

Side and rear parking lot setback/screening from non-industrial districts	Wherever an off-street parking area is adjacent to a residential district, there shall be a minimum parking lot setback of 25" with a continuous obscuring wall, fence and/or landscaped area at least 42" in height shall be provided. The Zoning Administrator may reduce this buffer based on the provision of landscaping, the presence of existing trees or in consideration of topographic conditions.
Required parking spaces	Parking per <u>Chapter 1254</u>
	See Table <u>1254.01.03</u> and <u>Section 1254.01.04</u> for parking reductions
Loading bays—Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard See <u>Section 1254.01.17</u>
Drop-off zones	Permitted at the rear, side or front of the building

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1246. - ARCHITECTURAL STANDARDS

1246.01. - Introduction.

This chapter sets forth the architectural standards applicable to the various character districts in the City of Lansing. These standards supplement those stated for each zoning district. These standards are intended to result in construction and development that reinforces the vision established in the Design Lansing Comprehensive Plan.

(Ord. No. 1273, § 1, 3-8-21)

1246.02. - Applicability.

1246.02.01. - Residential, service, retail, accessory, and industry, manufacturing and processing uses.

The requirements of this chapter shall apply to all proposed development with residential, service, retail, accessory, and industry, manufacturing and processing uses and shall be considered in combination with the standards for the applicable zoning district and the rest of the Zoning Ordinance.

(Ord. No. 1273, § 1, 3-8-21)

1246.02.02. - Recreation, education, public assembly, transportation, communications and infrastructure uses.

Development with public recreation, public education, public assembly, transportation, public communications and/or infrastructure uses shall comply with the standards for the applicable zoning district, but shall not be required to meet the standards in this chapter.

(Ord. No. 1273, § 1, 3-8-21)

1246.02.03. - Additions or modifications to existing buildings.

Building additions to buildings built prior to the adoption of this form-based code shall apply the architectural standards that most closely match the existing building, as determined by the Zoning Administrator.

(Ord. No. 1273, § 1, 3-8-21)

1246.03. - Modifications.

- (a) Modifications to the standards established in this chapter may be approved by the Zoning Administrator. Any such modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the Zoning Administrator based upon the following criteria:
- (1) The design of the building shall be in keeping with the desired architectural character as articulated in the Comprehensive Plan, the intent of the district, and by example of new buildings designed following the standards of this Code. This shall not prevent innovation and creativity in design that is in keeping with the Comprehensive Plan, as determined by the Zoning Administrator.
 - (2) The design shall meet district height requirements.
 - (3) The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of the districts, as defined in paragraph (1), above.
- (b) Relief from unlisted standards. Any request for relief from a standard other than those listed above shall be made through the variance permit procedures set forth in Chapter 1274.

(Ord. No. 1273, § 1, 3-8-21)

1246.04. - Architectural regulations.

1246.04.01. - General architectural standards.

- (a) No part of any building may project forward of the build-to line except overhanging eaves, awnings, shopfronts, bay windows, stoops, steps, balconies, or handicapped ramps approved by the Zoning Administrator.

Figure 107**(b) Stoops and front porches.**

- (1) Shall not extend into the public right-of-way.
- (2) All required front porches shall be completely covered by a roof.
- (3) Front porches may be screened (insect screening) when all architectural elements (columns, railings, etc.) occur on the outside of the screen facing the street-space.
- (4) Finished floor height shall be no more than eight inches below the first interior finished floor level of the building.

Figure 108**(c) Awnings/overhangs.** When an awning or overhang is incorporated into a building, the following requirements must be met:

- (1) Minimum ten-foot clear height above sidewalk, minimum five-foot depth out from the facade. Maximum projection to within one foot of back of curb where there are no street trees, or one foot into the tree-planting strip.
- (2) Canvas cloth or equivalent (no shiny or reflective materials).
- (3) Metal and glass are permitted, when configured as a marquee over an entrance.
- (4) No internal illumination through the awning/overhang.
- (5) Lettering on awnings limited to six inches tall on vertically hanging fabric at curb side of awning.
- (6) No one-quarter cylinder configurations.
- (7) Awnings and overhangs shall complement the fenestration pattern of the building facade.

Figure 109

(d) Balconies.

- (1) Shall not be located within five feet of any common lot line and shall not encroach into the public right-of-way.
- (2) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
- (3) Where residential districts include balconies as a method for achieving the required private open area, the balcony:
 - a. Shall be enclosed by balustrades, railings, or other means that block at least half of the view through them;
 - b. Shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another balcony above.

Figure 110

(e) Windows.

- (1) Glass shall be clear, with light transmission at the ground story at least 90 percent and for the upper stories 75 percent (modification as necessary to meet any applicable building and energy code requirements).
- (2) Ground story windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).
- (3) A minimum of 80 percent of the ground story window surface shall allow a view into the building interior for a depth of at least 12 inches.

(Ord. No. 1273, § 1, 3-8-21)

1246.04.02. - Residential building types.

- (a) First floor clear height—Eight feet minimum.
- (b) Upper floors clear height—Eight feet minimum.

- (c) Ground floor finish elevation above/below sidewalk—Minimum 18 inches with stairs. ADA accessible units with ramp are permitted with approval. Where the first floor is occupied by a lobby, office, or common space and no dwelling are located on the first floor along the front of the building, then the first floor may be at the same grade as the sidewalk.

Figure 111

- (d) Porch or stoop—Each residential unit with a separate entrance shall include a stoop of not more than five feet deep and six feet wide (not including steps or ramp) or a porch between seven feet and nine feet deep that projects no more than seven feet into the front setback and with a width of not less than 65 percent of each unit with a separate entrance. Where the first floor is occupied by a lobby, office, or common space and no dwelling are located on the first floor along the front of the building, then a stoop or porch is not required.

Figure 112

- (e) Building access—At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear. Maximum recessed entry of five feet.

Figure 113

- (f) Minimum fenestration percentage:
 - (1) Primary facade:
 - a. Ground floor—20 percent.
 - b. Upper floors—20 percent.
 - (2) Secondary elevations—Ten percent per floor.

Figure 114

- (g) Allowed building materials on primary facades (i.e. facing onto a street). Brick or stone siding, wood siding, vinyl siding, fiber clapboards. Material must be consistent with adjacent residential character. Other materials as determined by Zoning Administrator.
- (h) Allowed building materials on secondary facades (i.e. those not facing onto a street). Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator.
- (i) Roof types:
 - (1) Pitched—Between 4:12 and 12:12 slope.
 - (2) Flat roof—With cornice and parapet 30.

Figure 115

- (j) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.
- (k) Roof materials (for pitched roofs)—Asphalt, fiberglass, tile, slate, standing seam metal.
- (l) Primary facade articulation—Walls over 30 feet in length must include design articulation, windows or recesses.
- (m) Primary facade ground floor articulation—Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.

Figure 116

- (n) Services—Services and utility hookups shall not be visible from the primary street frontage, preferably located in the rear yard.
- (o) Required open space (outside of frontage and setback areas)—Private space:
 - (1) Minimum 100 square feet per unit.
 - (2) Minimum dimensions ten feet by ten feet.
 - (3) Private open space may be accommodated by balconies, decks or terraces.

Figure 117

(Ord. No. 1273, § 1, 3-8-21)

1246.04.03. - Commercial/mixed-use building types.

- (a) Second floor finish elevation—14-foot minimum.
- (b) Upper floors clear height—Eight-foot minimum.
- (c) Ground floor finish elevation above/below sidewalk—Maximum of six inches above adjacent sidewalk with ramp.

Figure 118

- (d) Minimum fenestration percentage:
 - (1) Storefront—60 percent.
 - (2) Non-storefront ground floor—40 percent.
 - (3) Upper floors—20 percent.

Figure 119

- (e) Allowed building materials on primary facades (i.e. facing onto a street)—Brick (masonry); stone; glass; other similar materials as determined by Zoning Administrator.
- (f) Allowed building materials on secondary facades (i.e. those not facing onto a street)—Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator.
- (g) Roof types:
 - (1) Pitched—Between 4:12 and 12:12 slope.
 - (2) Flat roof—With cornice and parapet.
 - (3) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.
- (h) Roof materials (for pitched roofs)—Asphalt, fiberglass, tile, slate, standing seam metal.

Figure 120

- (i) Primary facade articulation—Walls over 30 feet in length must include design articulation, windows or recesses.

Figure 121

- (j) Primary facade ground floor articulation—Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.

Figure 122

- (k) Building access. At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear. Maximum recessed entry of five feet.

Figure 123

- (l) Services. Services and utility hookups shall not be visible from the primary street frontage, preferably located in the rear (Ord. No. 1273, § 1, 3-8-21)

1246.04.04. - Industrial building types.

The following standards shall only apply to those industrial building facades that are at least 50 percent visible to a residential use or non-local street within 300 feet of the building facade:

- (a) Second floor finish elevation—14-foot minimum.
- (b) Ground floor finish elevation above/below sidewalk—Maximum of six inches above adjacent sidewalk with ramp.

Figure 124

- (c) Minimum fenestration on primary facade—30 percent.

Figure 125

- (d) Allowed building materials on primary facades (i.e. facing onto a street)—Brick (masonry); stone; other similar materials as determined by Zoning Administrator.
- (e) Allowed building materials on secondary facades (i.e. those not facing onto a street)—Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator.
- (f) Roof types:
 - (1) Pitched—Between 4:12 and 12:12 slope.
 - (2) Flat roof—With cornice and parapet.
 - (3) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.

- (g) Primary facade articulation—Walls over 30 feet in length must include design articulation, windows or recesses.

Figure 126

- (h) Primary facade ground floor articulation—Ground floors shall be differentiated from the floors above by a horizontal expression line.

Figure 127

- (i) Building access. At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear.

Figure 128

- (j) Services. Services, utility hookups, loading docks and trash/recycling containers shall not be located on the front of a building, and must be screened if visible from the street.

(Ord. No. 1273, § 1, 3-8-21)

1246.05. - Example building types.

The following sections illustrate how different types of buildings can meet the intent of the districts in Chapters 1243—1245 and the architectural standards of Section 1246.04.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.01. - Detached house.

Figure 129

Illustrative examples of the intent of this building.

- (a) *Description.* A detached house is a dwelling unit typically occupied by a single-family household. Detached houses include one-, one-and-one-half, and two-story dwellings. In the DT-1 District, detached houses have been converted to offices. The design and character of a detached house in a given location should be consistent with and reinforce the character of the surrounding neighborhood.
- (b) *Applicability.* A detached house is the suggested building type in all residential districts and applicable to most road types. While compatible as "grandfathered in" historic structures, new detached houses within higher density residential districts (R-MX 42 and MFR), DT-1, and fronting arterial, suburban, and activity corridors are not generally encouraged.

See also Section 1244.02, General Development Requirements for Dwelling Units.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.02. - Attached residential.

Figure 130

Illustrative examples of the intent of this building

- (a) *Description.* Attached residential building types may take the form of small apartment buildings or duplexes integrated into an urban neighborhood or townhouses. Attached residential buildings should be designed to complement the size, scale, character, and architecture of the surrounding residential district. Attached residential buildings may be designed as side-by-side and/or stacked units and provide a dedicated point of entry for each residential unit or common entry.
- (b) *Applicability.* Attached residential buildings are applicable in higher density residential and mixed-use districts that serve as a transition between commercial or mixed-use districts and residential neighborhoods: R-MX, R-AR, MFR, S-C, MX-C, MX-1, DT-1, DT-2.

See also Section 1244.02, General Development Requirements 46 for Dwelling Units.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.03. - Urban mixed-use.

Figure 131

Illustrative example of the intent of this building

- (a) *Description.* The purpose and intent of the urban mixed-use building type is to provide a high character pedestrian scaled building that is flexible and mixed in its uses. Typically, ground floor uses include retail, entertainment, dining, and professional services with high transparency window areas creating a connection between the sidewalk and building interior. Upper floor uses typically include a mixture of residential and office space. The building form and mass is intended to reinforce pedestrian comfort, walkability, and activity. Larger buildings shall be broken up into multiple store-fronts each with their own entries.
- (b) *Applicability.* Urban mixed-use buildings are a key building type for urban zones that provide pedestrian scaled buildings oriented on the street. They are less likely to be appropriate along local streets.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.04. - Tower and podium.

Figure 132

Illustrative example of the intent of this building

- (a) *Description.* Tower and podium buildings are buildings that consist of a large footprint base, typically two to three stories tall, and one or more towers that project upwards from a portion of this base. Tower and podium type buildings are often used for hotel convention centers, hospitals, and other institutional or commercial activities. The base (podium) levels of the tower and podium buildings are intended to be pedestrian oriented facades that encourage an active street frontage.
- (b) *Applicability.* Tower and podium buildings are applicable to the most dense commercial districts (Downtown Core) as well as designated institutional districts (INST-1 and INST-2).

(Ord. No. 1273, § 1, 3-8-21)

1246.05.05. - Commercial flex.

Figure 133

Illustrative example of the intent of this building

(a) *Description.* Commercial flex buildings provide opportunities for diverse buildings types—to accommodate a diverse range of uses—in medium density urban environments while retaining a building facade that supports the downtown character. Commercial flex buildings are one to three floors in height and may include high bay spaces to accommodate light industrial or other non-storefront oriented commercial uses. Building facades are oriented towards the street and designed in a pedestrian friendly manner with adequate window transparency and articulation.

(b) *Applicability.* Commercial flex buildings are suggested in the Urban Flex (DT-2) and Urban Industrial (IND-3) Districts. (Ord. No. 1273, § 1, 3-8-21)

1246.05.06. - Parking structure.

Figure 134

Illustrative example of the intent of this building

(a) *Description.* Parking structures provide multiple levels of vehicle parking in higher density locations. Parking structures are designed to fit the architectural character and context of the urban environment. Open air openings into the parking area and other horizontal or vertical elements should provide an attractive facade that reinforces

the pedestrian experience. Parking structures are encouraged to be lined on the exterior by residential, office, and retail, and are required to have the first floors occupied for the first 20 feet by commercial uses along activity corridors.

- (b) *Applicability.* Parking garages are applicable in higher density districts where there is not sufficient space or desire for surface parking lots.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.07. - Suburban commercial.

Figure 135

Illustrative example of the intent of this building

- (a) *Description.* Suburban commercial buildings are designed to balance the needs of automobile access to commercial uses (stores, retail, etc.) while still retraining a strong design character and relationship to the street environment that is welcoming to pedestrians and creates an effective transition to non-commercial areas. Commercial buildings are typically one to two floors in height, and can accommodate big-box style commercial uses if needed. Individual storefronts within a building should be clearly defined and distinct and sidewalks connect front entrances to the public sidewalk. Suburban commercial buildings can incorporate a mixture of non-residential uses.
- (b) *Applicability.* Suburban commercial buildings are the primary building type for the Suburban Corridor District (SC) and are used along arterial, suburban, and prime connector streets. This type of building is not intended for activity corridors, neighborhood connectors, or local streets.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.08. - Suburban office/research.

Figure 136

Illustrative example of the intent of this building

- (a) *Description.* Suburban office/research buildings are typically multi-story buildings with a primary entrance into a lobby space for accessing office, research, or institutional type uses. Buildings can be designed for a single tenant or for multiple different tenants to provide a mixture of uses within the building.
- (b) *Applicability.* Suburban commercial buildings are a common building type for the Suburban Corridor District (SC) and can be used along a variety of roadway types. They can be used to transition away from more intense commercial activity towards neighborhood residential areas.

(Ord. No. 1273, § 1, 3-8-21)

1246.05.09. - Motor vehicle service stations.

Figure 137

Illustrative examples of the intent of this building

- (a) *Description.* Traditional suburban-style gas station design places the filling pumps and canopy structure in the front or front corner of the lot and the shop at the rear of the lot, which breaks the street edge experience and disconnects the storefront from the sidewalk. New gas stations should adopt a "gas backwards" approach along urban corridors (MX-1, -2, -3, DT-2 where permitted), where filling pumps and canopy are placed to the side or rear

or the lot and the shop building occupies the front or front corner of the lot. Traditional configurations are acceptable in S-C and MX-C Districts as long as the building form and conditional use standards are met. In both urban and suburban districts, the building should be designed to fit within the district's context and aesthetics.

- (b) *Applicability.* Motor vehicle service stations are permitted with conditions in commercial mixed-use districts as described in Section 1245.03. They are less desirable for use along activity corridors and local streets.

Figure 138

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1250. - GENERAL PROVISIONS

1250.01. - Scope of application.

The standards and regulations listed in this chapter shall apply to all uses, buildings and structures within all zoning except where it is specified to be district- or use-specific.

(Ord. No. 1273, § 1, 3-8-21)

1250.02. - Use-related regulations.

1250.02.01. - Uses.

Determination of "similar uses": Since every type of potential use cannot be addressed in the Zoning Ordinance, the Zoning Administrator shall be authorized to permit "similar uses" which closely resemble the uses listed for a given zoning district. In making this determination, the Zoning Administrator shall use criteria including, but not limited to the nature of the use, scale, aesthetics, traffic generated, parking, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare, provided that the proposed use would not constitute a violation of any other federal, state or local law or regulation. Once a proposed similar use is permitted, the proposed use shall comply with all standards and conditions that apply to that zoning district.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.02. - Home occupations.

A home occupation which meets all of the following conditions shall be permitted as an accessory use to any single family residential use or residential unit in a duplex:

- (a) No person, other than a member of the family residing in the dwelling unit, shall engage in the home occupation and no more than one primary caregiver, as that term is defined in the Michigan Medical Marihuana Act, being MCL 333.26421 et seq., as amended, shall engage in the activities of a primary caregiver on any lot.
- (b) The use of the dwelling unit as a home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- (c) Not more than 20 percent of the gross floor area of the dwelling unit is used in any way for the home occupation.
- (d) No change occurs in the outside appearance of the dwelling.
- (e) No signs shall be posted on the lot advertising any home occupation.
- (f) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.
- (g) No equipment is used, except equipment which is normally used for purely domestic or household purposes. Equipment not normally used for purely domestic or household purposes or any portion of the dwelling unit where energy use and heat generation resulting from the growth of marihuana exceeds levels reasonably attributable to residential uses are permitted if the Board of Zoning Appeals approves such use. The Board shall approve of such use if it is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the lot seeking Board approval and that any energy use and heat generation resulting from the growth of marihuana exceeding levels reasonably attributable to residential uses has been approved by the Fire Marshal or his or her designee and the Building Safety Office.
- (h) No activity related to the occupation occurring on the premises including clients, customers, or pickup and delivery vehicles shall adversely impact the surrounding neighborhood or the right of surrounding residents to quiet enjoyment of their property, including but not limited to, the creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference detectable beyond the property line; or have any pickup or delivery by motor vehicle before 7:00 a.m. or after 7:00 p.m. and not more than a total of five pickups, deliveries or customer/client visits each day during the permitted time.
- (i) For purposes of this subsection, any term defined by 21 U.S.C. 860(e) shall have the meaning given to it by 21 U.S.C. 860(e). No person who engages in the activities of a primary caregiver as a home occupation shall engage in the transfer, distribution, or administration to any patient:
 - (1) Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; A public or private college, junior college, or university; a playground; a church or other structure in which religious services are conducted; a facility at which substance abuse prevention services or substance abuse treatment and rehabilitation services, as those terms are defined in Part 61 of PA 368 of 1978, being MCL 333.6101 et seq., are offered; or
 - (2) Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
- (j) All marihuana plants shall be kept in an enclosed, locked facility, as that term is defined in the Michigan Medical Marihuana Act.
- (k) This section shall apply to every person engaging in the activities of a primary caregiver as a home occupation, regardless of whether or not the activities commenced prior to the enactment of this section.

(Ord. No. 1273, § 1, 3-8-21)

- (a) *Temporary construction buildings and storage trailers.* Temporary construction buildings, structures, uses and storage may be permitted, after review and approval of the building official, subject to the following conditions:
- (1) *Temporary construction buildings.*
 - a. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.
 - b. No temporary building or structure shall be used as a dwelling unit.
 - (2) *Temporary trailers.*
 - a. Enclosed trailers may be used for the temporary storage of materials only in commercial and Industrial zoning districts and when such materials are in the process of being received or shipped.
 - b. The trailer(s) shall not be used for permanent storage of materials.
 - c. Each trailer shall be equipped with a current trailer license as issued by a state and be in proper operating condition to be used upon the streets and roadways of this state.
 - d. The use of trailer(s) for temporary storage shall be limited to three trailers for the permitted principal use.
- (b) *Temporary outdoor uses, activities and special events.*
- (1) Temporary outdoor uses and activities, such as but not limited to art shows, sidewalk sales, carnivals, auto shows, and boat shows, may be approved for a period not to exceed consecutive days; provided, the proposed use or event is found to be: Temporary in character; not detrimental to adjacent property; not disturbing to the public peace; and will not create undue traffic congestion or hazards. Temporary events, accessory to and on the same lot as a principal permitted use, may be approved by the building official. Any temporary event that is conducted on public right-of-way or City-owned property shall require City Council approval.
 - (2) Tent sales in a parking lot for individual businesses shall be permitted in all commercial and industrial zoning districts as an accessory use to a primary permitted use. All merchandise sold shall be that of the regular retail use in the principal building of the site. Each business shall be limited to one tent sale per calendar year for a maximum of ten consecutive days. The area occupied by the tent sale shall not exceed ten percent of the floor area of the permanent retail space of the business and the longest dimension of the tent shall not exceed the width of the permanent retail space of the business. Tent sales shall be located in a manner that does not conflict with site circulation for vehicles or pedestrians. A site plan shall be provided for administrative approval by the building official showing the location of the proposed tent, existing structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity.
- (c) *Residential temporary uses and structures.*
- (1) A temporary structure or a temporary use which meets all of the following conditions shall be permitted in a residential district:
 - a. In the case of a temporary structure, a permit has been issued by the Building Safety Office authorizing the temporary structure.
 - b. In the case of a temporary use, a permit has been issued by the Planning Division. In determining whether to issue a permit, the Planning Division shall review a request in accordance with the standards outlined in Sections 1262.02(f)(1) to (9) and shall approve the request, deny it or approve it with conditions.
 - c. The person issued a permit under subsection (c)(1) or (2) hereof agrees in writing to remove the temporary structure or cease temporary use pursuant to the permit.
 - d. Permits issued under subsection (c)(1) or (2) hereof shall be for a period not to exceed two weeks, and upon

request may be extended twice for a period not to exceed two weeks for each extension.

- (2) The temporary use of a permanent structure as a real estate office for the purpose of marketing new residential development which meets all of the following conditions shall be permitted in a residential district:
- a. The temporary use of the permanent structure is located within the residential development.
 - b. The temporary use of the permanent structure shall be removed after three years, or after 90 percent of the residential development is sold, whichever comes first.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.04. - Reserved.

1250.02.05. - Keeping of animals.

(a) *Definitions.* As used in this section:

Livestock means horses, cattle, sheep, goats, poultry, pigs and other useful animals normally kept or raised on a farm, including pygmy goats and potbelly pigs.

Wild animal means any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the families of the following: Alligator, deer, opossum, badger, wild dog, dog-wolf, coyote, weasel, bear, raccoon, skunk, wild cat, lemur, marten, poisonous spider, poisonous lizard, snake, and primate (excluding humans).

(b) *Household pets.*

- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as commonly housed inside human dwellings as household pets, is permitted as an accessory use in any zoning district.
 - (2) No more than three dogs, four months of age and older, shall be kept or housed in or at one dwelling unit.
- (c) *Wild animals.* The keeping of wild animals, as defined in this chapter, shall be prohibited in any residential zoning district.
- (d) *Livestock.* No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of except as provided for below:
- (1) No more than five hens may be kept on any one- or two-family residential property, and no roosters, ducks, peacocks, turkeys or emus shall be allowed;
 - (2) Hens must be kept in an enclosure so constructed or repaired as to keep the hens confined on the owner's property, and to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;
 - (3) A covered enclosure or fenced enclosure shall not be located closer than ten feet from the property line of any adjacent property, nor closer than 40 feet from any residential structure on an adjacent property, unless the adjacent property owner consents in writing to the Zoning Administrator;
 - (4) All feed and other items associated with the keeping of hens that are likely to attract or to become infested with or infected by rats, mice, or other rodents, shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.06. - Restrictions on demolition and reuse of lots.

No permit for demolition of a primary structure may be issued if the intended use is for non-required parking or if the property on which the structure is located is zoned for nonresidential purposes and the intended use is for open space, unless the request satisfies one of the following:

- (a) The structure is being demolished to accommodate construction of a development plan approved by the City. A demolition permit being authorized under this condition shall not be issued until a site plan has been submitted to the City for review and approval in accordance with the requirements of Chapter 1260.
- (b) A special land use permit for parking has been approved by the Lansing City Council.
- (c) The owner of the property can demonstrate, to the satisfaction of the Director of the Economic Development and Planning Department that:
 - (1) Demolition of the structure will not disrupt the established land use/development pattern in the area in which it is located.
 - (2) Redevelopment or reuse of the site will have no negative impacts on the adjoining property owners.
 - (3) Redevelopment or reuse of the site will be consistent with the land use pattern being advanced in the Comprehensive Plan.
 - (4) The additional parking is necessary to accommodate the parking needs of the use that it is intended to serve during a typical day and no other options for providing said parking are reasonably available.
 - (5) The structure proposed for demolition is deemed to be a threat to the health, safety and welfare of the community by the City of Lansing Building Safety Office, Code Compliance Office, or Fire Department.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.07. - Vehicle parking, service, and storage.

(a) *All districts:*

- (1) Commercial vehicles used as signs are prohibited. No commercial vehicle may be parked for a time period exceeding 48 hours for the intended purpose, as determined by the Zoning Administrator, of advertising a product or serving as a business sign.
- (2) All vehicles must be incidental to the primary use.
- (3) An accessory use on a lot shall not include the storage of junk or junk vehicles.

(b) *Residential districts:*

- (1) The parking or storage of the following shall not be permitted in a residential district except within a completely enclosed building:
 - a. A vehicle with three or more axles, with or without a trailer;
 - b. A bus/motor coach, box truck, flat-bed truck, wrecker, semi-tractor/trailer, construction vehicle, farm vehicle or equipment including, but not limited to, a trailer, backhoe or dump truck;
 - c. A vehicle with a gross weight exceeding 10,000 pounds; and
 - d. A vehicle which exceeds 12 feet in height or 35 feet in length.
- (2) The parking or storage of essential public service vehicles (e.g., ambulance) where the vehicle is operated by the homeowner or the occupant of the dwelling is exempt from these provisions.
- (3) An accessory structure shall not be used to service or repair a motor vehicle owned by a person other than a

person residing on the premises on which the accessory structure is located.

- (4) An accessory use on a residential lot shall not include motor vehicle repair, except repair to a vehicle owned by a person residing on the premises so long as the repair is completed within a 24-hour period and is limited to:
 - a. Changing oil or other fluids;
 - b. Minor tune-up;
 - c. Tire rotation; and
 - d. Changing brake pads if the vehicle is supported in a safe manner.
- (5) No accessory structure may be a public garage.
- (6) An accessory use of a lot may include the parking of up to four operable vehicles or one operable vehicle for each licensed driver residing in the dwelling, whichever is greater.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.08. - Recreational vehicle and recreational equipment parking and storage in residential districts.

The following standards shall apply in all residential districts:

- (a) Recreational vehicles shall not be connected to sanitary facilities, shall not be occupied, and shall be locked at all times.
- (b) Recreational vehicles and recreational equipment greater than eight feet in width or 32 feet in length shall not be parked or stored on any residential lot, except as otherwise permitted in this ordinance.
- (c) No more than two recreational vehicles or pieces of recreational equipment, or a combination thereof, shall be stored on a residential lot.
- (d) Only one recreational vehicle or piece of recreational equipment, not exceeding 25 feet in length, may be parked or stored on an approved driveway within the front or side yard of a residential lot.
- (e) Except as otherwise permitted in this Section, recreational vehicles must be parked on a paved surface in the rear yard and must be setback as least three feet from the side and rear property lines.
- (f) Regardless of size, one recreational vehicle may be temporarily parked anywhere on a paved surface within a residential lot for up to 72 hours within a seven-day time period for the purpose of loading and unloading or for normal maintenance and cleaning.
- (g) Recreational vehicles and equipment may not be stored or parked on a residential lot for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or equipment.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.09. - Restaurants and taverns with outdoor seating.

Outdoor seating areas on private property accessory to a restaurant or bar are permitted only after approval by the Zoning Administrator of a plan, and subject to the following requirements:

- (a) The seating area shall be delineated with railings or ornamental walls that are a minimum of three feet tall.
- (b) Pedestrian circulation and access to the building entrance shall not be impaired. Access to the outdoor seating shall be provided only through doors leading into the building.
- (c) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.

(d) Additional signage shall not be permitted.

(e) Requests for outdoor seating shall include submission to the Zoning Administrator of a plan that demonstrates compliance with the above requirements.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.10. - Medical marihuana—Reserved.

(Ord. No. 1273, § 1, 3-8-21)

1250.02.11. - Adult businesses.

(a) *Intent.* In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones.

(b) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

Adult bookstore means an establishment which excludes minors, as defined in M.C.L.A. 722.51 et seq., and has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/ or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material which exceeds percent of the floor area of the establishment.

Adult business means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section, which meets one or more of the criteria defined in "adult business, significant portion."

Adult business, significant portion means a business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:

- (1) Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.
- (2) Thirty-five percent or more of the usable floor area of the building, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined herein.
- (3) The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

Adult cabaret means an establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas, as defined herein.

Adult motion picture theater means an establishment, in a completely enclosed building or room, which excludes minors, with a capacity for more than or persons as defined in M.C.L.A. 722.51 et seq., and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television,

satellite transmissions or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

Adult mini-motion-picture theater, as defined above, means with a capacity for 50 or fewer persons.

Adult novelties means objects, items, and/or devices offered for sale which are designed for sexual stimulation or which simulate human genitals.

Adult personal service business means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Buttock means the perineum and anus of any person.

Massage means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

Massage parlor means an enterprise of a nonmedical nature specializing in the manipulation of body tissues for remedial or hygienic purposes, as by rubbing, stroking, or kneading with the hand or instrument.

Nude modeling studio means a place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.

Offered for sale means offered in exchange for money, a membership fee or any other valuable consideration.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region or buttock or female breast.

Sexual intercourse means genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body, or of any object into the genital or anal openings of another's body.

Sodomy means sexual bestiality.

(c) *Location of uses.* Any existing building or land, or new building hereafter erected, converted or structurally altered, used for an adult business, shall meet all of the following conditions:

- (1) No adult business, as defined herein, shall be permitted within a 1,000-foot radius of an existing adult business. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- (2) No adult business, as defined herein, shall be permitted within a 300-foot radius of any residentially used or zoned land as depicted on the official Zoning Map and defined in this Zoning Code. Measurement of the 300-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- (3) No adult business, as defined herein, shall be permitted within a 300-foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or other place of public congregation. Measurement of the 300-foot radius shall be made from the outermost

boundaries of the lot or parcel upon which the proposed adult use will be situated.

(4) No adult business, as defined herein, shall be permitted within the Capitol Center District, as defined in Section 1442.23(b) of the Building and Housing Code.

(d) *Miscellaneous requirements.*

(1) No person shall reside in or permit any person to reside in the premises of an adult business.

(2) The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license through the Lansing City Clerk.

(Ord. No. 1273, § 1, 3-8-21)

1250.03. - Supplemental dimensional regulations.

1250.03.01. - Projections into yards.

Certain architectural features may project into the required yards as follows:

(a) *Permitted projections into required yards.*

Figure 139

Projection	Front Yard	Rear Yard	Side Yard
Air conditioning equipment shelters	Not permitted in front yard Permitted up to 3 feet from any side or rear lot line		
Arbors and trellises	Permitted up to 4 feet from any lot line		
Awnings and canopies	3 feet	5 feet	0 feet
Bay windows	3 feet	5 feet	0 feet
Eaves, overhanging	3 feet	5 feet	3 feet
Flagpoles	Permitted up to 4 feet from any lot line		
Gutters	3 feet	5 feet	1 foot
Light standard, ornamental	Permitted in any yard		

Mechanical equipment such as HVAC		3 feet	5 feet
Paved terraces	Permitted up to 3 feet from any lot line		
Unroofed porches and stoops*	3 feet	5 feet	1 foot
Stairways, open unroofed	3 feet	5 feet	1 foot
Steps	3 feet	5 feet	1 foot
Window air conditioning units	3 feet	5 feet	1 foot

* See additional regulations in this ordinance.

(Ord. No. 1273, § 1, 3-8-21)

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1250.03.02. - Supplementary height regulations.

The following structural appurtenances may be permitted to exceed the height limitations for the authorized use, as follows:

- (a) Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the allowable height limit.

(Ord. No. 1273, § 1, 3-8-21)

1250.03.03. - Sight visibility at corners and driveways.

- (a) *Corner clearance at street intersections.* No fence, wall, shrubbery, sign or other obstruction to vision above a height of three feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of ten feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in question, a ten-foot setback shall be required between the property line and the driveway or alley.
- (b) *Visibility at driveways.* No fence or hedge shall materially obstruct the vision of motorists entering any street or other public way open to vehicular traffic from a driveway adjacent thereto. The area of a lot to which this applies is the area within a triangle joining the point of the intersection of the lot line and the side edge of the driveway, a point on the driveway edge line ten feet from such intersection (away from the right-of-way) and a point on the lot line ten feet from such intersection (away from the driveway).

(Ord. No. 1273, § 1, 3-8-21)

1250.04. - Site development regulations.

1250.04.01. - Accessory buildings and structures, and attached garages.

(a) *In general, applies to all districts.*

- (1) Accessory buildings and structures are permitted only in connection with and incidental to a principal building or use permitted within the zoning district in which it is located.
- (2) No accessory building or structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- (3) An accessory building or structure must be located in the same zoning district as the principal building or structure on a lot.
- (4) Where the accessory building or structure is structurally attached to a principal building or structure, it shall be subject to all the regulations of this chapter applicable to principal buildings and structures except as otherwise noted in this section.
- (5) Accessory buildings and structures shall not be occupied for dwelling purposes.
- (6) Detached accessory structures shall not be permitted in a front yard and shall be set back at least three feet from side or rear lot line. Detached accessory structures that are 1,000 square feet or more in area shall be set back not less than six feet from any side or rear lot line. If an accessory structure is attached to a structure containing the principal use, it shall meet all dimensional requirements imposed upon the structure containing the principal use, except as provided in this section.
- (7) The maximum building height of any detached accessory building shall be 15, as defined in Chapter 1240.
- (8) The design and building materials of any accessory building shall be consistent with the character of the principal building on the property.
- (9) The floor area of an accessory building shall not exceed the ground floor area of the principal building.
- (10) Accessory structures for an approved nonresidential use shall comply with the setback requirements for the principal structures and shall provide landscaping, screening and buffering in accordance with Chapter 1252.

(b) *Applies to residential districts.*

- (1) Single family residential lots shall have no more than one storage shed and one garage or detached carport. Residential lots that contain a legally conforming duplex may have one accessory structure, which may be a garage, carport or storage building, for each unit. Multiple family residential lots may have one accessory building, which may be a garage, carport or storage building, for each legally conforming, multiple family residential building on the property.
- (2) The maximum floor area of an accessory structure, for each unit in a duplex, shall be 600 square feet on a lot less than 10,000 square feet in size and 720 square feet on a lot greater than 10,000 square feet in size.
- (3) The following size limitations shall apply to buildings that are accessory to a single family residential dwelling:

Figure 140

Lot Size (square foot)	Maximum Square Footage of Detached Accessory Garages	Maximum Square Footage of All Accessory Buildings	Maximum Square Footage of Attached Garages

Less than 5,000	600	800	600
5,000—7,800	720	1,000	800
7,801—10,800	770	1,050	800
10,801—21,780	<u>840</u>	1,200	1,000
21,781—43,560	1,000	1,200	1,000
43,560+	1,200	1,400	1,200

- (4) Accessory buildings and structures combined shall cover no more than 35 percent of a rear yard.
- (5) The floor area of additions and structures attached to the private garage, including, but not limited to, covered patios, decks, storage areas and carports, shall be included in calculating the total allowable floor area of that garage.
- (6) The floor area of a garage or carport space in a planned unit shall not exceed 770 square feet, per unit.
- (7) On through lots, an accessory structure located behind the principal structure shall conform to the front yard setback of the district in which it is located.
- (8) Uncovered and unenclosed decks, patios, terraces and porches elevated six inches or more above grade in any residential district shall be set back a minimum of three feet from any side lot line and may project up to eight feet into the required front and rear yard setbacks.
- (9) An accessory structure shall not involve the operation of a business.

(Ord. No. 1273, § 1, 3-8-21)

1250.04.02. - Mechanical equipment.

- (a) Ground- and building-mounted mechanical equipment including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing and tanks are subject to the following regulations:
 - (1) Mechanical equipment and utilities located on or around any non-residential or multiple-family building shall be screened from public view. Such screening shall be of a height sufficient to screen the equipment.
 - (2) Alternatives for screening materials for ground-mounted mechanical and utilities shall include a solid wall, fence, evergreen plantings, berms and/or other decorative features compatible with the principal building. In a non-residential zoning district, ground-mounted mechanical equipment shall not be located within 20 feet of any residential district.
- (b) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.
- (c) All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment and the screening shall be integrated into the architectural design of the building meeting the

standards noted in Section 1246, Building Types. Screening is not required if such equipment is not visible when standing at grade level not less than 200 feet from the front entrance of the building. Where adjacent to any residential district, all roof-mounted mechanical units must be setback a minimum of 20 feet from the side of the building facing the residential district and screened using solid architectural materials that meet the standards noted in Section 1246, Building Types, and that provide sound attenuation.

(Ord. No. 1273, § 1, 3-8-21)

1250.04.03. - Exterior lighting.

(a) *Definitions.*

Canopy structure means any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Flood or spot light means any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Glare means direct light emitted by a lamp, luminous tube lighting or other light source.

Lamp means the component of the luminaire that produces the actual light including luminous tube lighting.

Light fixture means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light pollution means artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire means the complete lighting system including the lamp and light fixture.

Luminous tube lighting means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Outdoor light fixtures means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Shielded fixture means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

(b) *Lighting standards.* Unless otherwise exempted by this section, all lighting must comply with the following standards:

(1) *Freestanding pole lighting.*

- a. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
- b. The intensity of light shall not exceed five foot-candles within any site. For sites abutting a residential district or use, the intensity of light cannot exceed 0.5 foot-candles at the property line. A maximum of ten foot-

candles is permitted within a site for gasoline stations and automobile dealerships as long as the light intensity does not exceed the allowable intensities at the property line.

- c. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- d. The maximum height of parking lot light fixtures shall be 20 feet, except that the Zoning Administrator may permit a maximum height of 30 feet within commercial, mixed use, industrial, research and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.

(2) *Building-mounted lighting.*

- a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
- b. The intensity of light shall not exceed five foot-candles within any site. For sites abutting a residential district or use, the intensity of light cannot exceed 0.5 foot-candles at the property line. A maximum of ten foot-candles is permitted within a site for gasoline stations and automobile dealerships as long as the light intensity does not exceed the allowable intensities at the property line.
- c. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- d. Luminous-tube and exposed-bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Zoning Administrator may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

(3) *Window lighting.*

- a. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- b. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Section 220-78, Signs.

(c) *Exemptions.* The following are exempt from the lighting requirements of this article, except that the Zoning Administrator may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

- (1) Sports field lighting, in use no later than 11:00 p.m. Other sports field lighting may be approved by the Zoning Administrator after a determination that compliance with the standards in this Section have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.
- (2) Swimming pools.
- (3) Holiday decorations.
- (4) Window displays without glare.
- (5) Shielded pedestrian walkway lighting.
- (6) Residential lighting with no off-site glare.
- (7) Street lights.

(Ord. No. 1273, § 1, 3-8-21)

1250.04.04. - Waste receptacles and enclosures.

- (a) Waste receptacles may be permitted as accessory to any use except single or two-family residential uses, subject to the following conditions:
- (1) Waste receptacles must be clearly accessible to servicing vehicles.
 - (2) A concrete pad, at least two feet greater than the dimension of the waste on all sides, shall be provided.
 - (3) Waste receptacles shall be screened on all sides. Such screening shall be constructed of an earth mound, brick or decorative concrete block or an opaque wood or vinyl fence with a minimum height of six feet or one foot above the height of the enclosed dumpster, whichever is greater.
 - (4) Access gates must provide screening and may be of wood construction or chain-link with screen slats.
 - (5) Waste receptacles and their screening enclosures shall be located as far from residential districts/uses as practical.
 - (6) Waste receptacles and their screening enclosures shall be located in such a manner as to minimize impacts on adjacent properties by not obstructing or impeding views from windows, doorways, or outdoor gathering areas.
 - (7) The location of waste receptacles shall be indicated on the site plans and the location and screening shall be subject to approval of the Zoning Administrator.
 - (8) Detail drawings or a note shall be provided on the plan to assure that the above requirements are met.
- (b) The above requirements shall not apply to portable trash containers intended for curbside pick-up.

(Ord. No. 1273, § 1, 3-8-21)

1250.04.05. - Collection bins.

- (a) *Purpose.* The purpose of this section is to regulate collection bins in the City of so that they remain clean, safe and do not create hazards to pedestrians or to vehicular traffic.
- (b) *Definitions.* As used in this section, unless otherwise provided:

Collection bin means any container, receptacle, or similar device that is located on any parcel or lot of record within the City and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

Code compliance office means the Code Compliance Supervisor or his or her authorized representative.

Collection bin operator means a person who owns, operates, supervises or otherwise is in control of collection bins to solicit collections of salvageable personal property.

Property owner means any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, county or municipality as holding title to the property.

Public Service Department means the Director of Public Service or his or her authorized representative.

- (c) *Permit required.* No person or entity shall cause or permit the installation or placement of a collection bin upon any real property located within the City of Lansing, whether public or private, without first obtaining an annual permit from the City Clerk.
- (d) *Permit application.* An application for a collection bin permit, as required by this section shall be made to the City Clerk upon forms provided by the City. Such application shall be filed with the City Clerk not less than 30 days prior

to date that the collection bin is placed on real property. One annual permit is required for each collection bin. The application shall contain the following information:

- (1) An affidavit and acknowledgment from the property owner, giving written permission to place a collection bin on the property owner's real property, as well as an acknowledgment of receipt of a copy of this chapter, and a signed statement agreeing to obey all of its requirements.
 - (2) A site plan indicating the placement of the collection bin, in compliance with the requirements of this section.
 - (3) The name, address, telephone number and e-mail address of the applicant, property owner and collection bin operator.
 - (4) The name, address, telephone number and e-mail address of the agent or person who will be available during regular business hours and will be responsible for compliance.
 - (5) A photograph of the collection bin to be installed.
 - (6) The number to a 24-hour hotline for overflow events.
 - (7) A nonrefundable fee determined by resolution as set by City Council.
 - (8) A copy of the license and registration from the State of Michigan under the Michigan Consumer Protection Act and the Charitable Organizations Solicitations Act if statutorily required.
 - (9) In order to bring existing collection bins into compliance with this section, collection bin operators, of existing collection bins, shall have 30 days from the adoption of this chapter to submit a permit application to the City Clerk.
- (e) *Permit form, effective periods and renewal.* The City Clerk shall issue a permit for compliant collection bins that conform to the following:
- (1) A collection bin permit is valid for a one-year period. The renewal application must be filed not later than 30 days before the current permit expires.
 - (2) If the permit expires and the permit is not renewed, the collection bin must be removed from the real property within a maximum of ten days after expiration of the permit.
- (f) *Permitted locations.*
- (1) Collection bins are allowed in all commercial and industrial districts.
 - (2) Collection bins shall not be located within 1,000 feet from another collection bin as measured along a straight line from one box to the other.
- (g) *Standards for bin and surrounding area.* Collection bins shall conform to the following standards:
- (1) Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
 - (2) Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.
 - (3) Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
 - (4) The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow and materials do not accumulate outside the collection bin.
 - (5) The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall be jointly and severally responsible for the City's cost to abate any nuisance.

- (6) Collection bins shall be located on a parcel where there is a functioning and permitted use. Collection bins shall not be permitted:
 - a. On any land used or zoned residential;
 - b. On any unimproved parcel;
 - c. Where the principal use of the land has been closed or unoccupied for more than 30 days.
 - (7) One collection bin on a single lot of record is allowed.
 - (8) The total size of a collection bin is limited to a maximum dimension of five feet by five feet by seven feet.
 - (9) Collection bins shall not cause a visual obstruction, as determined by the Transportation Engineer, City Engineer or Director of Public Service Department, to vehicular or pedestrian traffic.
 - (10) No collection bin shall be placed closer than ten feet from:
 - a. A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the sidewalk maintains a five-foot clearance;
 - b. A public right-of-way;
 - c. A driveway; or
 - d. A side or rear property line of adjacent property used for purposes.
 - (11) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit.
 - (12) Collection bins shall be made of durable metal or UV resistant molded hard plastic or fiberglass material that is fire resistant or fire proof.
- (h) *Identification of collection bins.*
- (1) Collection bins shall have signage on each bin that identifies the name, mailing address, email address, website and phone number of the collection bin operator. The collection bin signage may include a company logo. Total sign area on the collection bin signage may not exceed six square feet per side. The font size used on the sign shall not be less than one inch in height.
 - (2) The collection bin must prominently display at all times a readable permit identification sticker provided by the City.
- (i) *Permit revocation, removal of collection bins and liability.*
- (1) If the Public Service Department and/or Code Compliance Office determines that a collection bin has been placed or is being maintained in violation of this chapter, a correction notice shall be sent by regular United States Mail to the collection bin operator and property owner of the real property on which the collection bin has been placed, as shown on the most recent permit application. In the event there is not on file a permit application made for the collection bin within 24 months immediately preceding the date of violation, the correction notice shall be sent to the real property tax payer of record in the Assessor's office. The correction notice shall describe the offending condition and the actions necessary to correct the condition. The correction notice shall provide that the offending condition be corrected or abated within seven calendar days after mailing.
 - (2) If the offending condition is not corrected or abated within seven calendar days after mailing, the City or the City's contractor shall clean-up the collection bin area.
 - (3) All costs incurred by the City or the City's contractor associated with the correction or abatement of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and

collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

- (4) The City Clerk shall have the right to revoke any permit issued hereunder if:
- a. Offending conditions cited in a correction notice are not corrected or abated within seven days after mailing;
 - b. Placement or conditions of the bin or surrounding area violate any applicable state or federal law;
 - c. Any governmental authority or agency determines that the collection bin has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act or other statute enacted to regulate or govern collection bins.
- (5) Upon revocation of permit issued pursuant to this chapter, the collection bin shall be removed from the real property within ten calendar days and, if not so removed within the time period, the City or the City's contractor may remove, store or dispose of the collection bin.
- (6) All costs incurred by the City or the City's contractor associated with removal, storage or disposal of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
- (7) If a collection bin permit is revoked, the collection bin operator shall not be eligible for a new permit for one year from the date of revocation.
- (j) *Appeal to City Council.* Any person aggrieved by the decision rendered by the City Clerk in granting or denying an application for a permit under this article or in revoking a permit issued under this article may appeal that decision to the City Council. The Public Service Department shall make written findings of fact in support of any license revocation. The appeal shall be made by filing a written request with the City Clerk setting forth the grounds for the appeal not later than ten days after receiving notice of the revocation by the City Clerk. In the event that the written request is filed with the City Clerk, Council shall hold a public hearing on the revocation, and shall have the power to reverse, affirm or modify the decision of the City Clerk. Council shall, in its determination, make written findings of fact supporting its decision. The determination by Council shall be final, subject to appeal to a court of competent jurisdiction.
- (k) *Penalty and remedies.*
- (1) In addition to revocation of permit pursuant to this section any person violating the provisions of this article is guilty of a municipal civil infraction.
 - (2) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this chapter, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
 - (3) Nothing in this chapter shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this chapter.
 - (4) The collection bin operator and real property owner shall be jointly and severally liable for each violation and for payment of any fines and costs.

1250.04.06. - Fences and hedges.

(a) *Purpose; application.* In order to protect the use and enjoyment of properties by providing for the passage of air and light; to protect the public welfare and safety by providing for the safe movement of motor vehicles and pedestrians; and to facilitate efficient police and fire-fighting services, no person shall erect, construct, modify, maintain, plant or grow any fence, hedge, tree, shrub, plant or vine or cause or permit the same to be done in violation of this chapter.

(b) *Definitions.* As used in this chapter:

Minor repair means repairs dealing primarily with nonstructural portions of the fence, as well as appearance.

Major repair means repairs directly connected to the structural portion of the fence.

Safety hazard means any fence which is not in conformity with this section.

(c) *Limitations.*

(1) *Front yard.*

- a. No fence or hedge shall exceed a height of three feet within a front yard.
- b. In front yard corner lots, an unobstructed clear vision corner shall be maintained as specified in Section 1250.03.03.
- c. For driveways not on a corner, see Section 1250.03.03(b).
- d. A fence within the front yard may be erected or maintained to a height above three feet, but not to exceed a height of four feet, if the fence meets all of the following requirements:
 1. The fence consists of at least 50 percent of open spaces uniformly distributed along its surface above a height of three feet.
 2. Vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular traffic on adjacent streets or public ways or of pedestrian traffic.
- e. Chain-link, wire, cyclone or similar fences are prohibited in front yards in all non-industrial zoning districts.
- f. A hedge within a front yard may be planted, grown or maintained to a height above three feet if the hedge meets all of the following requirements:
 1. The property owner prepares and submits to the Zoning Administrator a written plan which complies with the requirements for landscaping, screening and buffering plans as set forth in this section.
 2. The abutting road is not a local street as defined the Comprehensive Plan, or the abutting property is used for industrial purposes.
 3. The hedge does not obstruct the vision of motorists and complies with paragraphs (1)(b) and (1)(c) hereof.
 4. All abutting property owners submit a written statement that they do not object to the plan.
 5. The plan is approved by the Zoning Administrator.

(2) *Side and rear yard.*

- a. No fence or hedge within a side yard or rear yard shall exceed six feet in height but may be permitted to a maximum height of eight feet, if all of the following requirements can be met:
 1. The property is zoned for commercial or industrial land use, or in the case of properties zoned for residential or office uses, the abutting property is zoned for commercial or industrial land use.
 2. The topography of the subject property is generally one or more feet lower than the abutting property, or the health or safety of the owner or occupant of the subject property is endangered by uses of the abutting property.

3. The fence is approved by the Zoning Administrator.

(d) *Materials.*

- (1) Fences shall be constructed of one or more of the following materials: Chain-link, wood, brick, poured concrete, wrought-iron, vinyl or similar material that is approved by the Zoning Administrator.
- (2) For all fences less than eight feet in height and for all fences, regardless of height, which are less than 30 feet from a neighboring parcel of land which is being used residentially, barbed wire on fences may be utilized only upon the written request of the applicant and written approval by the Zoning Administrator. Approval of such request shall be based on demonstrated need, safety and reasonableness. For all fences eight feet in height and 30 feet or more away from a neighboring parcel of land which is being used residentially, barbed wire on fences shall be allowed without prior approval of the Zoning Administrator. Under no circumstances will any fence six feet in height or less be permitted to use barbed wire. Barbed wire shall not extend more than three vertical feet above the top of the fence.
- (3) No fence shall contain razor wire, concertina wire or similar type of wire, or carry any electrical current.
- (4) Berms. If earth berms are to be constructed, they shall have a maximum slope of 3:1 and shall be sodded or seeded or utilize other ground cover. Berm height, width, location and materials must be approved by the Department.

(e) *Swimming pool fences.*

- (1) Except as otherwise provided in this chapter, every swimming pool with a depth of 24 inches at any point and/or a volume of 150 cubic feet or more must be maintained within an adequate enclosure surrounding the pool area that complies with the following provisions:
 - a. The pool enclosure shall extend not less than four feet above the ground. All enclosures shall be self-closing and self-latching with latches placed at least four feet above the ground. No opening in a pool enclosure fence or gate shall be designed or maintained so as to permit access to the pool except under the supervision of the pool owner or by his permission.
 - b. Pool enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the fence. Pool enclosure fences shall be designed to withstand substantial (200 pounds per square foot) concentrated horizontal loads at any point in the fence.

(f) *Unsafe or dangerous fences; failure to maintain.*

- (1) No owner, occupant or agent in charge shall keep or maintain any fence which is unsafe or dangerous. A fence shall be deemed unsafe or dangerous whenever:
 - a. More than 50 percent of the fence area is in need of paint or other minor repair;
 - b. Any portion has been damaged by wind, flood, fire or other cause in such a manner that structural strength or stability is appreciably less than it was previous to such event;
 - c. Any portion of any structural member of the fence is likely to fall, to become detached or dislodged or to collapse and thereby injure persons or damage property; or
 - d. More than ten percent of the fence area is in need of major repair.

(g) *Repair or removal; remedies of City.* The Department of Economic Development and Planning may order repaired or removed any fence which is hazardous to the health or safety of the community. Sections 1250.04.06(c) and (f) shall be utilized as the basis for making such decision. Upon finding a fence which is a health or safety hazard, the Department shall adhere to the following process:

- (1) The Department, upon finding a fence that is a health or safety hazard, shall notify the property owner of the

problem in writing by mail or, if possible, in person. The property owner shall be given ten working days to resolve the identified problem.

- (2) If the health or safety hazard still exists after ten working days, the Department shall post the fence as being a health or safety hazard. A certified letter, return receipt requested, shall also be sent to the property owner notifying the owner of the health or safety hazard and of the actions necessary to correct the hazard and what the City will do if it is not corrected by a certain date. The owner shall be given 30 days to resolve the identified problem.
 - (3) The Department shall re-inspect the property after 30 days. If the identified problem still exists, the Department shall have the fence, or that portion of the fence causing the problem, repaired or removed with the cost of such repair or removal being attached to the tax rolls for the property.
- (h) *Conflict of laws.* All ordinances or parts of ordinances in these Codified Ordinances which require fences that are inconsistent with this chapter shall remain effective and nothing in this chapter shall be construed to limit the authority or power granted elsewhere in these Codified Ordinances to any City department, board or commission to require fences in appropriate circumstances which deviate from the requirements of this chapter.

(Ord. No. 1273, § 1, 3-8-21)

1250.05. - Antenna, communications, and energy structures.

1250.05.01. - Reception antenna facilities.

- (a) In all single-family zoning districts, the installation and/or use of a reception antenna facility having a diameter in excess of three feet shall be permitted only as an accessory use and only as authorized in this section.
- (b) A ground-mounted reception antenna facility shall be located in the rear yard only and shall be located no closer than six feet from a side or rear lot line.
- (c) A roof-mounted reception antenna facility shall be located on that portion of the roof adjacent to the rear yard of the property and a structure-mounted facility shall be located in the rear yard only.
- (d) Excluded from the regulations of this section are conventional VHF and UHF television.

(Ord. No. 1273, § 1, 3-8-21)

1250.05.02. - Wireless communications towers and antennas.

- (a) *Purpose.* The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance [chapter] are to:
 - (1) Protect residential areas, property values, and land uses from potential adverse impacts of towers and antennas;
 - (2) Strongly encourage the location of towers in nonresidential areas;
 - (3) Minimize the total number of towers throughout the community;
 - (4) Strongly encourage the appropriate placement of new and existing towers;
 - (5) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (6) Strongly encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (7) Strongly encourage users of towers and antennas to configure them in a way that minimizes displeasing aesthetics of the towers and antennas through careful design, siting, landscape screening, and innovative

camouflaging techniques;

- (8) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (9) Consider, to the extent permitted by law, the public health and safety impacts of communication towers; and
- (10) Avoid potential damage to adjacent properties from tower failure through engineering, design, and careful siting of tower structures.

In furtherance of these goals, the City shall give due consideration to the City's Comprehensive Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

- (b) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

Alternative tower structure means clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and *preexisting antennas* means any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

- (c) *Applicability.*

- (1) *New towers and antennas.* All new towers or antennas in the City shall be subject to these regulations, except as provided in subsections 1250.05.02(c)(2) through 1250.05.02(c)(4), inclusive.
- (2) *Amateur radio station/receive only antennas.* This chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for those antennas defined in Code of Federal Regulations 1.4000.
- (3) *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of subsections 1250.05.02(d)(6) and 1250.05.02(d)(7).
- (4) *AM array.* For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one am broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

- (d) *General requirements.*

- (1) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas and/or towers may be located on leased parcels within such lot.
- (3) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Information submitted to the Zoning Administrator shall be considered public information. The Zoning Administrator may share such information with the public and other applicants applying for special land use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (4) *Aesthetics.* Towers and antennas shall meet the following requirements:
 - a. Except as otherwise required for an alternative tower structure, towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting may be provided on an alternative tower structure to enhance its camouflaging or concealing effect. All lighting must be approved by the City.
- (6) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the

owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (8) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
 - (9) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - (10) *Public notice.* For purposes of this chapter, any special land use request, variance request, or appeal of a special land use shall require public notice to the LPD neighborhood watch coordinators, and all neighborhood associations, property owners, neighborhood associations, neighborhood watches, and all property owners and occupants of properties that are located within 1,000 feet of the parcel that is the subject of the request, in addition to any notice otherwise required by the Zoning Code.
 - (11) *Signs.* No signs shall be allowed on an antenna or tower.
 - (12) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 1250.05.02(h).
 - (13) *Multiple antenna/tower plan.* The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
 - (14) *Height.* No tower shall exceed the maximum allowable height of the zoning district in which it is location, unless a variance is approved by the Board of Zoning Appeals.
- (e) *Permitted use.* The following use is deemed to be a permitted use and shall not require a special land use permit: Antennas or towers located on property owned, leased, or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the Council.
- (f) *Administratively approved uses.*
- (1) *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - a. The Zoning Administrator may administratively approve the uses listed in this section.
 - b. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in subsections 1250.05.02(g)(2)a. and 1250.05.02(g)(2)c. of this section and a refundable fee as established by resolution of Council to reimburse the City for the costs and expenses incurred in reviewing the application. No application for an administratively approved use shall be considered by the Zoning Administrator until all conditions required in the resolution of Council shall have been met.
 - c. The Zoning Administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
 - d. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 1250.05.02(g)(2)d. or separation distances between towers in Section 1250.05.02(g)(2)e. by up to 50 percent.
 - e. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - f. If an administrative approval is denied, the applicant shall file an application for a special land use permit

pursuant to Section 1250.05.02(g) prior to filing any appeal that may be available under the Zoning Code.

- (2) *List of administratively approved uses.* The following uses may be approved by the Zoning Administrator after conducting an administrative review:
- a. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any heavy industrial zoning district, provided that there is no residential property adjacent to the district.
 - b. Locating antennas on existing structures or towers consistent with the terms of subsections 1 and 2 below.
 1. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial mixed-use or residential multi-family structure of eight or more dwelling units, provided:
 - i. The antenna does not extend more than 30 feet above the highest point of the structure;
 - ii. The antenna complies with all applicable FCC and FAA regulations; and
 - iii. The antenna complies with all applicable building codes.
 2. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize the displeasing aesthetics associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - ii. Height:
 - (A) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - (B) The height change referred to in subsection (A) above may only occur one time per communication tower.
 - (C) The additional height referred to in subsection (A) above shall not require an additional distance separation as set forth in Section 1250.05.02(g). The tower's premodification height shall be used to calculate such distance separations.
 - iii. Onsite location.
 - (A) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
 - (B) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (C) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 1250.05.02(g)(2)e. The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 1250.05.02(g)(2)e.
 - (D) The onsite relocation of a tower which comes within a location that is less than the separation distances to residential units or residentially zoned lands as established in subsection 1250.05.02(g)(2)e shall only be permitted when approved by the Zoning Administrator.

- (3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to

existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(g) *Special land use permits.*

(1) *General.* The following provisions shall govern the issuance of special land use permits for towers or antennas by the Council following review and recommendation by the Planning Board:

- a. If the tower or antenna is not a permitted use under Section 1250.05.02(e) of this chapter, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- b. Applications for special land use permits under this section shall be subject to the procedures and requirements of Chapter 1262, Special Land Use Permits, of the Zoning Code, except as modified in this section.
- c. In granting a special land use permit, the Council may impose conditions to the extent the Council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. In addition to any other conditions, Council may require an applicant to post with the City Clerk cash, a certified check, an irrevocable letter of credit issued by a bank, or a surety bond in an amount sufficient to pay for the removal of the tower in case the tower is abandoned as set forth in Section 1250.05.02(i). The surety bond shall be open ended and shall be executed by the applicant and a United States based corporate surety authorized to do business in this state as a surety. Any surety bond or irrevocable letter of credit shall be in a form approved by the City Attorney, and shall be made payable to the City. In the event that an abandoned tower is removed at the applicant's expense, the bond, instrument of credit, cash deposit or certified check shall be released to the applicant.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- e. An applicant for a special land use permit shall submit the information described in this section, the information described in Section 1250.05.02(d), and, in addition to any other fee required by law, a refundable fee as established by resolution of the Council to reimburse the City for the costs and expenses incurred in reviewing the application. No application for a special land use permit shall be considered by the Planning Board until all conditions required in the resolution of Council shall have been met.

(2) *Towers.*

- a. *Information required.* In addition to any information required for applications for special land use permits pursuant to Chapter 1262, Special Land Use Permits, of the Zoning Code, applicants for a special land use permit for a tower shall submit the following information with the application or, with respect to other information deemed by the Zoning Administrator to be necessary to assess compliance with this chapter pursuant to subsection 1. below, as soon as reasonably practicable as determined by the Zoning Administrator:
 1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Comprehensive Plan classification of the site and all properties within the applicable separation distances set forth in subsection 1250.05.02(g)(2)e., adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

2. Legal description of the parent tract and leased parcel (if applicable).
 3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 1250.05.02(d)(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 5. A landscape plan showing specific landscape materials.
 6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 7. A description of compliance with subsections 1250.05.02 (d)(3), (4)—(7), (11), and (12), 1250.05.02(g)(2)d.
 8. 1250.05.02(g)(2)e. and all applicable Federal, State or local laws.
 9. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 10. Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question.
 11. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower, including specifics as to why such towers, structures or alternative technologies are not suitable or feasible in lieu of a tower.
 12. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- b. *Factors considered in granting special land use permits for towers.* In addition to any standards for consideration of special land use permit applications pursuant to Chapter 1262, Special Land Use Permits, of the Zoning Code, the Council may consider the following factors and any other factors allowed by law in determining whether to issue a special land use permit, although the Council may waive or reduce the burden on the applicant of one or more of these criteria if the Council concludes that the goals of this chapter are better served thereby:
1. Height of the proposed tower;
 2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Surrounding topography;
 5. Surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress;
 8. Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question; and
 9. Availability of suitable existing towers, other structures, or alternative technologies not requiring construction of a new tower, as discussed in subsection 1250.05.02(g)(2)c. of this chapter.
- c. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be

permitted unless the applicant demonstrates to the reasonable satisfaction of the Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- d. *Setbacks.* The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Council may reduce the standard setback requirements if the goals of this chapter would be better served thereby:
1. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
 2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- e. *Separation.* The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the Council may reduce the standard separation requirements if the goals of this chapter would be better served thereby:
1. *Separation from off-site uses/designated areas.*
 - i. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/ or designated areas as specified in Table 1, except as otherwise provided in Table 1250.05.A.
 - ii. Separation requirements for towers shall comply with the minimum standards established in Table 1250.05.A.

Table 1250.05.A

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	100' or 150% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	100' or 150% height of tower, ² whichever is greater
Vacant unplatted residentially zoned lands ³	100' or 100% height of tower, whichever is greater
Existing multifamily residential units greater than duplex units	100' or 100% height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

Footnotes:

1. Includes modular homes and mobile homes used for living purposes.
2. Separation measured from base of tower to closest building setback line.
3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

2. *Separation distances between towers.*

- i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1250.05.B.

Figure 142

Table 1250.05.B

Existing Towers—Types	Lattice	Guyed	Monopole 75' in Height or Greater	Monopole Less Than 75' in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in height or greater	1,500	1,500	1,500	750
Monopole less than 75' in height	750	750	750	750

f. *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Council may waive such requirements, as it deems appropriate.

g. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the Council may waive such requirements if the goals of this chapter would be better served thereby:

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced, deferred, or waived.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer; in these cases, landscaping may be deferred during the time period that the natural growth provides a sufficient buffer.

(h) *Building or other equipment storage.*

- (1) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a. The cabinet or structure shall not contain more than 36 square feet of gross floor area or be more than seven feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 36 square feet of gross floor area or seven feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five percent of the gross roof area.
 - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (2) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- a. In all residential districts, the equipment cabinet or structure may be located:
 - 1. In a front or side yard provided the cabinet or structure is no greater than six feet in height or 12 square feet of gross ground area, including foundation pad and the cabinet/structure is located a minimum of ten feet from all lot lines, and the cabinet/structure is screened by an evergreen hedge with a height of at least 36 inches.
 - 2. In a rear yard, provided the cabinet or structure is no greater than seven feet in height or 36 square feet in gross ground area, including foundation pad. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- b. In industrial and commercial mixed-use districts, the equipment cabinet or structure shall be no greater than seven feet in height or 42 square feet in gross ground area, including foundation pad. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (3) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
- (4) *Modification of building size requirements.* The requirements of subsections 1250.05.02(h)(1) through 1250.05.02(h)(3) may be modified by the Council to encourage collocation.
- (i) *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90-day period shall be grounds for the City to remove, or cause the removal of, the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (j) *Nonconforming uses.*
 - (1) *Not expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance [chapter] shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - (2) *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(Ord. No. 1273, § 1, 3-8-21)

1250.05.03. - Wind energy conversion systems (WECS).

- (a) *Intent and purpose.* The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:
 - (1) To promote the safe, effective, and efficient use of wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.

- (2) To lessen potential adverse impacts wind energy systems may have on residential areas through careful design, siting limitations, and other techniques.
- (3) To avoid potential damage to adjacent properties from turbine failure through engineering and proper siting of turbine structures.

(b) *Definitions.*

Commercial wind energy conversion system means any WECS that is designed and built to provide electricity to the electric utility power grid as an ongoing commercial enterprise or for commercial profit.

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Roof-mounted wind energy conversion system means a single wind energy conversion system that is mounted to the roof of any structure.

Shadow flicker means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Temporary meteorological towers (TMT) means a tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment and which is to remain in place for no more than 18 months.

Wind energy conversion system (WECS) means any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy.

(c) *Permitted uses.*

- (1) *Permitted accessory use.* Each parcel of property may contain one of the following which shall be considered lawful accessory uses in all zoning districts:
 - a. One TMT, up to the maximum allowable height of the zoning district in which it is located.
 - b. One WECS, up to the maximum allowable height of the zoning district in which it is located.
 - c. One roof-mounted WECS, per building, with may extend no more than ten feet above the area of the roof structure to which it is attached.
- (2) *Special land use.* All commercial WECSs regardless of height, a WECS or TMT that exceeds the maximum height allowed within the zoning district in which it is located, up to a maximum height of 150 feet, buildings with more than one roof mounted WECS and parcels of land with more than one freestanding WECS shall be permitted as a special land use in all industrial zoning districts, and shall be subject to the provisions of Section 1262, Special Land Use Permits.

(d) *Application.* Application process: The following information shall be provided with all applications for WECSs and TMTs:

- (1) *Applicant information.* Name, address and contact information.
- (2) *Legal description.* A legal description of the property on which the system would be located.
- (3) *Plot plan and documentation.* The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed wind energy system. The plot plan shall include:
 - a. The project area boundaries.
 - b. The location, height and dimensions of all existing and proposed and fencing.
 - c. Distance of proposed structure from all property lines and structures.

- d. The location and dimensions of all temporary and permanent access roads.
- e. All new infrastructure above ground related to the project.
- f. The location of all overhead utility wires.

(4) *Additional documentation.*

- a. *Insurance.* Proof of the applicant's appropriate liability insurance.
- b. *Sound pressure level.* Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.
- c. *Certifications.* Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
- d. *Grant of authority.* The applicant shall provide evidence of ownership of the land which the WECS or TMT is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.

(e) *Standards and requirements.* All WECSs and TMTs shall comply with the following standards and requirements:

(1) *Property setbacks.*

- a. The distance between a freestanding WECS or TMT and the nearest property line shall be at least the 1.5 times the height of the tower.
- b. No part of a freestanding WECS or TMT, including guy wire anchors, may extend closer than ten feet to the owner's property line.

(2) *Height.*

- a. Freestanding WECSs and TMTs shall have a height not greater than 150 feet.
- b. Roof-mounted WECSs shall not exceed a height of ten feet above the uppermost peak of the roof to which it is attached.
- c. For freestanding WECSs and TMTs, the height shall be measured from the existing grade to the tip of the turbine blade at its highest point.
- d. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

(3) *Location and other required setbacks.*

- a. No freestanding WECS or TMT shall be located within a front yard of any residential, commercial or office zoning district.
- b. Roof-mounted wind energy systems shall be setback from the building edge a distance equal to one-half the diameter of its rotor and blades.
- c. The distance between a WECS or TMT and any road or public right-of-way shall be at least 1.5 times the height of the WECS or TMT.
- d. Distance between. The distance between a freestanding and any other freestanding WECS shall be at least 1.5 times the height of the taller of the two WECSs.

(4) *Noise.*

- a. Audible noise or the sound pressure level of a WECS or TMT shall not exceed 55 decibels at any property line.
- b. No WECS or TMT shall create, regardless of decibel levels, any ticking, humming, or other sound which annoys.

- c. Noise and sound pressure levels may be temporarily exceeded short-term events such as utility outages and/or storms.
- (5) *Lighting.* WECS and TMT shall not be artificially lighted unless required by the FAA or other applicable authority. Where FAA lighting is required, minimum FAA lighting standards shall not be exceeded. All FAA lighting shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- (6) *Shadow flicker.* No WECS or TMT shall cause shadow flicker upon any building on a neighboring property.
- (7) *Vibrations.* No WECS or TMT shall produce vibrations through the ground that are humanly perceptible beyond the parcel on which it is located.
- (8) *Construction codes, towers and interconnections standards.*
- a. WECS and TMT shall comply with all applicable state construction codes and local building permit requirements.
 - b. WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), The Michigan Tall Structures Act (PA 259 of 1959), and any other applicable state or federal laws or regulations.
 - c. A WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements.
- (9) *Safety.*
- a. *Design safety certification.* The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer, or certified installer/technician. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.
 - b. *Controls and brakes.* Every WECS or TMT shall be equipped with manual and automatic controls/braking systems to limit rotation speeds to the designed limits of the WECS or TMT. The applicant's professional engineer, installer or technician must certify that the rotor and overspeed controls conform to applicable design standards. No changes or alterations from the certified design shall be permitted unless accompanied by a professional engineer's, installer or technician's statement of certification approved by the City.
 - c. *Lightning.* Every WECS or TMT shall have lightning protection.
 - d. *Guy wires.* If a TMT is supported by guy wires, the wires shall be clearly visible to a height of a least six feet above the guy wire anchors. All permanent WECS must be of a freestanding monopole design and guy wires shall not be used.
 - e. *Grade clearance.* The minimum vertical blade tip clearance from grade shall be 20 feet for any WECS or TMT employing a horizontal axis rotor.
 - f. *Ice throw.* Every WECS or TMT shall be designed so that ice throw or ice shedding does not cross the property lines of the site or impinge on any right-of-way or overhead utility line.
 - g. *Interference.* Every WECS or TMT shall be designed and operated to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwave or television signals.
 - h. *Climb prevention.* Every freestanding WECS or TMT must be protected by anti-climbing devices such as:
 1. Fences with locking portals at least eight feet high;
 2. Anti-climbing devices 12 feet from base of pole; and

3. Anchor points for TMT guy wires shall be enclosed by a fence at least six feet in height or shall be located within a yard that is completely surrounded by a fence at least six feet in height.
- i. *Warnings.* A visible warning sign of high voltage shall be placed at the base of every commercial WECS. The sign must have at six inch letters with three-quarter-inch stroke. Such signs shall be located at all points of site ingress and egress. In addition to warning signs and signs required by law, every commercial [WECS] shall be equipped with a sign containing owner identification and contact information. No other signs or are permitted.
- (f) *Appearance.* All WECSs and TMTs shall comply with the following standards and requirements:
- (1) All permanent freestanding WECSs must be of monopole design and guy wires shall not be used.
 - (2) Color. Towers and blades shall be painted a non-reflective neutral color approved by the City or as otherwise required by law.
 - (3) Visual appearance; power lines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.
- (g) *Abandonment and removal.* The following regulations shall apply to all WECSs and TMTs:
- (1) A WECS or TMT that has not been in operation for 12 consecutive months shall be deemed to have been abandoned. The Zoning Administrator shall issue a notice of abandonment to the owner of a WECS or TMT, giving the owner 30 days to respond. If the owner provides information demonstrating that the system has not been abandoned and is still in compliance with all requirements of this ordinance and the Building Code, the notice of abandonment shall be withdrawn. If the tower is determined to be abandoned, the owner shall be given 60 days to remove the WECS or TMT. If the owner fails to comply, the Zoning Administrator shall have the WECS or TMT removed at the owner's expense.
 - (2) The City may require that a tower be removed in accordance with the above standards if any portion of the system becomes a nuisance, is damaged or is in any way deemed to be detrimental to the public health, safety and welfare as determined by the City Building Inspector.
- (h) *Insurance and maintenance.* The following requirements shall apply to all WECSs and TMTs:
- (1) *Liability insurance.* The owner or operator of a commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the City pertaining to installation and operation of the commercial WECS. The amount and terms of the policy shall be established as a condition of special land use permit approval. The City and land owner shall be named as additional insured. Certificates of insurance shall be provided to the City annually.
 - (2) *Annual inspection; maintenance.* The WECS and surrounding area shall be maintained in accordance with industry standards. Every commercial WECS must be inspected annually by a professional engineer or authorized installer/technician to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the City.

(Ord. No. 1273, § 1, 3-8-21)

1250.06. - Floodplain regulation.

- (a) *Intent.* It is the intent of this ordinance to protect human life, health, and property from flood conditions, to preserve

the ability of floodplains to carry and discharge a base flood, and to significantly reduce potential hazards as a result of flood conditions within the City of Lansing. Further, it is the purpose of this ordinance to comply with the statutory and regulatory requirements of the National Flood Insurance Program.

(b) *Definitions.*

Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood.

Development means any man made modification to unimproved or improved real estate, including but not limited to: buildings, pools, decks or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Encroachment means development or a structure which is located within the area of special flood hazard.

Flood or flooding means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source;
 - c. Mudflows; and
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in this section.

Flood damage means any damage to persons, materials, supplies, property or real estate caused by and as a direct result of flooding and/or the influence of flood conditions.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain and floodway boundaries means the boundaries of the floodplain and floodway that coincide with the boundaries of the areas indicated as such in the most current report entitled "Ingham County, Michigan (All Jurisdictions)" dated August 16, 2011 and the Flood Insurance Rate Map (FIRMS) panel number(s) of 26065C; 0013D, 0014D, 0018D, 0020D, 0108D, 0126D, 0127D, 0128D, 0129D, 0131D, 0132D, 0133D, 0134D, 0136D, 0137D, 0139D, 0141D, 0142D, 0143D, 0144D, 0151D, 0153D, 0154D, 0161D, 0162D, and 0170D, dated August 16, 2011.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodway or regulatory floodway means the designated area of a river or other watercourse and the adjacent land areas that must be reserved from development or construction activity in order to discharge the base flood without cumulatively increasing the water surface elevation beyond these areas.

New construction means structures and/or development for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to structures.

Ordinary high water mark means a point that represents the maximum rise of a body of water in non-flood conditions.

Structure means a walled and/or roofed building that is principally above ground.

Substantial improvement means any repair, reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Watercourse means any natural or artificial drainage way wherein waters flow either continuously or intermittently, including any adjacent areas subject to flooding. Watercourses include both natural and manmade open ditches, streams, enclosed storm drains, lakes, and ponds.

(c) *General standards for flood hazard reduction.* All new construction and substantial improvements within an area of special flood hazard, shall be constructed by methods and practices that minimize flood damage including, but not limited to:

- (1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Be constructed with materials and utility equipment resistant to flood damage.
- (3) All new and replacement water supply systems shall not allow infiltration of flood waters into the systems.
- (4) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- (5) Drainage shall be provided to reduce damage to structures created by flood hazards.

(d) *Specific base flood elevation standards.*

- (1) On the basis of the most recent available base flood elevation data the following standards shall apply in the area of special flood hazard:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood level.
 - b. All new construction and substantial improvements of structures shall have either:
 1. The lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or
 2. Be constructed such that below base flood elevation, together with attendant utility and sanitary facilities:
 - i. The structure is watertight, with walls impermeable to the passage of water; and
 - ii. Is constructed with structural components having the ability to neutralize hydrostatic and hydrodynamic loads; and
 - iii. The effects of buoyancy must be resisted.

A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such

certification shall be submitted to the Building Safety Office, and shall indicate the elevation to which the structure is flood proofed.

- (2) The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.
- (e) *Construction.*
- (1) Any use permitted by right or by special conditions for the zoning district applicable to the land in question, as governed by this Zoning Ordinance, shall be permitted in a designated floodplain, subject to compliance with all rules and regulations of the Federal Emergency Management Agency's National Flood Insurance Program and all applicable requirements of the City and the State Department of Natural Resources/Environmental Quality.
 - (2) Where topographical data, engineering studies or other studies are needed to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by a registered professional engineer, architect or land surveyor.
 - (3) No construction shall be allowed within a 100 year floodplain without obtaining the necessary permits from all City, State and Federal authorities.
 - (4) Encroachments, new construction, substantial improvements and development shall be prohibited within the floodway. Exception to this prohibition shall only be made upon certification by a registered professional engineer and the Michigan Department of Environmental Quality that the proposed development will not result in any increases in the base flood elevation during a base flood discharge.
 - (5) Dumping or backfilling with any material or excavation in any manner is prohibited, unless:
 - a. Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved, will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
 - b. No significantly measurable reduction in the flow or capacity of the floodplain thereby results.
 - c. Adequate site plans and engineering drawings shall be submitted to effectively show the final results of all dumping, backfilling or excavation.
 - d. Alteration of any floodplain area shall be subject to approval by the State of Michigan Department of Natural Resources/Environmental Quality.
 - (6) The construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances and the storage of materials or equipment is prohibited in a floodplain, unless such elements would not cause any significant obstruction to the flood or reduction in the impoundment capacity of the floodplain and would not suffer flood damage.
- (f) *Special permit required.* A special permit is required for use of the floodplain on parcels of one-half acre or more in size. Such requests shall be made in writing, to the Planning Office, with the data required by Sections 1250.06(e)(3) and (5)(c). Requests for special permits under this section shall be submitted to the Planning Board for recommendation, to the Public Service Department for its technical report and to the Building Safety Office for compliance with all applicable building codes relative to construction in a 100 year floodplain, before final action is taken by the City Council.
- (g) *Nonliability of City.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon National and State regulations and standards. Larger floods and increased flood elevations may occur on occasions. Approval of the use of land, construction and/or development under this ordinance shall not be considered a guarantee or warranty of safety or damage from flood events. This ordinance

does not imply that areas outside the area of special flood hazard will be free from flood damage, nor does this ordinance create liability on the part of the City of Lansing or any officer or employees thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 1273, § 1, 3-8-21)

1250.07. - Vested rights.

Nothing in this chapter shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, zone district, neighborhood classification or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1252. - LANDSCAPING

1252.01. - Applicability.

- (a) Landscaping for all districts in the City shall comply with the standards of this section.
- (b) An approved landscape, screening and buffering plan that meets the requirements of this section is required prior to issuance prior to approval of a site plan for activities listed in Section 1260.02, Site Plans Required.

(Ord. No. 1273, § 1, 3-8-21)

1252.02. - Planting plan specifications.

- (a) A planting plan shall be provided to include the following:
 - (1) Minimum scale of one inch equals 50 feet.
 - (2) Existing and proposed contours with contour interval not to exceed two feet.
 - (3) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.
 - (4) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
 - (5) Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 - (6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
 - (7) A tree survey identifying the location and species of existing trees 12 inches or greater in caliper, measured at 12 inches off the ground, and identifying which trees are to be preserved. The Zoning Administrator may require an evaluation of the quality of the trees for purposes of determining which trees should be removed or preserved.
- (b) The requirements of an approved landscape, screening and buffering plan shall remain in force, unless written revision is approved by the Zoning Ordinance.
- (c) The landscaping shown on the approved landscape, screening and buffering plan shall be maintained according to Section 1252.09. Any plants in the approved plan that die shall be replaced within a reasonable time, but in no case

shall such time exceed four months. The replacement plants shall meet the purpose of the original specifications of an approved landscape, screening and buffering plan.

(Ord. No. 1273, § 1, 3-8-21)

1252.03. - Plant material sizes and spacing.

- (a) Trees and woody shrubs shall not be placed closer than three feet to the fence line or property line as measured from the center of root ball. Branches of trees may extend over property line but shrubs must be properly trimmed at the property line. Adjacent property owners reserve the right to trim branches of vegetation extending onto their property.
- (b) Evergreen trees shall have a minimum starting size of at least five feet in height.
- (c) Deciduous trees shall have a minimum starting size of at least two caliper inches.
- (d) Shrubs shall have a minimum starting size of at least 24 inches in height and spread and spaced a distance apart equal to or less than 75 percent of the shrub's mature spread diameter.

(Ord. No. 1273, § 1, 3-8-21)

1252.04. - Species.

- (a) *Mixing of species.* The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged in all landscaped area.
- (b) *Prohibited species.* Species deemed invasive by the State of Michigan or Michigan State University will be heavily disfavored during landscape plan review. Such invasive species may be rejected in the discretion of the Zoning Administrator.

(Ord. No. 1273, § 1, 3-8-21)

1252.05. - Interior site landscaping.

Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with grass lawn, ground covers, perennial/shrub beds, or a combination thereof.

Non-organic ground covers (e.g. stone chips, rock) must be arranged in a deliberate manner and may not exceed more than 25 percent of the site landscape area. Rubber pellets or other freely migrating materials require Zoning Administrator approval.

(Ord. No. 1273, § 1, 3-8-21)

1252.06. - Non-residential right-of-way and front setback planting.

- (a) *Street yard landscaping within the public rights-of-way.*
 - (1) Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way with permission from the City Forester and other appropriate authorities with jurisdiction over the street.
 - (2) Yards abutting activity corridors shall incorporate decorative paving and streetscape elements. Plant material shall be located in tree wells, bioswales, and above ground planters.
- (b) *Between sidewalk and parking.*
 - (1) Setback landscaping between the edge of sidewalk and parking lot edge shall consist of lawn and landscape

planting beds.

- (2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area.
 - (3) Setback areas greater than 20 feet in depth must plant at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.
 - (4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.
- (c) *Between sidewalk and building.*
- (1) Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.
 - (2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area. This may be reduced to zero percent in areas where the public sidewalk is immediately to adjacent to the building face.
 - (3) Setback areas greater than 20 feet in depth must plant at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.
- (d) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

(Ord. No. 1273, § 1, 3-8-21)

1252.07. - Parking lot landscaping.

Parking lot landscaping shall be arranged in a manner that improves the safety of pedestrian and vehicular traffic, guides traffic movement, improves the environment and improves the appearance of the parking area and site. Parking lot landscaping shall be provided in accordance with the following standards:

- (a) In all industrial districts, one tree for each 6,000 square feet of the total of the paved driveway and parking lot surface is required.
- (b) In all other districts, one tree shall be required for each 4,000 square feet of paved driveway and parking lot surface, provided that no fewer than two trees are provided.
- (c) All of the required parking lot trees and landscape areas shall be placed within landscape islands inside of the parking lot or the area within ten feet surrounding the parking lot.
- (d) Each tree shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum diameter of six feet at the trunk of the tree for protection. If a sprinkled irrigation system is provided, the open land areas can be reduced to no less than 75 square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable device.
- (e) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(Ord. No. 1273, § 1, 3-8-21)

1252.08. - Buffering and screening.

- (a) A landscaped buffer shall be provided between the subject site and all adjacent properties as regulated in the district chapters.

- (b) At least one tree for each 30 linear feet, or fraction of buffer area shall be provided.
- (c) Landscape buffers shall consist of woody shrubs, evergreens, fencing/screen walls (75 percent or more opaque), or any combination thereof that forms a contiguous visual buffer at the required buffer height by district and at least 40 percent of the overall area must be covered by plant materials at the time of planting.
- (d) The Zoning Administrator may allow a consistent 75 percent or more opaque screen wall or fence for the entire length of the buffer to provide buffering that meets the intent of this section. If a screen wall or fence is used for all of the buffer area, the overall landscape buffer width may be reduced to five feet in depth. The remaining landscape buffer area must be covered at least 40 percent by plant materials at the time of planting.
- (e) Where a screen wall or fence is not otherwise required, the Zoning Administrator may require an opaque screening within the buffer area, to block views and contain materials. Screening shall be provided in the form of a six-foot tall ornamental fence or wall, capable of keeping paper and other debris from blowing off the premises.

(Ord. No. 1273, § 1, 3-8-21)

1252.09. - Maintenance.

- (a) Plant materials, including lawn, shall be kept trimmed and maintained so as to promote proper growth and a neat and orderly appearance.
- (b) Trees and shrubs shall be trimmed to avoid conflicts with pedestrian use of the sidewalk.
- (c) Landscaping at corner properties shall be planted to provide the clear vision required in Section 1250.003.03. Landscaping in the clear vision triangle shall not contain obstructions greater than 18 inches in height.
- (d) Weeds shall be kept under control.
- (e) Buffer strips shall be properly maintained according to the types of materials utilized. Cover materials shall be maintained in a manner as specified at the time of the plan's approval.
- (f) Landscape/buffer areas shall be kept free from refuse and debris.
- (g) No buildings or parking or storage of materials or vehicles shall be allowed in any designated buffer strips, unless approved by the Zoning Administrator.

(Ord. No. 1273, § 1, 3-8-21)

1252.10. - Waivers and implementation.

- (a) If the Zoning Administrator, upon inspection, determines that suitable landscaping, screening and buffering on a site already exists or that such landscaping, screening and buffering should not be required, then the provisions requiring landscaping, screening and buffering may be waived in whole or in part. However, such waiver shall not apply to the maintenance portion of this chapter.
- (b) Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
 - (1) Existing natural vegetation;
 - (2) Topography;
 - (3) Existing wetland, floodplain and poor soils areas;
 - (4) Existing and proposed building placement;
 - (5) Building heights;
 - (6) Adjacent land uses;
 - (7) Distance between land uses;

- (8) Dimensional conditions unique to the parcel;
 - (9) Traffic sight distances;
 - (10) Traffic operational characteristics on and off site;
 - (11) Visual, noise and air pollution levels;
 - (12) Presence of utility easements and adjacent utility corridors;
 - (13) Health, safety and welfare of the City.
- (c) The Zoning Administrator may consider fewer plantings than otherwise required if larger plantings are proposed.
- (d) If, in the determination of the Zoning Administrator, the weather makes it impossible or impractical to implement or maintain the landscape, screening and buffering plan prior to issuance of a certificate of occupancy or approval of the completed building or site improvements, the Zoning Administrator may grant an extension of up to six months to fully implement the landscape plan. Failure to implement the landscape plan shall be considered a violation of this Zoning Ordinance and subject to the enforcement procedures contained herein.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1254. - PARKING

1254.01. - Off-street parking.

1254.01.01. - Parking requirements in general.

- (a) Purpose. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure adequate parking is provided, provide uncongested access for emergency vehicles, limit interference with the pedestrian realm and, where appropriate, protect surrounding uses from undesirable impacts of traffic and parking. Site access standards are intended to reduce the potential for crashes and congestion through a reduction of conflict points associated with traffic movements at other access points or street intersections. The standards of this section apply at the time of erection, enlargement or change in use, of any principal building or structure.
- (b) Compliance required. In each zoning district the off-street parking requirements for the storage or parking of a motor vehicle for the use of occupants, employees or patrons, in a structure which is erected, constructed, substituted, resumed or extended after the effective date of this Zoning Code (Ordinance 636, passed March 7, 1983), shall be as prescribed in this chapter. The determination of the required number of off-street parking spaces and the regulation of such spaces shall be as described in this chapter.
- (c) Ownership of parking lot. All off-street parking shall be under the direct control, either by ownership, lease, or other legally binding agreement, of the beneficial user of the property. If the off-street parking is controlled by lease and the lease is discontinued, it shall be the obligation of the beneficial user of the property served to provide replacement parking that meets the requirements of this chapter.
- (d) All off-street parking shall be under the direct control, either by ownership, lease, or other legally binding agreement, of the beneficial user of the property. If the off-street parking is controlled by lease or agreement and the lease/agreement is discontinued, it shall be the obligation of the beneficial user of the property served to provide replacement parking that meets the requirements of this chapter.
- (e) The storage of inoperable vehicles is prohibited in the off-street parking area required by Section 1250.02.07.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.02. - Location; expansion; encroachments.

Except as provided in subsections (a) to (c) hereof, all required off-street parking for a principal use, conditional use, special land use or nonconforming use shall be located on the same lot on which such principal use, conditional use, special land use or 30 nonconforming use is located. Permitted locations for off-street parking are marked with an "X" in the following table and also described by district in Chapters 1243—45.

District	Front	Side	Rear
R-1		X	X
R-2		X	X
R-3		X	X
R-4		X	X
R-5		X	X
R-6A		X	X
R-6B		X	X
MFR		X	X
R-MX		X	X
RAR		Extended where transitions and buffers will exceed requirements	X
SC	2 rows, aisle	X	X
MXI			
Arterial	1 row	X	X
Suburban	1 bay, row	X	X
Prime connector		X	X
Neighborhood connector		X	X
MX2		X	X

MXC		X	X
MX3		X	X
DTI		X	X
DT2	1 single loaded bay	X	X
DT3		X	X
IND-1	X	X	X
IND-2	X	X	X
IND-3	X	X	X
INST-1			
Arterial	X	X	X
Suburban	X	X	X
Activity		X	X
Prime connector	X	X	X
Neighborhood connector	X	X	X
Local street	X	X	X
INST-2			
Arterial	X	X	X
Suburban	X	X	X
Activity		X	X
Prime connector	X	X	X
Neighborhood connector	X	X	X
Local street	X	X	X

- (a) The off-street parking for a lot which is zoned IND-1 or IND-2 be located on a separate lot, if the following 3 conditions are met:
 - (1) The lot does not contain a cabaret, as defined by Section 808.01.
 - (2) The separate lot is zoned IND-1 or IND-2.
 - (3) The separate lot is not more than 5,280 feet, measured from the closest point on the closest lot line of the separate lot to the closest point on the closest lot line of the lot served, provided that is said parking is more than 1,000 feet from the principal use then a shuttle service shall be provided.
- (b) Off-street parking for nonresidential uses on a lot which is zoned a Commercial Mixed-Use District may be located on a separate lot if the following three conditions are met:
 - (1) The lot does not contain a cabaret, as defined by Section 808.01.
 - (2) The separate lot is zoned a Commercial Mixed-Use District.
 - (3) The separate lot is not more than 300 feet, as measured from the closest point on the closest lot line of the separate lot to the closest point on the closest lot line of the lot served.
- (c) Valet parking, approved as noted in Section 1254.01.04 may be on another lot.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.03. - Parking required.

- (a) *Factors for calculation of parking.*
 - (1) *Gross floor area.* Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.
 - (2) *Gross leasable floor area.* Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85 percent of the gross floor area.
 - (3) *Bench seating.* In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating shall be counted as one seat.
 - (4) *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
 - (5) *Fractional requirements.* When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one additional parking space.
 - (6) *Similar uses.* If a use is not specifically described in Table 1254.01.03, the minimum number of spaces for the use shall be determined by the Zoning Administrator by requiring the minimum number of spaces for a use which is listed and is similar to the use in question.
- (b) *Table 1254.01.03, parking requirements.* Vehicle parking spaces shall be provided in accordance with the following table. The required parking shall include barrier free parking as required per 1254.01.05, bike parking per 1254.02.02 and loading/unloading zones per 1254.01.05.

Table 1254.01.03. Parking Requirements

Use	Minimum Number of Parking Spaces
Residential	
Single-family detached dwellings Two-family dwellings	Two spaces for each dwelling unit. One parking space may be in a private garage on the property. Parking spaces may be on an approved driveway but only the part of the driveway outside of the public street right-of-way may be included.
Multiple dwelling	One space per each efficiency. One and one-half spaces per one-bedroom dwelling unit. Two spaces per each unit with two or more bedrooms.
Mobile home park	Two spaces per lot, at least one space of which to be provided on the lot. To provide the balance of this requirement, parking may be provided within 300 feet of all lots it is intended to serve. All parking areas shall be clearly defined and hard surfaced.
Bed and breakfast inn	Two spaces for the permanent residents plus one space for each room rented.
Human Care Facilities	
Child care facility	One space for each employee and one space for each ten children, plus three passenger vehicle spaces for loading and unloading children.
Group day care and foster care group home	One employee parking space, plus three passenger vehicle spaces for loading and unloading children, either on-site or in legal parking areas along the street adjacent to the house.

Housing for the elderly	<p>Senior independent units one space per unit plus 0.25 spaces per unit for visitor parking.</p> <p>Senior "interim care" and "intermediate care" units retirement villages 0.5 spaces per unit or two beds, 0.25 spaces per unit for visitor/employee parking.</p> <p>0.5 spaces per unit for visitor/employee parking.</p>
Institutional, Recreational, and Public Gathering Venues	
Places of public assembly	One space per three seats or six feet of bench seating. Calculations shall be based on the occupancy for all assembly areas combined.
Hospital	<p>Two spaces per each inpatient room or exam or outpatient procedure/operating room procedure.</p> <p>One space per laboratory or recovery room, plus</p> <p>One space for each patient or procedure room for employee parking, plus</p> <p>Parking for any medical offices is in addition to the above.</p>
Museum or library	One parking space per 250 square feet plus separate parking for school or charter buses.
Hospital	<p>Two spaces per each inpatient room or exam or outpatient procedure/operating room procedure.</p> <p>One space per laboratory or recovery room, plus</p> <p>One space for each patient or procedure room for employee parking, plus</p> <p>Parking for any medical offices is in addition to the above.</p>
Museum or library	One parking space per 250 square feet plus separate parking for school or charter buses.

Elementary and middle schools	One space for each teacher or administrator or staff person plus separate loading/unloading areas for buses. Adequate and distinct parking and drop-off/pick-up zones for parents shall be provided for any auditorium or athletic fields, as required for "places of public assembly."
High schools, colleges and universities	One space for each one teacher or administrator or staff person, plus One space for each five students. For high schools: Separate areas for any bus drop-off and pick-up zones. Additional parking shall be provided for any auditorium or athletic fields as noted under "Places of public assembly" provided the Zoning Administrator may reduce that additional parking if activities are during the school day (such as a cafeteria) or will occur during non-school times when adequate parking is available.
Bowling alley	Five for each bowling lane, plus parking required by this section for any bar, restaurant or assembly space attached to a bowling alley.
Dance hall, pool or billiard parlor, roller or ice skating rink, fitness center or gym, exhibition hall or assembly hall without fixed seats	One space for each three persons allowed within the maximum occupancy load as established by the local, county or state fire, building or health codes.
Golf course (except a miniature or par 3 course)	Six spaces for each hole and one for each employee.
Miniature or par 3 golf course	Three spaces for each hole and one for each employee.
Parks, open space, plaza (public or private)	As determined by the zoning administration consideration of types of activities, facilities, and potential for walking and bicycling visits.

Community or senior centers	One space per each 200 square feet, provided by the Zoning Administrator may modify the requirements based on the types of activities provided, level of programming, and potential for trips to be via transit, walking, biking, or shared ride.
Offices	
Professional and business offices (non-medical)	One space per 300 square feet. For any building or percentage of building used for medical or clinic, additional parking shall be required for that use, as noted above.
Clinic/medical office	One space for every 200 square feet.
Bank	One space for every 250 square feet of gross floor area, plus Three parking or stacking spaces for each ATM machine, plus Three stacking spaces for each drive-in window.
General Retail Uses	
Retail use	Up to 300,00 square feet of shopping area: One space per 250 square feet plus parking required for any areas used as a grocery or sit-down type restaurant. For part of building over 300,000 square feet: One space per 300 square feet providing a parking management system is in place for employee parking for peak holiday shopping days. Parking for a theater shall be calculated separately.
Shopping center (which may include a grocery and restaurants)	One space per 200 square feet for up to 100,000 square feet, then One space per 250 square feet for the remainder of the building(s).
Grocery store, liquor or beverage store	One space per 200 square feet.

Showroom or repair shop for the display or repair of goods such as bathroom and kitchen fixtures, shoes, plumbing and heating/cooling equipment, machinery, and similar goods.	Four spaces for each establishment, plus One space for every 800 square feet of usable floor area.
Outdoor sales facility (not including specific types such as vehicle sales addressed separately)	One space for every 500 square feet of lot area used for retail sales or retail use.
Food and Beverage Sales	
Restaurant (general sit-down types not including restaurant categories with specific uses below)	One space per 125 square feet of usable floor area.
Coffee, tea, and beverages (may include bakery items)	One space per 100 square feet of usable floor area, plus At least ten stacking spaces for any drive through.
Carry-out restaurant (with no or limited seating for eating on premises)	Six spaces per station or counter service, plus One space for each employee (minimum of three).
Drive-in restaurant	One space or each customer order station. Parking for employees (minimum of six). Parking required for any indoor seating.
Bars, taverns, brewpubs, etc.	One space per each 60 square feet of usable floor area or one space per two seats, whichever is greater.
Commercial Services	
Animal hospital or kennel	One space per 500 square feet.
Dry cleaners	One space per 100 square feet of area open to the public (minimum of two). Employee parking (minimum of two).
Personal service use	Two spaces for each chair, booth, or bed.
Hotel	One space per room plus additional meeting rooms, banquet facilities and restaurants as determined by the Zoning Administrator.

Nursery, commercial, greenhouse	One space per 500 square feet.
Funeral home	One space for each 50 square feet of assembly, parlor, or chapel room floor area.
Laundromat or coin-operated dry cleaner	One space for each three washing or dry cleaning machines.
Studio, such as dance, health, music, or other similar places of instruction	One space for every 40 square feet of usable floor area.
Self storage rental	One space for each employee, plus One space for each 50 storage rental units.
Auto-Related Uses	
Motor vehicle service station	One space at each fueling station, plus At least three spaces for employees, plus One space per each tow truck, plus One space for each 500 square feet devoted to sales of automotive goods or convenience items.
Motor vehicle repair station	One space for each 250 square feet, plus One space for each service bay.
Vehicle sale, vehicle leasing	One space for each 300 square feet of usable floor space in the sale room. Two for each auto service stall in the service area. Spaces shall be distinct from, and shall not include, spaces for display or storage of vehicles for sale or lease.
Auto wash	One space for each employee, plus Five stacking spaces for the storage of waiting vehicles, plus Four waiting spaces per wash rack for self-serve auto washes.
Industrial	

Whole sale and warehouse activates	Five spaces, plus One space for each employee in the shift which has the greatest number of employees, or One space for each 1,500 square feet, whichever is greater.
Manufacturing, processing, and other types of industrial use	One space per 400 square feet; or 1.2 spaces per employee at peak shift, whichever is greater; plus One space for each corporate vehicle.

- (c) *Limits on excessive parking.* In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than 20 percent shall only be allowed with approval by the Zoning Administrator. In granting such additional space, the Zoning Administrator shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. Except in industrial districts or an institutional use, the spaces exceeding the 20 percent minimum must be made available for public parking.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.04. - Factors to permit a reduction from the amount of parking required.

- (a) *Shared parking on the same lot.* Where two or more uses are present on the premises, parking requirements shall be calculated for each use, based on the Table 1254.01.03. However, the Zoning Administrator may permit a reduction for shared parking between two or more uses where the applicant can document that the amount of parking provided will meet the peak needs of the uses collectively as noted in (d) below.
- (b) *Shared parking on adjacent lots.* Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by the Zoning Administrator by up to 25 percent, provided a parking study is provided as noted in (d) below and a signed agreement is provided by the property owners in a form acceptable to the City Attorney.
- (c) *Parking reductions.* The Zoning Administrator may permit a reduction of required parking by up to 20 percent provided that a parking study is provided as noted in (d) below.
- (1) Owner provides a parking study as noted in (d) below that demonstrates the amount of parking provided will be sufficient for the nature of the use as determined by the City Transportation Engineer. Such parking study shall be based upon publications of research and/or actual parking counts for the particular use. In such case, the City may require the owner provide a program to provide the amount of required parking if the actual parking needed exceeds the parking provided.
 - (2) Owner demonstrates that there is available shared parking available, either in a municipal lot, parking structure, or shared with another property. For shared use of a private lot, the owner shall demonstrate that there will be sufficient parking available for all users during the time of peak shared demand.
 - (3) Owner provides incentives for employees to use public transit, bicycle or live within walking distance of the use.

In such case the applicant shall provide information on the program that demonstrates effectiveness to the City. This could include priority on-site bicycle parking, stipends for use of transit, employee reward programs for non-single occupant vehicle commutes or similar incentives. The accepted parking reduction program would be a condition of zoning approval.

- (4) The amount of required parking may be reduced if a shared car or program is provided. The amount of the reduction shall be determined by the Zoning Administrator, with input from the Transportation Engineer, in consideration of the number of shared vehicles provided and the level of availability.
- (d) *Parking study.* A parking study to support a parking reduction shall be prepared by a qualified professional based on methodologies of recognized parking organizations such as the Urban Land Institute or the Institute of Transportation Engineers.
- (e) *Valet parking.* The Zoning Administrator may allow a reduction in on-site parking required for valet parking provided the valet parking area is under the same ownership as the principal use or is leased and that a shared parking agreement has been approved by the City attorney. Such parking agreement shall be considered as part of the permitted use such that, if the parking agreement is no longer valid, the City may restrict the use to the scale of parking available.
- (f) *Exceptions in the DT-3, MX-C and MX-3 Districts.*
- (1) Properties located within the DT-3 District are exempt from the requirements of Section 1254.01.03.
 - (2) Properties zoned MX-C, located on the north side of the 900 block and east one-half of the 1,000 block of West Saginaw Street, are exempt from the requirements of Section 1254.01.03, except that at least one off-street parking space shall be required for each residential unit. The required parking spaces must be located within 300 feet of the property they serve and may be located on City-owned off-street parking lots and private parking lots where a permit has been issued or an agreement has been established allowing use of the parking spaces on a 24-hour basis.
 - (3) Commercially zoned properties in the MX-3 districts are exempt from the requirements of Section 1254.01.03, with the following exceptions:
 - a. Properties in the MX-3 District on South Cedar Street must provide parking in accordance with Section 1254.01.03.
 - b. Properties in the MX-3 that have frontage on East Michigan Avenue or adjoin properties that have frontage on East Michigan Avenue, except those located in the 2,000 block on both the north and south sides of the street, must provide at least 20 percent of the on-street parking required by Section 1254.01.03.
 - c. At least one off-street street parking space shall be required for each residential unit in the MX-3 District.
 - d. All required parking spaces in the MX-3 districts must be located within 300 feet of the property they serve and may be located on City-owned off-street parking lots and private parking lots where a permit has been issued or an agreement has been established allowing use of the parking spaces on a 24-hour basis.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.05. - Barrier free parking requirements.

Barrier free parking. Within each parking lot, signed and marked barrier free spaces shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.06. - Reserved.

1254.01.07. - Storage of merchandise and inoperable vehicles.

The storage of merchandise, motor vehicles for sale and trucks, or the repair of vehicles, is prohibited in the off-street parking area required by Table 1254.01.03, if such activity reduces the number of off-street parking spaces available below the number required by Section 1254.01.03.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.08. - Parking space dimensions.

- (a) Except for one-family or two-family dwellings, required off-street parking shall be designed pursuant to this section.
- (b) Dimensions. All parking spaces and maneuvering aisles shall be designed and marked with minimum dimensions described.

- (1) Space length may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall have a minimum width of seven feet where abutting a

parking area.

(c) Islands.

- (1) Mid-bay islands—Minimum of nine feet wide.
- (2) Between facing bays—Minimum of six feet wide.
- (3) End-cap islands—Minimum of six feet wide.

(d) If requested by an applicant, the width of a parking space and any dimension described in (b) above may be varied by the Transportation Engineer, based upon all of the following criteria:

- (1) The size of vehicles which use the lot;
- (2) The turnover rate;
- (3) The shape of the lot;
- (4) Sound traffic flow principles;
- (5) The use of the lot; and
- (6) Adequacy of signs that provide information or restrict parking in certain spaces.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.09. - Surfacing.

- (a) Except as provided for in subsections (b) and (c) hereof, off-street parking and loading areas, including access drives, shall be hard-surfaced with either Portland cement or asphalt.
- (b) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.
- (c) A lot used temporarily for off-street parking may be surfaced with gravel, so long as the temporary use does not extend for more than two years, and so long as the surface is maintained in a dust-controlled condition.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.10. - Grading and drainage.

- (1) The City Engineer shall approve the grading of required off-street parking areas, based upon the design standards promulgated by the American Association of State and Highway Transportation Officials.
- (2) The City Engineer shall approve drainage of required off-street parking areas, if the drainage may adequately be served by an existing storm sewage system.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.11. - Signs, striping, and maintenance.

- (a) The City may require the installation of pavement markings and signs to direct circulation, provide information, and identify restrictions on use of parking spaces and loading areas.
- (b) Except for one-family or two-family dwellings parking spaces shall be striped and such striping shall be maintained.
- (c) Maintenance of parking lot. All off-street parking and loading facilities required by this chapter shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such facilities except for temporary periods of no more than five days in the event of heavy rainfall or snowfall.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.12. - Ingress and egress.

- (a) The number and location of points of ingress and egress to off-street parking areas developed after the effective date of this Zoning Code (Ordinance 636, passed March 7, 1983) shall be approved by the Transportation Engineer.
- (b) The number of access points shall be the minimum necessary to provide reasonable access as determined by the City Transportation Engineer.
- (c) To reduce conflicts which can contribute to congestion and crash potential, access shall be located as far from signalized intersections as is practical.
- (d) Access shall be located to minimize conflicts with through traffic, pedestrians, bicyclists and movements into access points adjacent to the property or across the street. To confirm this, a site plan shall include driveways across from the property frontage and adjacent access points.
- (e) The City Transportation Engineer may require redesign, relocation, easements for a shared access system or restrict some movements at an access point to provide safe and efficient operations.
- (f) Each ingress and egress to and from any off-street parking area located in an area zoned for other than single-family residential use shall be at least five feet from any adjacent property located in any single-family residential district.
- (g) All parking spaces shall be provided adequate access by means of maneuvering lanes. Backing directly into a street is prohibited.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.13. - Unobstructed access.

- (a) Except as provided in subsection (b) or (c) hereof, each required off-street parking space shall be arranged in a way which provides for unobstructed access to a public right-of-way. Unobstructed access shall not be construed to prohibit security devices.
- (b) In the case of a lot used as a single-family dwelling, one of the two off-street parking spaces required by Table 1254.01.03 may be obstructed from access to a public right-of-way by another parking space, if all of the following conditions are met:
 - (1) The obstructed space is located on an approved driveway.
 - (2) The obstructed space is not in the front yard.
 - (3) The driveway is surfaced pursuant to the requirements of Section 1254.01.09.
 - (4) The unobstructed space is directly behind the obstructed space.
- (c) In the case of a lot used as a two-family dwelling, two of the four off-street parking spaces required by Table 1254.01.03 may be obstructed from access to a public right-of-way by another parking space, if all of the following conditions are met:
 - (1) The obstructed space is located behind the front line of the dwelling.
 - (2) The obstructed space is not in the front yard.
 - (3) The driveway is surfaced pursuant to the requirements of Section 1254.01.09.
 - (4) The unobstructed space is directly behind the obstructed space.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.14. - Lighting.

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.15. - Vehicle stops.

A vehicle stop shall be provided for any parking space if the space abuts a public right-of-way, sidewalk, or landscaping or screening required by Chapter 1252, and shall either be one of the following or be approved by the Transportation Engineer:

- (1) A concrete curb;
- (2) A concrete, or similar durable material, stop properly anchored; or
- (3) A steel or concrete post at least three feet in height.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.16. - Changes to a parking lot.

- (a) An area designated as required off-street parking may be changed to another use or encroached upon, so long as the minimum requirements of Table 1254.01.03 continue to be met.
- (b) Changes to parking areas other than for single family detached homes or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, such as a reconfiguration, as determined by the Zoning Administrator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two-foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.
- (c) Reduction prohibited. A substitution, alteration or deletion of any off-street parking shall not have the effect of reducing the off-street parking below the number required in Table 1254.01.03.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.17. - Loading.

When on premise space for standing, loading and unloading vehicles is necessary for uses involving the receipt or distribution of goods, the following provisions shall apply:

- (a) Traffic flow. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- (b) Alleys. Where an alley exists at the rear of the building, the loading area may be computed from the centerline of the alley.
- (c) Location. Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- (d) Screening. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.

- (e) Not included with parking. Required loading areas shall not be included in calculations for off-street parking space requirements.
- (f) Size. The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height. The Zoning Administrator may modify this requirement for uses that will involve smaller delivery trucks such as offices.
- (g) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the city engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.

(Ord. No. 1273, § 1, 3-8-21)

1254.01.18. - Front yard parking.

(a) *Prohibitions; exceptions.*

- (1) In residential districts described in Chapter 1244, no person shall park or place a motor vehicle, trailer or watercraft in a front yard. However, this section shall not apply:
 - a. To vehicles parked or placed in a driveway;
 - b. While engaged in actual loading or unloading;
 - c. Where permitted pursuant to any other provision of these Codified Ordinances;
 - d. Where parking areas were legally established by designating front yard parking on plot plans in connection with plans submitted for building permits which were issued prior to the effective date of this chapter.
- (2) Where prior to such effective date, parking areas were established in front yards as an accessory use to a lawful conforming use by the development of hard-surfaced parking areas.

(b) *Notice of violation.* Whenever any motor vehicle, trailer or watercraft is found parked in violation of this chapter, the personnel authorized by Council resolution shall take the registration number and any other information displayed which may identify its user and shall conspicuously affix to such motor vehicle, trailer or watercraft a notice, in writing, on a form provided by the City Controller and approved by the City Controller and the Director of the Department of Planning and Municipal Development, for the driver or operator to answer the charge against him or her within three days, Saturdays, Sundays and holidays excepted, during the hours and at the place specified in the notice.

(c) *Failure to comply with notices.* If a violator of any of the provisions of this chapter does not appear in response to the notice affixed pursuant to subsection (b) above within a period of five days, Saturdays, Sundays and holidays excepted, a final notice shall be sent to the owner of the motor vehicle, trailer or watercraft to which the notice was affixed, informing him or her of the violation and warning him or her that if such notice is disregarded, a complaint will be filed and a warrant of arrest issued in the same manner provided for parking tickets in the traffic code.

(d) *Presumption in reference to illegal parking.* In any prosecution under this chapter, proof that the particular motor vehicle, trailer or watercraft described in the complaint was parked in violation of this chapter, together with proof, as disclosed by the records of the secretary of state, that the defendant named in the complaint was, at the time of such parking, the registered owner of such motor vehicle, trailer or watercraft, shall constitute in evidence a prima-facie presumption that the registered owner thereof was the person who parked or placed such motor vehicle, trailer or watercraft at the point where, and for the time during which, such violation occurred.

(Ord. No. 1273, § 1, 3-8-21)

1254.02. - Bicycle parking.

1254.02.01. - Definitions.

For purposes of this chapter:

APBP Guidelines means the 2nd edition of the bicycle parking guidelines issued by the Association of Pedestrian and Bicycle Professionals.

Bicycle locker means a locked compartment for the storage of a single bicycle.

Bicycle parking space means a secure structure designed and available exclusively for the storage of a bicycle.

Bicycle room means a room with controlled access for users of bicycles to be stored in the room.

Exempt property means property:

- (1) For which the Zoning Administrator, per Section 1254.01.04(f), reduces or eliminates the off-street parking requirements of Table 1254.01.03; and
- (2) For which the property owner does not actually provide off-street parking.

Long-term bicycle parking space means bicycle parking that is covered and enclosed on all four sides.

Non-exempt property in a DT-3 or MX-3 district means property:

- (1) For which the Zoning Administrator, per Section 1254.01.04(f), reduces or eliminates the off-street parking requirements of Table 1254.01.03; and
- (2) For which the property owner does actually provide off-street parking.

Short-term bicycle parking space means any bicycle parking space that is not a long-term bicycle parking space.

(Ord. No. 1273, § 1, 3-8-21)

1254.02.02. - Required bicycle parking spaces.

Bicycle parking spaces shall be provided for the benefit of any structure identified in Section 1254.02.04 or Section 1254.02.05 if, after the effective date of this chapter:

- (a) A site plan for the property on which the structure is located must be submitted to the Planning Office;
- (b) The property on which the structure is located is rezoned to a district other than a residential district; or
- (c) A special land use permit is granted for the property on which the structure is located.

(Ord. No. 1273, § 1, 3-8-21)

1254.02.03. - Bicycle parking guidelines.

- (a) To the extent feasible and unless otherwise provided by this chapter or the City of Lansing Bicycle Parking Guidelines promulgated by the Zoning Administrator, property owners are encouraged to conform to the APBP Guidelines, copies of which are available in the Planning Office and the City Clerk's office.
- (b) During the operating hours of the structure identified in Sections 1254.02.04 and 1254.02.05, bicycle parking spaces required by this chapter shall be lighted at an illumination level of at least 0.4 foot-candles.
- (c) Bicycle parking spaces shall be located within 100 feet of an entrance to the structure or inside the structure.
- (d) Bicycle parking spaces shall be adequately maintained and kept free of mud, debris, ice, and snow.

- (e) Each short-term bicycle parking space provided pursuant to the provisions of this chapter shall support a bicycle in an upright position; allow both the bicycle frame and the front wheel to be locked; be securely anchored; have a hard surface, such as asphalt, concrete, or brick pavers, with dimensions of at least six feet by two feet; be constructed of materials that resist cutting, rusting, bending, and deformation; and be installed in accordance with the City of Lansing Bicycle Parking Guide promulgated by the Zoning Administrator based on the APBP Guidelines, maintenance of uniformity among Michigan communities, and other best practices.
- (f) Long-term bicycle parking spaces provided pursuant to the provisions of this chapter shall be provided in:
 - (1) Bicycle lockers that ensure adequate clearance for simultaneous users;
 - (2) Bicycle racks in locked cages; or
 - (3) Bicycle rooms.

(Ord. No. 1273, § 1, 3-8-21)

1254.02.04. - Short-term bicycle parking requirements based on land use.

- (a) For purposes of this section:
 - (1) Every 24 inches of bench seating shall be counted as one seat.
 - (2) Numbers resulting from the prescribed formulas shall be rounded up from one-half to the next whole number in calculating the number of required bicycle parking spaces.
- (b) Short-term bicycle parking is not required on exempt property. On non-exempt property in a DT-3 or MX-3 district the property owner shall provide a number of short-term bicycle parking spaces that is at least five percent of the number of off-street parking spaces actually provided.
- (c) Except as otherwise provided in subsection (b), property owners shall provide the following number of short-term bicycle parking spaces for the benefit of the corresponding specified structures:

Structure	Required Number of Bicycle Parking Spaces
Multifamily residential	Two for every ten dwelling units
Churches and other places of worship	Two for every 50 seats in the main unit of worship
Lodging	Two for every 50 units
Athletic clubs and fitness centers	Two for every 500 square feet of usable floor area, with a maximum of 30
Libraries and museums	
Planned developments and shopping centers	
Retail stores not otherwise identified	
Banks and financial institutions	

Offices of medical professionals, health clinics, and medical centers	
Gas stations	
Sports arenas and stadiums	Two for every 250 seats, with a maximum of 30
Theaters and auditoriums	Two for every 100 seats, with a maximum of 30
Eating and drinking establishments	Two for every 24 seats
Commercial property not otherwise identified	Two for every 5,000 square feet of usable floor area, with a minimum of two
Industrial, manufacturing, wholesale, and research establishments	Two for every 20,000 square feet of usable floor area, with a minimum of two
Commercial off-street parking facilities	Two for every 20 vehicle parking spaces, with a maximum of 30
Consumer repair service establishments	Two for every 3,000 square feet of usable floor area, with a minimum of two and a maximum of 30
Cemeteries, mausoleums, and parks	Two for every 20,000 square feet of land, with a maximum of ten

(Ord. No. 1273, § 1, 3-8-21)

1254.02.05. - Long-term bicycle parking requirements based on employment and transit.

- (a) For purposes of this section, numbers resulting from the prescribed formulas shall be rounded up from one-half to the next whole number in calculating the number of required long-term bicycle parking spaces.
- (b) Except as otherwise provided in subsection (c), in addition to any requirements imposed by Section 1254.02.04:
 - (1) Property owners are not required to provide long-term bicycle parking spaces for the benefit of structures other than bus stations in which no more than 40 employees work at any given time.
 - (2) Property owners shall provide two bicycle parking spaces for every 40 employees that work in a structure other than a bus station at any given time.
 - (3) Property owners shall provide two bicycle parking spaces for every bus bay in a bus station.
- (c) Long-term bicycle parking is not required on exempt property. On non-exempt property in a DT-3 or MX-3 district, in addition to any requirements imposed by Section 1254.02.04, the property owner shall provide a number of long-term bicycle parking spaces that is at least five percent of the number of off-street parking spaces actually provided.

(Ord. No. 1273, § 1, 3-8-21)

1254.02.06. - Offset of required off-street parking spaces.

The number of off-street parking spaces required by Section 1254.01 will be reduced by one space, with a maximum reduction of 20 percent of the number of off-street parking spaces required by Table 1254.01.03, for each of the following:

- (a) Every six bicycle parking spaces provided in excess of those required by this chapter;
- (b) Every six short-term bicycle parking spaces covered by a permanent structure approved by the Zoning Administrator.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1260. - SITE PLAN REVIEW

1260.01. - Intent.

It is the intent of this article to require site plan review and approval prior to issuance of a zoning compliance permit for certain buildings, structures and uses to ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals and design guidelines in the Design Lansing Comprehensive Plan, the regulations in this Zoning Ordinance, and compliance with other City Ordinances related to development. In particular, the standards herein are intended to minimize negative impacts on natural resources, utility systems, public service delivery, traffic operations, pedestrian and bicyclist safety, adjacent neighborhood or district character, and the character of future development.

It is further the intent of this article to bring existing sites that do not conform with current standards of this chapter into greater conformity when uses change or an exterior renovation or expansion is proposed.

(Ord. No. 1273, § 1, 3-8-21)

1260.02. - Uses subject to review.

- (a) Except for individual single or two-family principal or accessory structures, a site plan shall be submitted to the Planning Office for all of the following activities:
 - (1) Construction of a new building or building addition that is 1,000 square feet or greater in area;
 - (2) Structural alteration of an existing structure or a change of use when the effect of the alteration or change is to increase the intensity of the land use;
 - (3) Excavation or filling of ground within the boundaries of the 100-year base floodplain;
 - (4) The installation of 1,000 square feet or more of new impervious surface;
 - (5) A manufactured housing community;
 - (6) An activity which relocates a structure from one lot to another lot or within the same lot; and
 - (7) Mass grading of topography and/or grading that alters the existing site drainage patterns.
- (b) The Planning Office may waive the requirement of site plan review when the Planning Office and all other City departments that are charged with reviewing site plans, including the Board of Water and Light, are in agreement that there is no reasonable need for site plan review under the circumstances involved.

(Ord. No. 1273, § 1, 3-8-21)

1260.03. - Standards for approval.

The Zoning Administrator may deny, approve, or approve with conditions the plan based on the following design standards that apply in addition to the applicable use and dimensional regulations:

- (a) *Site design characteristics.* All elements of the plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; pedestrian circulation and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- (b) *Building design.* The building design shall relate to the surrounding area in regard to texture, scale, mass, and proportion. The quality of building design and construction materials shall be in accordance with the requirements of Chapter 1246, Building Types. Buildings shall be designed to take advantage of natural heating, cooling, and buffering opportunities and incorporate energy efficient fixtures.
- (c) *Change of use and redevelopment.* For changes of use and site alterations or building expansions, the Zoning Administrator shall determine the extent of improvement required in relation to the extent of change proposed. In particular the Zoning Administrator may require changes to improve public safety; closure or redesign of driveways; redesign or resurfacing of parking and loading areas; installation of curbing; replacement or additions to landscaping or screening; upgrades to lighting; relocation and enclosure of waste receptacles; and upgrades to the building exterior.
- (d) *Preservation or conservation of significant natural features.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Views of the river shall be preserved and protected. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- (e) *Preservation of capital views.* The design shall be considerate of existing public views of Michigan's State Capitol.
- (f) *Streets.* All streets shall be developed in accordance with the City of Lansing engineering standards. All streets shall be designed to accommodate multiple modes of transportation (autos, trucks, transit pedestrians and bicyclists). Street connections shall be provided where necessary to enhance vehicular, pedestrian and bicycle connectivity to surrounding neighborhoods.
- (g) *Access, driveways and circulation.* Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided and shall meet the following criteria:
 - (1) Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - (2) The number of access points shall be the minimum necessary to provide reasonable access to the property.
 - (3) Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly to avoid conflicts with traffic operations at street intersections and associated with left turns into and from the site. The City may require closure or relocation or redesign of access points, or a redesign of on-site parking and circulation, to improve operations and safety.
 - (4) For uses having frontage and/or access on a major street, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Chapter 1254, Parking. The City may require shared access with adjacent parcels with a shared access agreement, especially where safe access spacing from intersections or other driveways cannot be provided on a site.
 - (5) All driveways shall meet the design and construction standards of the City or the MDOT for access along state

routes.

- (h) *Emergency vehicle access.* Site circulation, parking lot design, and buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the fire department and police department.
- (i) *Sidewalks, pedestrian and bicycle circulation.* Safe pedestrian circulation and access to building entrances shall be provided. Conflicts between pedestrian pathways and traffic circulation shall be minimized to the extent practical. In locations where transit is available, convenient pedestrian access shall be provided from the building entrance to the transit stop. Pedestrian circulation shall be as provided in Section 1250.04.06, Pedestrian and bicycle oriented design features.
- (j) *Parking.* The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Chapter 1254, Parking. Parking lots shall be designed to minimize the amount of impermeable surface. Bicycle parking shall be provided as required in Section 1254.02.
- (k) *Loading.* All loading and unloading areas and outside storage areas, including waste receptacles, shall be accessed and screened in accordance with Section 1254.01.17, Loading.
- (l) *Waste receptacles.* Waste receptacles shall be provided as required in Section 1250.04.04, Waste receptacles and enclosures.
- (m) *Lighting.* Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets in accordance with Section 1250.04.03, Exterior lighting.
- (n) *Mechanical equipment and utilities.* Mechanical equipment and utilities, including roof-, building- and ground-mounted, shall be screened in accordance with the requirements of Section 1250.04.02, Mechanical equipment.
- (o) *Landscaping.* Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Chapter 1252, Landscaping. Potable water consumption for irrigation shall be minimized to the extent practical through utilization of plant species that minimizes the need for irrigation, irrigation efficiency, use of captured rainwater or use of recycled wastewater.
- (p) *Utilities and storm water management.* Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and storm water management facilities shall be reviewed and approved by the City Engineer. Low impact stormwater management techniques shall be used wherever possible such as pervious pavement, bio-swales, rain gardens and green roofs.
- (q) *Noise.* The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts and to comply with the City's noise ordinance.
- (r) *Other agency reviews.* The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Board of Water and Light, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.

(Ord. No. 1273, § 1, 3-8-21)

1260.04. - Submittal requirements.

A site plan shall be dated, submitted in electronic format, drawn to a scale of not less than one inch equals 50 feet, if the subject property is less than three acres, and one inch equals 100 feet, if three acres or more. The site plan shall contain all of the following information, provided that the Zoning Administrator may waive certain submittal requirements for a reoccupancy

or minor change on an existing site where it is determined such information is not necessary to determine compliance with this ordinance:

- (a) The names, addresses, telephone number and email address of the applicant, owner and the architect, engineer, or other design professional who prepared the plan;
- (b) The parcel numbers, addresses and legal descriptions of all parcels that are related to the project for which site plan approval is being sought;
- (c) Location map and north arrow;
- (d) Existing and proposed lot lines, acreage and dimensions of the site including width, length and frontage;
- (e) Locations and dimensions for all existing and proposed easements, sidewalks, fire lanes, streets/alley rights-of-way;
- (f) Location of existing access points (driveways) adjacent to, and across the street from, the site including the spacing from the proposed access points;
- (g) Location and dimensions (width, radii, grades) of proposed access points and existing or proposed acceleration/deceleration tapers or lanes along or adjacent to the site;
- (h) Location of all existing and proposed buildings;
- (i) Required and proposed setbacks for all buildings and parking lots;
- (j) The height of all proposed buildings and structures;
- (k) The location and dimensions of all bicycle parking spaces, vehicular parking spaces/aisles, loading and unloading areas and driveways on or within 120 feet of the site;
- (l) Number of required and proposed vehicular and bicycle parking spaces;
- (m) The location of all existing and proposed right-of-way trees and a landscaping, screening and buffering plan that demonstrates compliance with the requirements of Chapter 1252, Landscaping;
- (n) The location and enclosure details for all waste receptacles;
- (o) A photometric plan and a detail of the proposed exterior lighting poles/fixtures;
- (p) Existing and proposed land elevations and/or contours to appropriately illustrate and direction of drainage flow;
- (q) The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways, floodplains, and wetlands;
- (r) A soil erosion and sedimentation control plan unless no earth changes are proposed as part of the site plan (an associated permit may also be required consistent with the requirements of City of Lansing Ordinance 1218.06);
- (s) Where required consistent with City of Lansing Ordinance 1219.04, a proposed, post-construction storm water management plan consistent with the requirements of Chapter 1219 of the City Code, including design of storm sewers, stormwater outlets, and stormwater retention or detention ponds;
- (t) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan;
- (u) Location of any on-site wastewater treatment and disposal systems;
- (v) Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes;
- (w) Inventory of hazardous substances (including include CAS numbers) to be stored, used or generated on-site, presented in a format acceptable to the City Fire Marshal;
- (x) Descriptions of type of operations proposed for the project and drawings show size, location, and description of

any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials;

- (y) Description and location for any existing or proposed above ground and below ground storage tanks;
- (z) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.

(Ord. No. 1273, § 1, 3-8-21)

1260.05. - Compliance and construction with approved site plan.

- (a) Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan including any approved revisions, amendments or modifications made thereto. Failure to conform to the approved site plan shall constitute a violation of this chapter. In order to assure compliance with the approved site plan, a completion bond equivalent to the value of the site work shall be submitted to the Planning Office prior to commencement of construction. If construction and development does not conform to the approved plan, the approval thereof shall be revoked by the Zoning Administrator by written notice of such revocation. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. If necessary based upon continued non-compliance, the City may also elect to invoke the provisions of the completion bond for the purposes of mobilizing forces to correct any non-compliant aspects of the development. The completion bond shall be released by the Planning Office upon confirmation that the development is compliant with the approved site plan including any approved revisions, amendments or modifications made thereto.
- (b) For all approved site plans, as-built drawings for all site work and utility construction shall be submitted to the public service department within 14 days of completion of construction.
- (c) The approval of any site plan under this provision shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one year period, then such approval shall continue for a period of two years from the date thereof; provided, however, that should a lapse of more than six months in continuous substantial construction and development not occur, said approval shall expire.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1262. - SPECIAL LAND USE PERMITS

1262.01. - Compliance required.

Special land uses shall be permitted as provided in this Zoning Code if the requirements of this chapter are met.

(Ord. No. 1273, § 1, 3-8-21)

1262.02. - Applications; review procedures.

- (a) An application for a special land use permit may be made by an applicant on forms provided by the planning division. The application shall be filed with the City Clerk and shall be accompanied by the fees established by Council and the documents required by Chapter 1260.
- (b) The City Clerk shall refer the application described in subsection (a) hereof to the Planning Board for consideration and recommendation to Council.

- (c) The Board, upon receipt of an application from the City Clerk, shall publish one notice in a newspaper of general circulation in the City that a request for a special land use approval has been received. The Board shall also send a notice by first class mail to all persons to whom real property is assessed, according to the records maintained in the office of the City Assessor, within 300 feet of the boundary of the lot. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- (d) The notice described in subsection (c) hereof shall be given not less than ten days and not more than 15 days before the public hearing described in subsection (f) hereof.
- (e) The notice shall:
 - (1) Describe the nature of the special land use request;
 - (2) Indicate the lot which is the subject of the special land use request;
 - (3) State when and where the special land use request will be considered;
 - (4) Indicate when and where written comments concerning the request will be received; and
 - (5) Indicate that a public hearing will be held by the Board on the special land use request and give the date, time and location of the public hearing described in subsection (f) hereof.
- (f) The Board shall hold a public hearing for the purpose of considering the special land use request and recommend to Council whether it should approve, approve with conditions or deny the special land use. In making its recommendation, the Board shall consider each of the following standards:
 - (1) If the special land use is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area;
 - (2) If the special land use changes the essential character of the surrounding area;
 - (3) If the special land use interferes with the general enjoyment of adjacent property;
 - (4) If the special land use represents an improvement to the use or character of property under consideration and the surrounding area in general and also is in keeping with the natural environment of the lot;
 - (5) If the special land use is not hazardous to adjacent property, or does not involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare;
 - (6) If the special land use is adequately served by essential public facilities and services, or it is demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration;
 - (7) If the special land use does not place demands on public services and facilities in excess of current capacity;
 - (8) If the special land use is consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan; and
 - (9) If the special land use meets the dimensional requirements of the district in which the property is located.
- (g) The Board shall state to Council, in writing, its recommendations as to each special land use request and the reasons for its recommendation.
- (h) Council, upon receiving the recommendation from the Board, shall hold a public hearing for the purpose of a de novo review of the recommendation of the Board and deciding whether to concur in such recommendation.
- (i) A notice that a request for special land use approval has been received by Council and that a public hearing will be held, shall be published in a newspaper of general circulation in the City. Notice shall also be sent by first class mail to those persons described in subsection (c) hereof.
- (j) The notice described in subsection (i) hereof shall meet all of the requirements described in subsections (d) and (e)

hereof.

- (k) Council may deny, approve or approve with conditions a request for special land use approval, based upon the standards described in subsection (f) hereof. If conditions are imposed, they shall meet the requirements of Section 1262.03. The decision of Council shall be reduced to writing. The writing shall state Council's decision and shall specify the basis for the decision and conditions imposed upon the special land use, if any.

(Ord. No. 1273, § 1, 3-8-21)

1262.03. - Conditions on special land uses.

- (a) Council may impose conditions on its grant of a special land use to achieve any of the following findings:
- (1) Compatibility of the special land use with existing adjacent land uses;
 - (2) Protection of the natural environment and natural resources;
 - (3) Energy conservation;
 - (4) Accommodation of increased public service needs likely to result from the special land use;
 - (5) Protection of the health, safety, and welfare of the property owner and the community;
 - (6) Accommodation of considerations listed in Section 1262.02(f).
- (b) A new building or building addition, that is 1,000 square feet or more in area, and on a parcel of land for which a special land use permit has been granted on or after the effective date of the ordinance from which this chapter is derived, shall require an amendment to the special land use permit after review and approval by the City Council in accordance with the following procedure:
- (1) Within five days upon receipt of a site plan for a new building or building addition 1,000 square feet or greater in area, the Planning Office shall refer the matter to the City Council which shall schedule a public hearing on amending the special land use permit. Notification of the public hearing, in accordance with requirements of Section 1262.02(e) shall be sent by first class mail to the following, not less than seven days prior to the hearing:
 - a. All property owners within 500 feet of the subject property;
 - b. The applicable neighborhood watch officer, if any; and
 - c. The applicable neighborhood association, if any.
 - (2) Following the public hearing, the Council shall review the site plan for compliance with the criteria contained in this chapter for evaluating special land use permits and shall deny, approve or approve with conditions the amendment to the original special land use permit.
 - (3) The Council shall complete its review and render its decision within 60 days from the date that the site plan was referred by the Planning Office. Failure to act shall be deemed approval of the amended special land use permit.
- (c) Conditions of approval, if any, shall be recorded in the written decision described in Section 1262.02(k) and shall remain unchanged, except upon the mutual consent of the applicant and Council.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1264. - PLANNED UNIT DEVELOPMENTS

1264.01. - Applicability.

The planned unit development (PUD) process is an option for properties within all zoning districts, and is mandatory for some larger parcels, or groups of parcels, as designated on the form-based code zoning map.

(Ord. No. 1273, § 1, 3-8-21)

1264.02. - Intent.

- (a) The intent of this article is to offer an alternative to conventional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.
- (b) The PUD zoning standards are provided as a design option to:
 - (1) Encourage innovation in land development in terms of variety, design, layout and type of structures constructed;
 - (2) Accommodate development on sites that exhibit difficult development constraints;
 - (3) Encourage redevelopment of brownfield or greyfield sites as mixed-use neighborhoods;
 - (4) Encourage the adaptive reuse of historic buildings;
 - (5) Provide the opportunity to mix compatible uses, or residential types;
 - (6) Preserve and protect significant natural features, open space and cultural/historic resources;
 - (7) Ensure that new developments are consistent with the historic character of the community;
 - (8) Promote efficient provision of public services and utilities;
 - (9) Minimize adverse traffic impacts;
 - (10) Encourage development of convenient recreational facilities; and
 - (11) Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
- (c) For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this chapter on the basis of the total PUD plan, subject to the approval of the PUD by the Planning Board in accordance with the requirements set forth herein. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this section.
- (d) The applicant shall submit a written application for a planned residential development on forms provided by the Planning Office. The application shall be filed with the City Clerk and shall be accompanied by the following:
 - (1) The fees established by Council; and
 - (2) Four copies of a development plan which meets the requirements of Section 1264.03(b).
- (e) Upon submission of a written application as described in subsection (c) hereof, the Planning Board shall follow the procedures described in Sections 1262.02(f) and (g).
- (f) Upon following the procedures described in Sections 1262.02(f) and (g), the Board shall recommend to Council to approve, approve with conditions or disapprove the development plan contained in the written application.
- (g) Council, upon receiving a recommendation from the Board as described in subsection (e) hereof, shall approve, approve with conditions or disapprove the development plan.
- (h) Approval by Council of an application for a planned residential development pursuant to this section shall expire two years after the date of approval by Council, unless within such two-year period the applicant has either started

construction or has filed a preliminary plat for tentative approval pursuant to Public Act 288 of 1967, as amended, being M.C.L.A. 560.101 to 560.293. If the start of construction for a planned residential development has not begun or the filing of a preliminary plat for tentative approval has not occurred within the time period permitted by this subsection, then the Board may, upon written request, extend approval for two years beyond the time permitted by this subsection. If one extension is granted by the Board, then any further extensions shall be granted with Council approval after approval by the Board.

(Ord. No. 1273, § 1, 3-8-21)

1264.03. - Eligibility criteria.

The following criteria shall apply all planned unit developments (PUDs):

(a) *Unified control.* The planned unit development shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

(b) *Recognizable benefit.*

(1) The applicant shall demonstrate to the Planning Board that the PUD provides at least three of the following site design elements that could not be attained through a project designed under conventional zoning:

- a. Mixed-use development with residential, and nonresidential uses or a variety of housing types;
- b. Redevelopment of brownfield or greyfield sites;
- c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
- d. High quality architectural design beyond the site plan requirements of this chapter;
- e. Extensive landscaping beyond the site plan requirements of this chapter;
- f. Preservation, enhancement or restoration of natural resources (trees, slopes, nonregulated wetland areas, views to the river);
- g. Preservation or restoration of historic resources;
- h. Provision of open space or public plazas or features;
- i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g., topography, shape etc.);
- j. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
- k. Shared vehicular access between properties or uses;
- l. Mitigation to offset impacts on public facilities (such as road improvements); or
- m. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.

(2) In granting the relaxation of any district standard for a PUD, the Planning Board may require the applicant to demonstrate through bona fide documentation that the project will not be detrimental to the public health, safety or welfare of the future occupants of the PUD, the surrounding neighborhood, or the City as a whole. Such

documentation may include, but is not limited to, traffic impacts studies, environmental impact studies, market needs assessments, infrastructure impact studies and any other such reports or studies.

(c) *Compatibility with adjacent uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD unless designed to prevent any negative impacts on adjoining residential uses.

(d) *Master plan.* The proposed PUD shall be consistent with the City of Lansing Comprehensive Plan.

(Ord. No. 1273, § 1, 3-8-21)

1264.04. - Permitted uses.

The uses permitted in the PUD shall be consistent with and in accordance with the uses permitted by right or by special land uses in the underlying zoning district. Other uses, however, may be permitted upon a finding by the Planning Board that such uses will be appropriate and compatible with the uses proposed for the development and with surrounding uses. The Planning Board may permit additional uses to create an integrated, mixed-use development based upon the recommendations of the City of Lansing master plan. Approval of a PUD shall include the specific identification of the uses permitted within the PUD, and only those uses so approved shall be permitted.

(Ord. No. 1273, § 1, 3-8-21)

1264.05. - Height, area and bulk regulations.

The height, bulk and area conditions set forth in the underlying district requirements shall be used as guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent with the intent of the PUD, the Planning Board may permit specific departures from the requirements of this chapter. Any regulatory modification shall be approved through a finding by the Planning Board that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

(a) *Modifications to dimensional requirements.* Where modification of the Zoning Ordinance standards is requested, the applicant shall provide a table for each specific standard proposed to be modified. Unless modifications are specifically requested and approved by the City, the site plan shall comply with the appropriate requirements of the City.

(Ord. No. 1273, § 1, 3-8-21)

1264.06. - Approval procedure.

(a) *Overview of PUD review and approval process.* The PUD review and approval process includes the following steps:

- (1) Preapplication conference with Planning Board office on the PUD concept plan.
- (2) Planning Board review of PUD concept plan and scheduling of public hearing.
- (3) Planning Board public hearing and recommendation on PUD concept plan.
- (4) City Council review and approval of PUD overlay zone, PUD concept plan and PUD agreement.

(b) *Preapplication conference with Planning Office.*

- (1) *Applicant request.* An optional pre-application conference with the Planning Board office may be requested by the applicant to discuss the appropriateness of a PUD and the concept plan to solicit feedback and to receive requests for additional materials supporting the proposal.

(c) *Planning office review of PUD concept plan.*

- (1) *PUD concept plan.* A concept plan for the PUD that contains all of the following information, along with fees established by City Council, shall be submitted for Planning Office review:
- a. A conceptual plan for the development, drawn to an engineer's scale of not less than one inch equals 50 feet for property less than three acres, or one inch equals 100 feet for property three acres or more in size, that includes all of the following:
 1. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;
 2. Scale and north-point;
 3. Location map drawn to a separate scale;
 4. Legal description of property;
 5. Zoning classification of site and all abutting parcels;
 6. Net acreage (minus rights-of-way) and total acreage;
 7. Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;
 8. Proposed lot lines, lot dimensions, property lines, setback dimensions and other improvements;
 9. Location and height of all proposed buildings or structures;
 10. Location of existing and proposed roads, driveways, parking lots, sidewalks and pathways on or within 250 feet of site;
 11. Proposed off-street parking lots and number of spaces;
 12. Conceptual landscape plan;
 13. The general location of existing plant material;
 14. Location of existing drainage courses, floodplains, rivers and MDEQ regulated wetlands;
 15. Location of existing and proposed sanitary sewers;
 16. Location of existing and proposed water mains;
 17. Stormwater retention and detention pond locations and existing, or proposed storm sewers;
 18. Number and location of residential units;
 19. Density calculations by type of residential unit; and
 20. Location and size of recreation and open space areas.
 - b. Documentation indicating how the criteria for qualification for a PUD have been met.
 - c. A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article; this table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - d. The manner of the ownership and dedication, and any mechanism to protect and maintain any areas designated as common areas or open space.
 - e. Any additional information requested by the Planning Board to better assist in the determination of PUD qualification such as, but not limited to: Market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
- (2) *Planning Board public hearing.* A public hearing for the Planning Board to review the requested PUD concept

plan shall be scheduled in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

(3) *Planning Board review, decision, and recommendation.*

a. *PUD concept plan.* The Planning Board shall review the PUD concept plan in consideration of public hearing comments, technical reviews from City staff, correspondence from applicable review agencies and compliance with the standards of this article and other applicable standards and requirements of this chapter. The Planning Board shall recommend approval, approval with conditions or denial of the PUD request to the City Council. The recommendation shall be based on the following:

1. Whether the proposal provides the recognizable benefits intended in this chapter;
2. Promotes the land use goals and objectives of the City or the master plan;
3. Whether all applicable provisions of this article and this chapter are met;
4. Whether eligibility criteria of Section 35-132 are met;
5. Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, stormwater, solid waste, water supply needs and traffic generated by the proposed project; and
6. Whether the project successfully provides a transition between higher and lower density uses and/or between nonresidential and residential.

(4) *Draft PUD agreement.* The applicant shall submit a draft PUD agreement for review and approval by the City Council after review by the City Attorney. The agreement shall provide:

- a. A survey of the acreage comprising the proposed development.
- b. The manner of ownership of the developed land.
- c. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- d. Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.
- e. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Council.
- f. The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the City Council.
- g. Provisions to ensure adequate protection of natural features.
- h. The PUD site plan shall be incorporated by reference and attached as an exhibit.

(5) *Planning Board public hearing.* A public hearing for the Planning Board to review the requested PUD concept plan shall be scheduled in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

(d) *City Council review of PUD overlay zoning PUD concept plan and PUD agreement.*

- (1) Following receipt of a recommendation from the Planning Board on the PUD overlay zoning and PUD concept plan and draft PUD agreement; the City Council shall conduct a public hearing to review the concept plan and PUD agreement.
- (2) Notice regarding this public hearing shall be given in accordance with Section 3-303 of the Lansing City Charter.
- (3) After the public hearing, City Council shall either approve, deny, or approve with a list of conditions made part of

the approval.

- (e) *Conditions.* In accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the City of Lansing Comprehensive Plan. Conditions attached shall be included in the PUD agreement.
- (f) *Time limits for PUD concept plan approval.* Approval of the PUD concept plan by the City Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two years from date of approval. If application for final site plan approval for the PUD or a phase of the PUD is not requested within this time period, the PUD concept plan approval shall automatically become null and void and all rights thereunder shall terminate. The City Council may for good cause extend the period up to an additional two years, if requested in writing by the applicant prior to the expiration date. Upon expiration of a PUD concept plan, the City Council may direct the Planning Board to conduct a public hearing and make a recommendation to remove the PUD overlay district.
- (g) *Final approval of site plan.*
- (1) Following City Council approval of the PUD concept plan, a final site plan for the PUD or individual phases of the PUD shall be submitted in accordance with Chapter 1260, Site Plan Review Procedures.
 - (2) All site plans subsequently submitted shall conform with the PUD concept plan, all conditions attached to preliminary approval, the PUD agreement and the requirements of this chapter. Where the Planning Office determines that changes to the final site plan significantly deviate from the PUD concept plan, the Planning Board office shall refer the PUD to the Planning Board to conduct another public hearing, review the plan as an amended resubmission of the PUD concept plan under the requirements of this article, and make a recommendation on the proposed changes to the City Council for approval, denial, or approval with conditions.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1270. - NONCONFORMITIES

1270.01. - Purpose and intent.

- (a) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures uses of land, and sites which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit non-conforming lots, buildings, structures, uses, and sites to continue until they are removed, but not to encourage their continued use or survival.
- (b) No expansion of nonconformities. Non-conforming lots, buildings, structures, uses, and sites are hereby declared to be incompatible with the zoning districts in which they are located. It is the intent of this chapter that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the zoning district, except as may be provided for in this chapter.
- (c) Required upgrades to nonconforming sites. Similar to other types of non-conforming situations noted herein, there

exist sites that were developed consistent with an approved site plan and other site regulated standards applicable at that time said use or site plan was approved, but that do not fully meet the requirements of this chapter. Those site design features include parking space and aisle sizes, access, parking lot, landscaping/buffering, waste receptacle screening, lighting and similar standards. One purpose of this chapter is to define the extent to which a site plan must be upgraded to meet the current site plan related standards when changes or minor modifications to a conforming use and/or conforming building are proposed for a lot that does not fully meet the current standards. The intent is to require a level of upgrade that is reasonable to improve compliance given the nature of the existing nonconforming site features and extent of the changes proposed on the lot.

- (d) Construction prior to effective date of this chapter. Nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this chapter, or an amendment thereto, and upon which actual building construction has been diligently conducted.

(Ord. No. 1273, § 1, 3-8-21)

1270.02. - Non-conforming lots of record.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the requirements for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Ord. No. 1273, § 1, 3-8-21)

1270.03. - Non-conforming buildings or structures.

- (a) *Continuation of non-conforming buildings or structures.* Where a lawful building or structure exists prior to the effective date of this chapter, or an amendment hereto, that does not comply with the requirements of this chapter because of restrictions such as parking, lot area, coverage, width, height, or yards, that building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The owner shall provide the necessary information to make a determination as to whether or not repairs to the structure will exceed 50 percent of the replacement cost, exclusive of the foundation.
- (3) Should a non-conforming building or structure be destroyed to an amount equal to or less than 50 percent of its estimated replacement cost, exclusive of the foundation, it may be reconstructed in its previously non-conforming location.

(Ord. No. 1273, § 1, 3-8-21)

1270.04. - Non-conforming uses.

- (a) *Enlargement or increase of non-conforming use.* No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied prior to the effective date of this chapter, or an amendment thereto, except as may be permitted by the Board of Zoning Appeals in determining that the proposed

enlargement, increase, or greater area shall:

- (1) Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
 - (2) Comply with all parking, sign, or other applicable regulations for accessory uses for the area affected by the proposed enlargement, increase, or greater area;
 - (3) Comply with any reasonable conditions imposed by the Board of Zoning Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area shall not prove detrimental to adjacent properties, the neighborhood, or the community.
- (b) *Extension within a building.* Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this chapter and would have been permitted by right, but the use shall not be extended to occupy any land outside the building.
- (c) *Reduction in non-conforming use.* If any part of a non-conforming use is moved or reduced in size by action of the owner, the part of the non-conforming use that is moved or reduced in size shall be considered to be abandoned and any subsequent use shall conform to the requirements of this chapter.
- (d) *Abandonment of a non-conforming use.* If a non-conforming use is abandoned for any reason for a period of more than 12 calendar months, any subsequent use shall conform to the requirements of this chapter. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (e) *Extensions.* Upon request, the Zoning Administrator may approve an administrative extension of up to an additional six calendar months where a property owner can demonstrate a good faith effort to sell or lease the premises to another, similar use prior to determining abandonment. Requested extensions beyond the six months must be approved by the Board of Zoning Appeals.
- (f) *Change to other non-conforming use.* A non-conforming use may be changed to another non-conforming use provided the Zoning Administrator makes all of the following determinations:
- (1) The proposed use shall be as compatible as, or more compatible with, the surrounding area than the previous non-conforming use.
 - (2) The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use, except as may otherwise be permitted by this article.
 - (3) That appropriate conditions of approval and safeguards are provided that ensure compliance with the intent and purpose of this chapter.

(Ord. No. 1273, § 1, 3-8-21)

1270.05. - Non-conforming sites.

This section applies when a change in use or a site plan is proposed on a site that does not conform with the current ordinance standards.

- (a) *New development or a replacement of the existing building(s).* Where a new building is being constructed, full compliance with the current ordinance standards shall be required.
- (b) *Building facade renovations.* Renovations to a building that does not include changes to the site, shall not be required to be brought into compliance with the ordinance, except for conforming features that impact safety such as Building Code compliance.
- (c) *Change in use, expansion or reconstruction on part of the site.* The Zoning Administrator may review the extent of the non-compliance and may require full or partial compliance, or allow certain non-conforming features to remain,

based on the relationship to the extent of the change proposed for the lot. In making such a determination, the Zoning Administrator may require an upgrade to the site based upon the following standards.

- (1) Reasonable site improvements to be made in relation to the scale and construction cost of the improvements.
- (2) Improvements to the site are necessary to address safety-related site issues in accordance with the Building Code, fire code and other safety regulations.
- (3) Existing parking and loading spaces do not meet the current requirements of Chapter 1254, Parking. The Zoning Administrator may allow for continued use of parking and loading spaces that do not meet the current required dimensions within all or a portion of the existing parking area if the intensity of the use will not increase. The Zoning Administrator may require improvements to the pavement and parking lot striping.
- (4) The closing, relocating, redesigning or reconfiguring of access points to allow shared access with an adjacent parcels for the purpose of reducing conflicts with traffic and non-motorized travel along the public street. (For example, driveways closest to signalized intersections or that have a poor offset spacing from driveways across the street may need to be closed, relocated or restrict certain turning movements to improve traffic flow and reduce crash potential.) The Zoning Administrator may defer to the City Transportation Engineer for required changes to access design. See Chapter 1254.01.12, Ingress and Egress.
- (5) Improved landscaping, to the extent practical, is necessary to provide sufficient buffering from less intensive adjacent uses, to improve the streetscape, mitigate the impact of non-conforming buildings or structures, and reduce the flowrate and improve the quality of stormwater runoff.
- (6) Conformance with the standards of section will result in reduced glare onto adjacent residential or institutional properties and public rights-of-way.
- (7) Relocating and screening waste receptacles that are not fully conforming to current placement and screening standards will reduce conflicts with vehicles, improve views from the public street, and reduce impacts on adjacent residential property.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1272. - ADMINISTRATION, ENFORCEMENT AND PENALTY

1272.01. - Enforcement by Planning Office, Code Compliance Office and Building Safety Office; violations; reviews.

- (a) The Planning Office, the Code Compliance Office and the Building Safety Office are hereby authorized and directed to enforce this Zoning Code, and for such purpose the authorized representatives of such offices shall have the powers of a law enforcement officer. The director of economic development and planning, the Zoning Administrator, the planning manager and all Code Compliance officers are designated as the authorized City officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal ordinance violations bureau) as provided in Chapter 203 of these Codified Ordinances. As used in this section and throughout these Codified Ordinances, "Planning Office," "Code Compliance Office" and "Building Safety Office" means the offices within the Department of Economic Development and Planning.
- (b) Whenever necessary to make an inspection to enforce any provision of this Zoning Code, or whenever the Planning Office, the Code Compliance Office and the Building Safety Office or their authorized representatives have reasonable cause to believe that there exists in any structure or upon any lot a violation of this Zoning Code, any

authorized City representative may, if entry would not otherwise be lawful, enter the structure or upon the lot to inspect the same, after obtaining the consent of the owner or person having charge or control of the structure or lot, or after obtaining a warrant authorizing entry.

- (c) The Planning Office, the Code Compliance Office and the Building Safety Office and their authorized representatives charged with enforcement of this Zoning Code, acting in good faith and without malice in the discharge of their duties, shall be indemnified and held harmless by the City against any liability for any damage that may accrue to persons or property as the result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Planning Office, the Code Compliance Office and/or the Building Safety Office and/or any employee of the Planning Office, the Code Compliance Office or the Building Safety Office, because of such act or omission performed by the employee in the enforcement of any provision of this Zoning Code, shall be defended by legal counsel provided by the City.
- (d) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or lot, or cause or permit the same to be done, in violation of this Zoning Code.
- (e) Any building, structure or lot erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of this Zoning Code shall be a nuisance per se. The City may enjoin or abate any violation of any of the provisions of this Zoning Code by appropriate action.

(Ord. No. 1273, § 1, 3-8-21)

1272.02. - Fees.

Fees required by this Zoning Code shall be set by resolution of Council.

(Ord. No. 1273, § 1, 3-8-21)

1272.03. - Reserved.

1272.04. - Penalty; notice to abate violations; equitable remedies.

- (a) Except as otherwise provided in this Zoning Code, whoever violates any of the provisions of this Zoning Code is responsible for a municipal civil infraction and shall be subject to the civil fine provided in Section 203.06 of these Codified Ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Section 202.99(c)(2).
- (b) In all cases where penalties or forfeitures are provided for any act or omission, they shall be held to apply to each and every such act or omission. Each and every day the violation exists shall be a separate act or omission. In addition to the foregoing penalties, the City may enjoin or abate any violation of any of the provisions of this Zoning Code by appropriate action.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1274. - BOARD OF ZONING APPEALS

1274.01. - Establishment.

There is hereby established a Board of Zoning Appeals as provided in Section 5 of Public Act 207 of 1921, as amended, being M.C.L.A. 125.585.

(Ord. No. 1273, § 1, 3-8-21)

1274.02. - Composition; terms of office; vacancies.

- (a) The Board of Zoning Appeals shall consist of nine members who are appointed by the mayor with the advice and consent of Council. To be eligible for appointment, each person shall possess the qualifications required by the City Charter for holding office.
- (b) After the effective date of this Zoning Code (Ordinance 636, passed March 7, 1983), each subsequent appointment to the Board shall be for one, two or three years, respectively, so as to provide for the appointment of an equal number of members each year. Thereafter, each member shall be appointed for a full three-year term. The mayor shall attempt to appoint at least one member to the Board who is serving as a member of the Planning Board. The chairperson of the Board of Zoning Appeals shall be elected annually by the membership of the Board.
- (c) Members may be removed at the pleasure of the mayor, with the advice and consent of Council. Appointments to fill vacancies shall be made upon the occurrence of the vacancy and each person so appointed shall take office immediately upon the confirmation of Council, to serve for the remainder of the unexpired term. If a vacancy is not filled within 60 days after the occurrence of the vacancy, Council shall appoint a committee of three of its members to act instead of the mayor in the making of such appointment.

(Ord. No. 1273, § 1, 3-8-21)

1274.03. - Powers and duties.

- (a) The Board of Zoning Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by, the Planning Office related to the Zoning Code.
- (b) The Board of Zoning Appeals shall determine if a Class A nonconformity may be restored or reconstructed pursuant to Section 1270.06(c).
- (c) If requested by an applicant, the Board of Zoning Appeals shall review any decision of the Planning Board, which decision is made under Chapter 1270.
- (d) The duty to alter or change the Zoning Code or the Zoning Map is reserved to Council in the manner provided by law.
- (e) The Board of Zoning Appeals shall hear and determine requests for variances in accordance with Section 1274.06.

(Ord. No. 1273, § 1, 3-8-21)

1274.04. - Appeal procedures.

- (a) Either of the following may take an appeal to the Board of Zoning Appeals pursuant to the procedures described in this section:
 - (1) A person aggrieved by a Planning Office decision regarding this Zoning Code; or
 - (2) Any officer, department, board or bureau of the City aggrieved by a Planning Office decision regarding this Zoning Code.
- (b) An applicant shall file with the Planning Office all of the following:
 - (1) A notice of appeal on forms provided by the office. The notice of appeal shall specify the grounds for the appeal.
 - (2) A drawing which, by a decision of the office, reasonably reflects the factors involved in the appeal.
- (c) The office shall, upon the proper filing of the notice of appeal, immediately transmit to the Board of Zoning Appeals all the papers constituting the record of the appeal.

- (d) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the office certifies to the Board, the notice of appeal is filed, that by reason of facts stated in an office certification, a stay would, in the opinion of the of cause imminent peril to life or property. If the office so certifies, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by the circuit court by giving notice to the office and showing d cause.

(Ord. No. 1273, § 1, 3-8-21)

1274.05. - Hearings.

- (a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal filed pursuant to Section 1274.04.
- (b) The Board shall give notice of the appeal to the persons to whom real property within 300 feet of the lot in question is assessed, according to the records held in the office of the City Assessor. The Board shall also give notice to the occupants of single-family and two-family dwellings within 300 feet of the lot. If the occupant's name is not known, the term "occupant" may be used.
- (c) The notices described in subsection (b) hereof shall be delivered personally or by mail at the address given in the last assessment roll.
- (d) The Board shall decide an appeal within a reasonable time.
- (e) At the hearing a party may appear in person, by agent or by attorney.
- (f) The Board may reverse or affirm, wholly (f) partly, or may modify, the order, requirement, decision or determination appealed from, and shall make an order, requirement, decision or determination as in its opinion ought to be made on the lot, and to that end shall have all the powers of the officer or body from whom the appeal is taken.

(Ord. No. 1273, § 1, 3-8-21)

1274.06. - Variances.

- (a) The Board of Zoning Appeals may authorize a variance described in subsection (b) hereof. For the purposes of this section, "variance" means a modification of the strict letter of this Zoning Code, granted when strict enforcement of this Zoning Code would cause practical difficulties or unnecessary hardship.
- (b) The Board may grant variances for the following:
- (1) Modification of the dimensional requirements as may be necessary to secure appropriate improvement of a lot, which lot is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification; and
 - (2) Modification of zoning requirements for additions or enlargements to existing structures, provided that all requirements for the particular use in the zoning district where such use is first permitted cannot be met without physical hardship pertaining to the shape of the lot and adjacent land uses or topography.
- (c) When considering a variance described in subsection (b) hereof, the Board shall consider the following criteria in determining if a practical difficulty or unnecessary hardship exists:
- (1) If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.
 - (2) The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
 - (3) The hardship is not the result of his or her own actions.

- (4) The hardship is peculiar to the lot of the applicant.
- (d) The procedure for obtaining a variance in accordance with this section shall be the same as that outlined in Section 1274.04.
- (e) In considering a proposed variance from this Zoning Code, the Board shall first, in each specific case, determine that practical difficulties or unnecessary hardships exist, according to the following standards:
- (1) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - (2) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
 - (3) The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom, which nuisance might be noxious to the occupants of any other nearby permitted use, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - (4) The location and height of structures and joint driveways and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.

(Ord. No. 1273, § 1, 3-8-21)

1274.07. - Vote required.

The concurring vote of a majority of the members serving on the Board of Zoning Appeals shall be necessary to reverse an order, requirement, decision or determination of the Planning Office or to decide in favor of the applicant a matter upon which it is required to pass under an ordinance, or to effect a variance of such ordinance.

(Ord. No. 1273, § 1, 3-8-21)

1274.08. - Conditions for approval.

The Board of Zoning Appeals, in acting favorably in connection with an appeal or variance, may attach any condition to its approval which it finds necessary to accomplish the reasonable application of the standards described in Section 1274.06(e).

(Ord. No. 1273, § 1, 3-8-21)

1274.09. - Appeals to circuit court.

- (a) The decision of the Board of Zoning Appeals shall be final. However, a person having an interest affected by this Zoning Code may appeal to the circuit court. Upon appeal, the court shall review the record and decision of the Board to ensure that the decision:
- (1) Complies with the Constitution and laws of the state;
 - (2) Is based upon proper procedure;
 - (3) Is supported by competent material and substantial evidence on the record; and
 - (4) Represents the reasonable exercise of discretion granted by law to the Board.
- (b) If the court finds that the record of the Board is inadequate to make the review required by this section, or that there

is additional evidence which is material and with good reason was not presented to the Board, the court shall order further proceedings before the Board on conditions which the court considers proper. The Board may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the court.

(c) As a result of the review required by this section, the court may affirm, reverse or modify the decision of the Board.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1276. - AMENDMENTS

1276.01. - Application for amendment.

(a) An application to amend, supplement or change the regulations and boundaries of zoning districts may be made by any of the following persons:

(1) A person having a legal or equitable interest in the property;

(2) The authorized representative of a person having a legal or equitable interest in the property; or

(3) Council.

(b) The application described in subsection (a) hereof shall be made on forms provided by the Planning Office and shall be filed with the City Clerk and accompanied by the fees required by Council.

(c) Within one day after receipt of the application, the City Clerk shall refer the application to the Planning Board. Simultaneously, the City Clerk shall place the application on the agenda for the next Council meeting.

(d) After the City Clerk refers the application to the Board, the Board shall hold not less than one public hearing before submitting a final report to Council and shall provide notice of the public hearing as described in subsection (e) hereof.

(e) Not less than 15 days' notice of the time and place of the public hearing described in this subsection shall first be published in an official paper or a paper of general circulation in the City. In addition, not less than 15 days' notice of the time and place of the public hearing shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected, if the public utility company or railroad registers its name and mailing address with the City Clerk for the purpose of receiving the notice. an affidavit of mailing shall be maintained by the Planning Office. In addition, the Planning Office shall provide not less than 15 days' notice of a public hearing on a proposed amendment to a zoning district boundary to the owner of the property in question, as represented on the tax records held in the office of the City Assessor. A hearing shall be granted an interested person at the time and place specified on the notice.

(Ord. No. 1273, § 1, 3-8-21)

1276.02. - Approval.

(a) After the public hearing described in subsection 1276.01(d), the Board shall make its final report to Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Board to Council. Council shall hold at least one public hearing and shall provide notice of a public hearing as described in subsection 1276.01(e).

(b) Council shall not determine the boundaries of districts nor impose regulations until after the final report of the Board, nor shall this Zoning Code or the maps be amended after they are adopted in the first instance until the

proposed amendment has been submitted to the Board and it has held at least one hearing and made a report. In either case, Council may adopt the ordinance and maps, with or without amendments, after receipt of the Board's report, or refer this Zoning Code and maps again to the Board for a further report.

- (c) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to this Zoning Code which is the object of the petition shall be passed only by a two-thirds vote of Council. The protest petition shall be presented to Council before final legislative action on the amendment, and shall be signed by one of the following:
- (1) The owners of at least 20 percent of the area of land included in the proposed change; or
 - (2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- (d) For purposes of subsection (b) hereof, publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- (e) Following the adoption of this Zoning Code and following the adoption of subsequent amendments to this Zoning Code by Council, one notice of adoption shall be published by the City Clerk in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:
- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by Council";
 - (2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 - (3) The effective date of the ordinance; and
 - (4) The place and time where a copy of the ordinance may be purchased or inspected.

(Ord. No. 1273, § 1, 3-8-21)

1276.03. - Conditional rezoning.

- (a) *Intent.* It is recognized that there are certain instances when it would be in the best interests of the City, as well as advantageous to land owners seeking a change in zoning boundaries, if specific conditions were to be proposed by the land owner as part of a request for a rezoning. It is the intent of this section to provide a process consistent with MCL 125.3405 by which a land owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.*
- (1) A land owner or a land owner's agent may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 - (3) The land owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - (4) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.

- (5) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.
 - (6) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
 - (7) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Board's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Board for a new public hearing with appropriate notice and a new recommendation.
- (c) *Planning Board review.* The Planning Board, after public hearing and consideration of the factors for rezoning set forth in this ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the land owner.
- (d) *City Council review.* After receipt of the Planning Board's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to a consideration of the factors for rezoning set forth in this ordinance.
- (e) *Approval.*
- (1) If City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the land owner and conforming in form to the provisions of this ordinance. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by City Council to accomplish the requested rezoning.
 - (2) The statement of conditions shall:
 - a. Contain a legal description of the land to which it pertains.
 - b. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - c. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the land owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - d. (Contain the notarized signatures of all of the land owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
 - (3) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The City Clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 - (4) The City Council shall have authority to require that the statement of conditions be recorded with the register of deeds if it determines that, given the nature of the conditions, the recording of such a document would be of material benefit to the City or to any subsequent owner of the land.
 - (5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating its use and development as contained in the statement of conditions.

- (f) *Compliance with conditions.*
- (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (2) No permit or approval shall be granted under this ordinance for any use or development that is contrary to a statement of conditions.
- (g) Time period for establishing development or use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months (or shorter if specified) after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the City Council if:
- (1) It is demonstrated to the City Council's satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The City Council finds that there has not been a change in circumstances that would render the zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise renders it inconsistent with zoning policy.
- (h) *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (g) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405.
- (i) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the land owner's written request, the City Clerk shall record with the register of deeds a notice that the statement of conditions is no longer in effect.
- (j) *Amendment of conditions when extension requested.* If a conditional zoning has been approved and the applicant requests an extension of time for commencement of the development, the City Council may add to, delete or modify the conditions in the previously approved statement of conditions as part of its decision to grant the requested extension so long as the changes are proposed by the developer.
- (k) *City's right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with City ordinances and City Charter.
- (l) *Failure to offer conditions.* The City shall not require a land owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a land owner's rights under this ordinance.

(Ord. No. 1273, § 1, 3-8-21)

CHAPTER 1300. - MARIJUANA OPERATIONS

Footnotes:

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Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, changed the title of Ch. 1300 from medical marijuana establishments to marihuana operations. Ord. No. 1217, § 1, adopted Sept. 7, 2017, repealed the former Ch. 1300, §§ 1300.01—1300.07, and enacted a new Ch. 1300 as set out herein. The former Ch. 1300 pertained to similar subject matter and derived from Ord. No. 1168, § 1, adopted June 27, 2011.

1300.01. - Legislative intent.

The purpose of this chapter is to exercise the police, regulatory, and land use powers of the City by licensing and regulating marihuana operations to the extent permissible under State and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of the City; and as such this chapter constitutes a public purpose.

The City finds that the activities described in this chapter are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The City further finds and declares that economic development, including job creation and training, and the protection of the public health, safety, and welfare of City neighborhoods and residents are public purposes.

Except as may be required or permitted by law or regulation, it is not the intent of this chapter to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act or [Section 8-501](#) of the City Charter, or, restrict the protections of marihuana use under the Michigan Taxation and Regulation of Marihuana Act.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

1300.02. - Definitions, interpretation and conflicts.

For the purposes of this chapter:

- (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. (MMFLA), as amended, the Marihuana Tracking Act ("MTA"), MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq., shall have the definition given in those acts; if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA MTA, or MRTMA then the definition in the MMMA, MMFLA, MTA, or MRTMA shall apply.
- (b) Any term defined by 21 USC [860\(e\)](#) referenced in this chapter shall have the definition given by 21 USC [860\(e\)](#).
- (c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA, MTA, or MRTMA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA and MRTMA unless superseded or preempted by the MMFLA and/or MRTMA.
- (d) All activities related to medical marihuana, including those related to a Medical Marihuana Provisioning Center, a Medical Marihuana Grower Facility, a Medical Marihuana Secure Transporter, a Medical Marihuana Processor or a Medical Marihuana Safety Compliance Facility shall be in compliance with the rules of the Marihuana Regulatory Agency, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City, the MMMA, MMFLA and the MTA.
- (e) All activities related to non-medical marihuana shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City and MRTMA.
- (f) Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the

distribution of marihuana, or the testing of marihuana either prior to or after enactment of this chapter without obtaining the required licensing set forth in this chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter, and/or State law. Any license granted pursuant to this chapter shall be exclusive to the licensee, and is a revocable privilege. Granting a license does not create or vest any right, title, franchise, or other property right.

(g) The following terms shall have the definitions given:

Application/License Application means an application for a license pursuant to the terms and conditions set forth in Sections 1300.04 and 1300.05.

Application for a License Renewal means an application for a license renewal pursuant to the terms and conditions of Section 1300.07.

Buffered Use means a use subject to the buffering and dispersion requirements of Sections 1300.10 and 1300.11.

Building means an independent, enclosed structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures not in compliance with MMMA or MRTMA. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Chapter means this Chapter 1300.

Church means an entire space set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

City means the City of Lansing, Michigan.

Clerk shall mean the City Clerk of Lansing, Michigan.

Council or City Council means the City Council of Lansing, Michigan.

Employee means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

License means a license issued for the operation of a medical marihuana facility or marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to Section 1300.07.

Licensee means a person issued a license for a medical marihuana facility or marihuana establishment pursuant to this chapter.

Limit means a competitive application process by which the municipality selects applicants who are best suited to operate in compliance with the Michigan Regulation and Taxation of Marihuana Act and this chapter and prevents the Department of Licensing and Regulatory Affairs from issuing a State license within the municipality's jurisdiction if the applicant is not selected, in compliance with MCL § 333.27956(1) and MCL § 333.27959(4).

Marihuana Establishment means any marihuana operation that is required to be licensed under this chapter and possesses a license or approval to operate under the MRTMA, including a Marihuana Microbusiness, a Marihuana Retailer, a Marihuana Grower, a Marihuana Processor, a Marihuana Secure Transporter, a Marihuana Safety Compliance Facility, and a Designated Consumption Establishment.

Marihuana Grower means a licensee that is a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to terms and conditions of this chapter that cultivates, dries, trims or cures and packages marihuana in accordance with State law.

Marihuana Microbusiness means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments, located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter.

Marihuana Operation/Operator means all types of medical and non-medical marihuana establishments and facilities operating in the City of Lansing that are required to be licensed under this chapter and possess a license or approval to operate under State law.

Marihuana Processor or Medical Marihuana Processor Facility means a commercial entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, processes and packages marihuana, and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.

Marijuana Regulatory Agency or MRA means the agency within the State of Michigan Department of Licensing and Regulatory Affairs created pursuant to Executive Order 2019-07 to regulate medical and recreational marihuana.

Marihuana Retailer means a licensee located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to a marihuana establishment and to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility or Medical Marihuana Safety Compliance Facility means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids.

Medical Marihuana Facility means any facility or center that is required to be licensed under this chapter and possesses a license or approval to operate from the State under the MMFLA, including: A Medical Marihuana Provisioning Center, a Medical Marihuana Processor, a Medical Marihuana Grower Facility, a Marihuana Secure Transporter, and a Medical Marihuana Safety Compliance Facility.

Medical Marihuana Provisioning Center means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this chapter, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by State law. Medical Marihuana Provisioning Center, as defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with State law and regulation. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the State's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a Medical Marihuana Provisioning Center for purposes of this chapter.

MMFLA means the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. as amended from time to time.

MMMA means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

MRTMA means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended from time to time.

MTA means the Marihuana Tracking Act, MCL 333.27901 et seq., as amended from time to time.

Ordinance means the ordinance adopting this [Chapter 1300](#).

Park means an area of land designated by the City as a park on its master plan or on a Council-approved list of City parks.

Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

School means and includes buildings used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12, and headstart when that instruction is provided by a public, private, denominational, or parochial school.

Secure Transporter or *Medical Marihuana Secure Transporter* means a commercial or business entity that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed to operate by the City pursuant to the terms and conditions of this chapter, that stores marihuana and transports marihuana between medical marihuana facilities or marihuana establishments for a fee and in accordance with State law.

Stakeholder means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, the managers and members; with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders; and with respect to a partnership or limited liability partnership, the partners, both general and limited.

State means the State of Michigan.

Ward means the four wards of the City of Lansing as outlined in [2-203](#) of the Lansing City Charter.

(h) Any term defined by the MMMA, the MMFLA, MTA, or MRTMA and not defined in this chapter shall have the definition of the MMMA, MMFLA, MTA, or MRTMA as applicable.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

1300.03. - Operation without license prohibited.

- (a) Every marihuana operation in the City shall be licensed pursuant to the terms and provisions set forth in this chapter. No person shall operate a marihuana operation in the City without first obtaining a license from the City Clerk. A marihuana operation operating without a license under the provisions of this chapter or without a State license or approval pursuant to the MMFLA or MRTMA, as amended from time to time, is hereby declared to be a public nuisance.
- (b) The term of each license for a proposed location shall be one year. A license issued under this chapter for a proposed location may be conditioned on the approval of the operator by the State pursuant to the MMFLA and/or MRTMA at the location licensed under this chapter.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed § 1300.03, which pertained to establishment of the Medical Marijuana Commission, membership, chairperson, and meetings and renumbered former §§ 1300.04—1300.06, operation without license prohibited, license application submission, and license application evaluation, as §§ 1300.03—1300.05.

1300.04. - License application submission.

- (a) Each marihuana operation must be licensed by the City. Applications for a license shall be made in writing to the City Clerk. All applications submitted to the City Clerk in accordance with the provisions of this chapter shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this chapter of the same or different natures simultaneously, as permitted by law.
- (b) A complete application for a license or licenses required by this chapter shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:
 - (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
 - (2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.
 - (3) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.
 - (4) The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the City Clerk.
 - (5) Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies for every applicant, licensee, stakeholder, and employee to the City Clerk within five business days of receipt.
 - (6) An affirmation under oath as to whether the applicant or operator has had a business license revoked or

suspended, and if revoked or suspended, then the reason for such revocation or suspension.

- (7) A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:
 - i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and
 - ii. A current organization chart that includes position descriptions and the names of each person holding each position.
- (8) One of the following: (a) proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of any lease for the premises.
- (9) Verify compliance with State-mandated security measures as outlined in Emergency Rule 35 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (10) A floor plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.
- (11) Verify compliance with State-mandated marketing and advertising restrictions as outlined in Emergency Rule 52 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (12) A location area map, as measured pursuant to Section 1300.10, of the marihuana operation and surrounding area that identifies the relative locations and the distances, as measured pursuant to Section 1300.10(d), to the buffered uses set forth in Section 1300.10(a), and noting any residentially-zoned property within one-quarter mile of the marihuana operation.
- (13) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.
- (14) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.
- (15) Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least \$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy

underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with State law. The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.

- (16) i. Proof of a surety bond in the amount of \$50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this chapter in a manner and surety approved by the City Attorney; or, in the alternative,
 - ii. Creation of an escrow account as follows:
 - a. The account must be provided by a State or federally regulated financial institution or other financial institution; and
 - b. The account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and
 - c. The account must be in the amount of \$20,000.00 and in a form prescribed by the City Attorney.
- (17) Projected or actual annual budget and revenue based upon generally accepted accounting principles (GAAP standards) demonstrating sufficient financial resources to fund and execute the submitted business plans and building plans.
- (18) An estimate of the number and type of full-time equivalent jobs that the marijuana operation expects to create and the amount and type of compensation for each position, including but not limited to healthcare, retirement, and paid time off.
- (19) Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marijuana.
- (20) Execution of the Financial Resources Litigation History form made available by the City Clerk.
- (21) Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.
- (22) Any other information requested by the City Clerk to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.
- (23) There is an ongoing obligation to provide updated information to the City Clerk. Should there be a change to any portion of an application, the applicant must advise the City Clerk within seven days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.
- (c) Each application shall be accompanied by a license application fee in an amount of \$5,000.00.
- (d) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the City Attorney, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application shall be approved unless:
 - (1) The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
 - (2) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code and this chapter.
 - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to

the City, including but not limited to, non-payment of property taxes.

- (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.
- (5) The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

Note— See editor's note at [§ 1300.04](#).

1300.05. - License application evaluation.

- (a) The Clerk may open a 30-day enrollment period at his or her discretion for any license type.
- (b) The City Clerk shall assess, evaluate, score and rank all complete Medical Marihuana Provisioning Center, Marihuana Retailer, Medical Marihuana Grow, Marihuana Grow, Medical Marihuana Processor, Marihuana Processor, Marihuana Microbusiness, and Designated Consumption Establishment applications submitted according to the provisions of this chapter. Assessment, evaluation, scoring, and ranking shall be completed for each license type. Additionally, the Clerk shall assess, evaluate, score and rank marihuana microbusiness and designated consumption establishment applications based upon ward. No application will be evaluated, scored, or ranked unless such application contains the approvals required by [Section 1300.04\(e\)](#) and the application contains all required information outlined in [Section 1300.04](#). All other types of marihuana operation licenses shall be assessed for completeness and compliance with the terms of this chapter.
- (c) The City Clerk's assessment, evaluation, score, and rank of each application that requires scoring shall be based upon a scoring criteria created by the City Clerk consistent with the requirements and conditions of this chapter. Scoring shall fall under the following general categories: content and sufficiency, consistency with surrounding land use and resident safety, demonstration of sufficient financial resources, and promotion of local business. The City Clerk shall award conditional approval or licenses to the top scoring complete applications for the number of licenses available during each enrollment period. Scoring and ranking renews with each enrollment period. Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero points to 100 points with the lowest overall total score as zero points and the highest possible total score being 100 points. The Clerk retains the right to award fewer licenses than the number available if the remaining license application scores fall below 75/100, however, no license shall be awarded to an applicant whose score falls below 60/100.
- (d) In the assessment, evaluation, score, and ranking of license applications the City Clerk may give preference to locations that improve access to medical marihuana patients, are consistent with surrounding and nearby land use, and limit potential exposure or disturbance of neighborhoods.
- (e) In the event of an evaluation scoring tie during an enrollment period which causes there to be more applicants than licenses or locations available, the scoring-tied applicants will be entered into a random draw using procedures set by the City Clerk. Those applications randomly selected shall be eligible to receive the license applied for consistent with this chapter. All license applications must be submitted during the open enrollment periods set by the Clerk.
- (f) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a license of any kind or nature whatsoever including, but not limited to, any claim of entitlement.
- (g) The Clerk may engage professional expert assistance in performing the Clerk's duties and responsibilities under this chapter.
- (h) If the applicant applies for a State license, the applicant must notify the City Clerk of the pending State application

within seven days in writing by certified mail.

- (i) If the applicant has not applied for a State license, the applicant must apply for a State license within 28 days of submitting an application to the City Clerk.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

Note— See editor's note at [§ 1300.04](#).

1300.06. - Limits on licenses and locations.

- (a) Based upon investigation, recommendations, review, and consideration from the public, relevant boards and commissions, Planning Board review, maps, historical data, Council committees, and public hearings and meetings, the City Council finds and determines that it is in the public interest and serves a public purpose to limit, as defined, the following licenses:
- (1) The maximum number of locations for both Medical Marihuana Provisioning Centers and Marihuana Retailers shall be capped at 28. A single location may serve as both a Medical Marihuana Provisioning Center and a Marihuana Retailer.
 - (2) The maximum number of locations for marihuana microbusinesses shall be capped at one location per ward, as defined.
 - (3) The maximum number of locations for a designated consumption establishments shall be capped at one location per ward, as defined.
 - (4) Upon the effective date of the ordinance from which this section is derived, the maximum number of locations for medical marihuana grows and marihuana grows shall be capped at 75 locations or the number of locations based upon licenses awarded and applications pending with the City Clerk as of the effective date of this section, whichever is higher. A single location may serve as both a medical marihuana grow and marihuana grow. Beginning January 1, 2021, as licenses are denied or issued licenses are not renewed, such licenses shall be eliminated until the total number of locations has been reduced to 55.

(Ord. No. 1257, § 1, 9-30-19)

1300.07. - License renewal application.

- (a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.
- (b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by [Section 1300.04\(b\)](#).
- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application for a license renewal shall be approved unless:
 - (1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for

compliance with all laws for which they are charged with enforcement within the past calendar year.

- (2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.
 - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana operation are not currently in default to the City, including but not limited to property taxes.
 - (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.
 - (5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
 - (6) The applicant possesses the necessary State licenses or approvals.
 - (7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.
 - (8) The marihuana operation has not been declared a public nuisance.
- (f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.08. - Licenses generally.

- (a) To the extent permissible under law, all information submitted in conjunction with an application for a license or license renewal required by this chapter is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq., including the trade secrets or commercial or financial information exemptions available under Section 13(f) of the Michigan Freedom of Information Act. Furthermore, no personal or medical information concerning the applicant shall be submitted to the City.
- (b) Licensees may transfer a license issued under this chapter to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer a license location, the licensee must make a written request to the City Clerk, indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk shall refer a copy of the written request to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer. No license transfer shall be approved unless each department and entity gives written approval that the licensee and the proposed license location meet the standards identified in this chapter, including but not limited to Section 1300.04(e), and the City Clerk has determined that the proposed location meets the requirements of Sections 1300.05. Applicants may not change locations during the application review period.
- (c) A licensee may transfer a license issued under this chapter to a different individual or entity upon receiving written approval by the City Clerk. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the City Clerk, indicating the current licensee and the proposed licensee. Upon receiving the written request, the City Clerk shall review the application for conformity with Sections 1300.04 and 1300.05 including submission of the license application fee. Application fees are non-transferable.
- (d) A licensee shall report any other change in the information required by this chapter to the City Clerk within seven business days of the change. Failure to do so may result in suspension or revocation of the license.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.09. - Minimum operational standards of a marihuana operation.

Except as may be preempted by State law or regulation:

- (a) Every Medical Marihuana Provisioning Center, Marihuana Retailer, and Designated Consumption Establishment must be located in a building, as defined under Section 1300.02.
- (b) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall be open between the hours of 10:00 p.m. and 9:00 a.m.
- (c) Consumption of marihuana shall be prohibited on the premises of a marihuana operation except as permitted by City Charter Section 8-501, State law, and a designated consumption establishment license has been obtained.
- (d) No marihuana operation shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana operation is operated; or any other nuisance that hinders the public health, safety and welfare of the residents of the City.
- (e) The license required by this chapter shall be prominently displayed on the premises of a marihuana operation.
- (f) The premises shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises. Refusal to permit inspection may result in revocation or suspension of licensure.
- (g) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (h) No other accessory uses are permitted within the same establishment or facility unless expressly permitted by State or local law.
- (i) All processing activity shall be performed indoors in a building.
- (j) All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - (1) Maintaining adequate personal cleanliness;
 - (2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - (3) Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- (k) Marihuana operations must be kept clean and in good repair, including proper disposal of all waste and litter.
- (l) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall permit the sale, consumption, or serving of alcohol.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

1300.10. - Location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers and Marihuana Retailers.

- (a) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within:
 - (1) One thousand feet, of an operational school, including pre-kindergarten that is located within a school; or
 - (2) Five hundred feet, of the following buffered uses: Public parks; a commercial child care organization (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services, or its successor agency; a church; a facility at which substance use disorder prevention services or

substance use disorder treatment and rehabilitation services and those terms are defined in the Mental Health Code, PA 258 of 1974, MCL 330.1001 et seq. or another Medical Marihuana Provisioning Center or Marihuana Retailer.

- (b) Medical Marihuana Provisioning Centers and Marihuana Retailers shall be limited to F and F1-Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial as such districts are described and designated as provided in the Zoning Code provisions of this Code.
- (c) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within another business except as permitted by the Marijuana Regulatory Agency.
- (d) For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Medical Marihuana Provisioning Centers and Marihuana Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.
- (e) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed §§ 1300.10—1300.12, which pertained to minimum operational standards of a Medical Marihuana Grower Facility, minimum operational standards of a Medical Marihuana Safety Compliance Facility, and minimum operational standards of a Medical Marihuana Processor Facility and a Medical Marihuana Secure Transporter, and renumbered former §§ 1300.13—1300.15, location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers; location of Medical Marihuana Grower Facilities, Medical Marihuana Safety Compliance Facilities, Medical Marihuana Processor Facilities, and Medical Marihuana Secure Transporters; and license revocation, bases for revocation, appeal of license denial; as §§ 1300.10—1300.13.

1300.11. - Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

- (a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to H-Light Industrial and I-Heavy Industrial zoning districts as identified in this Code.
- (b) All Marihuana Safety Compliance Facilities, Marihuana Processors, and Marihuana Secure Transporters shall be limited to the H-Light Industrial, I-Heavy Industrial, or G2-Wholesale zoning districts as identified in this Code.
- (c) All Designated Consumption Establishments shall be limited to F and F-1 Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial zoning districts as identified in this Code.
- (d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

Note— See editor's note at § 1300.10.

1300.12. - Application denial or license revocation; bases for revocation; appeal of license denial or revocation.

- (a) Any license issued under this chapter may be revoked by the City Clerk after an administrative hearing if the City Clerk finds and determines that grounds for revocation exist. Any grounds for revocation must be provided to the licensee at least ten days prior to the date of the hearing by first class mail to the address given on the license application or any address provided to the City Clerk in writing subsequent to the filing of an application.
- (b) A license applied for or issued under this chapter may be denied or revoked, including but not limited to any of the following bases:
- (1) A material violation of any provision of this chapter, including, but not limited to, the failure to provide the information required by this chapter, or, a material violation of the MMFLA, MRTMA, or the corresponding rules promulgated by the MRA; or
 - (2) Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license; or
 - (3) Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this chapter requires a license; or
 - (4) Failure to obtain or maintain a license or renewed license from the City Clerk pursuant to this chapter; or
 - (5) Failure of the licensee or the medical marihuana establishment to obtain or maintain a license or approval from the State pursuant to the MMFLA or MRTMA; or
 - (6) The medical marihuana establishment is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare.
 - (7) Cultivation, processing, sale, or display of marihuana or marihuana accessories that are visible from a public place.
- (c) Appeal of denial of an application or revocation of a license: The City Clerk shall notify an applicant of the reason(s) for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this chapter and provide the applicant with the opportunity to request reconsideration. An appeal of denial of application for licensure shall be a paper hearing. Any applicant aggrieved by the denial or revocation of a license or adverse decision under this chapter may appeal to the City Clerk. Such appeal shall be taken by filing with the City Clerk, within seven days after notice of the action complained of has been mailed to the applicant's last known address on the records of the City Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall review the appeal and make a decision on the matter. Any decision by the City Clerk shall be final for purposes of judicial review. The Clerk may engage professional experts to assist with the proceedings under this Section 1300.05.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

Note— See editor's note at § 1300.10.

1300.13. - Penalties; temporary suspension of a license.

- (a) The City may require an applicant or licensee of a marihuana operation to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter. Failure to provide the required material may be grounds for application denial or license revocation.
- (b) Any person in violation of any provision of this chapter, including the operation of a marihuana operation without a license issued pursuant to this chapter, shall be subject to a civil fine of \$500.00, plus costs, per day of violation. The Director of Economic Development and Planning or his or her designee is hereby designated as the authorized City

official to issue municipal civil infraction citations directing alleged violators to appear in court or pay a fine.

- (c) All fines imposed under this chapter shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.
- (d) The Clerk may temporarily suspend a license without a prior hearing if the Mayor finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The Clerk shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.
- (e) If the Clerk temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 30 days after the suspension notice has been served on the licensee or posted on the licensed premises. In the case of a license issued for a Marihuana Grower, the hearing shall be held within seven days after the notice has been served on the licensee or posted on the premises of the licensed facility. The hearing shall be limited to the issues cited in the suspension notice.
- (f) If the Clerk does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, or in the case of a Marihuana Grower seven days, then the suspended license shall be automatically reinstated and the suspension vacated.
- (g) The penalty provisions of this chapter are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

(Ord. No. 1217, § 1, 9-7-17; Ord. No. 1257, § 1, 9-30-19)

Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, renumbered § 1300.16, pertaining to penalties; temporary suspension of a license, as § 1300.13.

1300.14. - Consumption in a public place.

Consumption of marihuana in any public place within the City of Lansing is prohibited except as provided by State law.

(Ord. No. 1257, § 1, 9-30-19)

1300.15. - Designated Consumption Establishments.

- (a) Any commercial space that legally permits the use of marihuana shall designate a consumption area accessible only by persons 21 years of age or older, and, shall obtain and maintain a license from the State and City. An application for licensure shall be awarded upon submission of a complete application containing the documentation required in Sections 1300.04(b)(1), (2), (3), (6), (8), (9), (10), (11), (12), (16), (17), (20), and (21).
- (b) A Designated Consumption Establishment must comply with all laws and rules pursuant to the MRTMA, including but not limited to, a ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration systems sufficient to remove visible smoke consistent with all applicable building codes and ordinances and adequate to eliminate odor at the property line. Use of marihuana at a private business shall not violate Chapters 622 (Drugs) and 664 (Disturbing the Peace). The sale of marihuana is limited only to establishments licensed to conduct sales of marihuana.
- (c) An initial license application fee of \$5,000.00 is required.
- (d) An application for renewal shall include any updated information required in Section 1300.04 as well as a fee set by resolution of Council.

(Ord. No. 1257, § 1, 9-30-19)

1300.16. - No vested rights.

A property owner lessor, license applicant, or licensee shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment of this chapter.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 1, 9-30-19)

Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, renumbered § 1300.17, pertaining to vested rights, as § 1300.16.

1300.17. - Reserved.

Note— See editor's note at [§ 1300.16](#).

1300.18. - Reserved.

Editor's note— Ord. No. 1257, § 1, adopted Sept. 30, 2019, repealed § 1300.18, which pertained to Zoning Board of Appeals, and derived from Ord. No. 1217, § 1, adopted Sept. 7, 2017.

1300.19. - Sunset.

Pursuant to [Section 3-307](#) of the City Charter, this chapter shall expire December 31, 2028.

(Ord. No. 1217, § 1, 9-7-17; Ord. No 1257, § 5, 9-30-19)