



AGENDA
Committee of the Whole
Monday, October 23, 2017 – 5:30 p.m.
City Council Chambers, City Hall 10th Floor

Council Member Spitzley, Chairperson
Council Member Wood, Vice Chair

- 1. Call to Order**
- 2. Roll Call**
- 3. Minutes**
 - October 9, 2017
- 4. Public Comment on Agenda Items (Up to 3 Minutes)**
- 5. Presentation:**
 - Lansing Board of Water and Light (LBWL) FY 2018-2023 Capital Improvements Plan (15-20 minutes)
 - City of Lansing Form-Based Code (FBC) Draft Ordinance (Planning & Neighborhood Development)
- 6. Discussion**
- 7. Other**
- 8. Adjourn**

The City of Lansing's Mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
- II. Securing short and long term financial stability through prudent management of city resources.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
- V. Facilitating regional collaboration and connecting communities



MINUTES
Committee of the Whole
Monday, October 9, 2017 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

Council President Spitzley called the meeting to order at 5:30 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Joseph Abood, Chief Assistant City Attorney
Eric Brewer, Council Internal Auditor
Heather Sumner, Assistant City Attorney
Randy Hannan – Arrived at 7:51 p.m.
Tim Dolehanty, Ingham County Controller
Sarah Anthony, Ingham County Commissioner
Anethia Brewer, 54-A District Court Administrator
Ashley Carter, Michigan Indigent Defense Commission
Jason Durham
Bill Adcock, R. E. Olds
Gary Doty, R. E. Olds
Kathy Miles
Susie Simons
Aubrey Otton
Jacob Rufenacht
Mike Barron
Samantha Wilber
Mara Zumberg
Sam Pernick
Steve Monti

Alex Nash
Troy Dee
Emily Walkowski
Kelly Collison
Owen Handy

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM SEPTEMBER 25, 2017 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment on Agenda Items

Mr. Durham referenced a petition he stated he helped submit, and spoke in support of that petition and medical marihuana for safe secure access. Mr. Durham also spoke in support of the museum property sale.

Mr. Adcock outlined the history of the R. E. Olds Museum property, their investment and their intentions for the property.

Council President Spitzley informed the public on the decorum of a public meeting, public comment and stated that "red and green cards" will not be allowed to be used after this meeting because the public feels intimidated by the cards and feel they cannot stand up to speak because of the cards behind them. Council Member Dunbar spoke in opposition to that decision and her opinion was that the cards were created to stop vocal outbursts. She agreed with the cards because they helped her determine who is supporting. Council Member Dunbar continued by stating that they had prevented clapping, hand raising, etc. and because of that some people are intimidated to speak. Council President Spitzley then stated that was her point exactly, the cards waving was intimidating people to stand up and speak. There is a time to speak during public comment at meetings, so the cards are not needed for their opinion because they have an opportunity to speak.

Council Member Wood asked Mr. Smiertka to address the topic via the Council Rules. Mr. Smiertka read Rule #18:

Rule 18. Rules of Decorum for Meetings. The Presiding Officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the Presiding Officer. Citizens and others attending Council meetings may address Council as specified in this Rule and Rule 14. Speakers will be requested to print their name, address, and the topic to be addressed on the appropriate registration form (Legislative or City Government Related Matters). The forms will be used to call speakers to the podium, allow Council Members to determine if the speaker is from his or her Ward, and to assist in the accuracy of recording Council Proceedings.

Council meetings are business meetings. Their purpose is to conduct the City's business. Public speaking at the Council meeting is to provide citizens the opportunity to be heard, express their views, and inform the Council and the Administration. In no case is the opportunity of a citizen to speak to be in the nature of a debate and neither the Council nor the Administration is under any obligation to respond specifically to any speaker. All remarks shall be addressed to the Council, the Mayor, and Administration representatives through the Presiding Officer. Individual Council Members, the Mayor, or representatives of the Administration present shall address the Presiding Officer for permission to inquire of speakers or members of the audience whenever he or she deems that such an inquiry may be helpful to City business.

No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede the orderly conduct of the Council meeting. Speakers shall adhere to the time limits established by these Rules and the Presiding Officer. Extension of a speaker's time limit is permissible at the discretion of the Presiding Officer; or on a motion of a Council member, by affirmative vote of two-thirds of the Council Members serving.

No person in the audience at a Council meeting shall engage in speech or conduct which disturbs, disrupts, delays, interferes with or otherwise impedes the orderly conduct of the Council meeting, including, but not limited to whistling, stomping, clapping other than during special ceremonies, interrupting a speaker, or heckling.

The Presiding Officer may rule any member of the public who is a speaker, meeting attendee, or audience member out of order for failing to follow Council's Rules or the Presiding Officer's directions, and may take whatever action is necessary to restore order to the meeting.

Council Members Hussain agreed it was within the rights of the President, Council Member Washington informed the public that if they did not want to speak at the meeting they could email Council and utilize other forms to get in touch with Council, and lastly Council Member Yorko reiterated that based on Rule #18 the President is in charge of maintaining order, and has made a determination. Council Member Dunbar still spoke in opposition to disallowing the red and green cards.

Mr. Doty spoke in support of the sale of the R.E. Olds Museum property.

Ms. Miles spoke in opposition to changes to medical marihuana ordinance, and was speaking in frustration that the 2011 was now being re-enacted. Ms. Miles asked for transparency, public input and accountability. Lastly Ms. Miles spoke in opposition to the road through Ormond Park.

Ms. Simons asked the Committee to refocus on the patients that might be impacted by their decisions.

Ms. Otton asked that the public be allowed to vote on the ordinance, and then spoke in support of the sale of R.E. Olds Museum property.

Mr. Rufenacht spoke in opposition to the revisions in the 2011 ordinance, and asked Council to not reflect on the December 15, 2017 State deadline.

Mr. Barron spoke in support of medical marihuana, and provided his opinion that the Council was not listening to the public.

Ms. Wilbur spoke in support of medical marihuana.

Ms. Zumberg asked for Council to care about their constituents.

Mr. Pernick spoke in support of the petition that was submitted to the Clerk's office on repealing the Medical Marihuana Ordinance, and asked Council to speak to the people who signed the petition. Mr. Pernick then referenced the 2011 Ordinance, stating it is worse.

Mr. Monti, agreed the red and green cards could be intimidating and could be interpreted as negative. Mr. Monti then also asked the Council to hear what their constituents were saying. He also had opposition to the cap on the number licenses in the 2011 Ordinance, and concluded by reiterating his belief that Council was not listening.

Mr. Mash acknowledged the Committee for allowing the public to speak and asked for the Committee to provide their opinions during the discussion on what ordinance they think is better. Council Member Spitzley informed Mr. Mash and the public that at the end of the meeting City Clerk Swope and the City Attorney will speak to the recently filed petition and what the impact of that was on the ordinances.

Mr. Dee was in opposition to legalizing marihuana he stated until he visited dispensaries, and was now speaking in support of them.

Council Member Yorko stepped away from the meeting at 6:10 p.m.

Mr. Dee went on to stated he was speaking in support of small business, suggested regulating the signage of the dispensaries if the Council did not want to see all the locations.

Ms. Walkowksi spoke in support of the dispensaries and wants continued access to cannabis.

Ms. Collison about the recent discussion on public input and the red and green cards. Ms. Collison also referred to an earlier meeting where she brought her daughter to speak, and her opinion that the public is intimidated. Ms. Collison went on to speak in opposition to any on medical marihuana ordinance changes.

Mr. Handy referenced Chapter 4 of the Charter and 30 days on referendum. After vulgar language Mr. Handy was escorted out.

Presentation

54A- District Court; County-Wide Public Defender

Ms. Brewer introduced Ms. Carter, and asked Council for a letter of approval and support to participate in a County wide public defender program. The District Court must submit all the

documentation by November 20, 2017. Ms. Carter then provided an overview of the program and process thus far. Ms. Carter noted that this began due to legislation from 2013.

Council Member Yorko returned to the meeting at 6:22 p.m.

Ms. Carter noted that there was a study done in 10 counties, in which they found no one was providing counsel in a reasonable amount of time. The Michigan Indigent Defense Commission has created minimum standards, and each County has also created their additional standards. Of those standards, one is a training standard which requires defense counsel attend 12 hours of training annually. There is an "Initial Interview Standard, allowing anyone in custody an attorney in 3 business days, another standard is the facility has to have a confidential space to meet with the clients. Ms. Carter added to the list of standards, the reasonable access to investigative experts, and assurance that an attorney is with the client at every critical stage. Regarding the process currently, as the Defense Commission is housed in LARA, and as part of the State mandate, once the earlier mentioned standards are adopted by LARA, the County has 180 days to submit the plan to adhere to the plan. The counties can maintain the standards they currently have and they can put together a working group of stake holders to work on the issue. The stake holders will include a representative from the court administration, the prosecutor's office and an attorney. This group will discuss the best way to implement the standards. Regarding the funding, Ms. Carter noted that the statute is written so that the funding will adhere to over what they are already spending, and will come from the State. The local share is the spending for the 3 years after they adopt the Act. Currently the Commission is working to create a plan, and they have small groups to create a plan for each standard and a cost analysis. Again she clarified that anything over what the Court is spending will come from the State. Ms. Carter stated to the Committee that at this time, they are looking for a letter of support if they want to participate. Their plan is to submit to the State by November 20th. Ms. Brewer offered to draft a letter and submit to Council staff for Council signature.

Council Member Wood asked if there would be a cost to the City if the expense is more than projected, and if there was a guarantee on the cost by the State. Ms. Carter confirmed it is legislation, and a funded mandate. If there is no funding, there will be no mandate, and the Courts will go back to the earlier procedures. Currently the statute requires they create a plan. Ms. Brewer informed the Committee that there are 4 Attorneys who have unlimited caseloads, and there is \$96,000 to cover all 4 annually.

Council Member Brown Clarke asked if there was a way to work across municipalities for training. Ms. Carter assured the Committee that there is training hub, and the public defenders are having in-house training.

MOTION BY COUNCIL MEMBER WOOD TO GRANT PERMISSION TO COUNCIL PRESIDENT SPITZLEY TO SIGN THE LETTER OF SUPPORT ON BEHALF OF ALL OF COUNCIL SUPPORTING THE INITIATIVE. MOTION CARRIED 8-0.

Council Member Washington stepped away from the meeting at 6:39 p.m.

Ingham County Separate Tax Limitation Proposal on the November Ballot

Ms. Anthony provided an introduction and an overview why Ingham County believed the ballot proposal was necessary. According to Ms. Anthony the discussion on this began in late 2016, when the Commission looked at the fiscal year. The proposal in no way, she stated was due to miss-managed funds, but their review of continuing their job of making the County safe and providing a quality of life. When they looked at the numbers, the Commission saw that if they did not do a millage they would have to make cuts. Their services are not drawn in boundary

lines, but cover all areas including Mason, Webberville, Lansing, Waverly, Stockbridge, etc. and they want to maintain services for all constituents. All departments will be impacted if the millage is not passed, and the County Commissioners will have to make sure their decisions are made on behalf of the City and the county. Lastly, Ms. Anthony informed the Committee of an upcoming "Coffee Hour" on October 11, 2017 at the County Human Services building from 5:30 p.m.- 7:00 p.m.

Mr. Dolehanty introduced himself and began with a brief history noting that back to 1978, when voters passed the Headlee amendments, tax rates would be limited to the rate of inflation. Since that roll back County tax went to 6.4 mills when it would regularly be at 7.68 mills. In terms of the County funds, that is a 3% difference in the budget which would be \$2.7 million generated.

Council Member Washington returned to the meeting at 6:50 p.m.

Council Member Yorko referred to the handout provided by the County, and noted their reason for re-establishing the maximum operating tax levy is to address a sluggish return of property tax revenue. It was stated to the Committee that just because the economy is back up and property values are increasing, the rate at any local government is slow compared to what the property owner sees due to the Headlee law that captures property tax. In addition there are steep increases in pension obligations, so the County is asking to assist with the loss of generated revenue. Mr. Dolehanty continued by outlined where the County sits with their pension, needed to have 100% banked, even though they know not every employee will retire at 100% immediately. However that is the rule that is given , so they need a rule enacted.

Council Member Brown Clarke acknowledged the County representatives for their presentation, and confirmed that the City has the same challenges, and in the future will have to start to reflect changes in their budget numbers also.

Council Member Wood asked Mr. Dolehanty what would happen if the millage does not pass. Mr. Dolehanty acknowledged he could not provide any reductions at this time because it will be reflected in the FY2019 budget which they won't start until May 2018. With the fund balance dwindling and a \$4.7 million deficit, that could mean reductions in services, and in some instances programs eliminated. There is an assumption that no department will be untouched.

Council Member Yorko referred again to the handout for the public watching, reading the line that stated "If the tax is levied, the additional cost to a homeowner with a taxable value of \$50,000 would be \$18.97 per year."

Ms. Anthony recognized the Council and stated again it is not easily explained and they appreciate the opportunity. They will work to continued presentations at neighborhood meetings.

Council President amended the agenda to hold a brief discussion on the R.E. Olds property sale.

Council Member Brown Clarke stepped away from the meeting at 7:00 p.m.

Recent Announcement on the R.E. Olds Transportation Museum Property Sale (City Attorney)
Mr. Smiertka began informed the Committee of the proposed sale, and Council Staff distributed documents that were placed on file with the Clerk's office on October 6, 2017.

Council Member Yorko and Council Member Dunbar stepped away from the meeting at 7:02 p.m.

Mr. Smiertka noted that the current lease is to use the property as a museum, and now they are proposing to purchase the property to continue the use and raise funds under their non-profit. Since the term of the lease they have done over \$200,000 in repairs.

Council Member Brown Clarke returned to the meeting at 7:04 p.m.

Currently there is an estimate of \$145,000 for roof repairs, and there are additional sewer issues that need to be addressed. Per the ordinance an appraisal is required, along with a purchase agreement to be placed on file in the Clerk's office for 30 days before the required public hearing. The public hearing can occur 30 days after October 6, 2017. The vote cannot occur until after the required hearing, and must wait one week. The Council will need a 2/3 vote on the sale of the property.

Council Member Wood asked if the hearing can be set for November 13th, and action on November 27th.

Mr. Johnson confirmed it was placed on file on October 6th, there was an Act 33 done and that is in front of the Planning Board. An Act 33 is a needs assessment and evaluates its impact on public land and public operations. They are aware there is a storm sewer that has to be addressed. Everything is the responsibility of R.E. Olds Museum, and there is \$167,500 in estimated repairs. The Mayor's office supports R.E. Olds and is motivated to work with them.

Mr. Smiertka added to the information, noting the purchase agreement does have a "right of reverter", which states it will remain a public museum for 30 years, and Mr. Johnson added that if it is not used as a museum, it reverts back to the City.

Council President Spitzley clarified to the Committee and the public that the documents have not been formally referred to Council, which will occur at the earliest on October 23rd. Once the documents have been referred, a public hearing can be set, and the following meeting a vote can be taken.

Council Member Wood asked if there was anything in the agreement that assures the roof will be repaired. Mr. Johnson confirmed it was not, but all parties are aware of the issue. Mr. Adhock informed the Committee at this time that they have obtained a grant for half of the cost to repair the roof, and have funds to do the rest. The Board's hopes are once the sale occurs they can start fund raising for the other repairs.

The Committee acknowledged the Board for all their efforts with the museum.

Council Member Yorko returned to the meeting at 7:16 p.m.

Mr. Adhock provided hours of operation of the museum to the public; Tuesday – Saturday 10 am – 5 pm and Sunday noon to 5 p.m.

{CLOSED SESSION}

MOTION BY COUNCIL MEMBER WOOD TO GO INTO CLOSED SESSION FOR THE REVIEW OF STRATEGY IN CONNECTION WITH PENDING LITIGATION AT 7:16 P.M.
ROLL CALL VOTE TAKEN, CARRIED 8-0.

Council Member Dunbar returned to the meeting at Closed Session at 7:16 p.m.

{RECONVENE}

The Committee of the Whole regular meeting reconvened at 7:49 p.m.

Council Member Houghton stepped away from the meeting after closed session.

Discussion:

Medical Marihuana Ordinance

Mr. Swope presented information to the Committee on what has occurred recently with the ordinance and a petition. It was stated that the Medical Marihuana Ordinance was adopted on September 7, 2017, and was scheduled to go into effect on October 7, 2017. The Charter states that date is as a 30 day time line, and that also speaks to a submission for referendum. A referendum was filed on October 6, 2017, and they estimated they had 6,600 qualifying signatures. Currently the Clerk staff is reviewing signatures to validate if they are registered voters of Lansing, and matching signatures against their cards on file. The City Attorney office is also doing the technical review on the petition as-to-form, since the Charter does tie into state law on the requirements on wording, font, etc. The Clerk will have 15 days to determine if the referendum is valid.

Council Member Houghton returned to the meeting at 7:51 p.m.

Mr. Swope stated to the Committee he hopes to report to the Council within 2 weeks, at which point the Charter lays out that during the time the signatures are being reviewed, the current ordinance is “frozen” and not move forward on any front, which means not accepting applications under the recently adopted ordinance. If his office determines they have sufficient signatures, and the petition is proper, that suspends the operation, and reverts operation of the recent ordinance and re-enacts the previous ordinance of 2011. In 2011 that limit was set at 48 “establishments” and only addressed provisioning centers and the grow itself. The interpretation could be an overall cap at 48, and the 2011 Ordinance also set the minimum distance between “establishments” at 1,000 ft.

Council President Spitzley spoke to the public present, noting that they had stated it was the Council who set the 48 limit, and she now referred back to the statements by Mr. Swope where it was clear it was not the Council, but the 2011 Ordinance that set the 48 cap.

Mr. Swope continued his explanation on the process, referring back to 2011 where the Ordinance was set in June 2011, and the 48 cap was set in a separate resolution in July 2011. That ordinance set the zoning and distances as well.

Council President Spitzley reiterated to the public that once the signatures were submitted referendum(petition), the 2017 ordinance was suspended, so the 2011 ordinance is now back in enforcement with 48 establishments. Mr. Smiertka also stated that the 2017 ordinance is suspended, and was suspended as soon as the petition was filed, so the 2011 ordinance is in effect. Mr. Swope continued outlining the next steps, stating his office has 30 days, and if they have enough verified signatures, the Council can repeal the 2017 Ordinance as is being asked for in the petition, or they can choose to send the decision to the voters. Council would have to take the action of voting “yes” if they want to adopt the 2017 ordinance, and a “no” if they do not want to adopt the 2017 Ordinance.

Council President Spitzley asked Mr. Smiertka to verify the language on the petition and if they were requesting to repeal the 2017 Ordinance. Mr. Smiertka stated the language was to repeal and put to the electors of the City of Lansing for their approval or rejection.

Council Member Brown Clarke asked Mr. Swope to provide that answer to the question, if the voters vote “no” to support the 2017 Ordinance, does the 2011 Ordinance stand as the active ordinance. Mr. Swope confirmed it does.

Mr. Smiertka provided the legal aspect of where things stood. He started with the 2011 Ordinance which set the licensing for medical marihuana establishments. The definition of "establishments" in that ordinance is broad; distribution, transfer and broad enough to cover what is under the new State of Michigan Act. In the 2011 Ordinance it states that Council can establish fees and set the number of establishments, which the Council at that time set at 48 medical marihuana establishments at 1,000 from license to license. Mr. Smiertka noted to the group that the moratorium ordinance does not come play in this situation. Mr. Smiertka then continued by stating when Council adopted the 2017 Ordinance on September 7, 2017, the ordinance subject to this current petition, that 2017 Ordinance was repealed when the petition was filed, citing the Charter 2-404; "referendum petition containing signatures equal to the required amount will delay or suspend the operation of the ordinance until the City Clerk has made a report". What happens as a result of the referendum petition, the 2011 Ordinance comes back into play. If the Clerk's office certifies there are enough signatures, it comes back to Council and they can repeal the 2017 Ordinance or sent it to the voters. If it goes to the voters, the 2017 stays suspended until the vote and the 2011 continues to be enacted. Mr. Smiertka concluded to the Committee and the public that if this had not happened, and there was no ordinance, by virtue they would have reverted back to the 2011 Ordinance and the City is now opted into the State Act.

Council Member Yorko repeated what some of the public had stated on the December 15th date with the State and it was not relevant. Mr. Smiertka stated the date is important because under legislation, the City must opt in with an ordinance because the State will not issue licenses if the local municipality does not have an ordinance. December 15th is the date the State will start accepting applications. Council President Spitzley noted that there is discussion at the State level, there may be action to close dispensaries by December 15th. Mr. Smiertka confirmed there was discussion that occurred at the Licensing Board, but to his knowledge it did not pass.

Council Member Wood referred the Committee to the draft ordinance in front of them that proposes changes to the 2011 Ordinance. Mr. Smiertka stated it is before the Council at the Council meeting later this evening to introduce and set the public hearing. It updates the 2011 Ordinance with clarification on definitions, zoning limits and the functions of the City Clerk's office.

Council Member Dunbar spoke to the public, pointing out that it appears there was a lot of misinformation, and wished they had asked questions before they circulated the petition. It appears the language on the petition speaks to Council repealing the 2017 version or putting before the people, but it does not state anything about re-writing the ordinance. So if Council decides to repeal the 2017 Ordinance, the 2011 Ordinance will be enacted. If it goes to the people in 2018, and they repeal the 2017 Ordinance, then the 2011 Ordinance will be enacted. What Council will look at tonight is reviewing the 2011 Ordinance to make sure it includes the State process that are already in place at the State. Council Member Dunbar also clarified that regarding earlier statements that licenses were being issued at this meeting, or already issued was incorrect also. The Clerk has the application process, and provided a 30 day window to apply then a 30-60 day window for the Clerk to review and score the applications, however she noted because the referendum/petition was submitted that process is now on hold. For the public who stated that Council rushed to put back in place the 2011 Ordinance, she assured them they were wrong, because it was not Council that made that choice, and now with the 2011 Ordinance there are stronger restrictions.

Council Member Yorko stepped away from the meeting at 8:12 p.m.

Council Member Brown Clarke assured the Committee and the public the changes in the draft before them to set a hearing on, starts the process that needs to be performed and brings the 2011 Ordinance in alignment with the currently State regulatory Act and new State laws. This does not subvert the referendum, but is to align the 2011 Ordinance which the City has now reverted back to, with State governing.

Mr. Hannan spoke on behalf of the Administration recapping for the Committee that the referendum petition has the effect of immediate suspension of the current ordinance and bringing into effect the 2011 Ordinance. The 2011 was adopted when the State law was not thought about or adopted, and the State law now regulates and allows licenses. City policy needs to align with the State law. Mr. Hanna continued by stating that it appears there is confusion in the public since the 2017 Ordinance has been suspended. The submission of the petition caused the older 2011 Ordinance to come back into effect automatically. This was nothing Council did, but was because of the petition. With this new enactment of the 2011 there are now larger setbacks of 1,000 ft., and instead of 25 licenses for provisioning centers, there is a cap of 49 for all establishments.

Council Member Yorko stepped away from the meeting at 8:17 p.m.

Mr. Hannan stated again the changes were not the effect of anything Council did, but automatically happened once the petition was filed.

Council Member Yorko returned to the meeting at 8:18 p.m.

If the signatures and petition are found to be valid, the 2011 Ordinance will continue, and if Council repeals the 2017 version, the 2011 will continued, and if it goes to the people, and the people repeal the 2017 version, the 2011 will remain in effect.

Council Member Yorko stepped away from the meeting at 8:19 p.m.

The Administration supports the suggested amendments by Council Member Brown Clarke, and recapped what law stated earlier, that the action on Council tonight is to introduce and set the hearing, and in 3 weeks hold the hearing.

Council Member Yorko returned to the meeting at 8:23 p.m.

Council President Spitzley reiterated to the Committee that Council Member Brown Clarke proposed amendments, and any Council Member could have done the same or brought forth their own amendments. In this case Council Member Brown Clarke recognized there were changes needed, and recognized with the City now using the 2011 there would be restrictions so the Council needs to put forth amendments. If the public votes down the 2017 version, then it is the 2011 Ordinance in effect. According to the proposed resolution on the Council agenda, the hearing will be set for October 30th, then at the next meeting two weeks later, there is the potential of action on November 13th. There is no truth to "back door deals, or "someone getting paid".

Council Member Hussain appreciated the department explanation and confirmed the timeline, however he had an issue with getting the amendments two days before the meeting, and stated he needed more time to review them, vet them and take them to the neighborhoods.

Council Member Yorko pointed out to the Committee that the Council has heard from one side of the public who want more restrictions, and the other side that want less. The 2017 was not what everyone wanted, but it was a compromise. A referendum petition is a right the public

has, but unfortunately the impact the petition case was that it forces the issue of reverting back to a more restrictive ordinance that currently as written is not in line with the current State law.

Council Member Brown Clarke referred the Committee to the proposed draft to the 2011 Ordinance, noting it was a starting point to move forward, and there will be 3 weeks before the hearing. The amendments she noted were to align it with the current State regulations.

Council President Spitzley assured the public that the Council has listened to the public, even if some of the public do not believe they have. The Council role is to balance protecting the residents and provide regulatory structure.

Council Member Dunbar pointed out to the public that the Council cannot repeal the 2011, but need to make it workable with the State and the framework they were given.

Council Member Washington spoke in opposition to any action on the introduction and setting of a public hearing because she did not receive the documents until two days ago, October 7, 2017.

Council President Spitzley reminded the Committee that there is no action requested on the amendments on the Council agenda for later in the evening, but to set the hearing. She referenced other instances in the past where Council Members have brought changes to the DIAS the night of a meeting that no one else has seen, however she respects every one's decision.

Council Member Wood asked Mr. Smiertka if the amendments in the 2011 version had to go to the Planning Board.

Council Member Washington stepped away from the meeting at 8:35 p.m.

Mr. Smiertka assured the Committee that they will not be before the Planning Board because there is no topic in the amendments that need to be vetted by the Planning Board.

Council President Spitzley assured the Committee and the public that the amendments were not done in a vacuum, law participated. Mr. Smiertka confirmed they have been involved and have also been involved in vetting the petition.

Other

City Council Facebook Page

Council President Spitzley noted to the Committee that the City Council will be setting up a Facebook page, and leadership will be meeting with the City Attorney to create policies and procedures for posting. These policies will be brought back to the Committee.

Council Member Washington returned to the meeting at 8:37 p.m.

The plan is for the process and policy to be written by the City Attorney's office.

Adjourn

Adjourned at 8:38 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by Committee on



Chris Swope
Lansing City Clerk

October 6, 2017

City Council President and Lansing City Councilmembers
10th Floor City Hall
Lansing, MI 48933

Dear President and Councilmembers:

Pursuant to Article 5, Chapter 2, Section 5-203.6 of the Lansing City Charter, on September 28, 2015 my office received and placed on file:

Lansing Board of Water and Light's Capital Improvements Plan for Fiscal Years 2018-2023

This document is available for review at the office of the City Clerk and on the City Clerk's website (www.lansingmi.gov/clerk).

Sincerely,

A handwritten signature in cursive script that reads "Chris Swope".

Chris Swope, CMC
Lansing City Clerk



Lansing Board of Water and Light
P.O. Box 13007
1201 S. Washington Ave.
Lansing, MI 48912

Electronic Delivery

September 29, 2017

Honorable Lansing City Clerk Chris Swope
City of Lansing
124 W. Michigan Avenue, 9th Floor
Lansing, MI 48933

Re: Capital Forecast for Fiscal Years 2018-2023

Dear Lansing City Clerk Swope:

In accordance with provisions of the Lansing City Charter, Article 5, Chapter 2, Section 5-203.6, a copy of Lansing Board of Water and Light's Capital Improvements Plan for Fiscal years 2018-2023 is attached for filing with your office.

The Board of Commissioners accepted the Capital Forecast for Fiscal Years 2018-2023 at a regular board meeting held September 26, 2017.

Respectfully submitted,

M. Denise Griffin
Corporate Secretary

Enclosure: pdf attachment

Electronic Copy:

Dick Peffley, BWL General Manager
Heather Shawa, BWL Chief Financial Officer
Virg Bernero, Mayor City of Lansing, MI

FY 2018 - 2023 Capital Budget Six Year Forecast by Utility and Location

Dollars in (000's)							
UTILITY	2018	2019	2020	2021	2022	2023	Six Year Total
ELECTRIC	\$ 54,331	\$ 24,499	\$ 16,702	\$ 30,281	\$ 35,738	\$ 32,796	\$ 194,347
WATER	\$ 7,547	\$ 8,346	\$ 7,815	\$ 7,544	\$ 8,339	\$ 7,702	\$ 47,293
STEAM	\$ 8,730	\$ 5,401	\$ 5,133	\$ 5,449	\$ 2,941	\$ 2,971	\$ 30,625
CHILLED WATER	\$ 450	\$ 1,894	\$ 2,411	\$ 11	\$ 11	\$ 11	\$ 4,788
COMMON	\$ 18,457	\$ 22,652	\$ 29,030	\$ 16,819	\$ 13,392	\$ 16,566	\$ 116,916
INTERNALLY FUNDED CAPITAL BUDGET *	\$ 89,516	\$ 62,792	\$ 61,091	\$ 60,104	\$ 60,421	\$ 60,046	\$ 393,970
NEW NGCC PLANT **	\$ 50,000	\$ 189,518	\$ 224,809	\$ 9,309	\$ -	\$ -	\$ 473,636
TOTAL CAPITAL BUDGET	\$ 139,516	\$ 252,310	\$ 285,900	\$ 69,413	\$ 60,421	\$ 60,046	\$ 867,606
LOCATION	2018	2019	2020	2021	2022	2023	Six Year Total
ECKERT	\$ 185	\$ 148	\$ -	\$ -	\$ -	\$ -	\$ 333
ERICKSON	\$ 199	\$ 1,078	\$ 1,598	\$ 773	\$ 862	\$ 702	\$ 5,212
REO PLANT	\$ 3,000	\$ 2,715	\$ 2,500	\$ 2,500	\$ -	\$ -	\$ 10,715
T&D	\$ 64,583	\$ 31,924	\$ 22,852	\$ 37,453	\$ 43,849	\$ 41,715	\$ 242,376
DYE/CEDAR	\$ 2,327	\$ 1,900	\$ 2,860	\$ 2,559	\$ 2,319	\$ 1,062	\$ 13,026
CHILLER PLANT	\$ 440	\$ 1,884	\$ 2,401	\$ -	\$ -	\$ -	\$ 4,724
MOORE'S PARK	\$ 463	\$ 935	\$ -	\$ -	\$ -	\$ -	\$ 1,398
NEW NGCC PLANT **	\$ 50,000	\$ 189,518	\$ 224,809	\$ 9,309	\$ -	\$ -	\$ 473,636
OTHER	\$ 18,319	\$ 22,210	\$ 28,880	\$ 16,819	\$ 13,391	\$ 16,566	\$ 116,185
TOTAL CAPITAL BUDGET	\$ 139,516	\$ 252,310	\$ 285,900	\$ 69,413	\$ 60,421	\$ 60,046	\$ 867,606

* This total DOES NOT include the New NGCC Plant

** This forecast is PRELIMINARY. Site studies and plant design are still underway.



Virg Bernero
Mayor

DESIGN LANSING

FORM-BASED CODE

Preview
October 2017



SMITHGROUPJJR



LANSING FBC

Introduction

Code Structure

Example Sections

Overall FBC Project Goal:

*To provide the City of Lansing with a new **Form-Based zoning** code that embodies and enforces the vision and goals of the Comprehensive Plan and culminates in the **replacement** of the existing zoning ordinance, in a way that promotes economic vitality and community benefit.*

- A. **Design Lansing Comprehensive Plan** provides the “vision” for the community.
- B. **Zoning Codes** are the rules and regulations that can put a master plan into practice.
- C. **Form-Based Codes** are a newer approach to zoning that can better reinforce desired community character attributes and quality of life objectives.



Adopted:

April 9, 2012

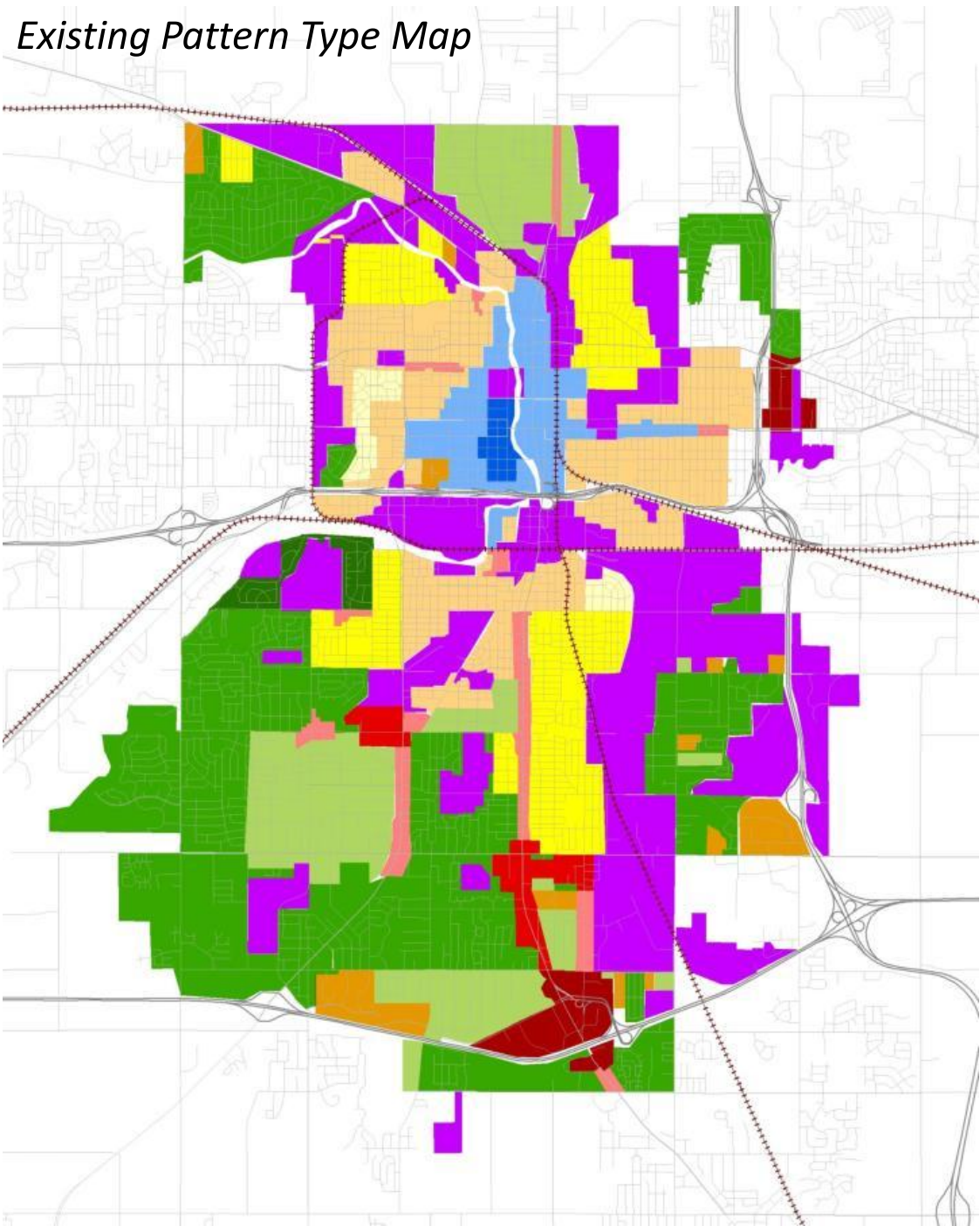


Virg Bernero, Mayor

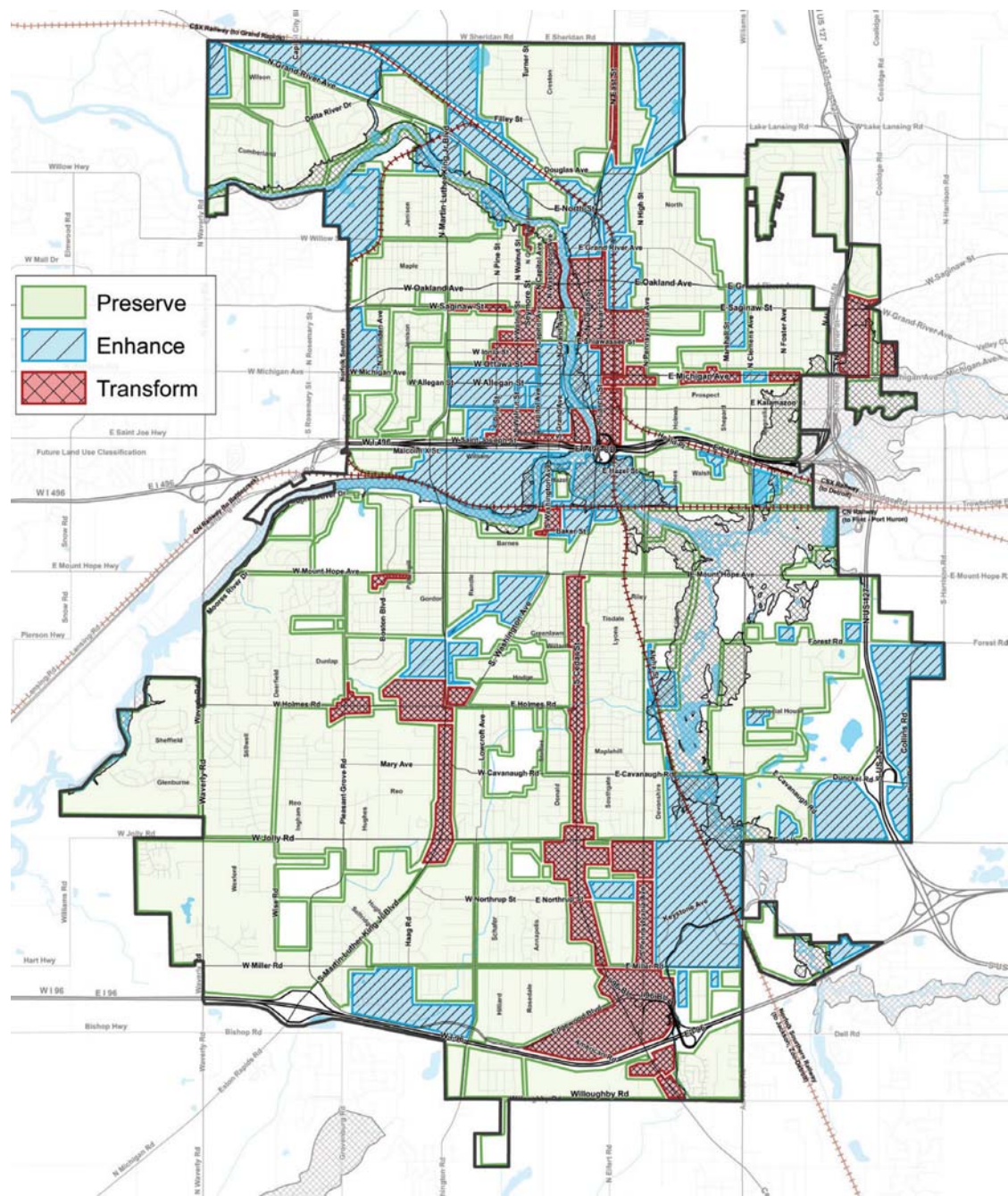
DESIGN LANSING 2012 COMPREHENSIVE PLAN

Design Lansing Demonstrated the Need for a Form-Based Code

Existing Pattern Type Map



Areas to Preserve, Enhance, Transform



Goals

- Minimal setback requirements, increased building heights, mixed uses, reduced parking minimums in commercial areas.
- Design standards to improve and protect community character.
- Pedestrian orientation of private development may create greater demand for amenities in the public realm.
- More intense use of private property may generate increased property tax revenues.



Conventional Zoning	Form-Based Codes
Use-based approach objective is to limit problems, negative language, verbose	Asserts and promotes a specific vision, More graphically-oriented
Zoning Districts, Rezonings	Districts and design based on Regulating Plan Design based on Street and Building types
Emphasis on uses/ rigid patterns/ building placement unpredictable (e.g. min setback)	Emphasis on building form/ how buildings fit the public realm (more consistent setbacks)
Limited uses, more districts	More mixed use districts
Limited design standards	Focus on building form and relationship to street right-of-way as public spaces
Minimum setbacks	Specific build-to lines
Focus on private site – few ROW standards	More attention on the streetscape

Benefits from a Community Perspective:

- Prevents undesirable development, or construction that is out of character with existing context
- Better assists in achieving a specific vision (i.e. Master Plan)
- More effective at transforming a site or district
- Can more adequately protect neighboring properties than conventional zoning
- Can be easier to understand (more graphic) with more predictable results.

Benefits from a Developer Perspective:

- Can speed up development review
- Can led to denser urban environments where appropriate
- Allows changes in use without rezoning or variances
- Predictable; provides certainty, which can help secure financing
- Design conversation gets out of the way before you submit projects for review (it's already established!)

(1) Incentives →
See above for details

(2) Recognized Benefit
See below for details
↓

	A	B	C	D
	DIMENSIONAL FLEXIBILITY	BUILDING HEIGHT	REDUCED PARKING	STORMWATER/ UTILITY
A Open Space	X			X
B Low-Impact Development	X			X
C Mixed-Use		X	X	
D Green Building	X	X		X
E Additional Landscape Elements	X			X
F Pedestrian Amenities	X		X	
G Shared Access			X	X
H Shared Public Parking		X	X	

Incentives

The **Michigan Economic Development Corporation** (MEDC), through its Redevelopment Ready Community program, assists Michigan cities with development of form-based codes to help stimulate desired redevelopment in urban areas.

MEDC generously provided financial support for the downtown districts portion of Lansing Form-Based Code.



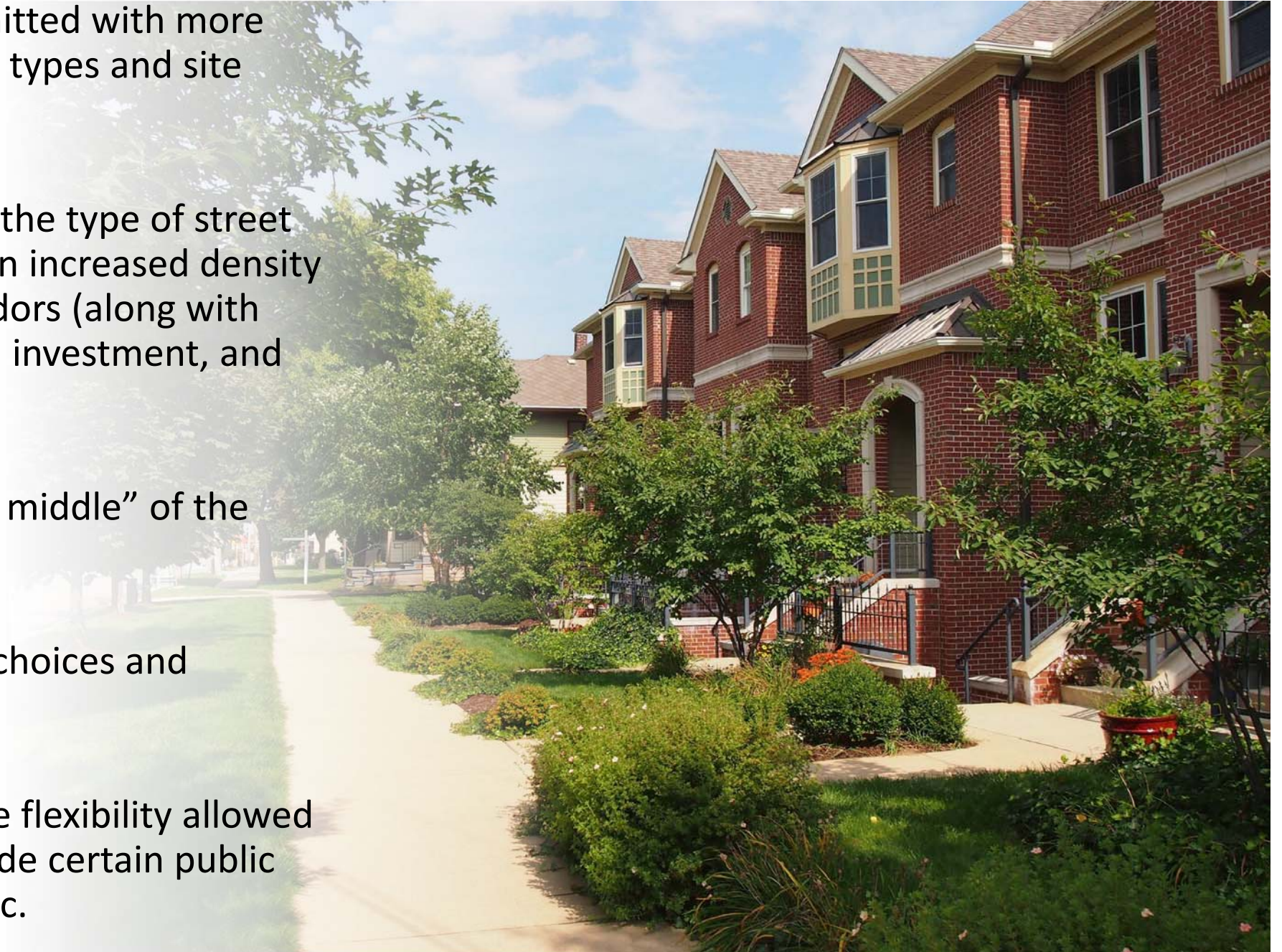
RRC-supportive principles:

- Clear community vision
- Mixture of uses
- Transparent, efficient review process
- Walkable, vibrant downtowns and corridors



Overall FBC Benefits

- Wider array of uses permitted with more emphasis on the building types and site design (form)
- Better aligns design with the type of street the site fronts, resulting in increased density along underutilized corridors (along with property value, return on investment, and tax base)
- Provides for the “missing middle” of the housing market
- Supports transportation choices and welcomes pedestrians
- Creates incentives – more flexibility allowed when the applicant provide certain public benefits/higher design etc.



MICHIGAN CITIES

- Grand Rapids (commercial districts)
- Birmingham (downtown district)
- Midland (edge of downtown)
- Traverse City (west front)
- Marquette
- Beverly Hills (corridor overlay)
- Hudsonville (downtown)

And more on the way . . .

- Mt. Pleasant
- Saginaw (riverfront)
- Dearborn (west downtown district)
- Ironwood
- Iron Mountain

NATIONALLY

- Leesburg, VA
- Arlington, VA
- Cincinnati
- Pittsburgh
- Champaign-Urbana, IL
- Nashville
- Buffalo
- Denver
- Portland
- Baltimore
- Seattle
- Miami
- Philadelphia



LANSING FBC

Introduction

Code Structure

Example Sections

PART I: Districts

- 1240 – Purpose & Definitions
- 1242 – Districts Generally and Zoning Map
- 1243 – Commercial Mixed-Use Districts
- 1244 – Residential Districts
- 1245 – Special Districts
- 1256 – Building Types

PART II: General Provisions

- 1250 – General Provisions
- 1252 – Landscaping
- 1254 – Parking

PART III: Approval

- 1260 – Site Plan Review
- 1262 – Special Land Use Permits
- 1264 – Planned Residential Developments

PART IV: Administrative

- 1270 – Nonconformities
- 1272 – Administration, Enforcement, and Penalty
- 1274 – Board of Zoning Appeals

Commercial/Mixed-Use Zones (1243)

SC	Suburban Commercial
MXC	Mixed Use Urban Corridor
MX1	Mixed Use Neighborhood Center
MX2	Mixed Use Community Center
MX3	Mixed Use District Center
DT-1	Urban Edge
DT-2	Urban Flex
DT-3	Downtown Core

Residential Zones (1244)

R-1	Suburban Residential
R-2	Suburban Residential
R-3	Suburban Residential
R-4	Urban Edge Residential
R-5	Urban Residential
R-6A	Urban Residential
R-6B	Urban Residential
MFR	Multi-family Campus Residential
R-MX	Mixed Residential
R-AR	Adaptive Reuse Residential

Special District Zones (1245)

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

A – Check the Zoning District Map

- Review the district *intent*
- Check the list of ***allowed uses*** – *including any conditional or special permit uses.*
- Review the ***site layout requirements***

Site Layout Requirements:

- Building massing (height, frontage, upper floor step backs)
- Building placement (setbacks, build-to-lines, lot coverage)
- Parking configuration & loading
- Other district specific items

B – Determine the Street Type

- Refer to the street typologies map

C – Apply Architectural Regulations

- Determine suggested building types
- Cross-reference against street type

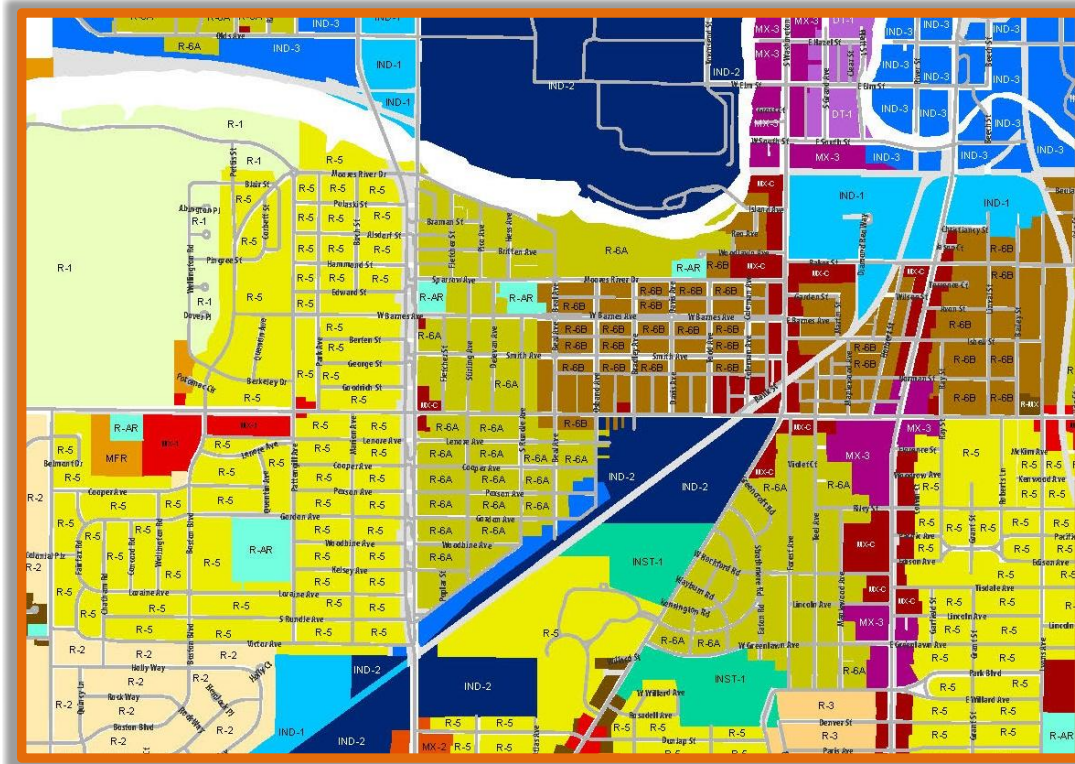
Architectural Regulations:

- Floor heights
- Window area (minimums)
- Primary / Secondary materials
- Roof types
- Building articulation
- Access & Services
- Suggested Building Types to meet the standards

<i>Building Type (example)</i>	<i>Arterial</i>	<i>Prime Connector</i>	<i>Neighborhood Connector</i>
<i>Townhouse</i>		X	X
<i>Flats / Lofts</i>	X	X	
<i>Mid-Rise</i>	X	X	
<i>Multi-Family</i>		X	X

New Zoning Map

- 1243 – Commercial Districts
- 1244 – Residential Districts
- 1245 – Special Districts (*Industrial & Institutional Zones*)



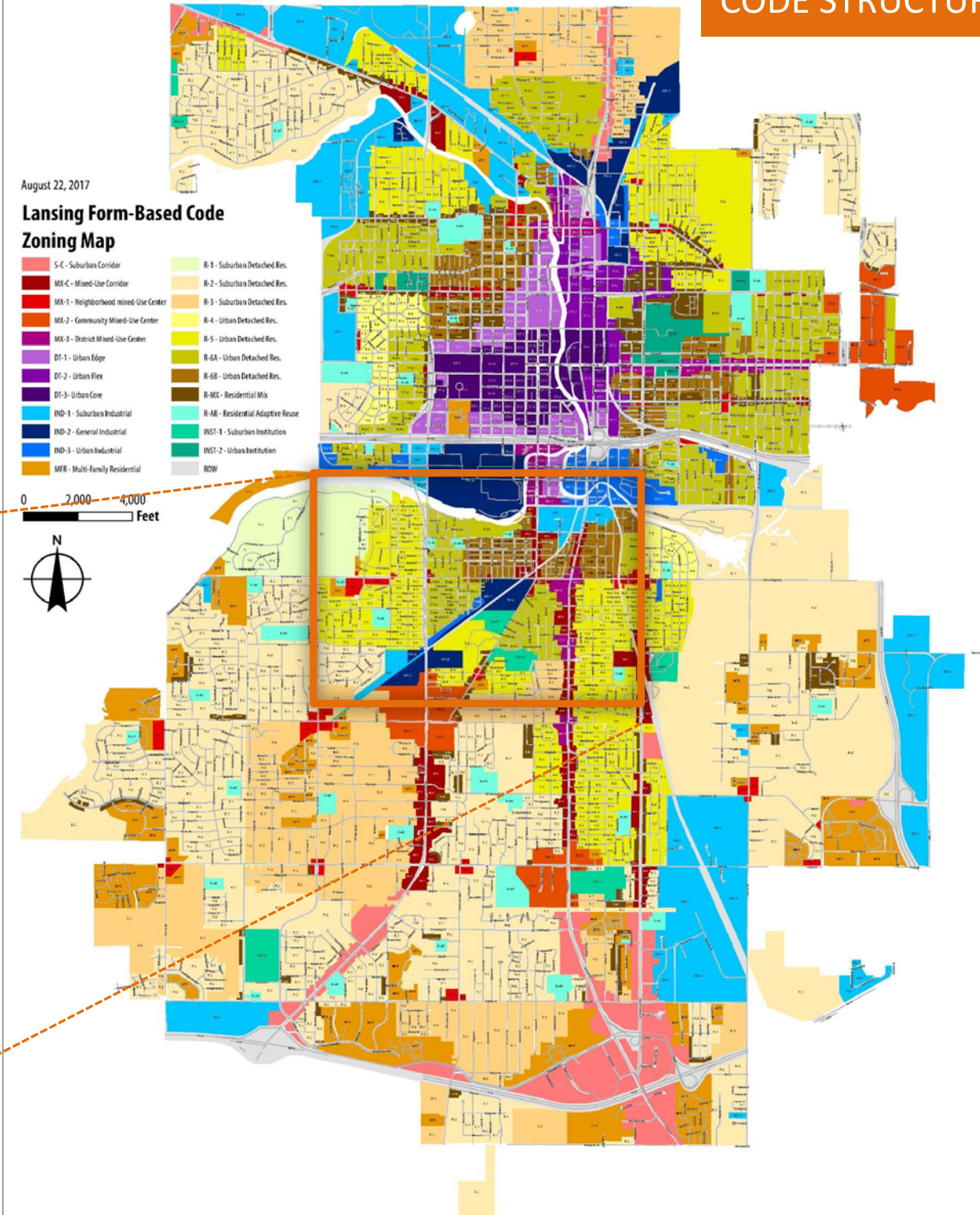
CODE STRUCTURE

August 22, 2017

Lansing Form-Based Code Zoning Map

S-C - Suburban Corridor	R-1 - Suburban Detached Res.
MX-C - Mixed-Use Corridor	R-2 - Suburban Detached Res.
MX-1 - Neighborhood mixed-Use Center	R-3 - Suburban Detached Res.
MX-2 - Community Mixed-Use Center	R-4 - Urban Detached Res.
MX-3 - District Mixed-Use Center	R-5 - Urban Detached Res.
DT-1 - Urban Edge	R-6A - Urban Detached Res.
DT-2 - Urban Flex	R-6B - Urban Detached Res.
DT-3 - Urban Core	R-MX - Residential Mix
IND-1 - Suburban Industrial	R-AR - Residential Adaptive Reuse
IND-2 - General Industrial	INST-1 - Suburban Institution
IND-3 - Urban Industrial	INST-2 - Urban Institution
MFR - Multi-Family Residential	ROW

0 2,000 4,000 Feet

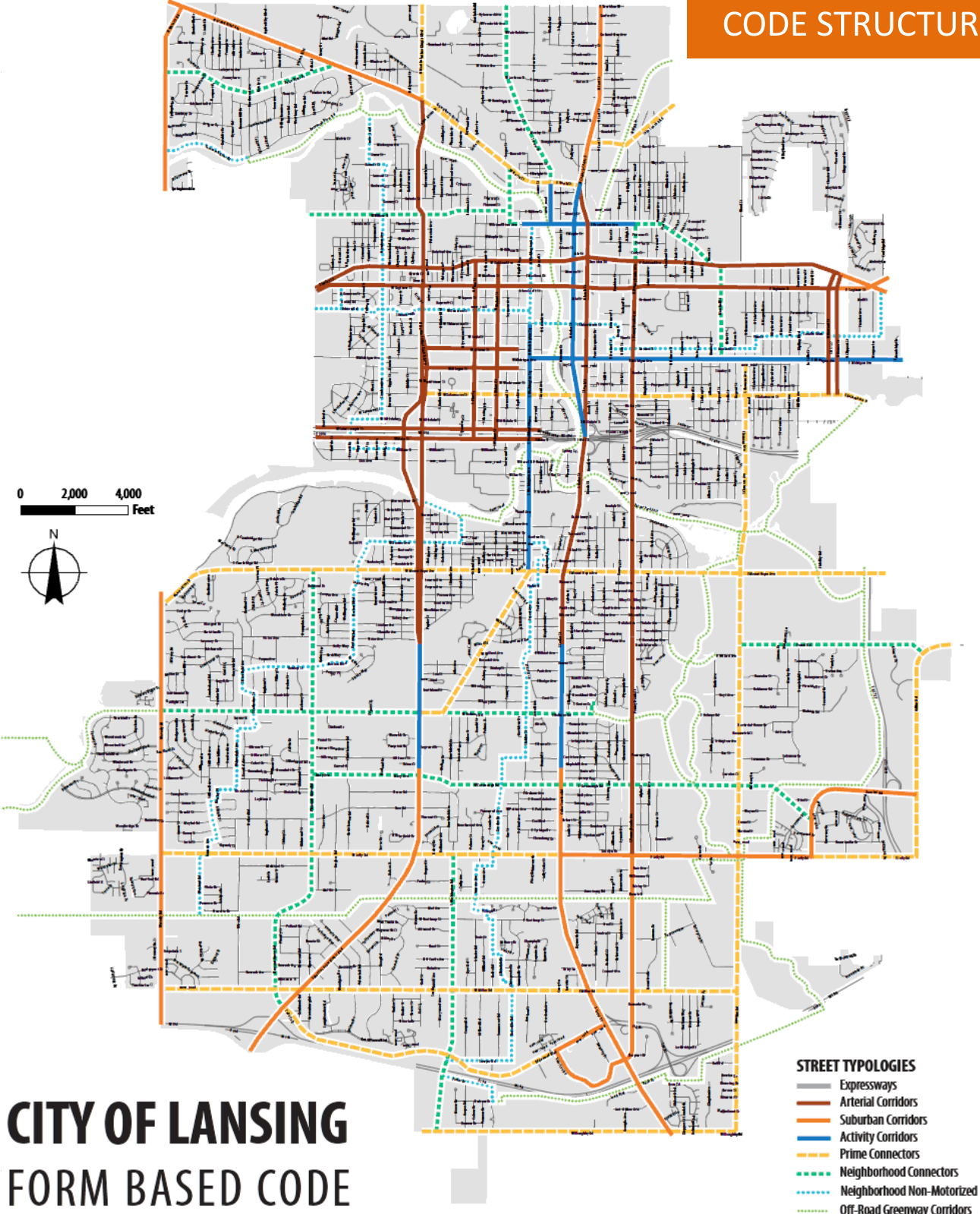


Street Typologies developed in the master plan.

- *Desire to create an appropriate balance of activity and mix of land uses in relation to the type of street and modes of travel emphasized.*

STREET TYPOLOGIES

- Expressways
- Arterial Corridors
- Suburban Corridors
- Activity Corridors
- Prime Connectors
- Neighborhood Connectors
- Neighborhood Non-Motorized
- Off-Road Greenway Corridors



CITY OF LANSING
FORM BASED CODE

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.
- (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 8 inches below the first interior finished floor level of the building.
- (c) Awnings/Overhangs

When an awning or overhang is incorporated into a building, the following requirements must be met:

- (1) Minimum 10 feet clear height above sidewalk, minimum 5 feet depth out from the facade. Maximum projection to within 1 foot of back of curb where there are no street trees, or 1 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 6 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.
- (d) Balconies:
 - (1) Shall not be located within 5 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; and
- (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.

- Projections
- Fenestration (windows/doors)
- Building materials
- Façade articulation
- Example building types to meet the district and architectural standards

1246.04.03 COMMERCIAL / MIXED-USE BUILDING TYPES		
Second Floor Finish Elevation		14' min.
Upper Floors Clear Height		8' min.
Ground Floor Finish Elevation Above/Below Sidewalk		Max of 6" above adjacent sidewalk with ramp
Minimum Fenestration Percentage	Storefront 60%	
	Non-storefront Ground Floor 40%	
	Upper Floors 20%	
Allowed building materials on primary facades (i.e. facing onto a street)		Brick (masonry); stone; other similar materials as determined by Zoning Administrator
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
Roof Types		Pitched: between 4:12 and 12:12 slope
		Flat roof: with cornice and parapet
		All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.
Roof Materials (for pitched roofs)	Primary Material	Asphalt, fiberglass, tile, slate
	Accent Material (up to 25%)	Standing seam metal
Primary Facade Articulation		Walls over 30' in length must include design articulation, windows or recesses
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.
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 5'..
Service		Services. Services and utility hookups shall not be visible from the primary street frontage, preferably located in the rear yard.



Detached Houses – 2 Story & 1 Story



Attached -Duplex / Triplex / Quadplex



**Attached Residential Multiplex
(4-12 units typically)**



Attached Townhouses



Attached Flats / Lofts



Storefront Mixed-Use (2-3 floors)



Mid-Rise (4-8 floors)
High-Rise (9+ floors)



Tower & Podium



Commercial Flex



Parking Structure



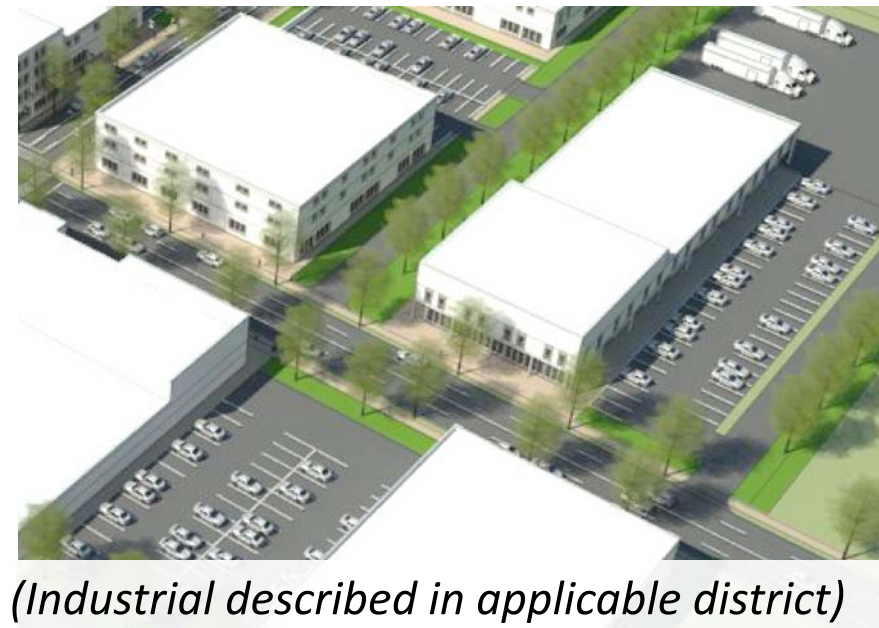
Suburban Commercial



Suburban Office/Research



Gas / Service Station
"Gas Backwards" Design



(Industrial described in applicable district)



LANSING FBC

Introduction

Code Structure

Example Sections

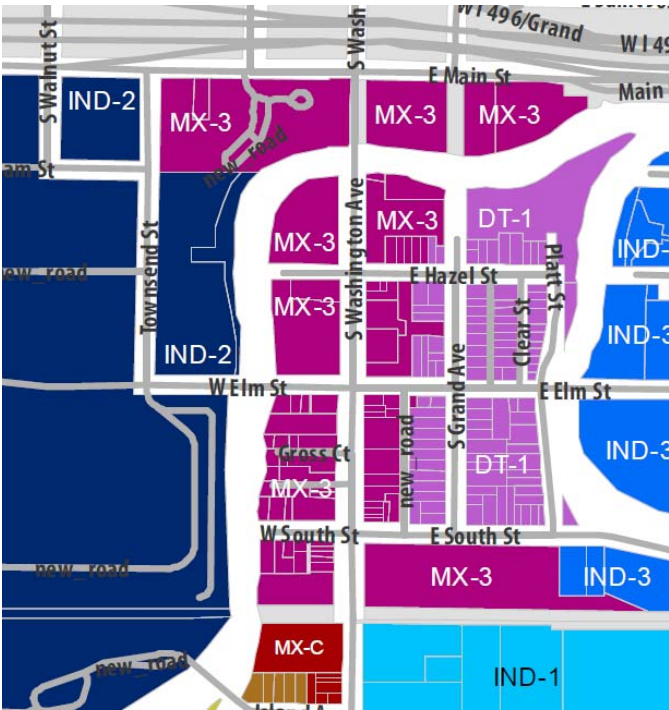
Use Table

P = Principal Permitted Use C = Conditional Use S = Special Land Use	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions
Group day care home (7 to 12 children less than 24 hours per day)	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 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	
Park, open space, plaza (public or private)	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	
COMMERCIAL/OFFICE									
Retail sales and services	C	C	C	C	C		C	C	Permitted on non-local streets Permitted on local street only within 50' of a non-local street
Restaurant, bar, tavern	C	C	C	C	C		C	C	Permitted on non-local streets Permitted on local street only within 50' of a non-local street
Professional and business offices (e.g. doctor, lawyer, architect)	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' of a non-local street
Cemetery					S				
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

- Uses by type by district
 - Permitted uses
 - Conditional uses
 - Special Land Uses

Example: MX-3

- Each section describes:
 - Intent
 - Suggested building types
 - Layout requirements
- MX-3
 - Example area: Michigan Avenue, REO Town, Old Town



1243.08 MX-3 Mixed-Use District Center



1243.08.01 MX-3 INTENT

The intent and purpose of the MX-3 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 represents one of the City's highest intensity and density development because of its location near downtown and the pedestrian activity expected and desired.

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.

SUGGESTED BUILDING TYPE	STREET TYPE				
	ARTERIAL CORRIDOR	SUBURBAN CORRIDOR	ACTIVITY CORRIDOR	PRIME CONNECTOR	NEIGHBORHOOD CONNECTOR
Attached Residential	-	-	-	-	X
Urban Mixed-use	X	X	X	X	X
Parking Structure	X	X	**	X	X
Gas & Service Stations	X	-	-	-	-

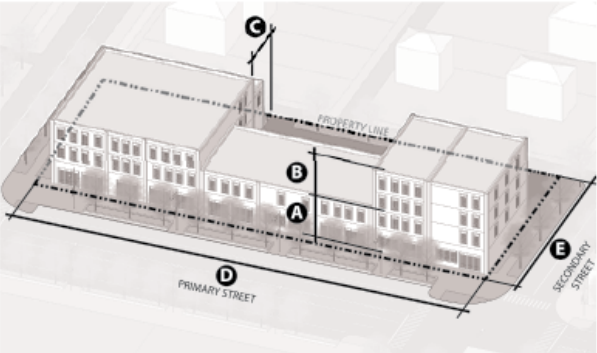
**First floor must be lined with non-parking uses. See Section 1243.03

Example: MX-3 (Michigan Avenue)

1243.08.03 MX-3 SITE LAYOUT REQUIREMENTS

(a) BUILDING MASSING		
-A-	Minimum Height	25' 1 story
-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 feet of each frontage from the corner.

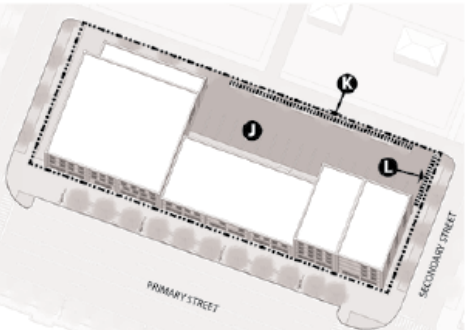
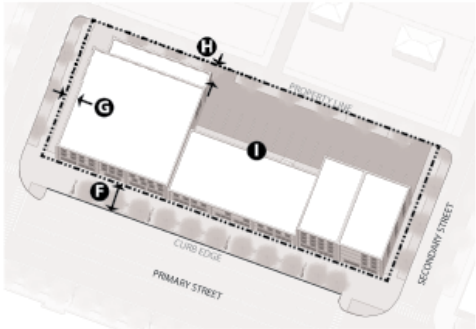
See CHAPTER 1246 — BUILDING TYPES for dimensional standards



(b) BUILDING PLACEMENT	
Sidewalks	8' minimum width required on all non-local street types. 5' minimum width required on local streets.
-F- Build-to line	Front property line or 15' from street curb, whichever is greater. Planning Office may approve 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	0'
-I- Maximum Lot Coverage	100%
Minimum Setback from Adjacent Residential Districts	25' 6' opaque screenwall / fencing required along edge of residentially zoned or used property.

See Section 1250.04.01 for placement of accessory buildings.

(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- 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
-L- Front Parking Lot Setback / Screening on Secondary Street Corners	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 Section 1254.01.04 for parking reductions
Parking Incentives / Bonuses	Shared parking, cross-access, driveway removal



What has changed?

- **Fewer special land uses**
- **Simpler review process**
- **Easier to use code**
- **Mixture of uses**
- **Revised parking standards**
- **Flexibility to implement vision**
- **Foster more walkable, transit-friendly community**

- **ADOPTION SCHEDULE**

- September 6: Developer Preview
- September 13: Lunch Preview
- September 13: Shaping the Avenue Workshop
- September 14: Ward 1 Preview Meeting
- September 19: Ward 4 Preview Meeting
- September 20: Ward 2 Preview Meeting
- September 21: Ward 3 Preview Meeting
- Final Editing
- October: Forward to Mayor for Council Action
(Council meetings subject to change)



LANSING FBC

THANK YOU



District Summaries

S-C Suburban Commercial



- Single tenant or strip commercial
- More emphasis on buffers/transitions to nearby residential districts
- More auto-oriented, one double-bay of parking in front allowed
- Mixture of uses still encouraged
- *Example area: South Cedar*

Minimum Height	Maximum Height
16'	40'
1 story	3 stories

MX-C Mixed-Use Urban Corridor



- Mixed-use encouraged but not required
- Buildings fronting the street
- One bay of front-yard parking allowed only along Suburban and Arterial Corridors
- *Example area: Saginaw at MLK*

Minimum Height	Maximum Height
25'	60'
1 story	5 stories

MX-1 Mixed-Use Neighborhood Center



- Neighborhood mixed-use nodes
- Buildings fronting the street
- Front-yard parking only allowed only along Suburban and Arterial Corridors
- *Example area: Pleasant Grove & Holmes*

Minimum Height	Maximum Height
25'	40'
1 story	3 stories

MX-2 Mixed-Use Community Center



- Mixed-use redevelopment of shopping centers
- Larger nodes of community mixed-use
- Buildings fronting the street
- *Example area: Logan Square or Frandor*

Minimum Height	Maximum Height (dependent on street type)
25'	60' / 40'
2 story	5 / 3 stories

MX-3 Mixed-Use District Center



- Dense, active, urban mixed-use close to Downtown
- Buildings fronting the street
- *Example area: Michigan Avenue, REO Town, Old Town*

Minimum Height	Maximum Height
25'	80'
1 story	6 stories

DT-1 Urban Edge



- Edge of Downtown
- Mixture of office and residential
- Retain historic houses / conversion to office uses
- Transition to nearby residential neighborhoods
- *Example area: Washington Ave. north of LCC*

Minimum Height	Maximum Height
25'	40'
2 story	4 stories

DT-2 Urban Flex



- Mixture of residential, commercial, industrial, entertainment
- Transitioning from older industrial and pockets of auto-oriented uses to mixture of uses and “warehouse district” vibe
- Activity Corridors with active storefront first-floor uses
- One bay of front-yard parking allowed
- *Example area: Cedar & Larch north of Shiawassee*

Minimum Height	Maximum Height (dependent on street type)
25'	60' / 40'
1 story	6 / 3 stories

DT-3 Downtown Core



- The heart of Downtown
- Highest density, tall buildings
- Walkable, mixture of uses with active storefronts
- *Example area: Washington Square & Michigan*

Minimum Height	Maximum Height
25'	none
2 story	

IND-1 Suburban Industrial



- Light to medium intensity industrial uses
- Research & Development, manufacturing, warehousing
- Suburban industrial park with greenbelts
- *Example area: Grand River Ave. near airport*

Minimum Height	Maximum Height
16'	45'

IND-2 General Industrial



- Wide range of industrial uses
- Warehousing, manufacturing, trucking terminals
- *Example area: GM Grand River Plant*

Minimum Height	Maximum Height
16'	60'



- Historic, urban industrial
- Multi-story industrial
- Office, research, manufacturing, lumber yards, heavy auto repair
- *Example area: Hazel Street Area (east of REO Town)*

Minimum Height	Maximum Height
16'	60'

INST-1 Suburban Institutional



- Campus district
- Education, government, medical facilities
- Supporting uses of office and attached residential
- Landscaped greenbelts
- *Example area: Ingham Co. Health Dept.*

Minimum Height	Maximum Height
16'	60'

INST-2 Urban Institutional



- Integrated into urban areas along corridors
- Education, government, medical facilities
- Walkable, mixed-use character
- *Example area: Sparrow Hospital on Michigan Ave.*

Minimum Height	Maximum Height
16'	60'

R-1 Suburban Residential

R-2 Suburban Residential

R-3 Suburban Residential



- Largest, lowest-density, single-family
- Unique architectural detail and quality
- *Example area: Moores River Drive / Frances Park area*

Minimum Height	Maximum Height
20'	35'
2 story	2.5 stories
Min. Lot Width	Min. Lot Size
60'	6000 sq. ft.



- Mid-century to modern subdivisions
- Medium-size lots, attached garages
- *Example area: Cavanaugh Park Neighborhood*

Minimum Height	Maximum Height
15'	35'
1 story	2.5 stories
Min. Lot Width	Min. Lot Size
50'	5000 sq. ft.



- Flexible, rural character
- Deep lots, variable setbacks
- *Example area: Pleasant View Park area*

Minimum Height	Maximum Height
15'	25'
1 story	2 stories
Min. Lot Width	Min. Lot Size
40'	4000 sq. ft.



- Historic homes (City Beautiful/Garden City movement)
- High-style historic architectural types (Tudor, Colonial Revival, Craftsman)
- *Example area: West side neighborhoods (east of MLK)*

Minimum Height	Maximum Height
20'	35'
2 story	2.5 stories
Min. Lot Width	Min. Lot Size
40'	4000 sq. ft.



- Mid-century bungalows
- *Example area: Knollwood Willow*

Minimum Height	Maximum Height
15'	25'
1.5 story	2 stories
Min. Lot Width	Min. Lot Size
40'	4000 sq. ft.



- Historic, urban neighborhoods
- R-6A: Single-family
- R-6B: multiple-family along corridors, still scale of detached houses (subdivided into multiple units)
- *Example area: Pleasant View Park area*

Minimum Height	Maximum Height
20'	35'
2 stories	2.5 stories
Min. Lot Width	Min. Lot Size
40'	4000 sq. ft.



- Highest residential densities
- Apartment complexes with campus character, shared open space
- *Example area: Georgetown Blvd*

Minimum Height	Maximum Height
15'	40'
1 story	4 stories



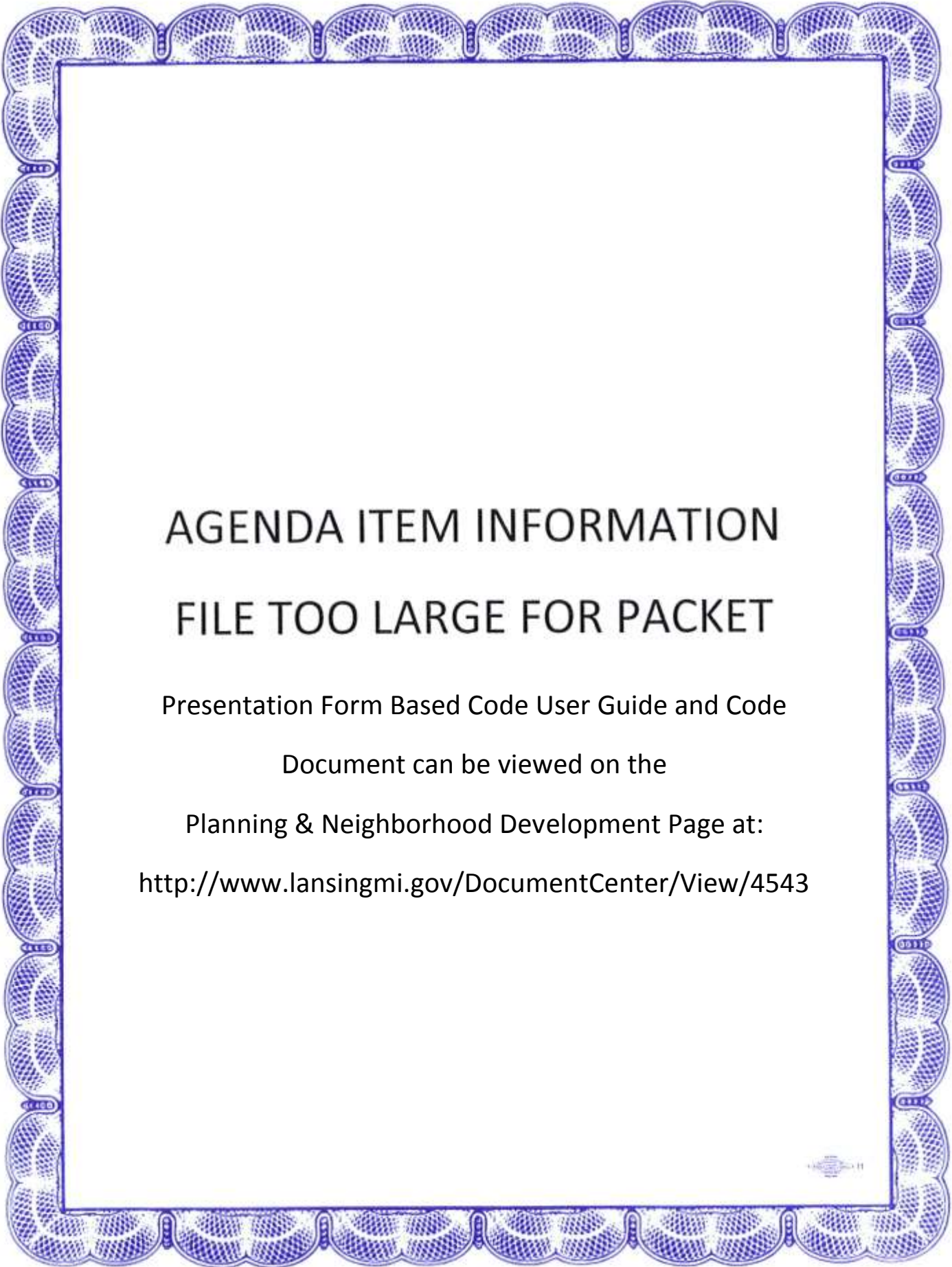
- Variety of housing types
- Along corridors and near downtown
- Transition to single-family detached
- *Example area: Pennsylvania Ave. north of Jolly*

Minimum Height	Maximum Height
20'	45'
2 story	4 stories



- Former school sites
- Contextual compatible reuse with surrounding neighborhoods
- *Example area: Genesee Elementary*

Minimum Height	Maximum Height
15'	Equal to adjacent residential
1 story	



AGENDA ITEM INFORMATION

FILE TOO LARGE FOR PACKET

Presentation Form Based Code User Guide and Code

Document can be viewed on the

Planning & Neighborhood Development Page at:

<http://www.lansingmi.gov/DocumentCenter/View/4543>

January 11, 2017

Lansing Form-Based Code Zoning Map

- S-C - Suburban Corridor

MX-C - Mixed-Use Corridor

MX-1 - Neighborhood mixed-Use Center

MX-2 - Community Mixed-Use Center

MX-3 - District Mixed-Use Center

DT-1 - Urban Edge

DT-2 - Urban Flex

DT-3 - Urban Core

IND-1 - Suburban Industrial

IND-2 - General Industrial

IND-3 - Urban Industrial

MFR - Multi-Family Residential
- R-1 - Suburban Detached Res.

R-2 - Suburban Detached Res.

R-3 - Suburban Detached Res.

R-4 - Urban Detached Res.

R-5 - Urban Detached Res.

R-6A - Urban Detached Res.

R-6B - Urban Detached Res.

R-MX - Residential Mix

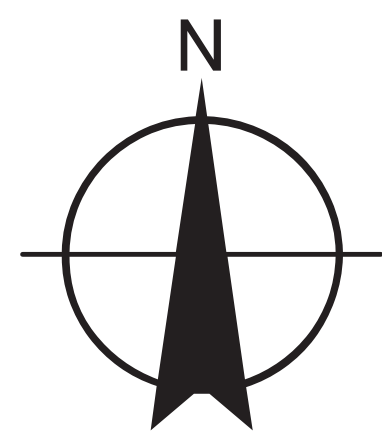
R-AR - Residential Adaptive Reuse

INST-1 - Suburban Institution

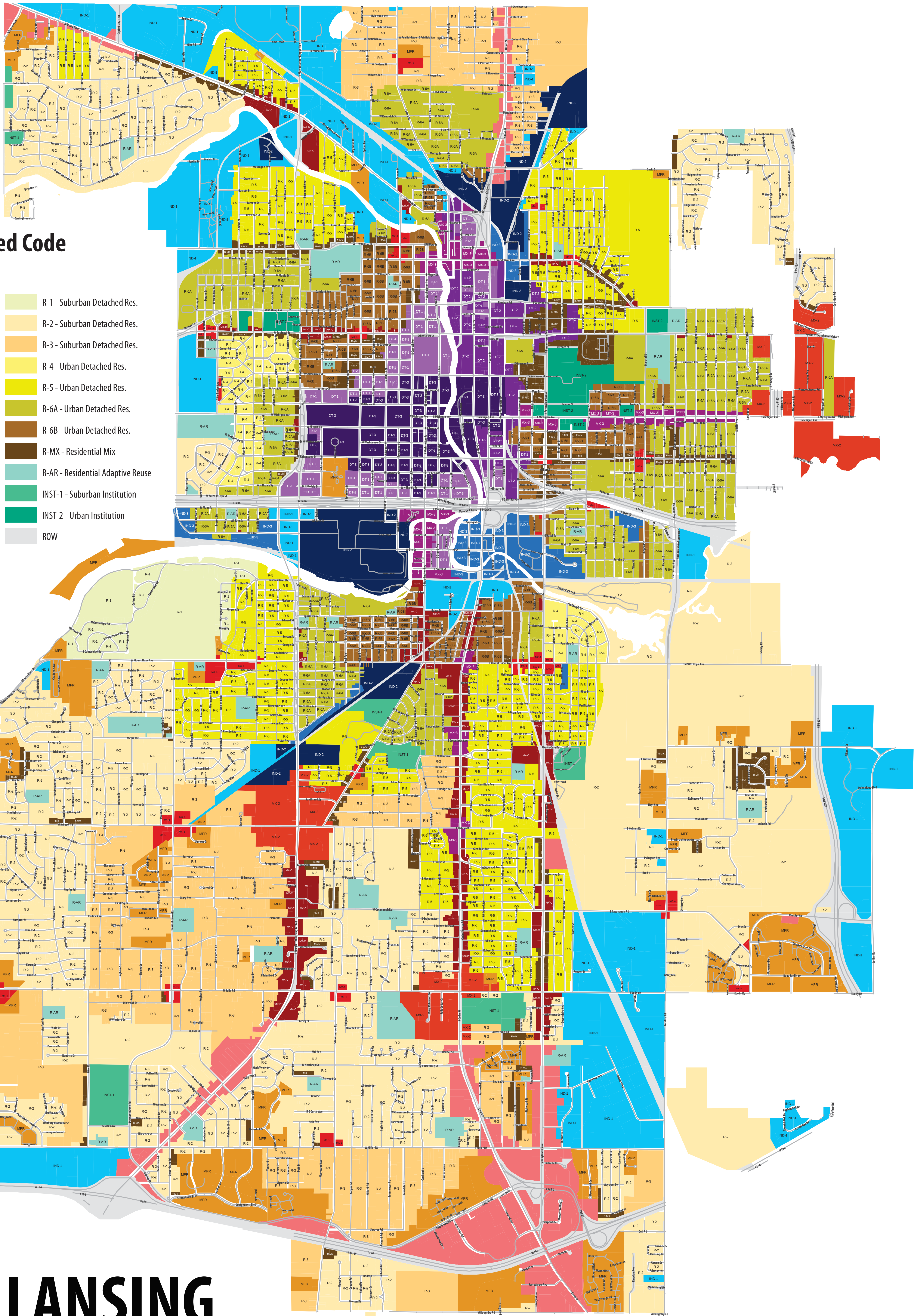
INST-2 - Urban Institution

ROW

0 2,000 4,000 Feet



CITY OF LANSING FORM BASED CODE

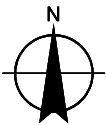


January 11, 2017

Lansing Form-Based Code Zoning Map

- | | |
|---|--|
| — S-C - Suburban Corridor | — R-1 - Suburban Detached Res. |
| — MX-C - Mixed-Use Corridor | — R-2 - Suburban Detached Res. |
| — MX-1 - Neighborhood mixed-Use Center | — R-3 - Suburban Detached Res. |
| — MX-2 - Community Mixed-Use Center | — R-4 - Urban Detached Res. |
| — MX-3 - District Mixed-Use Center | — R-5 - Urban Detached Res. |
| — DT-1 - Urban Edge | — R-6A - Urban Detached Res. |
| — DT-2 - Urban Flex | — R-6B - Urban Detached Res. |
| — DT-3 - Urban Core | — R-MX - Residential Mix |
| — IND-1 - Suburban Industrial | — R-AR - Residential Adaptive Reuse |
| — IND-2 - General Industrial | — INST-1 - Suburban Institution |
| — IND-3 - Urban Industrial | — INST-2 - Urban Institution |
| — MFR - Multi-Family Residential | — ROW |

0 2,000 4,000
Feet



CITY OF LANSING FORM BASED CODE

STREET TYPOLOGIES

- Expressways
- Arterial Corridors
- Suburban Corridors
- Activity Corridors
- Prime Connectors
- - - Neighborhood Connectors
- - - Neighborhood Non-Motorized
- - - Off-Road Greenway Corridors

Form-Based Code | A LIVABILITY FACT SHEET

Smart zoning and land use codes are the foundation upon which great communities are built.

The use of zoning regulations began in the early 20th century in response to urban overcrowding and the intrusion of heavy industry into residential and retail areas. Communities chose to address the problem by separating incompatible uses and limiting residential density.¹ Those efforts shaped the form of the built environment in unintended and occasionally unwanted ways.

For instance, because traditional zoning rules often promote low-density development and limited "one-size-fits-all" housing choices, the policies encourage excessive land consumption and automobile dependency.² Such zoning can stand in the way of communities seeking to create vibrant, walkable neighborhoods that give residents the option of walking to a store, park or work.

Some zoning ordinances can even interfere with a person working from home or operating a home-based business.³

By using the physical form rather than the separation of uses as an organizing principle, form-based code offers a powerful alternative to conventional zoning. With form-based code what matters are the relationships between buildings and the street, pedestrians and vehicles, public and private spaces and the size and types of roads and blocks.⁴ Instead of dictating or limiting activities, the code focuses on such elements as parking locations and limits, building frontages and entrances, window standards, streetscaping and building elevations.

Form-based code can be customized to fit a community's vision, be it to preserve and enhance a neighborhood's character or dramatically change and improve it. Form-based codes can do both.⁵

By using the physical form rather than the separation of uses as an organizing principle, form-based code offers a powerful alternative to conventional zoning.



Myth-Busting!

■ "Form-based code is too restrictive and disregards the market."

Both form-based codes and conventional or traditional zoning codes establish controls on development. While form-based codes emphasize standards that shape the neighborhood or community and offer a great deal of flexibility, conventional codes contain vague standards that often fail to benefit the larger public good.

Form-based codes have precise standards and a streamlined and predictable process. This clarity and predictability open development potential within communities by bringing together planning, design, economic development, engineering and public safety professionals. By joining these stakeholders and others, and doing so early in the process, it becomes possible to get input from multiple points of view, assess costs and better understand how public and private partners can implement the vision.⁶

■ "Hybrid or rezoning is better."

It's not, if design is simply added into conventional zoning. In such a case the focus will likely remain limited to controlling an area's density and uses. However, communities can experience the best of both worlds by using a hybrid system that adopts form-based code for small areas, such as in distinct neighborhoods or corridors, and carefully integrates the use of such form-based code area into the citywide zoning platform.⁷

■ "Developers will resist form-based code."

Developer resistance has been a problem in many communities, especially in smaller towns where developers accustomed to building the same product year after year have had trouble adjusting to new codes. However, many developers welcome form-based code because it enables them to build a higher quality, more aesthetic product.

Codes adopted as the result of a proactive public process are far more successful than those produced without engaging the public in defining the community's vision. When code was applied with little public input, developer pushback has been the strongest.⁸

HOW IT WORKS

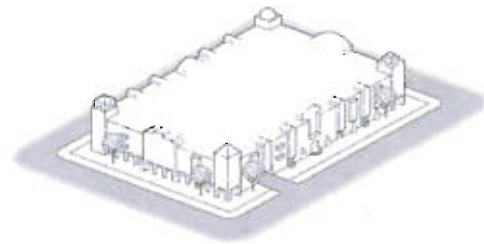
How zoning defines a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements and maximum building height(s) specified.



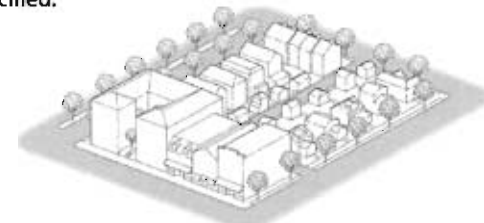
How design guidelines define a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements, maximum building height(s), frequency of openings and surface articulation specified.



How form-based codes define a one-block parcel

Streets and building types (or mix of types), build-to lines, number of floors and percentage of built site frontage specified.



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1. Michigan Association of Planning. (January 2007) "Form-Based Codes." *Smart Growth Tactics*. Issue No. 28. http://www.mml.org/pdf/map_article_issue28.pdf
2. Chicago Metropolitan Agency for Planning. (2013) *Form-Based Codes: A Step-by-Step Guide for Communities*. http://formbasedcodes.org/files/CMAF_FBCI_GuideforCommunities.pdf
3. EPA. "Examples of Codes That Support Smart Growth Development." Retrieved March 21, 2014. <http://www.epa.gov/smartgrowth/codeexamples.htm>
4. Form-Based Codes Institute. Retrieved March 17, 2014. <http://www.formbasedcodes.org/what-are-form-based-codes>
5. Chicago Metropolitan Agency for Planning. (2013) *Form-Based Codes: A Step-by-Step Guide for Communities*
6. Rangwala, K. (April-May 2013) "Assessing Criticisms of Form-Based Codes." *Better! Cities & Towns*. <http://bettercities.net/article/assessing-criticisms-form-based-codes-19967>
7. Ibid
8. *New Urban News* (April 2010) "Survey: Combine New Code with Activities and Investment." http://www.formbasedcodes.org/files/Survey_CombineNewCodeWithInvestment.pdf

How To Get It Right

A BEFORE AND AFTER PHOTO VISION OF CHINCOTEAGUE ISLAND, VIRGINIA



BEFORE: Buildings set back from the street, inadequate walking and bicycling safety, poorly-defined parking and minimal appeal.



AFTER: Buildings close to the street, good walking and bicycling safety, well-defined parking and very strong destination appeal.

■ Embrace a public process and build support

Develop an education and awareness campaign prior to implementation, and reach out to developers, community members, elected officials and municipal staff. Government leaders may need to see public support before acting. Developers may need to see political support and funding first.

To build support community advocates can share this fact sheet and meet with decision makers, news outlets, experts and others to discuss the benefits of form-based codes. To build public acceptance and understanding, agency staff should host community-wide or neighborhood visioning or design workshops and provide regular updates.

■ Provide municipal funding first

Developers may want to wait for someone else to test the first project with the new code. According to a survey of 35 communities, cities that invested their own funds found that developers followed, but those that put the responsibility solely on developers didn't do as well. A community has to show support politically and financially. Those that do typically get a good return.

■ Make the code mandatory

Mandatory codes provide more predictability to the urban form and help direct development to the code area. If a community has done the right amount of due diligence, held public brainstorming and design sessions and worked toward public buy-in of a common vision, the legal issues should be minimized and the public will already know what to expect.

■ Demonstrate existing successes

Help educate developers to get them comfortable with the new code and goals. Provide existing examples of similar, successful designs.

■ Replace the existing zoning code

The form-based code should replace the existing conventional zoning code for all or part of the community, and all development within the area should abide by the form-based code. This approach generally offers the widest range of opportunities for transforming a targeted area of a community while maintaining established character in others. It also offers the advantage of consistency in regulatory vocabulary and procedures throughout the code.

■ Tailor the code to the place or neighborhood

Personalize the code to its specific geography, politics and culture in order to be successful. Take the time to identify each neighborhood's character and vision. Periodically review and update the code.

■ Include regulatory plans and standards

A regulating plan is a master plan or zoning map in which different building forms, public streets and spaces are defined based on clear community intentions about the physical character of a designated area, such as a neighborhood or community. Building form standards define the configuration, design features and functions of buildings that frame the public realm.

Success Stories

■ Redwood City, California: Downtown Precise Plan

Since a new form-based code was adopted in January 2011, there's been more downtown housing development than in the previous five decades combined. All of the development in the two years following the code's enactment was privately constructed. Between 1980 and 2010 most development required assistance from the city's redevelopment agency.

Under the updated Downtown Precise Plan, 421 residential units were under construction by August 2013, 280 more units were approved and 471 more were under review — for a total of 1,172 downtown units. In addition, 300,000 square feet of office space was under way. All projects received planning approvals in six months or less without opposition.

Downtown Redwood City is now more active than it has been in decades, retail vacancies have fallen and an eclectic dining and pub scene has materialized.



As part of the "Downtown Precise Plan" in Redwood City, Calif., El Camino Boulevard is being transformed from commercial to mixed-use zoning.

■ Cincinnati, Ohio: Citywide Code

In 2010 Cincinnati's vice mayor, Roxanne Qualls, introduced a motion to adopt zoning in support of mixed-use, pedestrian-friendly development around transit stations.

A report released after a five-day urban design workshop (which was attended by more than 700 public participants) explained why Cincinnati needed the change: "The city has lost 40 percent of its population since 1950, leaving suburban densities in the city's formerly urban neighborhoods. Many residential buildings and lots sit vacant."

The effort grew into citywide form-based code, adopted in May 2013 and achieved with the help of a \$2.4 million federal grant. The plan calls for every Cincinnati neighborhood to be mapped and have regulating plans approved. The code has been applied to business districts and key vacant parcels. The city hopes the new form-based code will spur redevelopment of neighborhoods that have been in decline or stagnating for a long time.

■ Nashville, Tennessee: Community Character

Nashville replaced its conventional zoning with a "Community Character" approach to policy that is based on the look and feel of neighborhoods, centers, corridors and open spaces. The change has resulted in a 75 percent increase in taxable value in the districts where the approach is used, compared to a 28 percent increase in the county over the same time period.

RESOURCES

1. **Form-Based Codes Institute:** <http://formbasedcodes.org/>
2. **Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities and Developers.** Parolek, D, et al. (2008) Wiley & Sons
3. **Smart Code.** (2012) Center for Applied Transect Studies, Vol. 9, No. 2. <http://www.transect.org/codes.html>
4. **The Codes Study: Placemakers.** A website tracking form-based codes throughout the world. Retrieved March 21, 2014, http://www.placemakers.com/wp-content/uploads/2013/05/CodesStudy_May2013_WEB.htm
5. **Examples of Codes That Support Smart Growth Development.** EPA. Retrieved March 21, 2014, <http://www.epa.gov/smartgrowth/codeexamples.htm>
6. **Community Character Manual** (2012) Metropolitan Nashville-Davidson County Planning Commission. http://www.nashville.gov/Portals/0/SiteContent/Planning/docs/CCM/2012Certified/0_CCM_adopted%20Oct%2025%202012.pdf



AARP LIVABLE COMMUNITIES

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Online: aarp.org/livable



WALKABLE AND LIVABLE COMMUNITIES INSTITUTE

Mail: 2023 E. Sims Way #121, Port Townsend, WA 98368
Email: community@walklive.org
Online: walklive.org

SmartGrowthTactics

Putting the MLULC Recommendations into Action—A How to Series for Local Leaders

RELIANCE ON DESIGN CONCEPTS AND PATTERNS TO PRESERVE COMMUNITIES

The Michigan Land Use Leadership Council (MLULC) recognizes the importance of training, education, and knowledge as the means and methods of managing land use change and community development.

The MLULC's 2003 final report includes recommendations for planning and development regulation and encourages a public education campaign that includes concepts to help citizens better understand the implications of the continuation of land use trends and the benefits of better planned development in general. Additionally, it includes the specific benefits of alternative design schemes that focus on density rather than minimum lot sizes including: density-based zoning, new urbanism, and diverse socio-economic development patterns.

In an effort to continue the momentum and application of the MLULC's recommendations, this issue of *Smart Growth Tactics* focuses on form-based codes (an outgrowth of new urbanism). A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of "place." The base principle of form-based coding is that design is more important than use. Where conventional zoning controls land use and focuses on separating land uses, form-based coding focuses on form as it relates to streetscape and adjacent uses.

This issue will provide: an overview of the principles associated with form-based codes; a discussion on the differences between conventional zoning and form-based codes; and introduce the structure of form-based codes and the process to developing form-based codes. The article will additionally provide examples of Michigan communities utilizing form-based codes and the potential pitfalls associated with their use.

Form-based codes – new approach to zoning

FORM-BASED CODES AN EFFECTIVE TOOL FOR SMART GROWTH

As part of Smart Growth strategies, communities are examining development regulations to determine the extent to which the existing regulations may be posing an obstacle to Smart Growth. A great deal of attention is paid towards how development regulations have shaped our communities.

An evaluation of development trends and the zoning requirements of many communities identified serious problems associated with uncontrolled urban sprawl and the loss of community character in suburban communities. In many instances, conventional zoning regulations are the major contributors towards creating the sprawling, automobile-oriented environment that dominates many Michigan communities.

Zoning was created in the early 20th century as a response to problems associated with overcrowding in central cities and the intrusion of heavy industry into retail and residential areas. Developed in the later years of the industrial revolution, zoning sought



Communities such as Grand Rapids are using form-based codes to document the urban fabric of their community and develop regulations that ensure that the most valuable qualities of the community are not only retained, but that new development fits into the character of the neighborhood, as well.

to address these problems through separating incompatible uses and limiting residential density. However, the evolution of zoning in concert with rapid suburbanization has had the effect of dispersing suburban development over large areas of land and creating a host of problems such as loss of farmland, increased environmental impacts, greater auto-dependency, inefficient provision of public services, and loss of community character within the suburbs. While there is a resurgence of interest in older, more traditional urban communities, existing zoning regulations make redevelopment of urban communities more difficult by applying suburban zoning standards.



A new urbanist development in Beverly Hills, Michigan includes traditional homes on small lots and pedestrian-oriented streetscape.

Larger setbacks and excessive parking requirements make many cherished urban buildings and spaces nonconforming.

Form-based codes focus land use regulation towards creating more livable communities. The approach uses traditional community character to create and maintain a more human-scale environment. Unlike conventional zoning that focuses on separating land uses, form-based code focuses on building form as it relates to streetscape and adjacent uses. Form-based codes allow for a mixture of land uses based upon the context of building form. As a result, compatibility of uses is achieved through design and orientation, instead of strict land use separation. Where conventional zoning focuses on use and development of an individual lot, form-based codes focus on the role that individual buildings serve in shaping the public streetscape. Form-based codes rely on design concepts and patterns intended to preserve the assets of a community, creating more livable environments and spaces.

PROBLEMS WITH EUCLIDEAN ZONING

The conventional form of zoning currently used throughout Michigan and the United States is what is commonly referred to as Euclidean

zoning. This name is derived from the 1926 United States Supreme Court decision in *Euclid v. Ambler Realty Co.* (272 U.S. 365) to uphold the constitutional validity of zoning. Euclidean zoning has been in place in Michigan since 1921 with the City and Village Zoning Act, Public Act 207 of 1921. Enabling legislation for townships and counties soon followed in 1943.

When the city of Detroit adopted its first zoning ordinance in 1920, the city sought to address different problems than those of today. In 1920, overcrowded tenement housing and the intrusion of heavy industrial uses into commercial and light industrial areas created serious public health and welfare problems. These problems are at the root of land use separation and density limits which are the core of virtually all zoning ordinances today.

Michigan communities have experienced many changes over the past 80 years. With this, a new set of challenges in how to regulate development resurfaces. Instead of concerns with overcrowding in cities, the focus is now on the negative impacts that uncontrolled sprawl has on the landscape of Michigan. And while the need to separate housing from heavy industry is still a valid concern, planners are now concerned with use-segregated

suburbs, where it is not possible to walk to the corner store or for children to walk to school.

The New Urbanism movement (1980 to present) has attracted a great deal of interest in re-creating walkable, mixed-use neighborhoods. As an outgrowth of this movement, form-based codes are the latest technique to re-examine the underlying zoning principle of separating uses and instead provide new means to develop vibrant mix-use communities. This is accomplished by placing a strong focus on the creation of proper urban form, wherein a mixture of uses can flourish.

DESIGN STANDARDS AND OTHER ATTEMPTS TO IMPROVE LAND USE REGULATION

In response to the limitation of Euclidean zoning, a number of zoning techniques have been created with varied levels of success. These include mixed-use planned unit developments, cluster development, performance zoning, and design standards.

Planned unit developments (PUD) have been used for many years as an effective means of developing coordinated larger sites. (The first evidence of a PUD was created in 1949 in Prince Georges County, Maryland.) However, in many instances, what is intended to be a “mixed-use” development actually ends up being “multiple-use,” where there are separate and distinct areas of land uses that are not truly integrated into a mixed-use development. The other limitation of a PUD is that it is designed primarily for the development of larger sites, and with few exceptions, is not well suited for use on individual lots in an urban environment.

Clustered open space developments have had success in preserving open space and natural features. This type of development tends to offer recreational amenities not available in conventional subdivisions. While open space developments are a significant improvement





Design standards can improve the appearance of the building and site landscaping, but are not effective in changing the underlying form.

from conventional zoning, the developments still tend to be separated, single-use tracts of land.

Many communities have adopted design standards in a variety of forms. Some have adopted separate design guidelines or relied on the guidelines contained within the master plan. However, recent court decisions have held that a community cannot enforce requirements that are not specified in the ordinance.

Instead of guidelines, design standards for architectural and landscaping requirements are now becoming more common place within zoning ordinances. Some communities have adopted architectural regulations that require use of high-quality building materials. Others include discretionary standards whose result can be unpredictable and run the risk of inconsistent application. While these design standards have been effective in improving the appearance of buildings and landscaping, the standards fail to create meaningful change in the urban form – the end result is usually aesthetically-pleasing sprawl.

PRINCIPLES ASSOCIATED WITH FORM-BASED CODES

The Form-Based Codes Institute defines form-based codes as “[a] method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, and land uses secondarily.” Form-based codes go beyond conventional zoning

by addressing the relationship of the building to the streetscape and the proper relationship between buildings in order to define a desired urban form.

First and foremost, form-based codes are place-based. The codes are adapted to fit the unique characteristics of a community and intended to require that new development fit within the context of the existing community and reinforce a unique sense of place.

Next, form-based codes allow for the unique ecology of a community by permitting a mixture of uses. The codes reflect the importance of the relationship between various uses

and building types to one-another, as part of an integral neighborhood and overall community.

Form-based codes are purposeful and not reactive. Conventional zoning tends to be reactive in that it restricts and focuses on preventing development that would be damaging to neighboring properties or the community (i.e. zoning tells you what you cannot do). Form-based codes, on the other hand, document the desired form of development and prescribe building form requirements to achieve the desired community vision.

Form-based codes connect the urban form and land use by providing for specific building types that are suited for the appropriate land use. They also relate the use and building type to the streetscape to comprehensively address the desired urban form for the neighborhood.

Form-based codes provide for development that is compact, mixed-use, and pedestrian friendly to create livable neighborhoods and healthy vibrant communities.



Farmington has adopted a form-based code as part of the central business district that reflects the traditional urban fabric that the community values.

And finally, form-based codes are graphic and designed to be easy to use and understand.

KEY DIFFERENCES BETWEEN CONVENTIONAL ZONING AND FORM-BASED CODES

1. Conventional zoning is use-based, with a community divided into zoning districts which segregate land uses. Form-based codes de-emphasize use and divide a community into neighborhoods or specific street corridors, that have a distinct and consistent character, while allowing a mixture of compatible uses.
2. Conventional zoning attempts to create uniformity throughout a district by applying uniform intensity parameters such as setback, height, density, and floor area ratios. Form-based codes embrace diversity in neighborhoods by reflecting different standards for different types of buildings. Because use and building type are tied together, the standards ensure the building form relates properly to the streetscape and adjacent uses.
3. Where conventional zoning focuses on use and dimensional requirements, form-based codes focus more on the building form and how it relates to the public streetscape. In order to define the streetscape, form-based codes often prescribe build-to-lines where buildings are required to be set a specific distance from the front



Example of a mixed-use building with retail on the first floor and residential on the upper floors. Specific design elements for retail along the sidewalk include window articulation and treatment at the corner.

- lot line. Conventional zoning uses minimum setbacks to create building envelopes; however, the ultimate location and form of the building within the envelope is unpredictable. As a result, conventional zoning has a primary focus on the lot and pays little to no attention to the streetscape. Form-based codes take a more holistic approach by considering the building form as it relates to the streetscape.
4. Conventional zoning has limited ability to effect change, as it tends to prohibit development that is determined to be inappropriate. Form-based codes are more

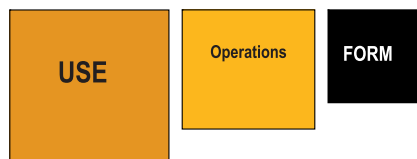
prescriptive and do a better job of describing the desired urban form. The result is the development of a neighborhood that encourages pedestrian activity, social interaction, and local investment.

WHAT IS REGULATED

An underlying premise of form-based codes is that the public realm (i.e. the streetscape) is defined by the buildings that line it. Because of this, building placement and site orientation are paramount in the form-based code. The front building line location is based upon the type of street frontage. In a traditional downtown setting, there would be a “zero front lot line” or “build-to” requirement with all parking required to be at the rear of the building. In a residential neighborhood, there would be a requirement that the front of a residence be placed at a specific setback from the front lot line.

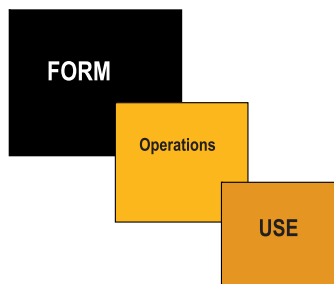
Once the streetscape has been defined by the building placement, the building elements can be considered to ensure that the building relates properly to the streetscape and adjacent buildings. In a business district, this would include requirements for doors and windows

Conventional Zoning



Focused on use

Form-Based Codes



More focus on design and form



along the sidewalk, window articulation on upper floors, building expression lines, and other details such as cornices. In residential areas these may be requirements for front porches or a limitation on front-loaded garages.

While uses are secondary to building form, they are nonetheless still important. Similar to a conventional zoning ordinance, different uses are allowed in each zone or district. Form-based codes allow a greater mixture of uses, but tie the use to the required building form. Unlike most conventional zoning ordinances, form-based codes also regulate use on the vertical plane. In a downtown setting, there may be a requirement for retail uses on the first floor and an allowance for residential or office on upper floors. There may also be a requirement along a downtown “Main Street” for mandatory retail frontages on the first floor to create a strong synergy between retail uses and an interesting environment for shoppers.

Form-based codes also contain regulations for accessory structures and uses. This includes specific requirements for the placement and design of parking lots. Other elements such as accessory buildings, loading areas, waste receptacles, screening walls, landscaping, and lighting are also addressed.

Another major improvement in the form-based code approach is that it goes beyond just regulating the site, by tying together the site and the public realm (i.e. the streetscape). Building regulations relate to design requirements for streets, sidewalks, on-street parking, street trees, and public spaces such as plazas.

An important aspect of a form-based code is that all of the regulations be tied together. The use is tied directly to the building type. The building type in-turn dictates form and building elements. The building form also relates to the street frontage, tying all of the elements together.

HOW FORM-BASED CODES ARE STRUCTURED

The form-based code is based upon a regulating plan. A regulating plan is analogous with and functions similarly to a zoning map, except that it provides a greater amount of specificity to the street types, block dimensions, and building lines. Regulating plans may also indicate the locations for parks, squares, and plazas. For downtown shopping districts, the regulatory plan may indicate a mandatory retail frontage.

The zone on the regulating plan permits specific uses and corresponding building types. Building types may include single family dwellings, townhouses, live-work units, retail buildings, and others. The underlying principle is that the use, building, and street are interrelated.

Based upon the zone and the building type proposed, there are specific placement and building envelope requirements. These graphically depict building lines, setbacks, building height, and parking lot location. These requirements can be compared to the schedule of area and bulk requirements in a conventional zoning ordinance, except that they rely more on graphics to depict requirements and tend to be more prescriptive (e.g., building lines state exactly where the front of the building is required to be placed, instead of stating minimum setbacks). Building height is often defined in both minimum and maximum measurements to ensure that the building is tall enough to define the streetscape, but not so tall that they overwhelm other buildings.

Building elements are required relative to the type of building proposed. These include standards for building materials, doors and windows, building expression lines, front porches, etc. Note that most form-based codes do not regulate architecture – if the building has the proper form, then the architectural style of the building is less important. However, it may be appropriate to include architectural regulations in a

POTENTIAL PITFALLS WITH FORM-BASED CODES

While form-based codes are effective tools that can help realize a community's vision, they are not a panacea that will cure all problems. There are some limitations of form-based codes and some problems that the codes may present to local communities:

Form-based codes tend to cost two to four times that of a conventional zoning ordinance. This is because of the upfront effort required to complete a detailed inventory of the community's existing urban form, the additional public involvement, and design work that goes into creating the regulating plan and the code.

Form-based codes require an illustrative regulating plan that is often based upon some form of urban design plan. This type of plan tends to be more involved than a zoning map.

Since Michigan streets are often regulated by separate authorities, there may be limited ability for a form-based code to regulate existing public streets. This may be more of a problem in townships, where all of the roads fall under the jurisdiction of the road commission, and less of a problem in cities that control their own city streets.

Form-based codes are prescriptive and very rigid, which may be viewed by developers as a limitation on what they can do with their property and a limitation on an architect's creativity.

There is a lack of specific enabling legislation as the Michigan Zoning Enabling Act (Public Act 110 of 2006) does not specifically provide for form-based codes. However, these types of codes are being developed throughout the United States and in other states, without specific enabling legislation.

A criticism of new-urbanism (which form-based codes are closely tied to) is that it is not environmentally sensitive; however, by developing more compact communities, the amount of land consumed by urban sprawl and dependence on the automobile is reduced. And unlike much of the new-urbanist developments that are “new towns,” advocates of form-based codes have used form-based codes more as a tool to facilitate infill and redevelopment within existing urban communities.



How do form-based codes work in the real world?

Form-based codes have been adopted by communities throughout the country. Some applications in Michigan are as follows:

Downtown Farmington: As part of the City of Farmington's Downtown Development Plan, there is a detailed urban design plan that includes specific downtown design standards. The city wanted to promote redevelopment within the existing downtown while ensuring that the zoning regulations would be reflective of the existing community character and the recommendations of the plan.

A form-based code was prepared for the Downtown Zoning District to encourage redevelopment that embraces the historic character of Farmington, including traditional storefronts and a pedestrian scale environment. The form-based code requires buildings be built to the front lot line and parking lots be located in the rear. In order to maintain a well-defined streetscape, maximum and minimum building heights are included. Detailed building design standards to ensure that buildings relate properly to the streetscape at a pedestrian scale are included. Not only does the ordinance permit a vertical mixture of uses, but it builds in incentives to encourage mixed-use developments.

Genoa Town Center: As part of its master plan, Genoa Township identified a location for a new Genoa Town Center. The new town center location was centered on one



A form-based code was developed for Downtown Farmington to encourage infill development while preserving the traditional pedestrian-friendly character of the city.

of the few remaining large vacant areas along the Grand River Avenue corridor between Brighton and Howell. The township wanted to see a high quality, mixed-use development for this site that would create a new town center and also serve as a catalyst for redevelopment of the older commercial properties in the immediate area. As part of the master plan process, the township developed a detailed urban design plan for the new town center area.

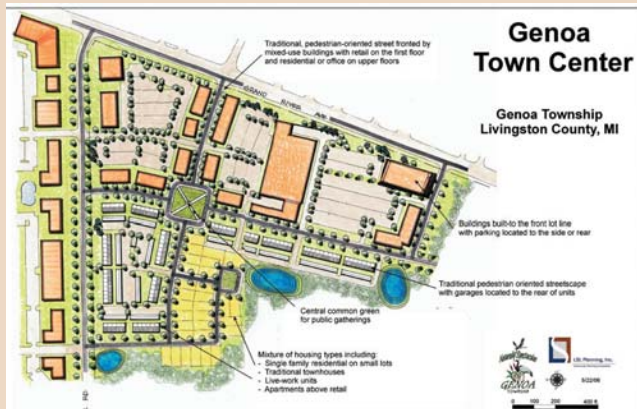
The Genoa Town Center is planned to become a mixed-use town center with local businesses, neighborhood service establishments, and traditional residential neighborhoods. Residential uses will provide a variety of housing types including apartments on upper floors above commercial uses, traditional townhouses, and single family homes on smaller lots. This area will be integrated into a pedestrian-friendly, walkable area with sidewalks connecting all uses and community parks and plazas.

To implement the Genoa Town Center, a form-based code overlay zoning district was adopted that requires all new development to follow strict requirements for a more traditional form of development that is more characteristic of a small town. The overlay zone not only allows for a mixture of uses, but has incentives to encourage truly integrated mixed-use development. The overlay zone includes building placement requirements that create traditional, pedestrian-friendly streetscapes and reduce the dominance of the automobile. It also includes detailed design standards for buildings, streetscapes, and public open spaces.

Grand Rapids: The City of Grand Rapids is nearing completion of an ambitious project to convert its 1967 zoning ordinance to a modern form-based code. It was clear that simply updating the original ordinance would not further the goals of the city's new Master Plan: a Plan that emphasizes neighborhood preservation while transforming the landscape

in critical areas.

An extensive public outreach effort revealed the desire of neighborhood groups, business associations, and others, to develop flexible, user-friendly land use regulations. Accordingly, the code includes a number of unique elements: increased use of administrative approvals, flexible nonconforming use and building regulations,



and incentives for quality design and development.

The language of form-based codes is developed with an eye toward the specific physical plan. This includes a broad range of regulations that encompass building alignment toward the street (setbacks, building orientation), spaces between buildings (side setbacks, separation between disparate uses), and heights, each of which can be described in ranges of acceptable values.

This effort represents the most significant attempt to introduce form-based codes for a city the size of Grand Rapids in the state of Michigan, and in much of the country as well.

IS A FORM-BASED CODE RIGHT FOR YOUR COMMUNITY?

Form-based codes can be an effective tool that can be used in most communities. Some communities are appropriate for a community-wide form-based code, while others should utilize this new technique for certain subareas. Most importantly, the community must have a commitment to create a better place and undergo the process of gaining consensus on the desired urban form of the community. Form-based codes can be an effective tool in

form-based code for a historic district.

Because building form and streetscape are interrelated, form-based codes include requirements for the streetscape, such as on-street parking, sidewalk width, and street trees.

Form-based codes also include many of the other regulations of conventional zoning ordinances such as definitions, administrative procedures, zoning board of appeals, nonconforming, etc.

HOW APPROVALS ARE PROCESSED

Because the regulating plan sets forth detailed and predictable building form requirements, approvals that are in accordance with the regulating plan can be approved administratively. This is possible because the unpredictability and greater discretion typically involved with conventional zoning does not exist with form-based codes. The idea is that if a developer is willing to follow all of the detailed requirements of the regulating plan and the form-based code, there should be little, if any, room for discretion, and the approval should be handled administratively. However, if the developer wants to deviate, then approval is required before the planning commission. Essentially, form-based codes make it easy to do the right thing, and harder to deviate from the code and regulating plan.

GENOA TOWNSHIP ZONING ORDINANCE

9.04.03 **Neighborhood Street Frontage.** Sites with frontage along Neighborhood Streets shall meet the following dimensional requirements:

Lot Area/Density	Single family: Minimum 5,000 square foot lot area; minimum 4,500 square feet for lots with rear alley. Townhouses: Up to 14 units per acre permitted-by-right; the Township Board may grant special land use approval for up to 28 units per acre.	Single family residential placement 3 stories max, 35 ft max height Detached garage permitted in rear yard w/ 3 ft min setback 10 ft min side yard 50 ft min lot width 20 ft min front yard 5 ft min side yard 25 ft min rear yard
Lot Width	Single family: Minimum 50-foot lot width; minimum 45 foot lot width for lots with driveway access to a rear alley. Townhouses: No minimum.	
Front Yard Requirements	Single family: Minimum 20-foot front yard setback. Townhouses: Minimum 5-foot front yard setback.	Townhouse building placement 3 stories max, 35 ft max height Garage & parking in rear or side yard. Garage may be detached or attached. Detached garage permitted in rear yard w/ 3 ft min setback 5 ft min front yard 25 ft min rear yard 0 ft min side yard w/ fire wall
Building length	Maximum 180 feet.	
Side Yard	Single family: Minimum 5-foot side yard setback with a total of 15 feet on both sides; a total of 10 feet on both sides where garage access is from a rear alley. Townhouses: No side yard between units. Minimum 15-foot setback from single family lot and 15 foot spacing between groups of buildings.	
Rear Yard	Minimum 25-foot rear yard setback for principal buildings.	
Building Height	Minimum 2 stories. Maximum 3 stories – not including ½ stories. Maximum 35-foot building height.	
Accessory Buildings	Detached garages and other accessory buildings shall be located in the rear yard only and shall be setback a minimum of 3 feet from the rear and side lot lines. Attached garages shall be permitted; provided the garage is setback at least 5 feet behind the front building line of the living portion of the dwelling and the garage wall facing the street is less than 50% of the total length of the street-facing building façade. Accessory buildings shall be subject to the regulations of section 11.04; except accessory buildings may be up to 2 stories, and 20 feet in height and may include an accessory apartment in the second floor.	
Parking Lot Location	On-street parking shall be permitted and may be credited towards meeting off-street parking requirements. Parking shall be in the side or rear yard. For single family residential, parking shall be permitted in a front yard driveway; provided the garage does not project into the front yard.	

Genoa Town Center Overlay District

9-9

Because the regulating plan and form-based code are so detailed, the code must also anticipate situations that don't fit requirements or where unique development forms are proposed. Typically, a form-based code can allow for three levels of departure. Administrative departures would be minor in nature and can be approved as part of the administrative approval process. The authority for administrative departures needs to be specifically spelled out in the code, such as allowing the planning director to substitute landscaping in place of a screening wall. Major departures that deviate from the regulating plan would require approval by the planning commission, such as allowing a front façade that does not meet the building design requirements. This could be evaluated by the planning commission based upon a set of standards that relate to the regulatory intent. A third level of deviation should also be built into the code that requires a variance from the zoning board of appeals, such as departures from the build-to line or exceeding height

limits. The variances would have to be reviewed based upon the standard tests of practical difficulty.

PROCESS IN DEVELOPING A FORM-BASED CODE

When embarking on a significant change in how a community regulates development, the first step is to have a commitment to creating better places. This should go beyond just a desire for change – the desires of the community should be articulated through the master plan or other document, such as a downtown plan, so that there is an underlying basis to move forward.

A determination needs to be made on the type of code desired and the geographic area to be covered. The form-based code could be integrated into a community-wide ordinance, or perhaps applied to a specific corridor, neighborhood, or business district.

Next, there needs to be an inventory and analysis of existing conditions to document the existing “forms” of



the community. This inventory can be fairly labor intensive and involves detailed analysis of lot widths, setbacks, building heights, etc. With a good understanding of the existing “forms” of the community, a public process should then be conducted to gain a consensus on the existing community quality that should be maintained or new ones to be achieved. This is often done through a design charrette or workshop.

From the inventory, analysis, and public process, detailed urban standards are developed for features such as streets, blocks, building placement, and land use. Building form standards will also be developed for the various building types within the community. These standards are then developed into an ordinance and applied to a regulating plan.

APPLICATIONS OF FORM-BASED CODE

Form-based codes can be applied to a variety of geographic areas, from a specific subarea, such as a downtown, to the entire community. Form-based codes can also be used as tools to preserve the character

of an area or as mechanisms of change to transform an area.

The most common application of form-based codes has been to subareas. The codes are used in existing downtowns and historic districts in order to preserve and enhance the traditional character. They are also used to preserve the character of specific neighborhoods and insure that new infill development is compatible with existing homes. Additionally, they are being used as effective tools to transform outdated strip commercial corridors into new town centers.

While form-based codes have been applied most often to specific subareas, more communities are looking to adopt form-based codes on a community-wide basis. National experts in form-based code have recognized that a pure form-based approach is not going to be the best application in all areas of a community – there will still need to be zoning districts for industrial uses such as truck terminals, foundries, and

hazardous uses. There may also be areas within the community that are more appropriate for automobile-oriented uses such as dealerships and fast-food restaurants. For this reason, community-wide form-based codes are going to be a hybrid, with some areas regulated by form-based zoning districts and other areas by more conventional zoning districts.

Conclusion

Form-based codes are land development regulatory tools that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of ‘place.’ The codes assert more control over a community’s form and lead to improvements in the way the community functions. For more information on form-based codes visit www.formbasedcodes.org.

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SmartGrowthTactics

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