



AGENDA
Committee on Development and Planning
Monday, May 15, 2017 @ 4:00 p.m.
10th Floor Conference Room, City Hall

Councilmember Judi Brown Clarke, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Tina Houghton, Member
Councilmember Adam Hussain, Member

1. Call to Order

2. Public Comment on Agenda Items

3. Minutes

- May 1, 2017

4. Discussion/Action:

- A.)** RESOLUTION – Introduction & Set the Public Hearing for the Establishment of a Historic District for Central United Methodist Church
- B.)** Z-9-2016; Rezoning 2122 N MLK & Vacant Properties from Residential, Community Unit, Apartment Shop, Commercial and Parking to “H” Light Industrial, “G-2” Wholesale and “F” Commercial
- C.)** Ordinance Amendments to Section 1240.03- Defining “Garden”

5) Other

- A.)** RESOLUTION – Introduction & Set the Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District

6) Adjourn

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MINUTES

Committee on Development and Planning
Monday, May 1, 2017 @ 3:15 p.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 3:25 p.m.

PRESENT

Council Member Brown Clarke, Chair
Council Member Yorko, Vice-Chair- arrived at 3:41 p.m.
Council Member Houghton, Member
Council Member Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Susan Stachowiak, Planning & Neighborhood Development
Brandon Waddell, Assistant City Attorney
Susan Stachowiak, Planning Neighborhood & Development
Larry Dressel, Greenkey, LLC
Andy Green, Greenkey, LLC
Tiffany Dowling, M3 Group
Scott Schmidt
JP Buckingham, TriTerra
Eric Pratt, LEAP
Joann Mock

PUBLIC COMMENT

Nothing on this time.

MINUTES

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM APRIL 3, 2017 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION- Set the Public Hearing; Brownfield Redevelopment Plan # 69; 221 West Saginaw Avenue Redevelopment Project

Mr. Pratt informed the Committee the request was for a former church assembly building, and the applicant was proposing to convert the church assembly into a commercial office. In November 2016 City Council approved a 12 year OPRA for this same property. Under the

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OPRA approval the applicant started the renovation and during that they found contamination and remnants of the contaminants. The activities for abatement fall under a Brownfield, and after approval of a Brownfield, they can use those funds. Council Member Brown Clarke referred the Committee to page 4 which listed the eligible activities which included asbestos abatement for \$25,000; and base paint abatement for \$10,000; site preparation at \$5,000 which totals \$40,000. Ms. Dowling then offered renderings of the two levels and the mezzanine, along with photos of the interior of the project. Mr. Pratt added to the presentation that the plan will utilize site remediation funds of \$40,000 to pay back over 10 years, with no impact on any taxing jurisdictions.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR BROWNFIELD #69 FOR 221 WEST SAGINAW AVENUE REDEVELOPEMNT PROJECT FOR MAY 22, 2017. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; Brownfield Redevelopment Plan # 68; 513 & 515 W Ionia Street; Belen Buildings Redevelopment Project

Mr. Pratt informed the Committee of the proposed renovations of 2 buildings formally Belen Flowers, but currently vacant. It will be a 9,500-sq. ft. mixed use project with commercial on the first floor and 6 market rate residential units on the upper floor. The developer will invest \$1.2 million with a \$220,000 Brownfield reimbursement. Council Member Brown Clarke referred the Committee to page 3 for the Brownfield breakdown of the total reimbursement of \$220,420 to the developer.

Mr. Schmidt and Mr. Buckingham presented color renderings of the project, noting most of the funding would be for the interior. The Committee discussed the parking, and were informed there would be 11 spots on site in the rear of the building.

Council Member Brown Clarke asked if there was a business plan. Mr. Schmidt confirmed there were two businesses who have signed the letters of intent, one an office use and one a retail use.

Council Member Hussain asked what the breakdown of costs would be. Mr. Schmidt stated that the interior projects will consist of asbestos abatement, demo, new electrical and framing. The exterior costs will be for concrete, asphalt and rain gardens.

Council Member Hussain asked if there were any new City taxes. Mr. Buckingham stated there would be \$26,000 through the 19 year plan, and \$20,000 would go back to the City in debt, bringing the total to \$50,000. Council Member Brown Clarke referred the Committee to page 7 for the breakdown.

MOTION BY COUNCIL MEMBER HOUGHTON TO THE RESOLUTION TO SET THE PUBLIC HEARING FOR BROWNFIELD PLAN #68 FOR 513 & 515 W. IONIA STREET PROJECT FOR MAY 22, 2017. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; SLU-1-2017; 700 E. Oakland; Residential Use in “I” Heavy Industrial

Ms. Stachowiak detailed the location which is north of the Motor Wheel Lofts and the former North Precinct. Currently the property is a parking lot, and the applicant wants to construct apartments. There was a SLU approved already by Council in 2014, but the applicant has proposed to increase the units and potentially the height of the building. Staff recommends approval of the SLU. Council Member Brown Clarke asked why they can't amend the original

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SLU. Ms. Stachowiak stated that any proposal that have any substantial changes, will need to apply for a new SLU for those changes. In regards to the parking, there will be surface parking and some parking under the structure. They have proposed 522 units, but that will be limited by the parking that will be required. Council Member Hussain asked what the rental rates will be. Ms. Stachowiak confirmed it will be 100% market rate. For green space, since there will be surface parking, they are proposing green roofs.

Council Member Yorko asked what SLU would be for. Ms. Stachowiak stated to allow residential use in an industrial use. Council Member Yorko proposed a program she knew of in other communities that offer a density bonus if there is a percentage of affordable units. That information will be provided to the other committee members.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SLU -1-2017 AT 700 E. OAKLAND FOR JUNE 12, 2017. MOTION CARRIED 4-0.

RESOLUTION – Introduction & Set the Public Hearing; Z-2-2017; 5025 S. Pennsylvania; E-2 Local Shopping to F Commercial

Ms. Stachowiak explained the location of the site and the history that the current use of a dispensary was established before the moratorium. The applicant is requesting the rezoning so when the Ordinance on Medical Marihuana is passed they can continue to operate in the location as a conforming use. Ms. Stachowiak confirmed all the other 3 corners are currently F Commercial. The Planning Board recommends approval, and there were no public present at the public hearing at the Planning Board.

Council Member Hussain asked when they opened the dispensary. Ms. Stachowiak stated it was 18 months ago. Council Member Hussain then asked other Committee members what the zoning allowance was when the first Ordinance on Medical Marihuana was. Council Member Houghton stated zoning was not addressed just a required license. Council Member Hussain pointed out to the Committee that the City is shutting down a dispensary if it is not zoned appropriately, and he is struggling with rezoning property for a dispensary when the Council is still working on the ordinance on medical marihuana. Council Member Hussain suggested that Council needs to be careful with their decisions, and if they are taking a stance it needs to be consistent. Council Member Brown Clarke stated that Council needs to have a structure to be consistent with the process.

Council Member Yorko asked Ms. Stachowiak if there was ever an instance where there was a business that started operating illegally, and then came in to correct it. Ms. Stachowiak noted that the current use was put in 100% legally, when they went in they were told they could go anywhere retail was allowed. She noted that the ordinance the Committee is working on now would not allow, so the applicant is asking to rezone so they can continue to operate.

Council Member Hussain noted they are currently operating illegally because there is a 2011 ordinance in effect requiring licensing, along with other Attorney General decisions.

Council Member Brown Clarke pointed out that the current request is to set the hearing, and having the hearing would not provide approval or denial, but offer them the same opportunity as any other rezoning request. Council Member Hussain asked if the Committee had ever rezoned something that was operating illegally. Council Member Brown Clarke acknowledge there has never been a similar situation where a use was influx, and once a zoning is in place with the Ordinance on Medical Marihuana, they can hold people accountable.

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Council Member Hussain stated his opinion that this establishment is operating outside of the Federal law, and MMMA.

Council Member Yorko asked why the ordinance on medical marihuana was not in General Services for licensing or with Development and Planning for zoning.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-2-2017 FOR 5025 S. PENNSYLVANIA FOR JUNE 12. MOTION 3-1.

RESOLUTION – Introduction & Set the Public Hearing; Z-3-2017; 3512 S Martin Luther King Jr.; F Commercial and J Parking to H Light Industrial

Ms. Stachowiak stated the applicant was looking to rezone the property for an outside storage use. They will keep the property along Holmes as F commercial to keep it consistent with other properties in that area. During the Planning Board hearing, there were no objections. Council Member Browne Clarke asked if some storage would be used for car storage. Ms. Stachowiak referred to the planning packet and confirmed it will be allowed with open and covered parking. Council Member Brown Clarke asked if there would be any green space, and Ms. Stachowiak confirmed the 125' along Holmes will remain green and they may utilize for storm detention. If a fence is required they will incorporate that with the other black decorative rod iron fencing they plan for the entire site.

Council Member Hussain spoke in support of the applicants based on his experience in Ward 3 with their projects in eliminating blight and installing beautification.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-3-2017; 3512 S MARTIN LUTHER KING JR. FOR JUNE 12, 2017. MOTION CARRIED 4-0.

RESOLUTION – Introduction & Set the Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District

Ms. Stachowiak informed the Committee that the applicant is asking for the rezoning so the current tenant can continue to use the space as a dispensary. Ms. Stachowiak confirmed it was approved by the Planning Board because there are already F Commercial to the north of the property. She added it was zoned F Commercial once before, but in 2002 the previous tenant, a day care, wanted to down zone to E-1. Ms. Stachowiak then outlined the history of the current tenant, when staff was made aware of the non-conforming use, they approached the owner and told them they needed to rezone. At that point, once application was made there is a stay of enforcement until a decision on the rezoning is made. Lastly, Ms. Stachowiak added that the abutting property is a church, so even if it gets rezoned there is the issue with the church next door.

Council Member Houghton asked if the Committee did not know of the current use, what would the zoning recommendation be. Ms. Stachowiak stated again they would recommend the rezoning because F Commercial makes sense, and it was zone F once before.

Council Member Hussain asked how close the property is to Washington Park, and it was stated it could be 500 ft.

Mr. Dressel, on behalf of the owner, assured the Committee he represented the owner not the tenant. The owner had made improvement to the building and was using it as a health center,

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and was approached by the current tenant to open a dispensary. Mr. Green informed the Committee he was not at the meeting for a dispensary, but to zone it to commercial. If the tenant leaves he would find a commercial use to recoup his investment.

Council Member Hussain asked Ms. Stachowiak when the department believes the dispensary was opened. Ms. Stachowiak answered it was March 2016 and is currently still open under a stay of enforcement because they have applied for the rezoning.

Council Member Brown Clarke stated her intentions to move the request to the next meeting to meet with the City Attorney on the potential outcome of the rezoning. Mr. Dressel stated waiting would only delay moving forward with the current tenant.

Council Member Brown Clarke moved the application to pending until the next regular scheduled Committee meeting for further research and discussion with the City Attorney.

Council Staff confirmed that with the delay to the next meeting May 15th. It was noted that after Committee approval that day to set the public hearing, it would go to the Council meeting the same night to set the hearing and it would occur on June 12th. This would be the same timeline as if action had taken at this meeting.

Adjourn at 4:30 p.m.

Submitted by, Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee on _____



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Patricia Spitzley and Councilmembers
FROM: Mayor Virg Bernero
DATE: 5-4-17
RE: Central United Methodist Church Historic District

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

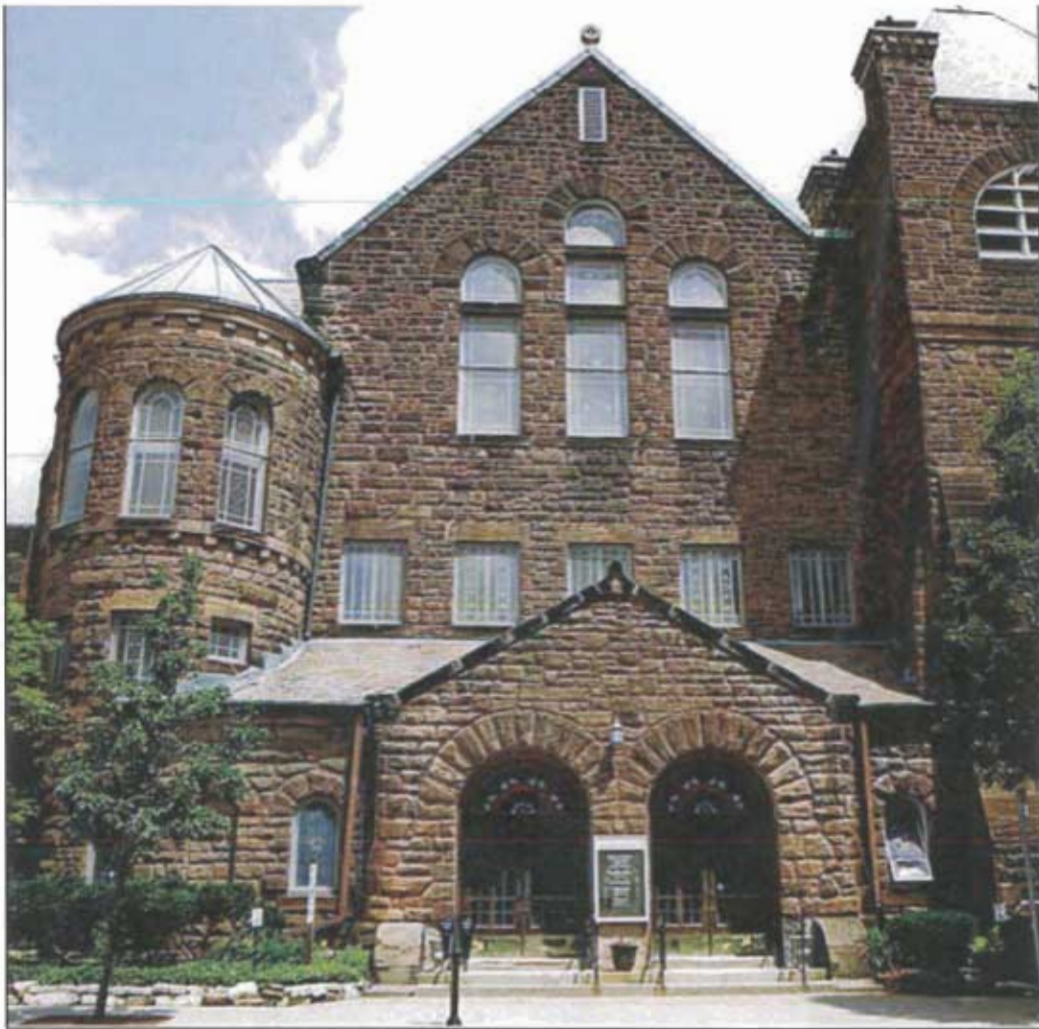
Subject: CITY COUNCIL AGENDA ITEM - Central United Methodist Church Historic District

Date: April 26, 2017

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments



**Final Report for the Proposed
Central United Methodist Church Historic District**

Historic District Study Committee members:

Penny Zago
Cassandra Nelson
Carol Skillings
Tom Truscott

April, 2017

Central United Methodist Church Historic District Study Committee Report

Charge of the Committee: The Central United Methodist Church Historic District Study Committee was established by the Lansing City Council Resolution #2016-277 on December 12, 2016, pursuant to Chapter 1220 of the Lansing Code of Ordinances with the powers and duties thereunder to conduct studies and make reports and recommendations regarding the Central United Methodist Church at 215 North Capitol Avenue in Lansing. The committee is instructed to report back to City Council with its findings within 180 days of members being appointed.

Composition of the Committee: The following citizens serve on the Study Committee:

- Penny Zago is Central United Methodist Church's designated representative on the Historic District Study Committee.
- Cassandra Nelson has Master's Degrees in Historic Preservation and Art History, and is a practicing Historic Preservation Consultant. She currently serves on the Lansing Historic District Commission, and has also served on the Marshall Street Armory Historic District Study Committee.
- Carol Skillings serves on the Lansing Historic District Commission, and her home has been listed on the National Register and designated as a single-resource Local Historic District.
- Tom Truscott is active in the State of Michigan's Historical Marker program, and has been instrumental in marking historic landmarks across the state of Michigan. Mr. Truscott is also a member of the Michigan Historical Commission and the Lansing Historic District Commission.

Historic District Name: Central United Methodist Church Historic District, 215 North Capitol Avenue, Lansing, Michigan 48933-1372

City: Lansing

County: Ingham

Report Type: Final Report

Date Transmitted: April 26, 2017

Boundaries of Proposed District:

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

Boundary Justification: The boundary includes the original building, constructed in 1888-89; the Temple House, completed in 1921; and the Mary-Sabina Chapel, completed in 1942. See attached maps.

Historic District Resources:

The district consists of one contributing resource, the Central United Methodist Church building. There are no noncontributing resources; therefore 100% of the proposed district is historic.

District is Significant Under the Following National Register Criteria:

Criterion C, Design and Construction

Period of Significance for the Proposed District:

The period of significance for the district is 1880 to 1970.

Reason: Central United Methodist is, along with the First Baptist Church, one of the finest Richardsonian Romanesque churches in Michigan outside of Detroit.

The 1889-90 church bears additional importance for having been designed by Elijah E. Myers, a Detroit architect widely known for his public buildings, which included the state capitol buildings for Michigan, Colorado, and Texas, along with county courthouses, and the city halls for Grand Rapids, Michigan, and Richmond, Virginia.

The building is also significant for its Temple House and Mary-Sabina Chapel additions, both designed by Lansing architect Lee Black, who was well known across southern Michigan during his early years in Lansing for his Methodist church building work. Lee Black's 1922-23 Temple House is itself an architecturally distinguished example of his work, admirably designed to complement the Myers church's Richardsonian Romanesque character in its use of the same stone in same rock-face form, in re-using elements of the church's Romanesque forms, and in maintaining the same eaves height.

Description:

Central United Methodist Church originated with a Methodist class established in Lansing's middle village in 1850. The present church building was constructed in 1889-1890 to replace a brick church built in 1862; it is a massive, low, Ionia-sandstone structure with a Late Victorian sanctuary trimmed in red oak. Designed by Elijah E. Myers, the architect of the Michigan State Capitol, Central United Methodist is, along with the First Baptist Church, one of the finest Richardsonian Romanesque churches in Michigan's lower peninsula outside of Detroit.

Located at the northwest corner of North Capitol Avenue and West Ottawa Street, Central United Methodist Church faces south onto the Capitol square. The structure consists of the church proper, built in 1889-90, and, to the north, the 1922-23 Temple House and the 1942 Mary-Sabina Chapel. The church is a massive and low, Richardsonian Romanesque structure of dark red Ionia (Michigan) sandstone, one hundred fifty feet long by eighty-six feet wide, with shallow transepts. The broad south

front has an eighty-five-foot high square tower at the street corner and – at its southwest corner—a lower, half-round tower. Typical of the Richardsonian Romanesque style, the building is characterized by strong massing, rough stonework, semi-circular Romanesque arches at the doors and windows, and asymmetrical massing on the south (front) and east elevations.

Inside, the broad, open lobby has two U-shaped staircases leading to a second-floor lobby and, through a broad, open entryway, to the sanctuary. The sanctuary is a wide, low room with a rear gallery and a pitched ceiling supported by open, timber trusses. All the trim is of red oak. The room's Late Victorian pews are set in concentric rows extending outward from the chancel at the north end. The chancel area (rebuilt in 1955 as such) originally contained a low pulpit platform and, behind it in a recess, a large pipe organ.

The 1922-23 Temple House is a four-story, brick structure whose front on North Capitol Avenue is faced with stonework which imitates the architectural style and material of the church proper. It contains the church offices, and a two-story auditorium surrounded by glass-door-fronted Sunday school classrooms. On the third floor is a two-story gymnasium, with stairs to a large fourth-floor space. Lee Black was the architect.

The Mary-Sabina Chapel, dedicated on September 3, 1942, is also Romanesque in style to harmonize with the original building and the Temple House. The Chapel, which extends off the rear of the original structure toward Capitol Avenue, was designed by Lee Black and Son, who also supervised its construction.



Central Methodist Episcopal Church, built in 1889 at 215 N. Capitol Avenue in Lansing.

Statement of Significance for the Proposed District

Criterion C: The building embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Lansing

Lansing, Michigan's capital city, was established as a result of a provision of the 1837 Michigan constitution, which required the relocation of the state's governmental seat from its temporary location in Detroit by 1849. A number of other towns vied for designation as the new capital. All were rejected, however, due in large part to the lobbying of New Yorker James Seymour, who had purchased significant quantities of land in the Lansing area in the 1830s. At the instigation of Seymour, Lansing Township was proposed as a location. The township was located midway across the state, and to the north of that part of the state that was already becoming settled, so its selection was seen as a means of promoting the growth of the more northern parts of the state. Seymour's lobbying was eventually successful, and Lansing Township was adopted as the site of the new and permanent capital.

Commissioners appointed by the 1847 legislature to select the specific location for the new capital chose Section 16, an area now bounded by Saginaw Street to the north, Martin Luther King to the west, St. Joseph Street to the south, and the railroad line east of Larch Street to the east. By 1847 there were three villages in existence along the Grand River in this region: the north village, which had grown up around a dam and sawmill at the point where the area's pioneer highway, now Grand River Avenue, crossed the Grand River; the south village, located along Main Street and South Washington Avenue; and the middle village, centered at Washington and Michigan avenues near the future capitol location. The middle village quickly developed into the main focal point of Lansing Township.

In 1859 the City of Lansing was incorporated with a population of about 3,000. By 1880 the population of Lansing had grown to 8,326. With the rise of the automobile industry in the early twentieth century Lansing's population swelled, reaching 31,229 in 1910 and 57,000 by the mid-1920s.

The area that is now downtown Lansing initially developed around the site of the state capitol building. The first "temporary" capitol building, a wooden Greek Revival structure, was built in 1847 on the block bounded by Capitol and Washington Avenues, and Allegan and Washtenaw Streets. This temporary capitol square was located to the southeast of the larger square set aside as the site for a later, permanent capitol building. As it turned out, this temporary capitol, enlarged in 1863, served until 1878, when the new capitol was completed. Designed in the Renaissance style, the National Historic Landmark-designated structure was the first of several state capitols designed

by Elijah E. Myers and is, in historical terms, the most significant structure in downtown Lansing.

The late nineteenth century saw not only a continuing gradual expansion of Lansing's central business district, but also the beginnings of more intensive development. Larger buildings such as the five-story Hollister Building (1892-93) at the northwest corner of Washington and Allegan, the six-story Prudden Building (1902, demolished) at the southwest corner of Washington and Michigan, the five-story Cameron & Arbaugh Building (1905) at the southeast corner of Washington and Kalamazoo, and the six-story Oakland Building (1906, demolished) at the southeast corner of Michigan and Capitol all replaced smaller, lower buildings.

Development also affected Capitol Avenue. South Capitol began to acquire a mixed character in the 1860s when a foundry located at the southwest corner of Capitol and Kalamazoo Street. During the nationwide roller skating craze of the early 1880s, a large building was constructed on the east side of Capitol Avenue, south of where the Masonic Temple (Cooley Law School) now stands. Later, an "ice cream factory" was built farther south on the west side of Capitol Avenue. In 1892, a Freewill Baptist church was built at the southeast corner of Capitol and Kalamazoo, and in 1901-02, the city's Masons added a large temple.

North Capitol Avenue became a street mainly of substantial homes in the years following the construction of the new Michigan State Capitol. A number of churches were also built along North Capitol, drawn perhaps by the proximity to the capitol building and the central business district. In the 1880s and 1890s, Central Methodist, First Baptist, First Presbyterian, and All Souls Universalist congregations all constructed church buildings in the area.

During the 1890s, many large public buildings were also constructed along and near Capitol Avenue. Among these were some of Lansing's finest Richardsonian Romanesque structures, including the post office built in 1894 at Michigan and Capitol, and the monumental city hall constructed in 1897 at Capitol and Ottawa. Both were demolished in the late 1950s for the construction of a new city hall. A handful of other Romanesque Revival structures survive in the city, most notably the German Methodist Episcopal Church (1893), the Cherry Street School (1894), and a cluster of turn of the century commercial buildings in Lansing's National Register-listed North Lansing Commercial District (Old Town).

Central United Methodist Church

The earliest recorded Methodist meeting in Lansing was held in 1845, when Reverend Lewis Coburn first preached in the log cabin of Joab Page of North Lansing. In 1850, a Methodist class (congregation) was formed in what is now central Lansing. Its first leader was Reverend Resin Sapp, chaplain of the Michigan legislature. Services were held at Representative Hall in the old state capitol building. The same year, the state

deeded land at the corner of Washington Avenue and Ottawa Street (Lot #6, Block 96) to the First Methodist Episcopal Church under Public Act No. 231 of 1848. That land was subsequently turned over to the Central Methodist Episcopal Church, which constructed its first building in 1863.

By 1882, plans were being formulated for a new church. That year, a parcel of land at Lot #6, Block 95, one block west of the original site, was deeded to the church for \$2,500.00. On December 1, 1887, the original site was sold for \$12,000 to be delivered when the new church was finished. In 1888, Lot #5, Block 95 (located just north of Lot #6) was secured to complete the site for the new church building and a subscription for \$8,000 was started towards construction.

On June 18, 1888, Dr. William Haze and Dr. A. D. Hagadorn (both Trustees), and Mr. J. Gilletts (from the church-at-large) were appointed as the Building Committee. They worked with Charles H. Thompson, Adam Foster, F. E. Church, Morgan B. Hungerford, and Dr. R. E. Miller, to direct the building of the Richardsonian Romanesque, Ionia sandstone church. The new building was contracted for \$34,000 on September 1, 1888. It was designed by Elijah E. Myers of Detroit, the architect of the Michigan State Capitol. Henry W. Coddington of Kalamazoo was the contractor, and Israel Gillett was Superintendent of Construction, serving without pay as a service to the church. That price did not include pews, furnishings, or stained glass windows, and the completed structure cost approximately \$41,000. On May 2, 1889, the cornerstone for the building was laid and in it was placed a history of the church by C. E. Thompson. Bishop I. W. Joyce dedicated the completed building on April 20, 1890.

The completed church featured eighty-four stained glass windows, designed by the Chicago firm of W.H. Wells & Company, which opened ca. 1870 and was active through the turn of the century. Donations for the memorial windows were authorized by the Board of Trustees on March 19, 1889. The church was originally equipped with a Hook and Hastings pipe organ, run by a water motor, at a cost of \$5000. A new M.P. Moeller organ was installed in 1920.

On March 26, 1920, Lot #4, Block 96 (to the north of the original church building) was purchased for \$20,000 for the construction of an addition to the church. On November 11, 1921, philanthropist and REO Motor Car Company President Richard Scott and his wife Gertrude presented the Temple House to the church. The Scotts later provided an endowment fund of \$100,000 for the continued support of the building. They believed that in order to build the physical and social, as well as the moral and spiritual, life of the community, the church should serve with a seven day a week service and not operate solely on Sundays. The cornerstone for the Temple House was laid on May 30, 1922, by C. Jeffares McCombe, Minister; Theodore Henderson, Bishop; and L. H. Manning, D.D., Superintendent. The Temple House was dedicated a year later, on May 6, 1923, being accepted for the congregation by Professor Walter H. French. Prominent local architect Lee Black designed the building, then valued at \$250,000. Black went on to design many of Lansing's most notable downtown buildings, including the Bank of Lansing (1931), and the Dye Water Conditioning Plant (1939).

On December 31, 1922, an illuminated revolving cross was installed on the church tower, given by Mr. and Mrs. Joseph H. Burton, in memory of their deceased son, Hyde Monroe Burton. The cross was dedicated by Rev. C. Jeffares McCombe.

On September 3, 1942, Mr. and Mrs. Richard Scott donated the Mary-Sabina Chapel to the church, dedicated to the memory of their mothers, Mrs. Mary Jane Scott and Mrs. Sabina Elizabeth Teel. Architect Lee Black, this time in conjunction with his son Kenneth C. Black, designed and supervised the construction. The Chapel, like the Temple House, is Romanesque in style to harmonize with the original building. Under the direction of the architects, several artists worked to develop the decorative and symbolic features of the Chapel. These artists included Pietro Bernasconi, carver; Andrea Maglia and Thomas de Lorenzo, architectural decorations; and Corrado Parducci, modeler. (Parducci was a Detroit based architectural sculptor, was responsible for the ornamentation of many of Detroit's finest early twentieth century buildings, including the National Historic Landmark designated Fisher Building and Guardian Building, both finished in 1929, the Detroit Masonic Temple (1926), the Edsel and Eleanor Ford House (1927), and Meadowbrook Hall (1929).

On December 20, 1950, joint members of the Board of Trustees and Finance Committee considered an offer from a member of the congregation to give funds to the church for an electronic installation resembling bells in the church belfry. Church organist and Michigan State University carillonneur Wendell Westcott favored a traditional cast bell carillon. The Board of Trustees voted to accept the Memorial of Carillon bells, and thirty six traditional bells cast by the Dutch firm Petit and Fritsen were installed. This carillon became the third set of bells sold in this country by Petit & Fritsen who subsequently were to be the chief source of new carillon in the United States. As of the 2014 Carillon Directory, Central United Methodist Church continues to have one of the eight church carillons in the State of Michigan.

In 1955, portions of the church were remodeled to meet the changing needs of the congregation. The Moeller Organ, purchased in 1920, was replaced with a new Casavant Organ. The choir loft was no longer adequate for the expanded choirs, and with such extensive changes needed it was decided to rebuild the entire chancel, installing a new altar, enlarging the choir space, purchasing new chancel furnishings, and further redecorating the chancel, sanctuary, and narthex. At the same time a Memorial Plaque and Book of Remembrance were placed in the Goodell Library. A public address system was also installed.

In 1968 the Methodist Church merged with the Evangelical United Brethren Church, becoming the United Methodist Church. Thus Central Methodist became the Centarl United Methodist Church. The Church was listed on both the National and State Registers in 1980, and received a state historical marker in 1981.

Elijah E. Myers

The architect of Central United Methodist Church was Elijah E. Myers (1832-1909). Myers was a leading architect of government buildings during the latter half the nineteenth century, and is widely recognized for his designs of existing state capitol buildings in Michigan, Texas, and Colorado. During his thirty four year career as an architect, he completed designs for at least 80 buildings.

Born in Philadelphia in 1832, Myers initially studied law, but left school to work as a carpenter and joiner. He may have studied architecture at the Franklin Institute or with his friend, Samuel Sloan, a prominent and prolific architect and author of many architecture books. After serving as an engineer with the U.S. Construction Department during the Civil War, Myers moved to Springfield, Illinois in 1863 where he began his career in architecture and established his first firm. Myers moved to Detroit by 1871 where he lived and worked for the rest of his life.

Although he designed many residences and churches, Myers is most widely known for his governmental buildings throughout the United States, and in Mexico City and Rio de Janeiro. He worked on the Michigan Capitol building in the 1870s, the Texas Capitol in the late 1880s, and during the 1890s he worked on the Colorado Capitol building. Using the National Capitol in Washington, D.C. as a model, Myers established the standard for state capitol buildings. Myers also served on the Board of Examiners for the buildings erected for the Chicago World's Fair in 1893.

Other Michigan churches designed by Myers include the First Presbyterian Church in Albion and the Plymouth Congregational Church in Plymouth. It is unknown if Myers attended church or had a religious affiliation. He married and had four children, of which one son joined him in his architecture practice. Myers died in Detroit in 1909.



A portrait of Elijah E. Myers, Central United Methodist Church architect, hangs in the Michigan Senate meeting room bearing his name in the state Capitol, in Lansing, Mich. Myers was the architect for the Michigan Capitol building, as well as those of Texas and Colorado. The portrait was painted by Joseph DuMont in 1995, based on photographs.

Lee Black

Lee Black, designer of the Temple House and Mary-Sabina Chapel, established his Lansing architectural practice in 1913. Two of his early commissions were the First Methodist Episcopal Church, E. Grand River at Cedar Street (more recently Bethlehem Temple Church and the Temple Club) and the first part of the Mt. Hope Methodist Episcopal Church at Cedar and Mt. Hope – both built in 1916-17 (Mt. Hope was expanded in the 1920s). During his early career in Lansing, Black designed numerous Methodist churches – the *Michigan Contractor & Builder* records commissions in Wacousta (10/30/1915), Marshall (5/20/1922), Muskegon Heights (7/15/1922), and Cadillac (8/18/1928), along with the Temple House. Kenneth C. Black joined his father in the firm in 1930 and was made a full partner two years later. Lee Black retired in 1958 and the firm then reorganized as Kenneth C. Black & Associates.

References:

Central United Methodist Church, *History of Central United Methodist Church 1850-1976*, 1976.

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<http://www.senate.michigan.gov/history/meyers.html>.

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<http://www.toledoblade.com/local/2009/03/02/Seneca-court-architect-will-be-honored.html>

Smyrl, Vivian Elizabeth. *Myers, Elijah E.* Published by the Texas State Historical Association. *Handbook of Texas Online*. Uploaded on June 15, 2010.
<http://www.tshaonline.org/handbook/online/articles/fmy02>.

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SAMPLE ORDINANCE ESTABLISHING THE DISTRICT

1220.26. – Central United Methodist Church Historic District.

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

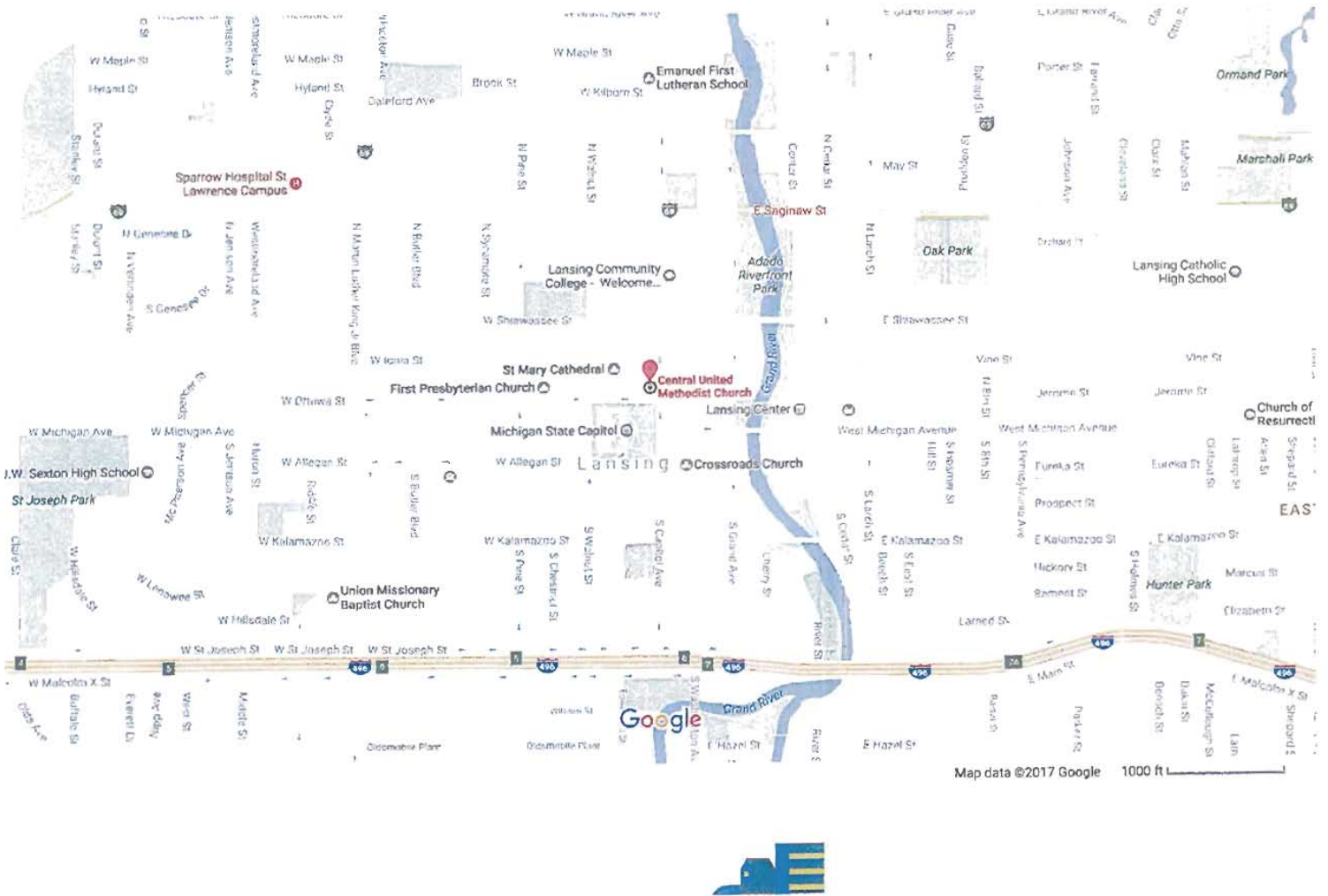
Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

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

Attachments

- Vicinity map
- Parcel map
- Exterior photographs

Google Maps

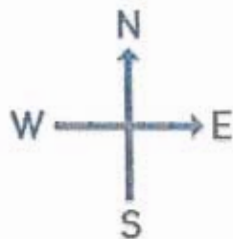
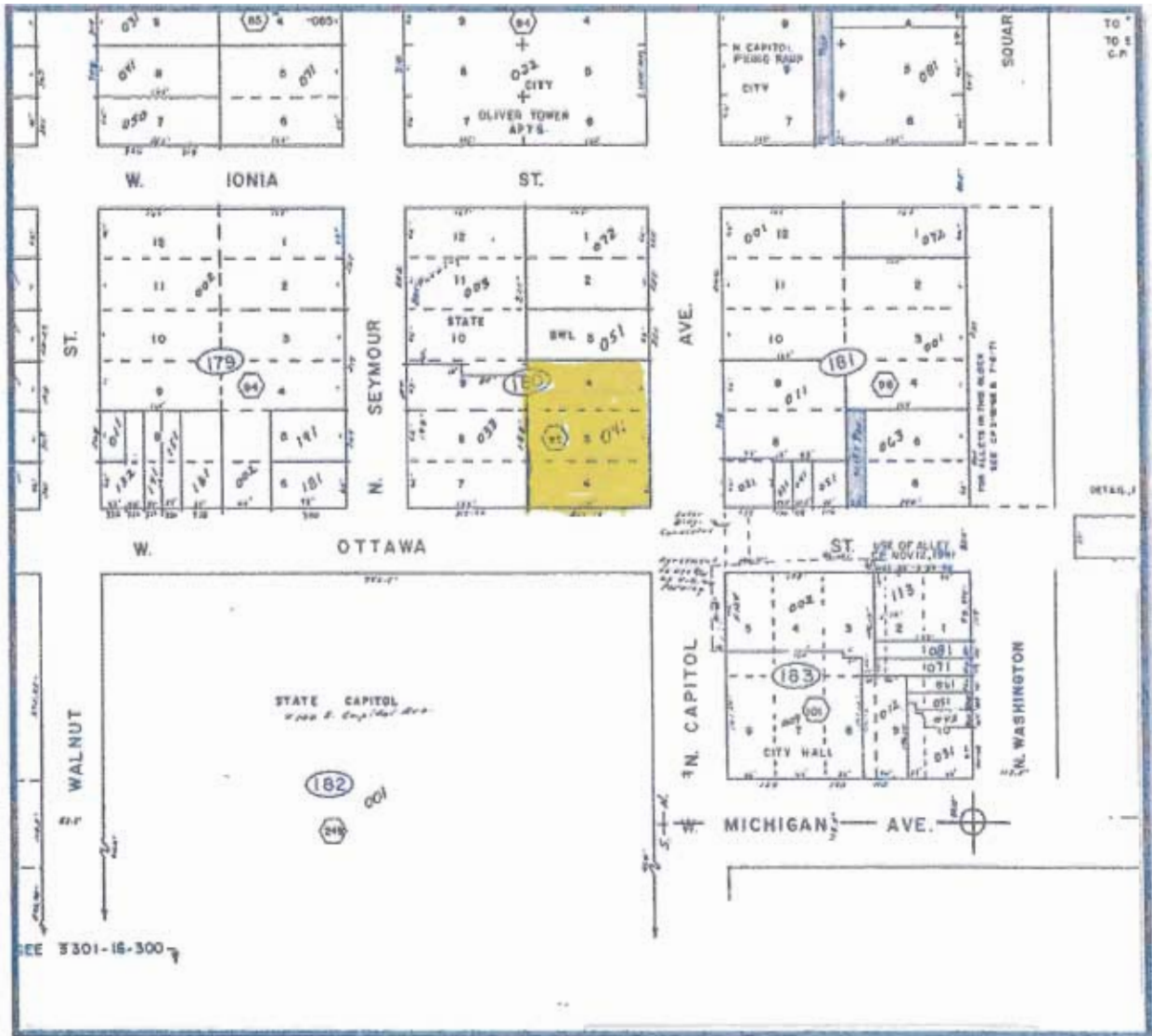


Map data ©2017 Google

1000 ft

Central United Methodist Church, 215 N. Capitol Ave., Lansing, Michigan





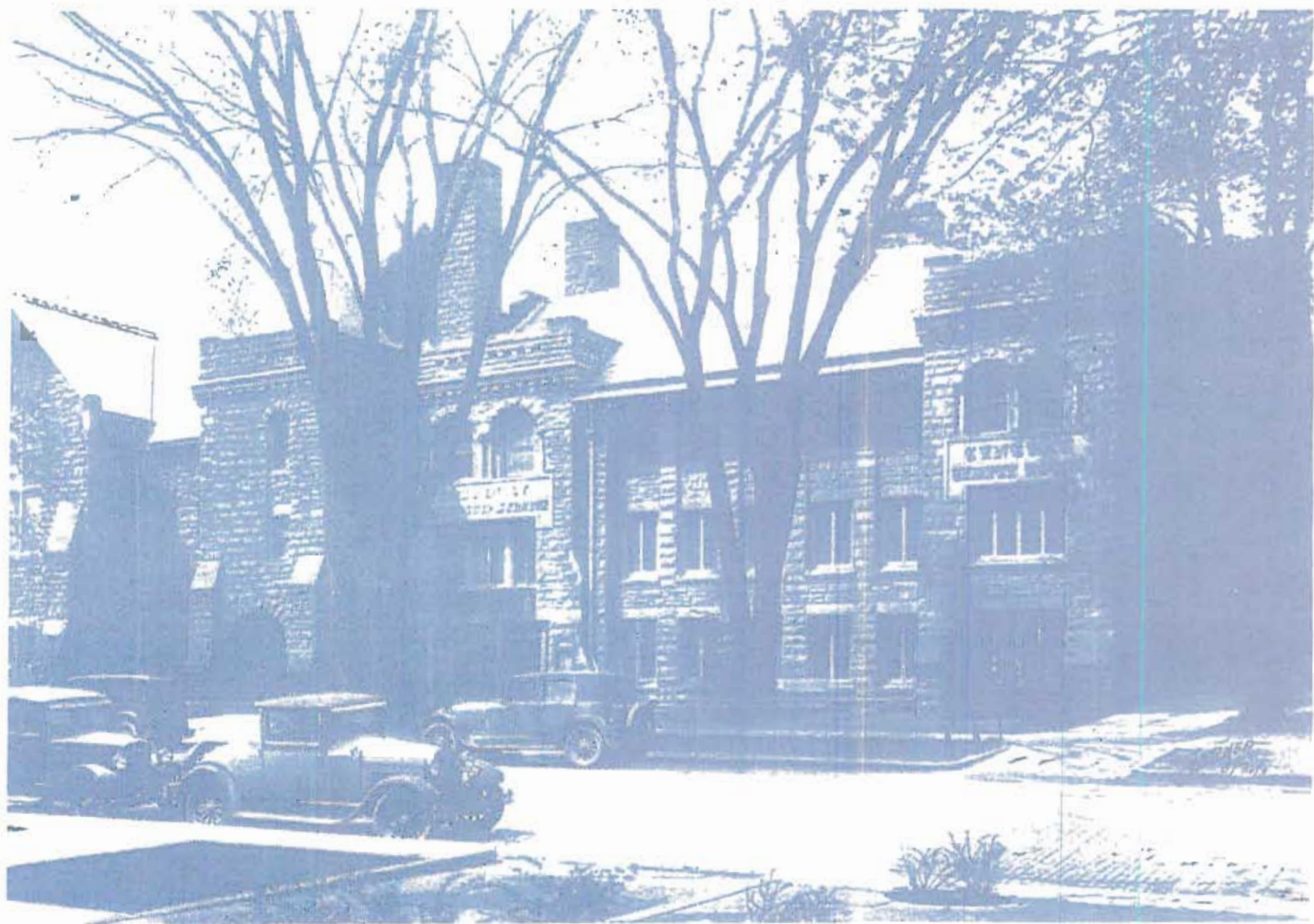
Central United Methodist Church

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



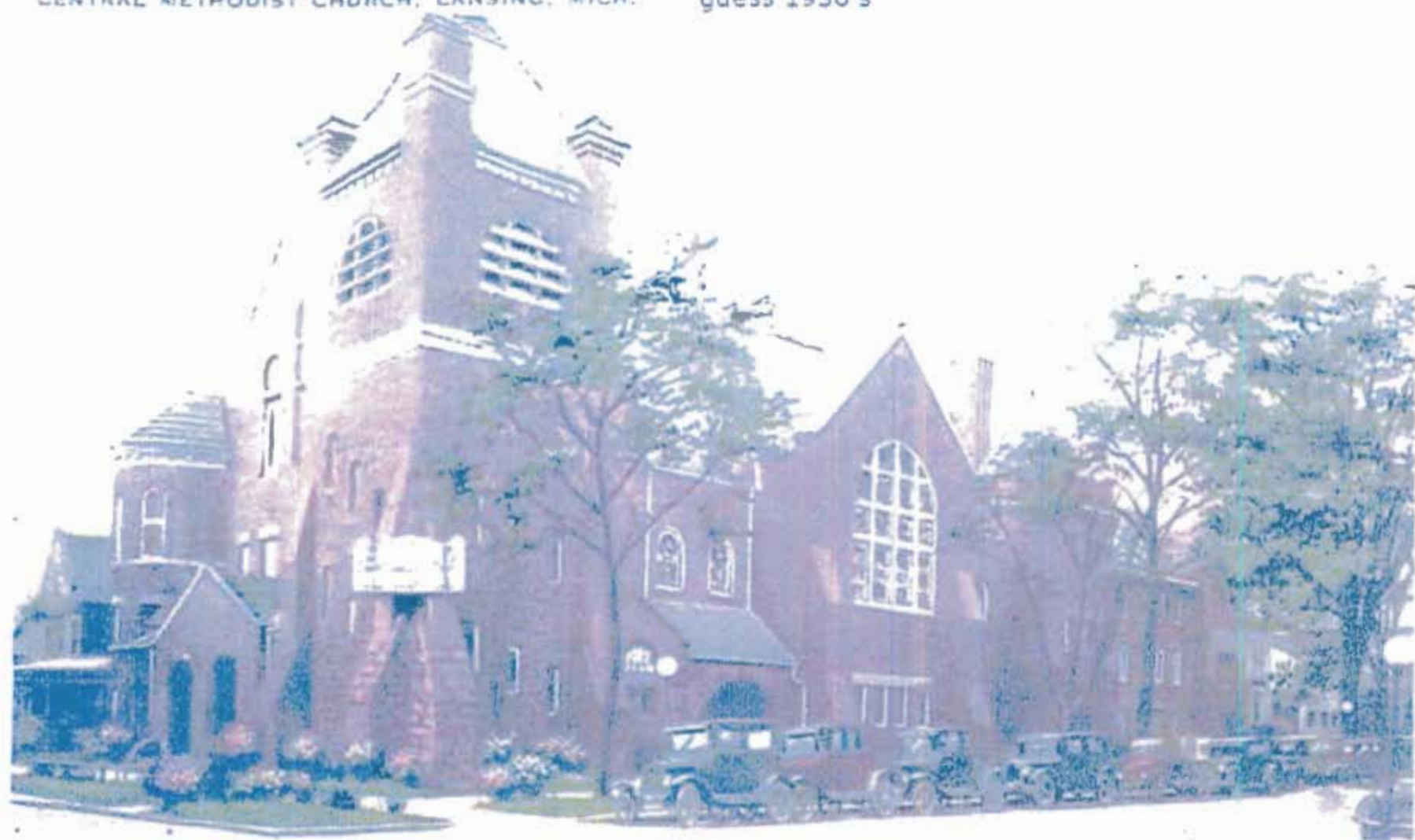






CENTRAL METHODIST CHURCH, LANSING, MICH.

guess 1930's



BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance to confer Historic District status on the Central United Methodist Church Historic District, a single resource local historic district located at 215 North Capitol Avenue, Lansing, Michigan 48933-1372, described as:

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

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the establishment of:

Central United Methodist Church Historic District, a single resource local historic district located at 215 North Capitol Avenue, Lansing, Michigan 48933-1372, described as Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

under Section 1220.03(c) of the Code, was introduced by the Committee on Development and Planning, read a first and second time by its title and referred to the Committee on Development and Planning.

ORDINANCE NO. 1220.26

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1220 BY ADDING A NEW SECTION 1220.26 TO THE LANSING CODIFIED ORDINANCES FOR THE PURPOSE OF ESTABLISHING THE CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT, A SINGLE-RESOURCE LOCAL HISTORIC DISTRICT LOCATED AT 215 N. CAPITOL AVENUE (A.K.A. 200 W. OTTAWA STREET) PPN 33-01-01-16-180-041, IN THE CITY OF LANSING, MICHIGAN, AND DEFINING ITS BOUNDARIES IN ACCORDANCE WITH CHAPTER 1220.

The City of Lansing ordains:

Section 1. That Chapter 1220 of the Code of Ordinances of the City of Lansing, Michigan, be and is hereby amended by adding a new Section 1220.26 to read as follows:

1220.26. – CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT.

THE CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT, LOCATED AT 215 N. CAPITOL AVENUE (A.K.A. 200 W. OTTAWA STREET), BEING LEGALLY DESCRIBED AS:

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

IS HEREBY ESTABLISHED AS A LANSING HISTORIC DISTRICT IN ACCORDANCE WITH THIS CHAPTER.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance was duly adopted by the Lansing City Council on _____, 2017, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 5. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Central United Methodist Church Historic District

The Lansing City Council will hold a public hearing on Monday, _____, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Ave., Lansing, MI, to consider a request by the Central United Methodist Church for the establishment of a local historic district for the area described as:

The Central United Methodist Church, 215 North Capitol Avenue, Lansing, Michigan 48933-1372. *Legal Boundary Description:* Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN: 33-01-01-16-180-041.

For more information about this case, phone City Council Offices on City business days, Monday through Friday, between 8 a.m. and 5 p.m. at 483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, _____, at the City Council Offices, Tenth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933-1696.

Chris Swope, City Clerk



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Patricia Spizley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 3-27-16

RE: Z-9-2016, 2122 N. MLK & Vacant properties to the north

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
Z-9-2016, 2122 N. MLK & Vacant properties to the north

Date: March 14, 2017

The Lansing Planning Board, at its regular meeting held on March 7, 2017, voted (6-0) to recommend approval of a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "H" Light Industrial, "G-2" Wholesale and "F" Commercial districts, as depicted on the attached maps, with the condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements). The purpose of the rezoning is to permit offices, commercial and industrial uses on the subject properties.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan.

At the Planning Board public hearing held on January 3, 2017, the applicant spoke in favor of the request and 4 area resident expressed concerns about the entire site being rezoned to the "H" Light Industrial district which was the original request for rezoning the subject property.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

"Equal Opportunity Employer"

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:	3GT Racing, LLC 3400 West Road East Lansing, MI 48823
REQUESTED ACTIONS:	Rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "H" Light Industrial, "G-2" Wholesale & "F" Commercial Districts
EXISTING LAND USE:	2122 N. ML King - Vacant Bowling Alley SE & SW Corners of MLK & Logan Access – Vacant
EXISTING ZONING:	2122 N. ML King – "F" Commercial, "J" Parking, "A" & "DM-4" Residential, "CUP" Community Unit Plan SE Corner of MLK & Logan Access – "A" & "DM-4" Residential SW Corner of MLK & Logan Access – "A" Residential & "E-1" Apartment Shop
PROPOSED ZONING:	"H" Light Industrial, "F" Commercial & "G-2" Wholesale
PROPERTY SIZE:	2122 N. MLK – 12.77 acres SE Corner of MLK & Logan Access – 1.367 acres SW Corner of MLK & Logan Access - .317 acres
SURROUNDING LAND USE:	N: Commercial/Residential S: River/Residential E: Residential W: Industrial
SURROUNDING ZONING:	N: "F" Commercial, "J" Parking, "D-1" Professional Office, "G-2" Wholesale & "A" Residential Districts S: "B" & "DM-4" Residential & "J" Parking Districts E: "A" Residential District W: "H" Light Industrial & "F" Commercial Districts

MASTER PLAN:

The Design Lansing Comprehensive Plan designates the subject property for "Urban – Mixed-Use Corridor" land use. N. ML King and N. Grand River are both designated as major arterials. Logan Access Street is designated as a local road.

DESCRIPTION:

This is a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "F" Commercial, "G-2" Wholesale & "H" Light Industrial Districts. The purpose of the rezoning is to permit light industrial, commercial, office and storage uses on the subject properties.

AGENCY RESPONSES

BWL:

Building Safety:

Fire Marshal:

Parks & Recreation: No comments.

Public Service:

Traffic Engineer: The Transportation and Non-Motorized Section has no objection to the rezoning request. Any proposed changes in access would need to be evaluated in light of the changed use.

COMPATIBILITY WITH SURROUNDING LAND USE

The original request was to rezone the entire property to "H" Light Industrial. Staff was not supportive of that request based on the potential for certain uses to become established on the subject property that could negatively impact the neighborhood to the east. These same concerns were expressed by several residents of the adjoining neighborhood at the public hearing that was held on January 3, 2017. Based on those concerns, the applicant has submitted a revised rezoning proposal as depicted on the attached maps. Under the revised proposal, the frontage along Grand River and the Logan Access Street would be zoned "F" Commercial, the west approximately ½ of the remainder of the site (includes the vacant bowling alley building and existing parking lot) would be zoned "H" Light Industrial and the east ½ of the site would be zoned "G-2" Wholesale. The only significant difference between the "G-2" Wholesale and "F" Commercial districts is that "G-2" allows storage but does not permit residential use.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Comprehensive Plan designates the subject property for “Urban Mixed-Use Corridor” land use. The Plan specifies the following for this land use classification:

“To encourage the redevelopment of strip commercial corridors between cores to create a transit-supportive mix of uses, with a clear pedestrian orientation”

The Plan lists the following as typical uses for this classification:

“Retail and personal services, medium-density residential in an urban format (see Residential Corridor), office, live-work, R&D and selected light industrial with special approval. Smaller-scale automobile-oriented uses may be acceptable when appropriate architecture and screening are used, and driveway curb cuts can be located and designed to maintain a clear pedestrian orientation.”

The applicant’s revised proposal is not only consistent with the land use pattern being advanced in the Master Plan but is also consistent with sound planning principles. The proposal:

1. Confines the commercial uses to Grand River Avenue which is already predominately zoned commercial in the vicinity of the subject property.
2. Confines the light industrial zoning to the west half of the property, consistent with the light industrial zoning that already exists on the west side of MLK, and separates it from the residential neighborhood to the east by approximately 275 feet, thus mitigating the concerns about heavy impact industrial uses negatively impacting the quality of life for the residents of the adjoining neighborhood.
3. Rezones the east, approximately 275 feet of the site to “G-2” Wholesale to permit general commercial, office and warehouse/storage uses that, through proper screening and buffering as required by ordinance, would not negatively impact the adjoining residential neighborhood.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

The proposed rezoning, regardless of the uses that could potentially be established on the subject properties under the “I” Light Industrial district, would not have any negative impacts on traffic in the area. The sites are all located on major arterials which are designed to carry the highest volume of traffic. Impacts on traffic are further mitigated by the sites having access to Logan Access Road which relieves traffic at the N. MLK and N. Grand River intersection.

IMPACT ON PUBLIC FACILITIES

The subject properties are already served by all necessary public facilities. New construction will be required to be reviewed and approved through the City’s site plan review process during which the adequacy of public facilities to serve the proposed development will be determined.

ENVIRONMENTAL IMPACT

New construction will be required to go through the City's administrative site plan review process at which time the site would have to be brought into compliance with all City codes and ordinance including those regulating storm water management. Additional storm water controls will likely be required for certain industrial uses to protect the river against any contamination from the site.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

The proposed rezoning, as revised, should not have any negative impacts on future patterns of development in the area. The property along the west side of N. ML King is already zoned "H" Light Industrial and the majority of the properties on the north side of N. Grand River Avenue and along the Logan Access Street are already zoned commercial. Thus, the proposed rezoning of the area of the subject properties along MLK, N. Grand River and the Logan Access Street is consistent with established zoning and land use patterns in the vicinity of the subject property. The proposed rezoning of the east, approximately ½ of the site to "G-2" Wholesale will allow the applicant to make reasonable use of the site, while protecting the residents of the neighborhood to the east from any potential negative impacts that may be caused by future use of that area of the site.

SUMMARY

This is a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "F" Commercial, "G-2" Wholesale & "H" Light Industrial Districts. The purpose of the rezoning is to permit light industrial, commercial, office and storage uses on the subject properties. The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning, as revised.

RECOMMENDATIONS

Pursuant to the findings described above, the following recommendation is offered for the Planning Board's consideration:

Z-9-2016 be approved to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "H" Light Industrial, "G-2" Wholesale and "F" Commercial districts, as depicted on the attached maps, with the condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements).

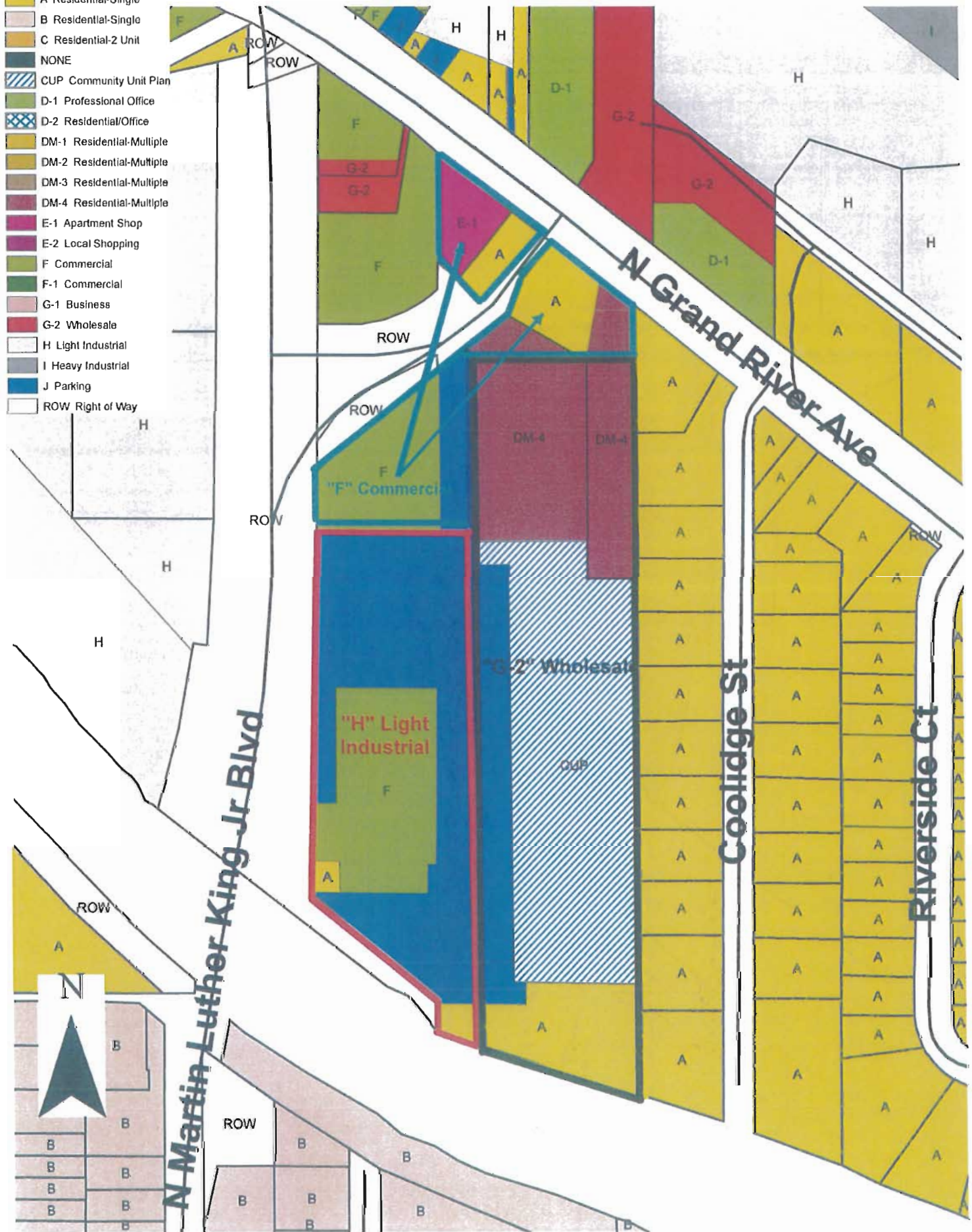
Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

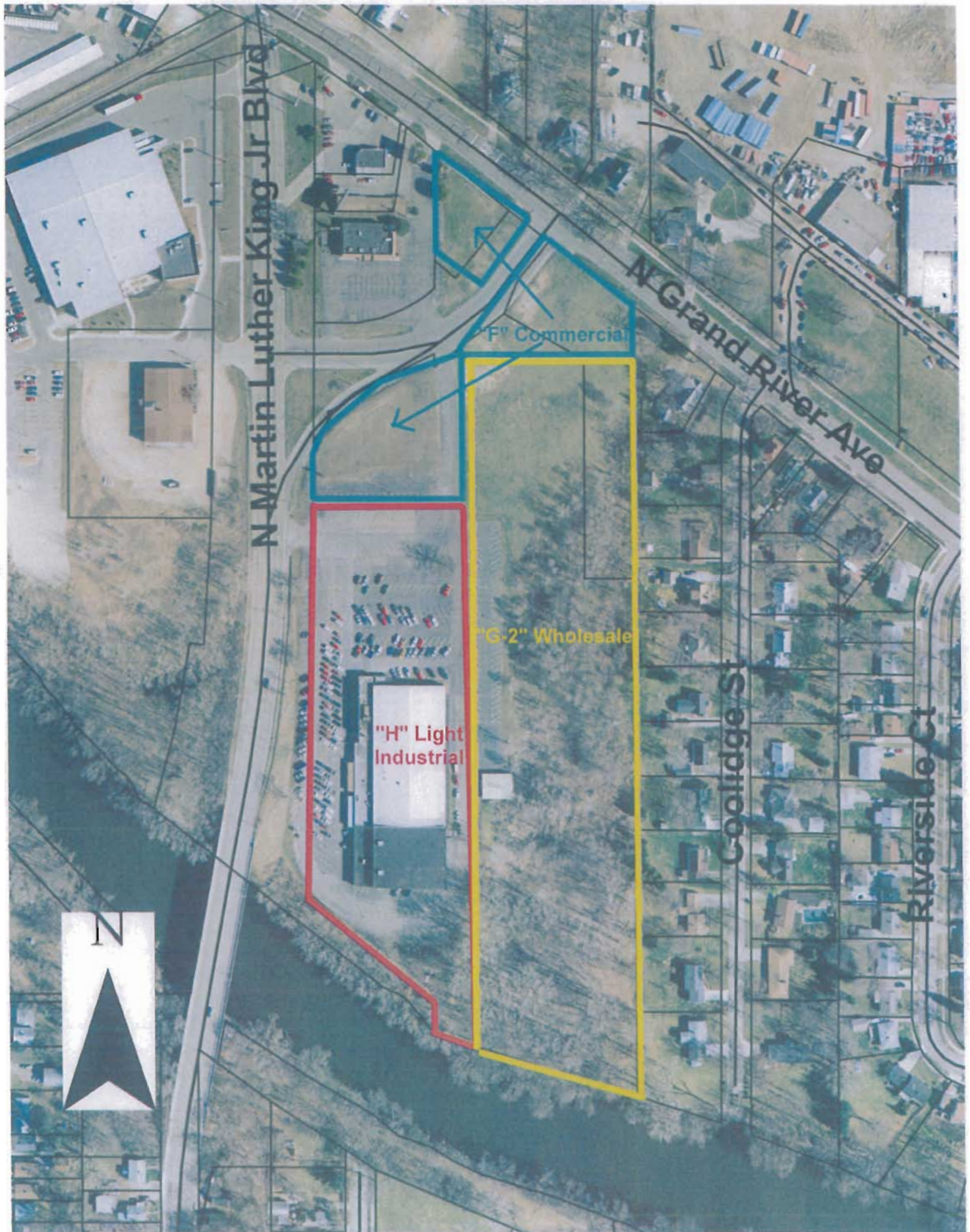
Legend

- roads_final
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- ▨ CUP Community Unit Plan
- D-1 Professional Office
- ▨ D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way

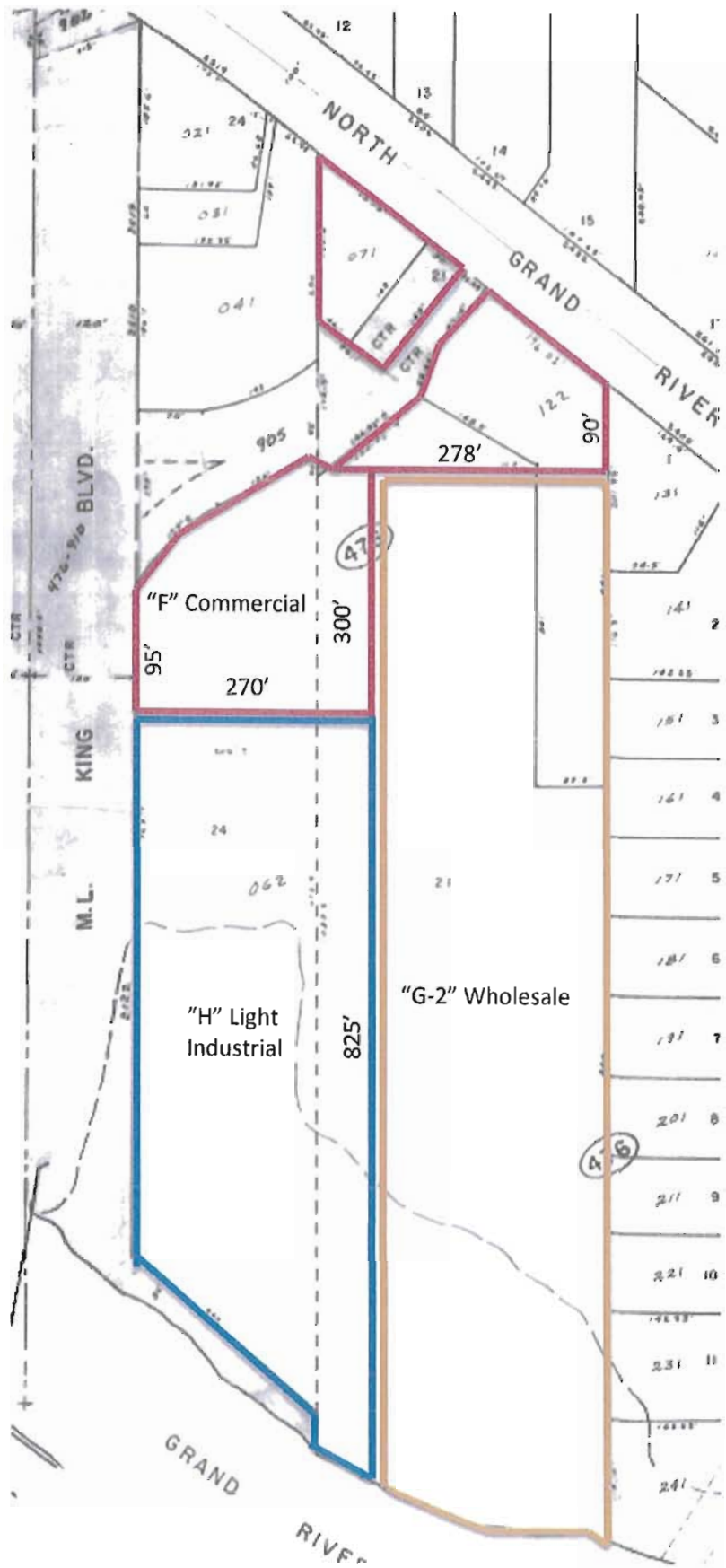
City of Lansing Zoning Map



City of Lansing Zoning Map







INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-9-2016: Parcel 33-01-01-05-476-062 - Rezoning from "DM-4" & "A" Residential, "CUP" Community Unit Plan, "F" Commercial & "J" Parking Districts to "F" Commercial, "G-2"Wholesale & "H" Light Industrial Districts

Parcel 33-01-01-05-476-071 - Rezoning from "E-1" Apartment Shop & "A" Residential Districts to "F" Commercial District

Parcel 33-01-01-05-476-122 - Rezoning from "DM-4" & "A" Residential District to "F" Commercial & "G-2"Wholesale District

with the condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements).

was introduced by the Committee on Development & Planning, read a first time by its title and referred to the Committee on Development and Planning.

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-9-2016

Parcel Numbers: 33-01-01-05-476-062/-071/-122

Legal Descriptions: 33-01-01-05-476-062: Commencing on the East line of Lot 24, 322 Feet South of the South line of N. Grand River Ave, Thence South 62degrees, 20 minutes, West 126 Feet, Southwesterly on a 260 Feet radius curve to the left 127 Feet +/- to a point 120 Feet East of the West line of Lot 24, South 765 Feet +/- to a line 30 Feet Northeasterly & Parallel to the Southerly line of Lot 24, Southeasterly 240 Feet to the East line of Lot 24, S 30 Feet +/- to the bank of the Grand River, Southeasterly along the bank of the River to the East line of Lot 21, North 846 Feet, West 82.5 Feet, North 341 Feet, North 06 degrees, 30 minutes, East 11.7 Feet, North 61 degrees, 30 minutes, West 148.5 Feet, Southwesterly 150.95 Feet +/- to a point 30 Feet South of beginning, North 30 Feet to Beginning; Townsends Subdivision on Sections 4, 5, 8 & 9, from "DM-4" & "A" Residential, "CUP" Community Unit Plan, "F" Commercial & "J" Parking Districts to "F" Commercial, "G-2" Wholesale & "H" Light Industrial Districts

33-01-01-05-476-071: Commencing at the Northwest Corner of Lot 21, Thence South 179.5 Feet, Southerly Parallel with Grand River Avenue, 46.1 Feet, Northerly 143 Feet to the Southerly line of N. Grand River Ave, 157.5 Feet Southerly from beginning, Northwesterly to beginning; Townsends Subdivision on Sections 4, 5, 8 & 9, from "E-1" Apartment Shop & "A" Residential Districts to "F" Commercial District

33-01-01-05-476-122: Commencing at the Northeast Corner of Lot 21, Thence South 441 Feet, West 82.5 Feet, North 341 Feet, North 06 degrees, 30 minutes, East 11.7 Feet, North 61 degrees, 30

minutes, West 148.5 Feet, North 19 degrees, 45 minutes, East 58.45 Feet, North 38 degrees, 03 minutes, East 87.15 Feet to the South line of N. Grand River Ave, Southeasterly 176.02 Feet to beginning; Townsends Subdivision on Sections 4, 5, 8 & 9, "DM-4" & "A" Residential District to "F" Commercial & "G-2" Wholesale District;

With the restrictive condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements), which condition shall run with the land and be binding upon the successor owner of the land.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2017, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND TITLE 6 OF THE PLANNING AND ZONING CODE, PART 12 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, CHAPTER 1240, SECTION 1240.03 FOR THE PURPOSE OF DEFINING A "GARDEN", "GARDEN STRUCTURE", "GARDENING" AND TO AMEND THE DEFINITIONS OF "BUILDING CODE" AND "OPEN SPACE".

THE CITY OF LANSING ORDAINS:

Section 1. That Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended as follows:

CHAPTER 1240. - GENERAL PROVISIONS AND DEFINITIONS

1240.03. - Definitions.

As used in this Zoning Code, unless otherwise provided:

Abutting. "Abutting" means having a lot line which, at not less than one point, touches another property line.

Accessory structure. "Accessory structure" means a structure which is used exclusively for an accessory use.

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

A. It is clearly incidental to the principal use.

B. It is customarily found in connection with the principal use.

C. It is subordinate to the principal use.

D. It is located on the same lot as the principal use, except as otherwise permitted in this Zoning Code.

Adjacent. "Adjacent" means the status of being contiguous to or abutting. In the case of two lots, "adjacent" means both of the following:

A. The first lot is directly across a public right-of-way from the second lot.

B. Such public right-of-way is less than 100 feet in width.

1 *Alley.* "Alley" means any dedicated public right-of-way affording a secondary means of access to
2 abutting property and not intended for general traffic circulation.

3 *Ambulatory health care facility.* See "Clinic."

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

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

8 *Architectural features.* "Architectural features" means cornices, eaves, gutters, belt courses, sills,
9 lintels, bay windows, chimneys and decorative ornaments.

10 *Arterial, minor.* "Minor arterial" means a minor arterial as defined in the Comprehensive Plan, as
11 amended.

12 *Arterial, principal.* "Principal arterial" means a principal arterial as defined in the Comprehensive
13 Plan, as amended.

14 *Auditorium.* "Auditorium" means a structure intended to present any entertainment, including, but
15 not limited to, a play, musical entertainment or lecture.

16 *Auditorium, school.* "School auditorium" means an enclosure within a school intended to present any
17 entertainment, including, but not limited to, a play, theater, musical entertainment or lecture.

18 *Automobile service station.* See "Motor vehicle service station."

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

25 *Bedroom.* "Bedroom" means a room within a dwelling unit which meets the following criteria:

26 A. It is intended to be used, or is used, for sleeping purposes.

27 B. It contains a floor area of not less than 70 square feet.

28 C. It is not the only room in the dwelling unit (i.e. an efficiency dwelling unit).

1 Space and occupancy standards for a bedroom shall be as mandated by the Housing Code of the City,
2 being Chapter 1460 of these Codified Ordinances.

3 *Beneficial user.* "Beneficial user" means a person actually using a lot or structure with the
4 permission of the person having a legal, equitable or leasehold interest in the lot.

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

6 *Block face.* "Block face" means the cumulative property on one side of a street exhibiting one of the
7 following characteristics:

8 A. The property lying between two intersecting streets or public rights-of-way;

9 B. The property lying between an intersecting street and railroad right-of-way, river or stream; or

10 C. The property lying between a public right-of-way, railroad right-of-way, river or stream and the
11 corporate boundaries of the City.

12 *Boarding or lodging house.* "Boarding or lodging house" means a structure, other than a hotel,
13 where, for compensation, and by prearrangement for definite periods, lodging or meals, or both, are
14 provided for at least three but not more than 20 persons.

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

17 *Building.* "Building" means an independent structure having a roof supported by columns or walls,
18 intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is
19 completely separated from every other part by division walls from the ground up, and without openings,
20 each portion of such structure shall be deemed a separate structure. This refers to both temporary and
21 permanent structures, and includes tents, sheds, garages, stables, greenhouses or other accessory
22 structures. A building does not include such structures with interior areas not normally accessible for
23 human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or
24 similar structures.

25 *Building Code.* "Building Code" means ~~Titles Two and Four of Part Fourteen the Building and~~
26 ~~Housing Code-~~ THE STILLE-DEROSSETT-HALE- SINGLE STATE CONSTRUCTION CODE ACT,
27 ACT 230 OF 1972, KNOWN AS THE MICHIGAN BUILDING CODE, WITH AMENDMENTS,
28 ADOPTED BY REFERENCED AS PART of these Codified Ordinances.

29 *Building height.* "Building height" means the vertical distance from the grade at the front of a
30 structure to the highest point of the coping of a flat roof; the average height between the eaves and a ridge

or to the deckline of a mansard roof; or the average height between the plate and ridge of a gable, hip or gambrel roof.

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

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

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

CAS number . "CAS number" or "chemical abstract service number" means a unique number for every chemical established by a Columbus, Ohio organization which indexes information published in "chemical abstracts" by the American Chemical Society. It is used (among other purposes) in maintaining chemical inventories used by DEQ for regulatory purposes, by firefighters for firefighter right to know purposes and by public service departments responsible for discharges into stormwater or municipal sewer systems.

Child care facility. "Child care facility" means a facility receiving more than 12 preschool or school-aged children and providing care where parents or guardians are not immediately available to the children for:

A. Periods of less than 24 hours a day; or

B. Not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care facility" does not include preschool or school-age children in classes at a church for a temporary period of time of not more than three hours per day for an indefinite number of days, or over three hours but not more than eight hours per day for a number of days not to exceed four weeks, during a calendar year or in a facility operated by a religious organization where they are cared for, for not more than three hours while persons responsible for them are attending religious services.

Church. "Church" means a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

1 *Clinic.* "Clinic" means a structure where medical or dental care is furnished to persons on an out-
2 patient basis by more than three doctors or dentists.

3 *Common way.* "Common way" means a commonly shared or used pedestrian or vehicular way that
4 connects or serves two or more properties.

5 *Comparison retail store.* "Comparison retail store" means a retail store which is not a convenience
6 retail store.

7 *Comprehensive Plan.* "Comprehensive Plan" means a master plan described by Section 6 of Public
8 Act 285 of 1931, as amended, being M.C.L.A. 125.36.

9 *Conformed copy.* "Conformed copy" means an exact duplicate of an original.

10 *Construction.* "Construction" means the putting together of materials to build a new structure or to
11 restore, reconstruct, extend, enlarge or repair an existing structure. This definition does not apply to
12 Chapter 1288.

13 *Construction, start of.* "Start of construction" means the first placement of permanent construction of
14 a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work
15 beyond the stage of excavation. "Permanent construction" does not include land preparation, such as
16 clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, cellar,
17 footings, piers or foundations or for the erection of temporary forms; or the installation on the property of
18 accessory structures, such as garages or sheds, not occupied as dwelling units or part of the main
19 structure.

20 For a structure, other than a mobile home, without a basement, cellar or poured footings, "start of
21 construction" includes the first permanent framing or assembly of the structure or any part thereof on its
22 piling or foundation.

23 For premanufactured homes, "start of construction" means the affixing of the premanufactured home to
24 its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of
25 construction" is the date on which the construction of facilities for servicing the site on which the mobile
26 home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the
27 pouring of concrete pads and the installation of utilities is completed.

28 *Contiguous.* "Contiguous" means abutting.

29 *Convalescent care home.* "Convalescent care home" means a nursing care facility, other than a
30 hospital, that provides organized nursing care and medical treatment to seven or more unrelated

1 individuals suffering or recovering from illness, injury or infirmity. County medical facilities shall be
2 deemed convalescent care homes for the purpose of this Zoning Code.

3 *Convenience retail store.* "Convenience retail store" means an establishment which primarily serves
4 the surrounding neighborhood and includes, but is not limited to, the following:

5 A. Limited service food store;

6 B. Drug store;

7 C. Hardware store;

8 D. Barber and/or beauty shops;

9 E. Laundry or cleaners pickup;

10 F. Watch and shoe repair;

11 G. Jewelry store;

12 H. Florist;

13 I. Gift shop;

14 J. Book store;

15 K. Clothing store;

16 L. Photographer;

17 M. Tailor; and

18 N. Bakery whose products are sold only on the premises.

19 *Core area.* "Core area" means that portion of a structure with one or more rooms directly accessible
20 to one another, including a bathroom and complete kitchen facilities, which rooms are arranged, designed
21 or used as living quarters for one family. A core area shall be measured from the interior faces of the
22 exterior walls.

23 *Cumulative.* "Cumulative" means increasing or enlarging by successive addition through all points in
24 time.

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

27 *Days.* "Days" means calendar days, unless otherwise stated.

1 *Density, gross.* "Gross density" means a figure which equals the total number of dwelling units on a
2 lot divided by the total number of acres included in the lot.

3 *Density, net.* "Net density" means a figure which equals the total number of dwelling units on a lot
4 divided by the total number of acres included in the lot, excluding any lot area owned by a governmental
5 entity, used as a private street or occupied by a nonresidential use.

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

8 *Dimensional provision.* "Dimensional provision" means one or more of the following:

- 9 A. Lot area requirements;
- 10 B. Front yard requirements;
- 11 C. Side yard requirements;
- 12 D. Rear yard requirements;
- 13 E. Parking requirements; or
- 14 F. Height restrictions.

15 *District zoning.* "District zoning" means an area within which certain uses of land and structures are
16 permitted and certain others are prohibited, yards and other open spaces are required and lot areas,
17 structure height limits and other requirements are established, all of the foregoing being identical for the
18 zone in which they apply.

19 *Duplex.* See "Dwelling, two-family."

20 *Dwelling, multiple.* "Multiple dwelling" means a structure or portion of a structure which contains
21 three or more dwelling units.

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

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

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

constructed on-site, a mobile home not located in a mobile home park, a premanufactured unit, a precut structure or a panelized structure, whether erected above and/or below ground, which complies with the following standards:

- A. It shall conform with the minimum residential lot dimensional requirements for the district in which it is located.
- B. On lots 40 feet or greater in width, it shall contain a core area of living space of at least 24 feet by 24 feet in size and shall have a minimum internal height of seven and one-half feet. For single-family dwellings on lots less than 40 feet in width in A, A-1, B and C Residential Districts, it shall contain a core area of living space of at least 20 feet by 20 feet in size and shall have a minimum internal height of seven and one-half feet.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code of the City and has a wall of the same perimeter dimensions as the structure which is constructed of such materials and type as required in the Building Code. If the structure is a mobile home not located in a mobile home park, it shall be installed pursuant to the manufacturer's set-up instructions, shall be secured to the premises by an anchoring system or device complying with all State and Federal rules and regulations governing the same and shall have a perimeter wall as required in this paragraph which is aesthetically compatible in design and appearance with conventionally on-site constructed homes.
- D. If it is not a structure constructed on site, it shall be aesthetically compatible in design and appearance with conventionally on-site constructed homes. For purposes of compatibility, all structures shall:
 - 1. Have not less than two exterior doors with one door being in front of the structure and the other being in either the rear or on the side of the structure;
 - 2. Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by a difference in elevation;
 - 3. Have siding firmly affixed to the exterior walls of the structure constructed of conventional materials such as wood, vinyl, aluminum or brick;
 - 4. Have a shingled roof constructed of conventional material, which roof is permanently attached to the structure and has a minimum 3:12 pitch and an overhang of at least one foot; and

1 5. Not have wheels, towing mechanisms, undercarriages or chassis that are visible from the
2 outside of the structure.

3 This paragraph shall not be construed to prohibit innovative design concepts involving such
4 matters as solar energy, view, unique land contour or architectural design.

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

7 *Educational facility.* "Educational facility" means a public or private institution or a separate school
8 or department of a school, and includes an academy, college, elementary or secondary school, extension
9 course, kindergarten, local school system, university or a business, nursing, professional, secretarial,
10 technical or vocational school, and includes an agent of an educational institution.

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

13 *Excavation.* "Excavation" means any breaking of ground, except for agricultural purposes, ground
14 care and landscaping.

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

18 *Fair market value.* "Fair market value" means an estimate of the actual worth of a lot, structure or
19 combination thereof, which estimate is made by a licensed real estate broker experienced and qualified in
20 the appraisal of real estate using appropriate appraisal techniques.

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

22 A. An individual;

23 B. An individual or two or more persons related by blood, marriage or adoption, together with not
24 more than two other persons as roomers; or

25 C. Two or more persons related by blood, marriage or adoption, with not more than two other
26 unrelated persons as roomers.

27 *Family day care home.* "Family day care home" means a facility receiving six or less preschool or
28 school-aged children for care for less than 24 hours a day, where the parents or guardians are not
29 immediately available to the children. "Family day care home" includes a facility receiving six or less

1 preschool or school-aged children and which provides care for not less than two consecutive weeks,
2 regardless of the number of hours of care per day.

3 *Family, functional.* "Functional family" means a group of persons, which group does not meet the
4 definition of "family" in paragraph (56) hereof, living in a dwelling unit as a single housekeeping unit and
5 intending to live together as a group for the indefinite future. "Functional family" does not include a
6 fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in
7 nature.

8 *Fence.* "Fence" means a fence as defined by Section 1290.01(e).

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

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

13 *Floor area, usable.* "Usable floor area" means, for the purpose of computing parking, that area used
14 for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or
15 customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts,
16 utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this
17 computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal
18 areas of each story of a structure measured from the interior faces of the exterior walls. Usable floor area
19 is illustrated in Appendix I following the text of this Zoning Code.

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

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

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

26 *Garage, public.* "Public garage" means any garage other than a private garage.

27 **GARDEN MEANS THE GROWING OF PLANTS FOR HUMAN CONSUMPTION, INCLUDING**
28 **BERRIES, HERBS, VEGETABLES, SEEDS, OR OTHER SIMILAR PRODUCTS INCORPORATED**
29 **INTO, AND USED AS FOOD AND FLOWERS, BUT NOT INCLUDING PLANTS GROWN FOR**
30 **COMMERCIAL SALE OR PURPOSES. GARDENS THAT ARE ACCESSORY TO A PRIMARY**
31 **PERMITTED USE ARE ALLOWED BY RIGHT IN ALL RESIDENTIAL DISTRICTS. GARDENS**

1 THAT ARE THE PRIMARY USE OF A LOT ARE PERMITTED IN ALL RESIDENTIAL
2 DISTRICTS, SUBJECT TO COMPLIANCE WITH ALL APPLICABLE STANDARDS OF THE
3 LANSING ZONING ORDINANCES AND SIGN ORDINANCE, INCLUDING, BUT NOT LIMITED
4 TO SETBACK, BUILDING HEIGHT, PLACEMENT AND LOT COVERAGE, LANDSCAPE,
5 SCREENING AND BUFFERING AND SIGN RESTRICTIONS; AND ALSO SUBJECT TO ALL
6 OTHER APPLICABLE STATE LAWS AND CITY ORDINANCES, INCLUDING, BUT NOT
7 LIMITED TO NOISE AND OTHER NUISANCES AS DEFINED BY CITY ORDINANCE, EXCEPT
8 THAT VEGETATION AS DESCRIBED IN A DEFINED GARDEN MAY EXCEED 8" IN HEIGHT.

9 GARDEN STRUCTURE MEANS A STRUCTURE USED FOR THE PURPOSE OF ENCLOSING
10 A GARDEN, INCLUDING THE INCIDENTAL USE AND STORAGE OF GARDENING
11 IMPLEMENTS, MACHINERY, EQUIPMENT AND APPURTENANCES USED IN THE ONSITE
12 GARDENING ACTIVITIES. GARDEN STRUCTURES ARE PERMITTED IN ALL RESIDENTIAL
13 DISTRICTS, SUBJECT TO COMPLIANCE WITH SETBACK, LOT COVERAGE, BUILDING
14 HEIGHT AND ALL OTHER APPLICABLE REQUIREMENTS OF THE ZONING ORDINANCE
15 AND BUILDING CODES.

16 GARDENING MEANS THE GROWING OF A GARDEN OR THE ACT OF WORKING IN A
17 GARDEN.

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

22 *Governmental entity.* "Governmental entity" means the Federal Government, this State or any of its
23 instrumentalities; a County, City, Township, Village, school district, community college district or
24 community hospital district; any agency authorized to exercise a governmental function in a limited
25 geographical area or other political subdivision; any instrumentality of one or more of such units; or any
26 of such units and one or more other States or political subdivision of such States.

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

31 *Greenhouse, commercial.* "Commercial greenhouse" means a glass or less than opaque enclosure
32 which exceeds 150 square feet in floor area and is designed or used for the cultivation or protection of

1 plants; or a glassed enclosure, regardless of size, designed or used for the cultivation or protection of
2 plants for commercial purposes.

3 *Group day care home.* "Group day care home" means a private home receiving more than six and not
4 more than 12 preschool or school age children for care for:

5 A. Periods less than 24 hours a day where parents or guardians are not immediately available to the
6 children; or

7 B. Not less than two consecutive weeks, regardless of the number of hours of care per day.

8 *Haul road.* "Haul road" means a private road utilized by trucks, tractors or other similar vehicles to
9 haul materials to and/or from a construction site, borrow pit or landfill.

10 *Health maintenance organization (HMO).* "Health maintenance organization" means a health facility
11 or agency that:

12 A. Delivers health maintenance services to enrollees, under the terms of a health maintenance
13 contract, directly or through arrangements with affiliated providers; and

14 B. Is responsible for the availability, accessibility and quality of the health maintenance services
15 provided.

16 *Home occupation.* "Home occupation" means a business conducted in a dwelling unit by a person of
17 legal or equitable interest in the dwelling unit.

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

21 *Hotel.* "Hotel" means a structure or part of a structure with a common entrance or entrances, in
22 which dwelling units are used primarily for transient occupancy and in which one or more of the
23 following services are offered:

24 A. Maid service;

25 B. Telephone, secretarial or desk service;

26 C. Furnishing of linen; and

27 D. Bellboy service.

28 A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room and
29 may further include a guest room and suite of rooms for extended occupancy.

1 *Intensity of use.* "Intensity of use" means the amount of activity associated with a specific use.
2 Intensity of use shall be determined by the Department of Planning and Municipal Development based on
3 the following criteria:

- 4 A. Amount of vehicular traffic generated;
- 5 B. Amount of pedestrian traffic generated;
- 6 C. Noise, odor and air pollution generated;
- 7 D. Potential for litter or debris;
- 8 E. Type and storage of materials connected with the use;
- 9 F. Total residential units and density if residential; and
- 10 G. Total structure coverage and structure height on the parcel.

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

- 14 A. Motor vehicles;
- 15 B. Machinery;
- 16 C. Appliances;
- 17 D. Merchandise with missing parts;
- 18 E. Scrap metal; and
- 19 F. Scrap materials, including, but not limited to, rags, paper or building materials.

20 *Junkyard.* "Junkyard" means a lot used to store or process junk.

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

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

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

7 A. "Corner lot" means a lot where the interior angle of two adjacent sides at the intersection of two
8 streets is less than 135 degrees. A lot abutting upon a curved street is a corner lot if the radius of
9 the arc is less than 150 feet and the tangents to the curve at the two points where the lot lines
10 meet the curve or the straight street line extended form an interior angle of less than 135
11 degrees.

12 B. "Interior lot" means a lot other than a corner lot.

13 C. "Through lot" means an interior lot having frontage on two more or less parallel streets.

14 *Lot area.* "Lot area" means the total horizontal area within the lot lines of the lot.

15 *Lot coverage.* "Lot coverage" means the part or percentage of lot area occupied by structures and
16 hard-surfaced parking areas.

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

19 *Lot line, front.* "Front lot line" means that line separating a lot from the right-of-way line of a street.

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

24 *Lot line, side.* "Side lot line" means any lot line not a front lot line or a rear lot line.

25 *Lot lines.* "Lot lines" means the lines bounding a lot.

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

30 *Lot width.* "Lot width" means the horizontal distance from one side lot line to the opposite lot line.

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

4 *Mobile home.* "Mobile home" means a structure, transportable in one or more sections, which is built
5 on a chassis and designed to be used as a dwelling without a permanent foundation, when connected to
6 the required utilities, and includes the plumbing, heating, air conditioning and electrical systems
7 contained in the structure. "Mobile home" includes a manufactured home, but does not include a trailer.

8 *Mobile home park.* "Mobile home park" means a parcel or tract of land under the control of a person
9 upon which three or more mobile homes are located on a continual nonrecreational basis and which is
10 offered to the public for that purpose, regardless of whether a charge is made therefor, together with any
11 structure, building, enclosure, street, equipment or facility used or intended for use incidental to the
12 occupancy of a mobile home, and which is not intended for use as a temporary trailer park.

13 *Motel.* "Motel" means a series of attached, semidetached or detached rental units containing a
14 bedroom and a bathroom. A motel shall provide for overnight lodging which is offered to the public for
15 compensation and shall cater primarily to the public traveling by motor vehicle.

16 *Motor vehicle repair station.* "Motor vehicle repair station" means any lot on which minor repairs,
17 described in paragraph (96) hereof, are performed and, in addition, any of the following are performed:
18 bumping, painting, replacement of body parts, engine repair other than normal tuneup repair, engine
19 replacement, replacement of transmission or internal transmission parts or repair remaking.

20 *Motor vehicle service station.* "Motor vehicle service station" means any lot used for supplying
21 gasoline, oil and minor accessories at retail directly to the customer and which performs minor repairs.
22 "Minor repairs" means: engine tune up, alternator or generator replacement, rustproofing, battery
23 replacement, fan belt replacement, radiator hose replacement, radiator repair or replacement, tire repair or
24 replacement, wheel balancing, muffler and exhaust system replacement or front end alignment.

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

29 *Nonresidential use.* "Nonresidential use" means any use not a residential use.

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

1 *Nursing home.* See "Convalescent care home."

2 *Occupant.* "Occupant" means a person who takes or enters upon possession of a lot.

3 *Off-street parking facility.* "Off-street parking facility" means an off-street parking surface lot or an
4 off-street parking structure.

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

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

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

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

17 *Open storage.* "Open storage" means any of the following items which are stored in the open and
18 which are inoperable, damaged and/or deteriorated in such a condition that any such item cannot be used
19 for the purpose for which it was manufactured, or is not reasonably associated with the principal use of
20 the lot itself, including, but not limited to:

21 A. Motor vehicles;

22 B. Machinery;

23 C. Appliances;

24 D. Motor vehicle parts; and

25 E. Other materials, including, but not limited to, metal, pipes, rags, papers or building materials.

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

28 *Panelized structure.* "Panelized structure" means a structure consisting of preconstructed two-
29 dimensional units for walls, roofs and floors, which may include structural framing, windows, doors,

1 exterior finishes, interior wall finishes, installed wiring, plumbing and insulation, which is brought on-site
2 and erected thereon on a permanent foundation.

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

5 *Peak hour parking demand.* "Peak hour parking demand" means the number of parking spaces
6 required during the highest intensity of use.

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

9 *Person.* "Person" means an individual, agent, association, corporation, partnership, sole
10 proprietorship, joint apprenticeship committee, joint stock company, labor organization, legal
11 representative, mutual company, receiver, trust, trustee in bankruptcy, unincorporated organization,
12 personal representative of an estate, the State, a political subdivision of the State, an agency of the State
13 or any other legal or commercial entity.

14 *Planned development.* "Planned development" means an office, commercial or industrial complex
15 developed as a single entity by one person, which complex contains more than one structure on a lot, not
16 including accessory structures.

17 *Planned neighborhood convenience retail center.* "Planned neighborhood convenience retail center"
18 means a building or group of buildings on a single lot two acres or more in size and designed to provide
19 commercial services to a residential neighborhood. "Residential neighborhood" means the land area
20 (within a one-half mile radius of the proposed planned neighborhood convenience retail center) which is
21 developed with at least 70 percent residential uses.

22 *Planned residential development.* "Planned residential development" means a lot on which all the
23 following conditions apply:

24 A. If the lot is zoned DM-1, the lot is more than six acres in size; if the lot is zoned DM-2, the lot is
25 more than four acres in size; if the lot is zoned DM-3, the lot is more than three acres in size;
26 and if the lot is zoned DM-4, the lot is more than two acres in size.

27 B. The lot has more than one structure on it which is used for residential purposes.

28 C. The lot is planned and developed as an integral unit in a single development operation
29 according to the requirements of Chapter 1280.

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

3 *Porch, enclosed.* "Enclosed porch" means a covered entrance to a structure which is surrounded on
4 all sides by glass, screen, wood, brick, plastic or other materials permitted by the Building Code.

5 *Porch, open.* "Open porch" means a porch that is not enclosed.

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

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

12 *Probate.* "Probate" means the period of probate, as defined in Public Act 642 of 1978, as amended,
13 being M.C.L.A. 700.1 et seq.

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

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

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

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

25 *Residential care facility.* "Residential care facility" means a governmental or nongovernmental
26 establishment having as its principal function foster care for more than six persons. "Foster care" means
27 the provision of supervision, personal care and protection, in addition to room and board, for 24 hours a
28 day, five or more days a week and for two or more consecutive weeks, with or without compensation.
29 "Residential care facility" includes, but is not limited to, facilities for persons who are homeless, parolees,
30 ex-offenders, aged, emotionally disturbed, developmentally disabled or physically handicapped who

1 require supervision on an on-going basis but do not require continuous nursing care. A residential care
2 facility does not include any of the following:

3 A. A nursing home licensed under Article 17 of Public Act 368 of 1978, as amended, being
4 M.C.L.A. 333.20101 to 333.22181;

5 B. A hospital licensed under Article 17 of Public Act 368; or

6 C. A hospital for the mentally ill or a facility for the developmentally disabled operated by the
7 Department of Mental Health under Public Act 258 of 1974, as amended, being M.C.L.A.
8 330.1001 to 330.2106.

9 *Residential use.* "Residential use" means a use of a lot as a single-family, two-family or multifamily
10 residence, boarding or lodging house or residential care facility, and accessory uses thereto.

11 *Restoration.* "Restoration" means to put back into original or historic condition.

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

14 *Salvage yard.* "Salvage yard" means a lot where any product, including, but not limited to, any of the
15 following, is taken apart in such a way that the usable parts are separated from the nonusable:

16 A. Motor vehicles;

17 B. Machinery;

18 C. Appliances;

19 D. Fixtures;

20 E. Goods; and

21 F. Merchandise.

22 *Site plan.* "Site plan" means a plan that conforms to the requirements contained in Section 1242.05.

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

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

26 *Storage yard.* "Storage yard," in an A Residential District to a G-1 Business District, means a lot
27 used for the holding of any type of product, which product is not reasonably associated with the principal
28 use itself. "Storage yard," in a G-2 Wholesale District, H Light Industrial District or I Heavy Industrial

District, means a lot used for the holding, in the open, of any type of product, subject to the following conditions:

A. The product is not junk, unless the junk is associated with the normal functioning of the principal use.

B. The lot is not used as a salvage yard.

C. The product is not normally used in the functioning of the principal use.

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

Street, local. "Local street" means a local street as defined in the Comprehensive Plan, as amended.

Street, private. "Private street" means a street which is not public.

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

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

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

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

Substitution. "Substitution" means to put in place of another.

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

Townhouse. "Townhouse" means a group of dwellings having common party walls with each other and normally having a basement. No dwelling in a townhouse is located above or below another dwelling.

Trailer. "Trailer" means a vehicle standing on wheels or rigid supports which is used for temporary living or sleeping purposes. "Trailer" includes a recreational vehicle.

Trailer camp. "Trailer camp" means a tract of land used or designed for the use of two or more trailers as a temporary residence.

1 *Tree*. "Tree" means a usually tall, woody plant characterized by a single trunk with a two-inch
2 diameter measured at the time the development plan is submitted and measured three feet from the base
3 of the tree, and which is on the recommended tree list maintained by the City Forester.

4 *Use*. "Use" means:

5 A. Any purpose for which a structure or lot may be designed, arranged, intended, maintained or
6 occupied; or

7 B. Any activity, occupation, business or operation carried on in a structure or on a lot.

8 *Yard*. "Yard" means a space on a lot with a structure, which space is unobstructed and unoccupied
9 from the ground upward, except as occupied or obstructed as permitted in this Zoning Code. Front, rear
10 and side yards are illustrated in Appendix III following the text of this Zoning Code.

11 A. "Front yard" means a yard extending across the full width of a lot between the front lot line of
12 the structure containing the principal use and the front lot line.

13 B. "Rear yard" means a yard extending the full width of a lot between the rearmost structure
14 containing the principal use and the rear lot line, the depth of which is the least distance
15 between the rear lot line and the rear of the structure containing the principal use.

16 C. "Side yard" means a space within a lot between a side lot line and a structure containing the
17 principal use or an attached accessory structure, whichever is closer to the side lot line. A side
18 yard extends on each side of a lot from the front lot line to the rear lot line of the lot.

19 *Zoning Code*. "Zoning Code" means Ordinance 636, passed March 7, 1983, as amended, codified
20 herein as Title Six of Part Twelve - the Planning and Zoning Code.

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

24 (Ord. No. 735, 11-24-86; Ord. No. 766, 1-91-88; Ord. No. 827, 12-17-90; Ord. No. 1117, § 1, 12-11-06)

25 1240.04. - Amendments.

26 (a) An application to amend, supplement or change the regulations and boundaries of zoning districts
27 may be made by any of the following persons:

28 (1) A person having a legal or equitable interest in the property;

1 (2) The authorized representative of a person having a legal or equitable interest in the property; or

2 (3) Council.

3 (b) The application described in subsection (a) hereof shall be made on forms provided by the Planning
4 Division and shall be filed with the City Clerk and accompanied by the fees required by Council.

5 (c) Within one day after receipt of the application, the City Clerk shall refer the application to the
6 Planning Board. Simultaneously, the City Clerk shall place the application on the agenda for the next
7 Council meeting.

8 (d) After the City Clerk refers the application to the Board, the Board shall hold not less than one public
9 hearing before submitting a final report to Council and shall provide notice of the public hearing as
10 described in subsection (e) hereof.

11 (e) Not less than 15 days' notice of the time and place of the public hearing described in this subsection
12 shall first be published in an official paper or a paper of general circulation in the City. In addition,
13 not less than 15 days' notice of the time and place of the public hearing shall be given by mail to
14 each public utility company and to each railroad company owning or operating any public utility or
15 railroad within the districts or zones affected, if the public utility company or railroad registers its
16 name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of
17 mailing shall be maintained by the Planning Division. In addition, the Planning Division shall
18 provide not less than 15 days' notice of a public hearing on a proposed amendment to a zoning
19 district boundary to the owner of the property in question, as represented on the tax records held in
20 the office of the City Assessor. A hearing shall be granted an interested person at the time and place
21 specified on the notice.

22 (f) Conditional rezoning.

23 (1) *Intent.* It is recognized that there are certain instances when it would be in the best interests of
24 the City, as well as advantageous to land owners seeking a change in zoning boundaries, if
25 specific conditions were to be proposed by the land owner as part of a request for a rezoning. It
26 is the intent of this section to provide a process consistent with MCL § 125.3405 by which a
27 land owner seeking a rezoning may voluntarily propose conditions regarding the use and/or
28 development of land as part of the rezoning request.

29 (2) *Application and offer of conditions.*

30 (a) A land owner or a land owner's agent may voluntarily offer in writing conditions relating to
31 the use and/or development of land for which a rezoning is requested. This offer may be

1 made either at the time the application for rezoning is filed or at a later time during the
2 rezoning process.

3 (b) The required application and process for considering a rezoning request with conditions
4 shall be the same as that for considering rezoning requests made without any offer of
5 conditions, except as modified by the requirements of this section.

6 (c) The land owner's offer of conditions may not purport to authorize uses or developments not
7 permitted in the requested new zoning district.

8 (d) Any use or development proposed as part of an offer of conditions that would require a
9 special land use permit under the terms of this ordinance may only be commenced if a
10 special land use permit for such use or development is ultimately granted in accordance
11 with the provisions of this ordinance.

12 (e) Any use or development proposed as part of an offer of conditions that would require a
13 variance under the terms of this ordinance may only be commenced if a variance for such
14 use or development is ultimately granted by the zoning board of appeals in accordance
15 with the provisions of this ordinance.

16 (f) Any use or development proposed as part of an offer of conditions that would require site
17 plan approval under the terms of this ordinance may only be commenced if site plan
18 approval for such use or development is ultimately granted in accordance with the
19 provisions of this ordinance.

20 (g) The offer of conditions may be amended during the process of rezoning consideration
21 provided that any amended or additional conditions are offered voluntarily by the owner.
22 an owner may withdraw all or part of its offer of conditions any time prior to final rezoning
23 action of the City Council provided that, if such withdrawal occurs subsequent to the
24 Planning Board's public hearing on the original rezoning request, then the rezoning
25 application shall be referred to the Planning Board for a new public hearing with
26 appropriate notice and a new recommendation.

27 (3) *Planning Board review.* The Planning Board, after public hearing and consideration of the
28 factors for rezoning set forth in this ordinance, may recommend approval, approval with
29 recommended changes or denial of the rezoning; provided, however, that any recommended
30 changes to the offer of conditions are acceptable to and thereafter offered by the land owner.

1 (4) *City Council review.* after receipt of the Planning Board's recommendation, the City Council
2 shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning
3 request. The City Council's deliberations shall include, but not be limited to a consideration of
4 the factors for rezoning set forth in this ordinance.

5 (5) *Approval.*

6 (a) If City Council finds the rezoning request and offer of conditions acceptable, the offered
7 conditions shall be incorporated into a formal written statement of conditions acceptable to
8 the land owner and conforming in form to the provisions of this ordinance. The statement
9 of conditions shall be incorporated by attachment or otherwise as an inseparable part of the
10 ordinance adopted by City Council to accomplish the requested rezoning.

11 (b) The statement of conditions shall:

12 (1) Contain a legal description of the land to which it pertains.

13 (2) Contain a statement acknowledging that the statement of conditions runs with the land
14 and is binding upon successor owners of the land.

15 (3) Incorporate by attachment or reference any diagram, plans or other documents
16 submitted or approved by the land owner that are necessary to illustrate the
17 implementation of the statement of conditions. If any such documents are
18 incorporated by reference, the reference shall specify where the document may be
19 examined.

20 (4) Contain the notarized signatures of all of the land owners of the subject land preceded
21 by a statement attesting to the fact that they voluntarily offer and consent to the
22 provisions contained within the statement of conditions.

23 (c) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new
24 zoning classification along with a designation that the land was rezoned with a statement of
25 conditions. The City Clerk shall maintain a listing of all lands rezoned with a statement of
26 conditions.

27 (d) The City Council shall have authority to require that the statement of conditions be
28 recorded with the register of deeds if it determines that, given the nature of the conditions,
29 the recording of such a document would be of material benefit to the City or to any
30 subsequent owner of the land.

1 (e) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to
2 all of the requirements regulating its use and development as contained in the statement of
3 conditions.

4 (6) *Compliance with conditions.*

5 (a) Any person who establishes a development or commences a use upon land that has been
6 rezoned with conditions shall continuously operate and maintain the development or use in
7 compliance with all of the conditions set forth in the statement of conditions. Any failure to
8 comply with a condition contained within the statement of conditions shall constitute a
9 violation of this zoning ordinance and be punishable accordingly. Additionally, any such
10 violation shall be deemed a nuisance per se and subject to judicial abatement as provided
11 by law.

12 (b) No permit or approval shall be granted under this ordinance for any use or development
13 that is contrary to a statement of conditions.

14 (7) *Time period for establishing development or use.* Unless another time period is specified in the
15 ordinance rezoning the subject land, the approved development and/or use of the land pursuant
16 to building and other required permits must be commenced upon the land within 18 months (or
17 shorter if specified) after the rezoning takes effect and thereafter proceed diligently to
18 completion. This time limitation may, upon written request, be extended by the City Council if:
19 (1) It is demonstrated to the City Council's satisfaction that there is a strong likelihood that the
20 development and/or use will commence within the period of extension and proceed diligently
21 thereafter to completion and (2) the City Council finds that there has not been a change in
22 circumstances that would render the zoning with statement of conditions incompatible with
23 other zones and uses in the surrounding area or otherwise renders it inconsistent with zoning
24 policy.

25 (8) *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur
26 within the time frame specified under Subsection (7) above, then the land shall revert to its
27 former zoning classification as set forth in MCL § 125.3405.

28 (9) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is
29 thereafter rezoned to a different zoning classification or to the same zoning classification but
30 with a different or no statement of conditions, whether as a result of a reversion of zoning or
31 otherwise, the statement of conditions imposed under the former zoning classification shall

1 cease to be in effect. Upon the land owner's written request, the City Clerk shall record with the
2 register of deeds a notice that the statement of conditions is no longer in effect.

3 (10) *Amendment of conditions when extension requested.* If a conditional zoning has been approved
4 and the applicant requests an extension of time for commencement of the development, the City
5 Council may add to, delete or modify the conditions in the previously approved statement of
6 conditions as part of its decision to grant the requested extension so long as the changes are
7 proposed by the developer.

8 (11) *City's right to rezone.* Nothing in the statement of conditions nor in the provisions of this
9 section shall be deemed to prohibit the City from rezoning all or any portion of land that is
10 subject to a statement of conditions to another zoning classification. Any rezoning shall be
11 conducted in compliance with City Ordinances and City Charter.

12 (12) *Failure to offer conditions.* The City shall not require a land owner to offer conditions as a
13 requirement for rezoning. The lack of an offer of conditions shall not affect a land owner's
14 rights under this ordinance.

15 (g) After the public hearing described in subsection (d) hereof, the Board shall make its final report to
16 Council. A summary of the comments submitted at the public hearing shall be transmitted with the
17 report of the Board to Council. Council shall hold at least one public hearing and shall provide notice
18 of a public hearing as described in subsection (e) hereof.

19 (h) Council shall not determine the boundaries of districts nor impose regulations until after the final
20 report of the Board, nor shall this Zoning Code or the maps be amended after they are adopted in the
21 first instance until the proposed amendment has been submitted to the Board and it has held at least
22 one hearing and made a report. In either case, Council may adopt the ordinance and maps, with or
23 without amendments, after receipt of the Board's report, or refer this Zoning Code and maps again to
24 the Board for a further report.

25 (i) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to
26 this Zoning Code which is the object of the petition shall be passed only by a two-thirds vote of
27 Council. The protest petition shall be presented to Council before final legislative action on the
28 amendment, and shall be signed by one of the following:

29 (1) The owners of at least 20 percent of the area of land included in the proposed change; or

30 (2) The owners of at least 20 percent of the area of land included within an area extending outward
31 100 feet from any point on the boundary of the land included in the proposed change.

(j) For purposes of subsection (h) hereof, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

(k) Following the adoption of this Zoning Code and following the adoption of subsequent amendments to this Zoning Code by Council, one notice of adoption shall be published by the City Clerk in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:

(1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by Council;"

(2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;

(3) The effective date of the ordinance; and

(4) The place and time where a copy of the ordinance may be purchased or inspected.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

March 7, 2017

Dear members of the Lansing City Council Planning and Development Committee:

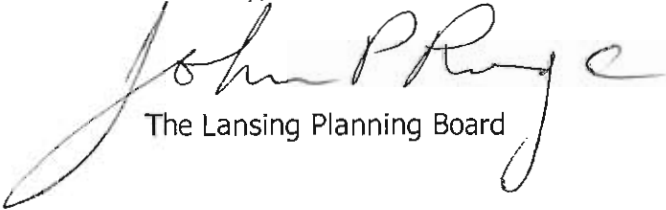
As a member of the Planning and Development Committee we understand you will have the Urban Ag Ordinance on the committee agenda in March.

Community gardens continue to grow in popularity across the city and are an important source of fresh food for our residents. With the spring growing season soon be upon us, it is important that Lansing residents start the year in compliance with any new policies that may be adopted by city council.

After listening to stakeholders across the city, the Lansing Planning Board approved a motion to support the proposed ordinance at its September meeting. The new ordinance will serve as an important guideline for gardeners and while ensuring the character of our neighborhoods is preserved.

We encourage the Planning and Development Committee to support this important new policy and look forward seeing the final version for adoption at city council.

Sincerely,


The Lansing Planning Board

Letter Adopted with a 6 vote.

submitted 2/28/17



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE: 11/10/16
RE: Z-8-2016, 3001 S. Washington Avenue, Rezoning

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-8-2016, 3001 S. Washington Avenue, Rezoning

Date: November 2, 2016

The Lansing Planning Board, at its regular meeting held on November 1, 2016, voted (6-0) to recommend approval of a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing zoning and land use patterns in the area. The Board also found that the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

At the Planning Board public hearing held on November 1, 2016, the applicants and one other person spoke in favor of and two persons spoke in opposition to the rezoning.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-8-2016: 3001 S. Washington Avenue, Rezoning from “D-1” Professional Office
and “J” Parking Districts to “F” Commercial District

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-8-2016

Parcel Number's: 33-01-01-28-304-002

Legal Descriptions: Lots 4 & 5 & the East 90 feet of Lot 6, Holmesdale Subdivision, City of Lansing, Ingham County, MI, from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-8-2016: 3001 S. Washington Avenue, Rezoning from “D-1” Professional Office and “J” Parking Districts to “F” Commercial District

was introduced by the Committee on Development & Planning, read a first and second time by its title and referred to the Committee on Development and Planning.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-8-2016, 3001 S. Washington Avenue

Rezoning from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District

The Lansing City Council will hold a public hearing on Monday, , 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider **Z-8-2016**. This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District. The purpose of the rezoning is to permit a commercial retail establishment on the subject property.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, , 2016 at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-8-2016

Parcel Number's: 33-01-01-28-304-002

Legal Descriptions: Lots 4 & 5 & the East 90 feet of Lot 6, Holmesdale Subdivision, City of Lansing, Ingham County, MI, from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

GENERAL INFORMATION

APPLICANT/OWNER: Gordon Green, Member-Manager
Green Key Properties, LLC
6824 Brightwood Avenue
Waterford, MI 48329

REQUESTED ACTIONS: Rezone 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to F" Commercial District

EXISTING LAND USE: Unauthorized Medical Marijuana Dispensary

EXISTING ZONING: "D-1" Professional Office & "J" Parking Districts

PROPOSED ZONING: "F" Commercial District

PROPERTY SIZE: Irregular Shape - .39 acres

SURROUNDING LAND USE: N: Kent Cleaners
S: Church
E: Residential
W: Residential

SURROUNDING ZONING: N: "F" Commercial & "J" Parking Districts
S: "A" Residential & "D-1" Professional Office Districts
E: "A" Residential District
W: "A" Residential & "D-1" Professional Office Districts

MASTER PLAN: The Design Lansing Comprehensive Plan designates the subject property for "Residential Corridor" land use. S. Washington Avenue is designated as a minor arterial.

DESCRIPTION:

This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property.

It was recently brought to the attention of the Planning Office that a medical marijuana dispensary was being operated out of the building at 3001 S. Washington Avenue. Since this property is zoned "D-1" Professional Office, which district does not permit medical marijuana dispensaries, the owner of the property was issued a violation notice requiring the discontinuation of this use. In response, the owner has applied to have the property rezoned to the "F" Commercial district which, if approved, would allow a medical marijuana dispensary, once an ordinance is enacted and the current moratorium on these types of facilities has been lifted.

AGENCY RESPONSES

BWL:

Building Safety: The BSO has no objection to the rezoning. However, FYI, the current retail occupant (without a C of O) is a Medical Marijuana facility.

Fire Marshal:

Parks & Recreation: No comments.

Public Service:

Traffic Engineer: The Transportation and Non-motorized has no objection to the rezoning request, however, this does not constitute a review or approval of any site plan or other process that may be required for a project to move forward on this property

COMPATIBILITY WITH SURROUNDING LAND USE

The subject property is currently zoned "D-1" Professional Office district, with the exception of the parking lot east of the building that is zoned "J" Parking district. The area of the site that is zoned "D-1" was rezoned from "F" Commercial in 2002 at the request of the owner at that time. The purpose of that rezoning was to allow an expansion of the child care center capacity because the requirements for such use are less stringent under the "D-1" district.

The property directly to the north of the subject property is zoned "F" Commercial and therefore, the proposed rezoning will not result in a "spot zone" which is typically considered to be an unacceptable planning practice.

It is not anticipated that the rezoning will be disruptive to the residential neighborhood to the east. Medical marijuana dispensaries typically do not generate much traffic, noise or other nuisances that would negatively impact the quality of life for nearby residents. In fact, the City has not received any complaints about the existing medical marijuana facility that has been operating illegally at this location for several weeks. The facility is illegal because it was established after the moratorium on such facilities went into effect in March of this year. This violation was brought to the attention of the Planning Office after the City electrical inspector noticed that the facility was operating without having obtained the necessary permits to ensure that the electrical system in the building was adequate to accommodating the use. Medical marijuana grow operations typically require an inordinate amount of heat and lighting which can place a serious burden on the building's electrical system.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Comprehensive Plan designates the subject property for “Residential Corridor” land use. The Plan specifies the following for this land use classification:

“To allow medium-density residential development in a variety of urban formats, rather than a conversion of residential to commercial use, along certain high-traffic streets that also serve as transit routes or are within easy walking distance (¼ mile).”

The proposed rezoning is clearly not in compliance with the Master Plan. It is, however, consistent with a general goal of Master Planning which is to concentrate commercial land uses along major or minor arterials that already have a strong presence of nonresidential land uses and a transportation system designed to accommodate the traffic.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

The proposed rezoning will have no impact on traffic in the area. The site is located on S. Washington Avenue which is a minor arterial designed to carry a high volume of traffic.

IMPACT ON PUBLIC FACILITIES

The site is already served by all necessary public facilities. No changes are proposed for the site that would have an impact on public facilities.

ENVIRONMENTAL IMPACT

The proposed rezoning will have no environmental impacts as the site is already developed and no changes are proposed at this time. New construction would require administrative site plan review at which time the site would have to be brought into compliance with all City codes and ordinance including those regulating storm water management.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

Approval of the requested rezoning is not anticipated to have any negative impacts on future patterns of development in the area. The proposed zoning will not result in a “spot zone” as the property directly to the north is already zoned “F” Commercial. Furthermore, in 2002, the subject property was rezoned from “F” Commercial to “D-1” Professional Office so that the child care center that occupied the site at that time could expand its capacity without having to provide as much outdoor play area. The current owner of the property is requesting that the 2002 rezoning be reversed so that the site can be used for retail sales that would include medical marijuana. If the rezoning were to be denied, it would deprive the property owner of land use rights that are already afforded to the property owner directly to the north and to the previous owners of the property, prior to them having the property rezoned. If the site had not previously been zoned “F” Commercial, staff would not be making a positive recommendation on this request. Since there are no other sites in the area that have been downzoned from “F” Commercial, approval of this rezoning will not set a negative precedent for future requests to rezone property in the area to the “F” Commercial district.

SUMMARY

This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property. The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning.

RECOMMENDATIONS

Pursuant to the findings described above, the following recommendation is offered for the Planning Board's consideration:

Z-8-2016 be approved to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office and "J" Parking Districts to "F" Commercial District.

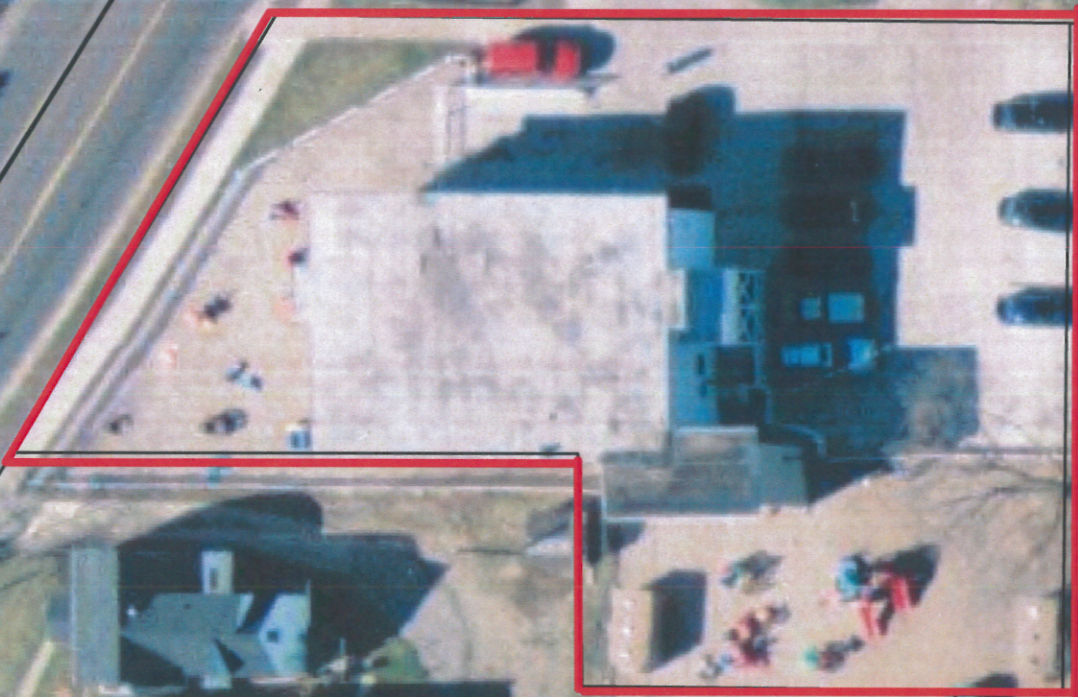
Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**



S Washington Ave

Dunlap St



Legend

-  roads_final
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit Plan
-  D-1 Professional Office
-  D-2 Residential/Office
-  DM-1 Residential-Multiple
-  DM-2 Residential-Multiple
-  DM-3 Residential-Multiple
-  DM-4 Residential-Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way

City of Lansing Zoning Map

