

Regular Meeting Of Lansing City Council

Tony Benavides Lansing City Council Chambers
David C. Hollister Lansing City Hall
124 W. Michigan Avenue, 10th Floor
Lansing, Michigan



Agenda for October 11, 2021 at 7:00 PM

TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council at the Tony Benavides Lansing City Council Chambers, 10th Floor, City Hall.

Mask Requirement

1. **Face coverings are required by all Council Members, City officials and staff, and members of the public at all City Council and committee meetings. For City of Lansing COVID-19 Information, please visit www.lansingmi.gov/coronavirus**

ROLL CALL

roll call

MEDITATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

2. September 13 and 20, 2021

CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)

SPECIAL CEREMONIES and PRESENTATIONS

3. Tribute; in recognition of the Lansing Branch of the National Association for the Advancement of Colored People (NAACP) Freedom Fund Celebration

COMMENTS BY COUNCIL MEMBERS AND CITY CLERK

COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

MAYOR'S COMMENTS

SHOW CAUSE HEARINGS

PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction,

and ordinances for passage. The public may comment for up to three minutes. Speakers must sign up on BLUE form.)

comment sheets

SCHEDULED PUBLIC HEARINGS

4. In consideration of Noise Special Permit; MDOT request to allow for I-496 Freeway reconstruction on weekdays from 8 PM to 7 AM and any time on weekends or holidays for the period January 24, 2022, through December 1, 2022 and for the period March 1, 2023 through November 15, 2023 (PEND-2613)

COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS

REFERRAL OF PUBLIC HEARINGS

ORDINANCES FOR PASSAGE

5. Create an Arts and Culture Commission (PEND-2615)

CONSENT AGENDA

6. Joint Reappointment; Ayanna Neal and Jacqueline Straub to the Ingham County/City of Lansing Community Corrections Advisory Board for a term to expire September 17, 2024 (PEND-2649)
7. Grant Acceptance; Project Safe Neighborhood Grant for the Lansing Police Department to distribute backpacks to the Lansing Youth Football League (PEND-2644)
8. Grant Acceptance; U.S. Geological Survey Grant for installing a streamgage on Sycamore Creek (PEND-2639)
9. Setting a Show Cause Hearing in consideration of Orders to Make Safe or Demolish to the owners of property located at 4108 Deerfield Ave. (PEND-2638)
10. Claim Appeal; Claim #1821, Sunset Realty LLC for \$1592 in trash fees at 705 Princeton Ave. (PEND-2650)

RESOLUTIONS FOR ACTION

11. Tribute; in recognition of the Lansing Branch of the National Association for the Advancement of Colored People (NAACP) Freedom Fund Celebration
12. Appointment; Cordelia Black as an At Large member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2022 (PEND-2646)
13. Appointment; Andrew Abood as an At Large member of the Board of Police Commissioners for a term to expire June 30, 2025 (PEND-2647)
14. Appointment; Matthew (Dusty) Horwitt as an At Large member of the Board of Water and Light for a term to expire June 30, 2023 (PEND-2648)
15. Orders to Make Safe or Demolish to the owners of property located at 4511 S. Martin Luther King, Jr. Blvd. (PEND-2631)

16. Donation Acceptance; Lansing Police Department Special Tactics and Rescue Team in honor of Retired Detective Ronald Seyka to upgrade Unit's ballistic shields (PEND-2641)
17. Procedures for Hosting Virtual Meetings in accordance with Open Meetings Act (OMA) (PEND-2667)

REPORTS FROM COUNCIL COMMITTEES

ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

18. Setting a Public Hearing in consideration of an Ordinance to Amend Part 12, Title 6, Form Based Zoning Code (PEND-2654)

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

(Motion that all items be considered as being read in full and that the proper referrals be made by the President)

Item(s) from the City Clerk re:

19. Minutes of Boards and Commissions placed on file in the Clerk's Office
20. City Council Meeting Schedule for 2022 (PEND-2678)
21. City of Lansing Ward Apportionment Plan (PEND-2672)

Item(s) from the Mayor re:

22. Grant Acceptance; Domestic Violence Services (DVS) Capital Area Response Effort (CARE) Programs Grant (PEND-2671)
23. Grant Acceptance; Office of Highway Safety Planning (OHSP) Bicycle/Pedestrian Safety Grant (PEND-2669)
24. Grant Acceptance; Federal American Rescue Plan Act Funds (ARPA) for public health, economic impacts and government services due to COVID-19 (PEND-2658)
25. Grant Acceptance; Cities for Financial Empowerment Fund (CFE Fund) planning grant for Local Consumer Protection Initiative (PEND-2657)
26. Grant Acceptance; Michigan State Housing and Development Authority Neighborhood Stabilization Program Income Grant (PEND-2670)
27. Traffic Control Order Nos. 21-19 and 21-20; regulate parking along Haverhill Drive and Winterset Drive (PEND-2666)
28. Traffic Control Order No. 21-15; regulate parking along Taffy Parkway between Hughes Road and Haag Road PEND-2665
29. Traffic Control Order 21-16; regulate traffic at the intersection of Lansing Avenue and Queen Street (PEND-2661)
30. Traffic Control Order No. 21-18; add a stop sign at the intersection of Magnolia Avenue and Marcus Street (PEND-2663)

31. Traffic Control Order No. 21-17; add a stop sign at the intersection of Cross Street and Lansing Avenue (PEND-2662)
32. Appropriation Acceptance; State of Michigan funds for staffing Lansing Police Department Cold Case Unit and for the purchase and installation of security cameras and other public safety improvements (PEND-2673)
33. Appointment; John Shaski as a member of the Saginaw Street Corridor Improvement Authority for a term to expire June 30, 2025 (PEND-2676)
34. Appointment; Elizabeth O'Leary as Chief Labor Negotiator (PEND-2677)

Communications and Petitions

35. Affidavit of Disclosure; Katrina Urista, Human Relations and Community Services Department
36. Fiscal Year 2021 Board of Water and Light Audited Financial Statements

MOTION OF EXCUSED ABSENCE

REMARKS BY COUNCIL MEMBERS

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. Speakers must sign up on YELLOW form.)

comment sheets

ADJOURNMENT



Chris Swope, City Clerk

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TTY 711). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation request.

LANSING CITY COUNCIL MEETING

DATE & TIME: 09/20/21-7:00 PM

Starting Time _____

REGULAR MEETING: X

SPECIAL MEETING:

ATTENDANCE

COUNCIL MEMBER	PRESENT	ABSENT	ARRIVED
BETZ	☒	☐	_____
DUNBAR	☒	☐	_____
GARZA	☒	☐	_____
HUSSAIN	☒	☐	_____
JACKSON	☒	☐	_____
SPADAFORE	☒	☐	_____
SPITZLEY	☒	☐	_____
WOOD	☐	☒	<u>Absent</u>

MEDITATION IN MEMORY OF: Mary Reynolds

PLEDGE LED BY: _____

Adjournment Time _____

CHRIS SWOPE
LANSING CITY CLERK

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Branch of the National Association for the Advancement of Colored People (NAACP) is celebrating its 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner, with a theme of “Passion Led Us Here... Our Passion. Our Call. Our Action” on Saturday, October 16, 2021; and

WHEREAS, in 1919, the Lansing branch of the NAACP was chartered under the leadership of Mr. C. A. Campbell who fought diligently to enforce civil rights laws for the community, and for over 100 years, the NAACP has led the movement on social rights and equality; and

WHEREAS, The *National Association for the Advancement of Colored People* (NAACP) works at the local, state, and national levels to ensure: political, educational, social and economic equality of all citizens and to eliminate and remove all barriers of racial discrimination; and

WHEREAS, the 2021 keynote speakers will be Attorney, Author, CNN contributing speaker and former South Carolina State Representative Bakari Sellers and Michigan Lt. Governor Garlin Gilchrist; and

WHEREAS, the NAACP 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner offers an opportunity for the community to come together in support of the NAACP Lansing Branch, and share in the celebration! The effort put forth through the Lansing Branch has made vast strides in integrating the Lansing community.

BE IT RESOLVED, the Lansing City Council, hereby, acknowledges the Lansing Branch of the National Association for the Advancement of Colored People on its 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner and expresses our admiration and gratitude to its members for their achievements and commitment to the City of Lansing and its residents. We applaud the NAACP Lansing Branch for many years of success and diligence in the fight for equality and anticipate many more to come.

You will not be called to speak unless all required blanks on this form are completed.



Public Comment on Legislative Matters Registration

*The City of Lansing welcomes and encourages public comment relating to City Legislative Matters. In order to facilitate public input, you **MUST** complete this card and submit it to the City Clerk or City Clerk Staff prior the close of registration as announced by the City Clerk.*

*Legislative matters consist of the following items on the agenda: **public hearings, resolutions, ordinances for introduction, and ordinances for passage.** The public may comment for up to three minutes*.*

Agenda Item Number(s) legislative Item Description _____

Name (print) Loretta Stanaway E-Mail (optional) _____

Address (street, city, zip) 546 Armstrong Rd

Company or organization represented, etc. (if applicable) _____

Signature Loretta Stanaway

- Public speakers will be called by the City Clerk. When the City Clerk recognizes you, please proceed to the speaker's podium and speak directly and clearly into the microphone. Do not touch the microphone.
- Direct your comments to the Council President.
- No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede the orderly conduct of the Council meeting.
- No personal attacks or defamatory remarks towards any person will be permitted.
- Questions raised during public comment may or may not be answered by the President, another Council Member, the Mayor, or member of the City Staff during the meeting.
- Time limit to address the council on legislative matters is **3 Minutes***.
- Spokespersons for a group or shared viewpoint are encouraged; however, a speaker's time limit may not be increased through assignment of someone else's time or opportunity to speak.
- No registrations will be accepted after the deadline as announced by the City Clerk.
- If you wish to submit written materials, please provide them to the City Clerk or City Clerk staff along with this form.
- The City Council conducts its open meetings in an orderly manner in accordance with the Open Meetings Act. Council meetings will not be conducted as interactive forums or "town meetings."

Thank you for your involvement and interest in our City,
Chris Swope, Lansing City Clerk, MiPMC / MMC

* *The Presiding Officer may reduce the amount of time for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.*

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

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Agenda Item Number(s) _____ Item Description Schedule Public Hearing
Name (print) GREG Losch E-Mail (optional) loschg@Michigan.gov
Address (street, city, zip) 2700 PORT LANSING Rd.
Company or organization represented, etc. (if applicable) MDOT
Signature Gregory M Losch

- Public speakers will be called by the City Clerk. When the City Clerk recognizes you, please proceed to the speaker's podium and speak directly and clearly into the microphone. Do not touch the microphone.
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RESOLUTION #2021-189

**BY THE COMMITTEE ON CITY OPERATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Michigan Department of Transportation (MDOT) is in process of letting a design-build project for reconstruction of I-496 and bridge repairs between Lansing Road and the Grand River; and

WHEREAS, these improvements, are necessary to support both local residents and commuters that frequent the greater Lansing area; and

WHEREAS, this work will involve activities that is anticipated to create a noise disturbance during pile driving, sheet pile installation, vibratory hammers, pavement breaking activities and bridge demolition activities; and

WHEREAS, to be minimize the disruption to motorists, MDOT, the owner, is requesting a noise waiver to accommodate construction activities outside the allowable time frame as set forth in section 654.07 of the Code of Ordinances; and

WHEREAS, for the period January 24, 2022, through December 1, 2022 and for the period March 1, 2023 through November 15, 2023, MDOT has requested a waiver of the noise ordinance, for construction noise, on weekdays from 8:00 PM to 7:00 AM and any time on weekends or holidays; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor be granted the requested noise waiver in order to:

- limit the amount of time local access for property owners is impacted;
- limit the amount of time that vehicular traffic will be detoured; and
- keep the project on-schedule.

NOW THEREFORE BE IT RESOLVED that a public hearing be held on Monday, October 11, 2021, at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request for granting a waiver of the noise ordinance, for construction noise, on weekdays from 8:00 PM to 7:00 AM and any time on weekends or holidays for the period January 24, 2022, through December 1, 2022 and for the period March 1, 2023 through November 15, 2023.

I-496 Project Noise Ordinance Waiver Request

The following message was prepared in anticipation of receiving approval for a waiver of the noise ordinance described below. If the waiver is not approved, then night and weekend work described will take place during normal working hours as allowed by the City of Lansing's noise ordinance.

Dear Resident or Business Owner:

The Michigan Department of Transportation (MDOT) has requested a waiver of the City of Lansing's noise ordinance, in accordance with the provisions of Chapter 654.11 of the Code of Ordinances, for a roadway rebuild and bridge repair project along I-496. This waiver is being sought in order to lessen the project's impact on motorists, residents and business owners.

Those affected by this project can express their concerns at a public hearing at 7:00 p.m., October 11, 2021 in the City Council Chambers on the Tenth Floor of Lansing City Hall, 124 W. Michigan Ave.

The requested noise ordinance waiver would allow certain construction work from 8 p.m. to 7 a.m. nightly and on weekends from:

- January 2022 to November 2022.
- March 2023 to September 2023.

The project area generally includes I-496, Martin Luther King Jr Boulevard, and St Joseph Street from Lansing Rd to the Grand River.

For more information on the I-496 project, call the MDOT Lansing Transportation Service Center at 517-335-3754. For updates, go to www.Michigan.gov/Drive or [www.twitter.com/MDOT_LanJxn](https://twitter.com/MDOT_LanJxn).

I-496 Rebuilding Project

Lansing

2022-2023

What Is Being Done?

The Michigan Department of Transportation (MDOT) will invest approximately \$75 million to rebuild I-496 and perform preventive maintenance and repairs on 17 bridges between Lansing Road and the Grand River.

I-496 will be widened to improve operations by connecting the Lansing Road and M-99 ramps with an auxiliary lane. This project will include resurfacing and sidewalk ramp upgrades along the I-496 service drives between M-99 (Martin Luther King Jr. Boulevard) and the Grand River, as those routes will be utilized as detours throughout the project.

Funding for this project is made possible by Gov. Gretchen Whitmer's Rebuilding Michigan program to rebuild the state highways and bridges that are critical to the state's economy and carry the most traffic. The investment strategy is aimed at fixes that result in longer useful lives and improve the condition of the state's infrastructure.

When Will This Be Done?

Work is scheduled to begin in 2022 and be finished in 2023.

How Will Traffic Be Affected?

In 2022, I-496 and associated ramps will be closed and detoured onto the service drives (Malcolm X and St. Joseph streets).

In 2023, at least one lane of I-496 will be open in each direction, with major work occurring between Lansing Road and M-99.

Since this is a design-build project, which means the contractor and their team designs the project and builds it, traffic impacts will be identified as the project goes through design. Ramp and bridge work is expected to impact surface streets as well. Announcements will be made in advance of these traffic impacts once design is completed, with updates throughout work.



For More Information

Call the MDOT Lansing Transportation Service Center at: 517-335-3754.

For updates, go to

<https://bit.ly/3v8brly> or [www.twitter.com/MDOT_LanJxn](https://twitter.com/MDOT_LanJxn).

PASSAGE OF ORDINANCE

An Ordinance of The City of Lansing, Michigan, to amend the Lansing Codified Ordinances (Code) by adding Chapter 266, Sections 266.01-266.03, to establish an Arts and Culture Commission in and for the City Of Lansing including membership, duties, and meetings.

Is read a second time by its title. The Ordinance was reported from the Committee of the Whole and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
DUNBAR	☐	☐
BETZ	☐	☐
GARZA	☐	☐
HUSSAIN	☐	☐
JACKSON	☐	☐
SPADAFORE	☐	☐
SPITZLEY	☐	☐
WOOD	☐	☐
	☐	☐
☐ ADOPTED	☐ FAILED	

ORDINANCE #1294

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY ADDING CHAPTER 266, SECTIONS 266.01-266.03, TO ESTABLISH AN ARTS AND CULTURE COMMISSION IN AND FOR THE CITY OF LANSING INCLUDING MEMBERSHIP, DUTIES, AND MEETINGS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 266, Sections 266.01-266.03, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

CHAPTER 266 – ~~Mall Advisory Board~~ ARTS AND CULTURE COMMISSION.

266.01 – ESTABLISHMENT; POWERS AND DUTIES.

THERE IS HEREBY ESTABLISHED AN ARTS AND CULTURE COMMISSION IN AND FOR THE CITY. THE ARTS AND CULTURE COMMISSION SHALL:

- (A) MAKE RECOMMENDATIONS REGARDING ALL ARTS AND CULTURAL ACTIVITIES WITHIN THE CITY OF LANSING;
- (B) DEVELOP AND RECOMMEND ONGOING ARTS AND CULTURE PERFORMANCE MEASURES AND BEST PRACTICES;
- (C) FULFILL ALL ADVISORY BOARD FUNCTIONS SET FORTH IN SECTION 5-106 OF THE CITY CHARTER.

266.02 – MEMBERSHIP; TERMS; VACANCIES.

(A) THE ARTS AND CULTURE COMMISSION SHALL CONSIST OF TWELVE (12) MEMBERS WHO ARE REGISTERED ELECTORS OF THE CITY WHO ARE APPOINTED BY THE MAYOR, WITH THE ADVICE AND CONSENT OF CITY COUNCIL.

(B) MEMBERS SHALL BE APPOINTED BEFORE JULY 1 OF THE YEAR OF APPOINTMENT AND SHALL SERVE UNTIL JUNE 30 OF THE YEAR IN WHICH THEIR TERMS EXPIRE OR UNTIL THEIR SUCCESSORS QUALIFY FOR OFFICE.

(C) EIGHT MEMBERS SHALL BE FROM THE CITY-AT-LARGE AND ONE MEMBER SHALL BE APPOINTED FROM EACH OF THE FOUR WARDS.

(D) THE TERMS OF OFFICE FOR THE MEMBERS SHALL BE FOUR YEARS, EXCEPT FOR THE FOLLOWING MEMBERS FIRST-APPOINTED TERMS:

- (1) THE FIRST WARD MEMBER SHALL BE APPOINTED FOR ONE YEAR.
 - (2) THE SECOND WARD MEMBER SHALL BE APPOINTED FOR TWO YEARS.
 - (3) THE THIRD WARD MEMBER SHALL BE APPOINTED FOR THREE YEARS.
 - (4) THE FOURTH WARD MEMBER SHALL BE APPOINTED FOR FOUR YEARS.
 - (5) AT-LARGE MEMBERS SHALL BE APPOINTED FOR ONE, TWO, THREE, AND FOUR YEARS RESPECTIVELY.
- (E) THEREAFTER, ALL SUBSEQUENT ARTS AND CULTURE COMMISSION MEMBERS SHALL BE APPOINTED FOR FOUR YEAR TERMS.

(F) VACANCIES SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM.

266.03 – RULES OF PROCEDURE; MEETINGS; SUPPLY OF FACILITIES AND SERVICES.

THE ARTS AND CULTURE COMMISSION SHALL ORGANIZE ITSELF PURSUANT TO SECTION 5-105 OF THE LANSING CITY CHARTER, INCLUDING THE PUBLIC NOTICE AND PARTICIPATION REQUIREMENTS THEREIN AND SUBJECT TO THE OPEN MEETINGS ACT. THE OFFICE OF THE MAYOR SHALL PROVIDE MEETING SPACE AND SUCH STAFF ASSISTANCE AS IS REASONABLE AND NECESSARY TO ENABLE THE ARTS AND CULTURE BOARD TO CARRY OUT ITS DUTIES.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions are 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, and shall expire December 31, 2029.

RESOLUTION #2021-196

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Ingham County Board of Commissioners made the reappointment of Ayanna Neal and Jacqueline Straub to the Ingham County/City of Lansing Community Corrections Advisory Board for to a term expiring September 17, 2024;

WHEREAS, the Committee on Public Safety met and took affirmative action on October 7, 2021.

BE IT RESOLVED, that the Lansing City Council hereby affirms the reappointments of Ayanna Neal and Jacqueline Straub to the Ingham County/City of Lansing Community Corrections Advisory Board for to a term expiring September 17, 2024

RESOLUTION #2021-197

**BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Battle Creek Community Foundation and the U.S. Attorney's Office of the Western District of Michigan through Project Safe Neighborhoods (PSN) Task Force Community Project Fund has available funding for reducing gun violence, improving neighborhoods, reducing crime and promoting neighborhood safety; and

WHEREAS, the Lansing Police Department applied for a Project Safe Neighborhood grant on October 28, 2020; and

WHEREAS, the Lansing Police Department was informed on August 30, 2021, that it has been selected to receive PSN funding in the amount of \$6,420; and

WHEREAS, the grant period is 8/30/2021 through 8/30/2022; and

WHEREAS, local match funds are not required; and

WHEREAS, the grant funds will be used to support a marketing campaign that distributes 225 backpacks to the Lansing Youth Football League; and

WHEREAS, each backpack would contain the team name and the police logo on it; and

WHEREAS, the Lansing Police Department would present the bags to each team member; and

WHEREAS, the backpack, branded with the police logo, would serve as a visible indication that the Lansing Police Department supports its community youths.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the PSN Grant from the Battle Creek Community Foundation in the amount of \$6,420 for the grant period August 30, 2021 through August 30, 2022; and

BE IT FINALLY RESOLVED, that the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the awarded grant funds.

RESOLUTION #2021-198

**BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the last flood data for the Sycamore Creek was completed in 1978 and the Federal Emergency Management Agency (FEMA) has determined that this data no longer reflects the current potential flood risk for this stream;

WHEREAS, it has been determined that the installation of a new streamgage in Sycamore Creek, located at Holt Road near Holt, Michigan, is necessary to take measurements through the US Geological Survey (USGS) National Water Information System;

WHEREAS, the City of Lansing has entered into a Joint Funding Agreement with USGS for the purposes of installing a streamgage on Sycamore Creek, performing field and analytical work, and updating maps and reports based upon data collected between 2020 and 2025 (the "Project");

WHEREAS, this Project benefits the City of Lansing, the Board of Water and Light, Delhi Charter Township, and Ingham County (the "Parties");

WHEREAS, the Parties have entered into a subagreement to address cost-sharing of the Project;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves acceptance of the subagreement;

BE IT FINALLY RESOLVED, the Administration is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the subagreement.

DON'T FORGET • WE'VE GOT
THE PULSIFIEDS
 BACKPAGE CLASSIFIEDS
CityPULSE

Rates start at \$24 for 4 lines
 Submit your classified ad to
 Suzi Smith: 517-999-6704 or
 suzi@lansingcitypulse.com

Contract rates available, all rates net. Classified ads also appear online at no extra charge. Deadline for classifieds is 5 p.m. Monday for the upcoming Wednesday's issue.

CITY OF LANSING NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on Monday, November 8, 2021, at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 124 W. Michigan Avenue, Lansing, Michigan to consider the adoption of a form-based code (FBC) and zoning map to replace and repeal the existing zoning ordinance and map being Part 12, Title 6 of the City of Lansing Codified Ordinances, except for Chapter 1300 – Mariuana Operations. The FBC incorporates placemaking into a zoning ordinance to more effectively implement the recommendations of the Design Lansing Comprehensive Plan.

For more information, please call 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., on the day of the Public Hearing 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, Lansing City Clerk, MMC/MIPMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

CP#21-235

CITY OF LANSING NOTICE OF ELECTION FOR THE TUESDAY, NOVEMBER 2, 2021 ELECTION

To the qualified electors of the City of Lansing:

Please take notice that the City of Lansing will hold an Election on Tuesday, November 2, 2021.

For the purpose of electing candidates to the following offices:

City: Mayor, City Clerk, Council Member At Large (2), Council Member Ward 2, Council Member Ward 4

Voting Precincts and Polling Places are:

Lansing Ward 1

Pct. 1 – Gier Park Community Center
 Pct. 2 – Grand River Head Start
 Pct. 3 – Post Oak School
 Pct. 4 – Pattengill School
 Pct. 5 – Foster Community Center
 Pct. 6 – Pilgrim Congregational Church
 Pct. 7 – Pilgrim Congregational Church
 Pct. 8 – Bethlehem Temple Church
 Pct. 9 – Board of Water and Light
 Pct. 10 – South Washington Office Cplx.
 Pct. 45 – Foster Community Center

Lansing Ward 2

Pct. 11 – South Washington Office Cplx.
 Pct. 12 – Lyons School
 Pct. 13 – Cavanaugh School
 Pct. 14 – Gardner School

Lansing Ward 3

Pct. 22 – Southside Community Center
 Pct. 23 – Woodcreek School
 Pct. 24 – Attwood School
 Pct. 25 – Attwood School
 Pct. 26 – Southside Community Center
 Pct. 27 – Pleasant View School
 Pct. 28 – Dwight Rich School
 Pct. 29 – Tabernacle of David Church
 Pct. 30 – Tabernacle of David Church
 Pct. 31 – Dwight Rich School

Lansing Ward 4

Pct. 32 – Elmhurst School
 Pct. 33 – Lewton School
 Pct. 34 – South Washington Office Cplx.
 Pct. 35 – First Presbyterian Church
 Pct. 36 – Letts Community Center

#SHOWUPSPEAKUP
 YOUR DISTRICT. YOUR VOICE. YOUR FUTURE.

MICHIGAN
INDEPENDENT
CITIZENS
REDISTRICTING
COMMISSION
#DRAWFAIRMAPS

For more information, visit
www.michigan.gov/MICRC or 833-You-Draw

Public Hearing 1-3:30 p.m. and 5-8:00 p.m.

Thursday, October 21
 Lansing Center
 333 E Michigan Ave
 Lansing

For more information, please visit www.Michigan.gov/MICRC or call 1-833-You-Draw, that's 1-833-968-3729.

Public Notice

The Ingham County Land Bank is accepting Bids for a Development Opportunity on 10.56 acres in the Willow-Walnut-Comstock Park area. The Request for Proposal Packet is available October 20, 2021 at the Ingham County Land Bank, 3024 Turner Street, Lansing, Michigan, 48906; 8:00 am to 4:00 pm Monday through Friday or at www.inghamlandbank.org. Responses are due by 5pm on November 24, 2021. The Ingham County Land Bank is an Equal Employment Opportunity Employer. Women- and Minority-Owned Businesses are encouraged to apply.

CP#21-239

Anyone who qualifies as an elector may register to vote in person with proof of residency (MCL 168.492) at the following locations and times:

Location	Address	Regular Business Hours
Lansing City Clerk – City Hall	124 W. Michigan Ave. Lansing, MI 48933	Mon – Fri 8am – 5pm
Lansing City Clerk – Election Unit	2500 S Washington Ave. Lansing, MI 48910	Mon – Fri 8am – 5pm Wednesdays 8am – 7pm

Additional times outside of the above listed regular business hours are as follows:

Location	Address	Additional Hours
Lansing City Clerk – City Hall	124 W. Michigan Ave. Lansing, MI 48933	Election Day November 2 7am – 8pm
Lansing City Clerk – Election Unit	2500 S Washington Ave. Lansing, MI 48910	Saturday October 30 11am – 7pm Sunday October 31 11am – 4pm

AFFIDAVIT OF PUBLICATION

I, Lee Purdy, am a resident of Lansing, County of Ingham, State of Michigan, and do hereby certify, swear or affirm, that I am competent to give the following declaration based on my personal knowledge, unless otherwise stated, and that the following facts are true and correct to the best of my knowledge: That the attached advertisement - CP#21-235 – Notice of Public Hearing - Lansing City Clerk - appeared Wednesday, October 20, 2021, and that City Pulse satisfies the requirements of 1963 PA 247 MCL 691.1051.b

WITNESS my signature this 20th day of October 2021

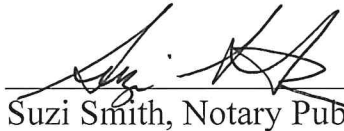


Signature of Declarer

State of Michigan
County of Ingham

This instrument was acknowledged before me on October 20, 2021

By Lee Purdy



Suzi Smith, Notary Public

My commission expires February 26, 2025

RESOLUTION #2021-199

**BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure at 4108 Deerfield Ave., Parcel # 33-01-01-31-251-141 legally described as LOT 118 Pleasant Subdivision, No. 1., City of Lansing to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the Code Compliance Officer red tagged the said structure on April 10, 2018 and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on March 25, April 22, May 27, and July 22, 2021, the Lansing Demolition Board held a meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Property Maintenance Code (Ord. 1460.01, et seq.), and ordered the property owner to make safe or demolish the structure by August 22, 2021; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Lansing Codified Ordinances require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that a show cause hearing for Monday, October 25, 2021 at 7:00 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 4108 Deerfield Avenue, as legally described above, to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Code Compliance Officer notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

RESOLUTION #2021-200

**BY THE COMMITTEE ON CITY OPERATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, Sunset Realty LLC sought to eliminate a special assessment of \$1,592 for trash and debris removal fees, associated penalties and interest, on the property tax bill for 705 Princeton Avenue (ID #33-01-01-08-481-162); and

WHEREAS, upon filing a claim to the Committee on City Operations, the Committee met on October 6, 2021, and denied the claim in the amount of \$1,592.

THEREFORE, BE IT RESOLVED, the City Council, hereby denies the claim in the amount of \$1,592 for trash and debris removal fees, associated penalties and interest on the property tax bill for 705 Princeton Avenue (Tax ID #33-01-01-08-481-162).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

RESOLUTION #2021-192

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Branch of the National Association for the Advancement of Colored People (NAACP) is celebrating its 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner, with a theme of “Passion Led Us Here... Our Passion. Our Call. Our Action” on Saturday, October 16, 2021; and

WHEREAS, in 1919, the Lansing branch of the NAACP was chartered under the leadership of Mr. C. A. Campbell who fought diligently to enforce civil rights laws for the community, and for over 100 years, the NAACP has led the movement on social rights and equality; and

WHEREAS, The *National Association for the Advancement of Colored People* (NAACP) works at the local, state, and national levels to ensure: political, educational, social and economic equality of all citizens and to eliminate and remove all barriers of racial discrimination; and

WHEREAS, the 2021 keynote speakers will be Attorney, Author, CNN contributing speaker and former South Carolina State Representative Bakari Sellers and Michigan Lt. Governor Garlin Gilchrist; and

WHEREAS, the NAACP 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner offers an opportunity for the community to come together in support of the NAACP Lansing Branch, and share in the celebration! The effort put forth through the Lansing Branch has made vast strides in integrating the Lansing community.

BE IT RESOLVED, the Lansing City Council, hereby, acknowledges the Lansing Branch of the National Association for the Advancement of Colored People on its 55th Annual Freedom Fund Celebration and 1st Virtual Event Dinner and expresses our admiration and gratitude to its members for their achievements and commitment to the City of Lansing and its residents. We applaud the NAACP Lansing Branch for many years of success and diligence in the fight for equality and anticipate many more to come.

RESOLUTION #2021-193

**BY THE COMMITTEE ON CITY OPERATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Mayor has made the appointment of Cordelia Black as an At Large member of the Human Relations and Community Services Board for a term to expire June 30, 2022; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on October 6, 2021, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Cordelia Black as an At Large member of the Human Relations and Community Services Board for a term to expire June 30, 2022.

RESOLUTION #2021-194

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the appointment of Andrew Abood as an At Large member of the Board of Police Commissioners for a term to expire June 30, 2025; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Public Safety met on October 7, 2021, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Andrew Abood as an At Large member of the Board of Police Commissioners for a term to expire June 30, 2025.

RESOLUTION #2021-195

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the appointment of Matthew (Dusty) Horwitt as an At Large member of the Board of Water and Light for a term to expire June 30, 2023; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee of the Whole met on October 11, 2021 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Matthew (Dusty) Horwitt as an At Large member of the Board of Water and Light for a term to expire June 30, 2023.

RESOLUTION #2021-201

**BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Code Compliance Officer has determined that the building located at 4511 S MLK JR BLVD, Parcel # 33-01-01-32-427-031 legally described as LOT 25 & N 12 FT LOT 26 & W 3 FT OF N 100 LOT 28 SONNENBERGS HALF ACRE SUB., City of Lansing is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on December 7, 2018; and

WHEREAS, a hearing was held by the Lansing Demolition Board on May 27, 2021, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by July 27, 2021; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public show cause hearing on Monday, September 20, 2021, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 4511 S Martin Luther King Jr. Blvd, as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 60 days from the date of this resolution, October 11, 2021.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within sixty (60) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

RESOLUTION #2021-202

**BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, deceased Retired Detective Ronald Seyka serviced on the Lansing Police Department's Special Tactics and Rescue Team (START) from 1996 through 2010; and

WHEREAS, Detective Seyka's position in the department included a volunteer assignment that required hours of additional training per month as well as call backs in the middle of the night; and

WHEREAS, Detective Seyka participated in the safe resolution of 107 high risk incidents; and

WHEREAS, on March 5, 2020, Detective Seyka lost his battle with cancer; and

WHEREAS, this year, for the second consecutive year, the family of deceased Detective Ronald Seyka, along with Mr. Chaz King, a family friend, hosted the Annual Ron Seyka Memorial Golf Outing in Mason, Michigan in honor of Detective Seyka; and

WHEREAS, last year, \$6,367.26 of the funds from the golf outing were donated to LPD's START Unit; and

WHEREAS, this year, Mr. King is donating \$10,614 to LPD's START Unit as a result of the June 18, 2021, Second Annual Ron Seyka Memorial Golf Outing; and

WHEREAS, the START Unit also received a donation of \$2,500 on July 16, 2021, from Modern Woodmen of America; and

WHEREAS, START intends to use the combined \$13,114 donation amounts to upgrade the Unit's movable ballistic shields from Level IIIA to Level III because Level III provides better protection for officers.

BE IT FINALLY BE RESOLVED, the Lansing City Council approves acceptance of the two donations to the START Unit totaling \$13,114.

RESOLUTION #2021-203

**BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Open Meetings Act (“OMA”) has been amended to allow for individual members of a public body to hold meetings virtually in certain circumstances; and

WHEREAS, pursuant to the amended OMA, a member of a public body may attend a public meeting virtually if he/she is not able to attend in person due to military duty, a medical condition, or a local or state declared state of emergency; and

WHEREAS, procedures are required under OMA to be established in order to accommodate a member who must attend a public meeting virtually; and

WHEREAS, resolution 2020-198 outlined the procedures for virtual meetings of a public body;

WHEREAS, this resolution is intended to supplement resolution 2020-198, and indicate specific procedures for a member’s in person absence due to a qualifying OMA exemption;

WHEREAS, these procedures shall apply to all City of Lansing boards and commissions that are considered “public bodies” pursuant to OMA; and

NOW, THEREFORE, BE IT RESOLVED that the following are the established procedures related to the hosting of virtual meetings and accommodating for the virtual presence of any member, in accordance with the Open Meetings Act, as amended:

- Until December 31, 2021 a member of a public body may attend a meeting virtually due to any of the qualifying reasons articulated in the OMA.
 - Members of the public body may attend a public meeting virtually only to accommodate their in-person absence due to military duty, a medical condition, or a declared local or statewide state of emergency or disaster. The local state of emergency or state of disaster exception only applies to permit the virtual attendance of a member of the public body who resides in the affected area or to permit the electronic meeting of a public body that usually holds its meetings in the affected area.
- Virtual meetings shall take place via telephonic conferencing or video conferencing system which enables two-way communication between the public body, and members of the public
 - Notice of a public meeting held virtually, or notice that an individual member is attending virtually, shall be provided on the City of Lansing’s weekly meeting schedule, and the meeting’s agenda, which is posted online in accordance with the OMA provisions
 - This notice shall be posted at least 18 hours prior to meeting.

- Notice shall include information describing how to access the meeting, the reason for the meeting to be held virtually, instructions on how to participate, and information regarding how persons with disabilities may participate in the meeting
- If a member will be attending the public meeting virtually, then the meeting notice shall indicate such, and provide contact information of that member so that the public may ask questions or provide input prior to the scheduled meeting
- For members of the public body who are attending a public meeting virtually due to military duty:
 - The member must notify the chair and the individual preparing the meeting agenda, as soon as possible, but no later than 24 hours before the meeting, to inform him/her of the need for virtual attendance due to offsite military duty
 - Once the chair acknowledges receipt of the request to attend the public meeting virtually, then the agenda shall be updated and posted to indicate that the member is attending virtually due to military duty
 - There is no obligation for a member attending a meeting virtually due to military duty to announce his/her location at the outset of the meeting.
- For members of the public body who are attending a public meeting virtually due to a medical condition:
 - Pursuant to the OMA, medical condition is defined as an “illness, injury, disability, or other health-related condition.”
 - If a member of the public body has a medical condition that precludes in person attendance, such that attending the meeting in person could either exacerbate the member’s medical condition or expose other members to a contagious medical condition, then the member may request to attend virtually
 - Requests for a medical condition exemption shall be made in writing by the member to the chair of board/commission and the individual preparing the meeting agenda no later than 24 hours prior to the meeting.
 - Written requests to attend the meeting virtually due to a medical condition must be accompanied by a medical provider’s attestation that a documented medical necessity exists such that the member may not attend the meeting in person
 - If permission is granted by the chair, then the member may attend the meeting virtually
 - Once permission has been granted for a member to attend virtually, then the agenda shall be updated and posted to indicate that the member is attending virtually due to a medical condition
 - At the outset of the meeting, the member must state their location by disclosing the city and state he/she is attending the meeting from
- For members of the public body who are attending a public meeting virtually due to a local or statewide state of emergency, he/she must announce at the outset of the meeting their virtual presence, and their physical location by stating the City and State from which he/she is attending

- The stated location for the member(s) attending virtually must be included in the meeting minutes
 - If the entire public body is participating in the meeting virtually, the reason for the virtual meeting must be provided at the outset of the meeting, and be included in the meeting minutes.
- If any member of the public body is attending the public meeting virtually, then all votes shall be taken via roll call. This provision suspends Council Rule 36.
- Pursuant to OMA, these procedures shall expire on December 31, 2021, unless otherwise extended by the State Legislature.

INTRODUCTION OF ORDINANCE

An Ordinance of the City of Lansing, Michigan, to repeal and replace the existing Zoning Ordinance and map, being Part 12, Title 6 of the Lansing Codified Ordinances in its entirety, except for Chapter 1300 – Marihuana Operations, with a form based code and zoning map.

The Ordinance was introduced by the Committee of the Whole, read a first time by its title and referred to the Committee of the Whole.

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL AND REPLACE THE EXISTING ZONING ORDINANCE AND MAP, BEING PART 12, TITLE 6 OF THE LANSING CODIFIED ORDINANCES IN ITS ENTIRETY, EXCEPT FOR CHAPTER 1300 – MARIHUANA OPERATIONS, WITH A FORM BASED CODE AND ZONING MAP.

THE CITY OF LANSING ORDAINS:

Section 1 That Part 12, Title 6 of the Lansing Codified Ordinances, except for Chapter 1300 – Marihuana Operations, is hereby repealed and replaced as follows:

CHAPTER 1240 PURPOSE AND DEFINITIONS**1240.01 SHORT TITLE**

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

1240.02 ENABLING AUTHORITY

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

1240.02.01 APPLICABILITY

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

1240.03 PURPOSE

The purpose and intent of this Zoning Ordinance is to:

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

1240.04 DEFINITIONS

1240.04.01 CONSTRUCTION OF LANGUAGE

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

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

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

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

1240.04.02 DEFINITIONS

As used in this Zoning Ordinance, unless otherwise provided:

ACCESSORY BUILDING OR STRUCTURE. A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use.

ACCESSORY USE. A use which meets all of the following criteria:

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

ADJACENT RESIDENTIAL DISTRICT. The residential district to which the majority of the subject site is contiguous, abutting or located directly across a public right-of-way.

ADULT CARE FACILITIES:

- a) Adult Care Facilities, State-Licensed: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Human Services, providing foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- b) Adult Day-Care Facility: A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hour period.
- c) Adult Foster Care Family Home: A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. This may include adult day care for six (6) or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- d) Adult Foster Care Large Group Home: A private home with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, for compensation, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. This may include adult day care for twenty (20) or fewer adults.
- e) Adult Foster Care Small Group Home: A private home with the approved capacity to receive more than six (6) but not more than twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. This may include adult day care for twelve (12) or fewer adults.
- f) Adult Congregate Care Facility: A private home with the approved capacity to receive more than twenty (20) adults for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- g) Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

ADULT USES. See definitions related to Adult Uses in Chapter 1250.

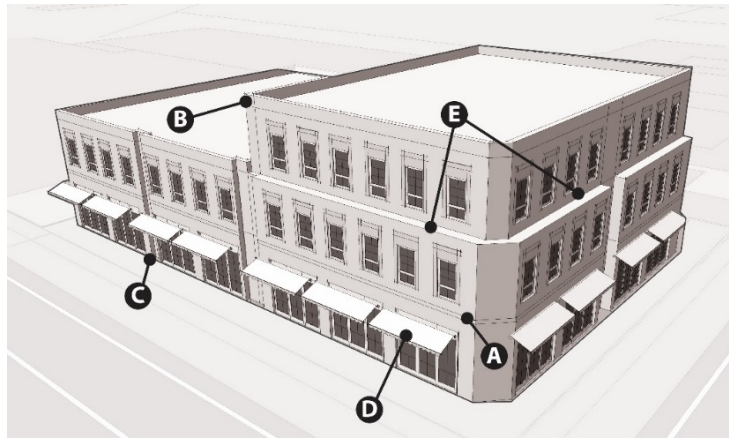
ALLEY. Any dedicated public right-of-way affording a secondary means of access to abutting property.

ANIMAL HOSPITAL. A structure or lot where animals are given medical or surgical care or treatment.

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

ARCHITECTURAL ELEMENTS: Physical features that relate to building architecture and character such as, but not limited to: [a] belt courses, [b] cornices/moldings, [c] columns or recesses, [d] awnings/canopies, and [e] step-backs; as depicted below.

[FIGURE 1]



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

BAR. See “RESTAURANT: BAR/LOUNGE/TAVERN”

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

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

BEDROOM. A room within a dwelling unit that meets the following criteria:

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

BERM. An earthen mound designed to separate one area from another.

BLOCK FACE. The cumulative property on one side of a street exhibiting one of the following characteristics:

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

BOUNDARY LINE. The dividing line between zoning districts and / or subdivisions.

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

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

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

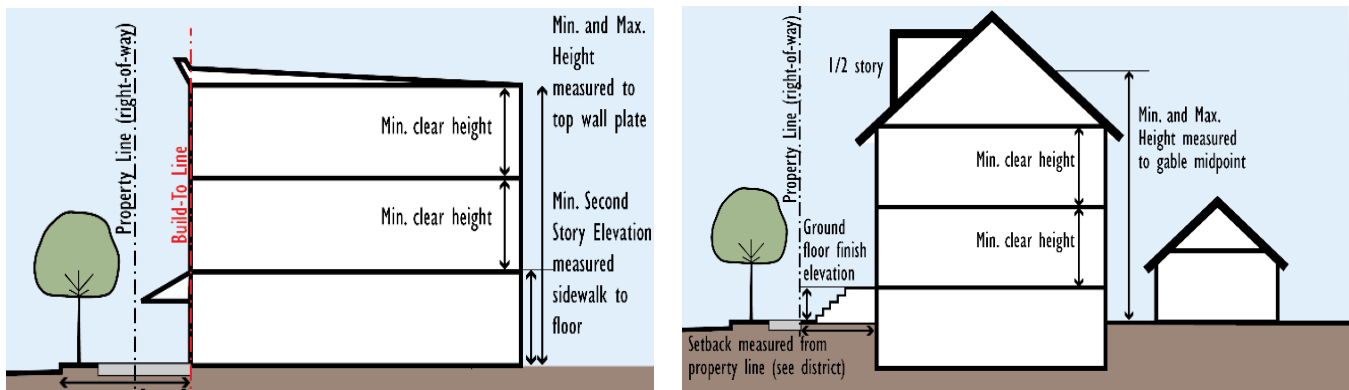
BUILDING CODE. The Stille-Derossett-Hale- Single State Construction Code Act, Act 230 Of 1972, known as the Michigan Building Code, with amendments, adopted by reference as part of these Codified Ordinances.

BUILDING FRONTAGE. The percentage of the building façade that adjoins the front setback or build-to line.

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

BUILD-TO LINE. The building line to which a building must be constructed as measured from the property line. When a front parking lot is present on site, the build-to line is measured from the rear edge of the parking lot including the sidewalk used to access the building. Similar to setback, a build-to line runs parallel to the right-of-way and is established to create a generally consistent building line along a street. The build-to line designates the specific location or range within which the front building line must be located.

[FIGURE 2]



BUSINESS. 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. An ornamental or roof-like structure which is fastened to a structure and used for protection.

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

CHILD CARE/RESIDENTIAL CARE FACILITIES:

- a) **Child Care Facility:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
- b) **Child Care Centers, Nursery Schools, and Day Nurseries:** A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care

center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

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

CHURCH. See "PLACES OF ASSEMBLY."

CLEAR HEIGHT. Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery. A clinic includes, but is not limited to, a medical/drug testing facility and blood/plasma donation centers.

COMPREHENSIVE PLAN. A master plan described by Public Act 33 of 2008, as amended.

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

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

home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and the installation of utilities is completed.

CONTIGUOUS. Abutting.

CUMULATIVE. Increasing or enlarging by successive addition through all points in time.

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

DEPARTMENT. The Department of Economic Development and Planning, or its successor.

DETERIORATED. An item which still functions as it was intended, but is missing parts or requires substantial maintenance.

DEVELOPMENT AGREEMENT. A contract between a local jurisdiction and a property owner within the jurisdiction detailing a development plan for the property.

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

DRIVEWAY. That space specifically designated and used for the movement of motor vehicles, trailers, and watercraft to or from a lot.

DUPLEX. See "DWELLING, TWO-FAMILY".

DWELLING, MULTIPLE. A structure or portion of a structure which contains three or more dwelling units, including fraternities and sororities.

DWELLING, ONE-FAMILY. A structure designed and/or used exclusively for residential purposes for one family only and containing one dwelling unit.

DWELLING, TWO-FAMILY. An attached or semidetached structure used for residential occupancy by two families living independently of each other. Such dwelling is also known as a "duplex dwelling."

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

DWELLING UNIT, EFFICIENCY. A dwelling unit of not more than one room in addition to a kitchen and bathroom.

ELEVATION, SECONDARY. The building elevation built along the build-to line on the Secondary Frontage.

EMERGENCY SERVICES FACILITY. Includes, but is not limited to, public or private civil defense, ambulance or fire service.

EXCAVATION. Any breaking of ground, except for agricultural purposes, ground care and landscaping.

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

FACADE, PRIMARY. The building elevation built along the build-to line on the Primary Frontage.

FAIR MARKET VALUE. An estimate of the actual worth of a lot, structure or combination thereof, which estimate is made by a licensed real estate broker or assessor experienced and qualified in the appraisal of real estate using appropriate appraisal techniques, as determined by the City Assessor.

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

1. An individual;
2. An individual or two or more persons related by blood, marriage or adoption, together with not more than two other persons as roomers; or
3. Two or more persons related by blood, marriage, or adoption, with not more than two of the unrelated persons as roomers.
4. "FAMILY, FUNCTIONAL" means a group of persons, but not more than three (3) adults, which group does not meet the definition of "family" above hereof, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

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

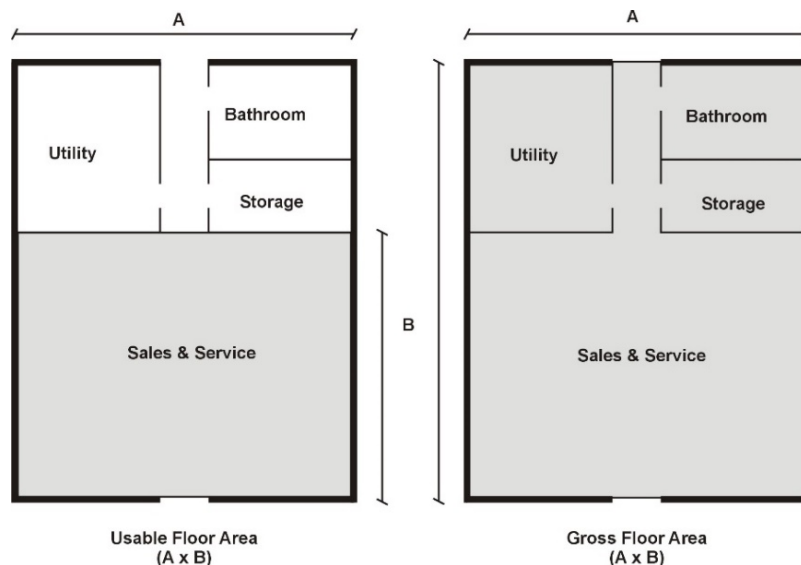
FENESTRATION. Openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than one (1) inch are considered part of the opening.

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

FLOOR AREA. The sum of the horizontal areas of each story of a structure measured from the exterior faces of the exterior walls.

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

[FIGURE 3]

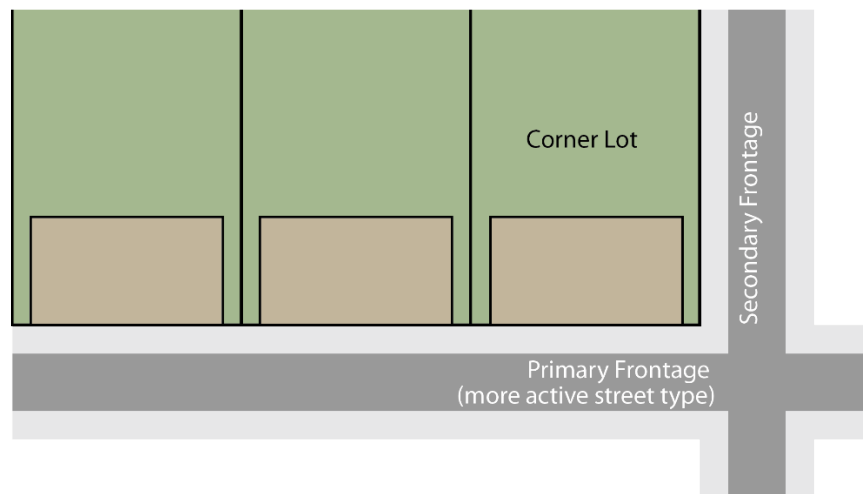


FOOTCANDLE. A unit of luminance amounting to one lumen per square foot.

- 1 FRONTAGE. The front part of a property that faces the street, as measured in linear feet.
- 2 FRONTAGE, PRIMARY. The primary frontage applies to parcels that front on more than one street. The
- 3 primary frontage shall be considered the property line that abuts the street that either:
- 4 1. Is envisioned to be the most pedestrian-oriented, according to the Street Typologies described in
 - 5 the Comprehensive Plan and defined in this ordinance (see "STREET TYPES"). In these cases the
 - 6 primary frontage should be considered the more active street type per the list in 1242.03.
 - 7 2. Or, in the case where the above is not clear or where both streets are the same type, the applicant
 - 8 may decide which frontage is the primary.

FRONTAGE, SECONDARY. Applies to parcels that front on more than one street. The secondary property lines are those which are not the Primary Frontage (see "FRONTAGE, PRIMARY").

[FIGURE 4]



FRONTAGE TYPES. The design for the front facade of a building type, as described below:

- a) Porch: A porch is a frontage type applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building. An "enclosed porch" is surrounded on all sides by glass, screen, wood, brick, plastic, or other materials permitted by the Building Code. An "open porch" is one that is not enclosed.
- b) Stoop: A stoop is a small elevated landing space above the sidewalk level which provides entry into the building. Stoops may be covered or uncovered and may project beyond the building setback line towards the right-of-way.
- c) Storefront: A frontage type appropriate for the ground floor of commercial / retail buildings. Storefronts provide large windows with transparent views into the building interior. Awnings may be incorporated into the frontage design, projecting beyond the building setback line.
- d) Permanent Outdoor Seating: an area that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on the premises but outside of the building in which it is prepared. Examples of defined areas include but are not limited to, a deck, patio, mall, garden, or balcony.

FUNERAL HOME. A structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE. An accessory structure for the storage of motor vehicles.

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

GARAGE, PUBLIC. Any garage other than a private garage.

GARDEN. The growing of plants for human consumption, including berries, herbs, vegetables, seeds, or other similar products incorporated into, and used as food and flowers, but not including plants grown for commercial sale or purposes. Gardens that are accessory to a primary permitted use are allowed by right in all residential districts. Gardens that are the primary use of a lot are permitted in all residential districts,

1 subject to compliance with all applicable standards of the Lansing zoning ordinances and sign ordinance,
2 including, but not limited to setback, building height, placement and lot coverage, landscape, screening and
3 buffering and sign restrictions; and also subject to all other applicable state laws and city ordinances,
4 including, but not limited to noise and other nuisances as defined by city ordinance, except that vegetation
5 as described in a defined garden may exceed eight inches (8") in height.

6 GARDEN STRUCTURE. A structure used for the purpose of enclosing a garden, including the incidental use
7 and storage of gardening implements, machinery, equipment and appurtenances used in the onsite
8 gardening activities. Garden structures are permitted in all residential districts, subject to compliance with
9 setback, lot coverage, building height and all other applicable requirements of the zoning ordinance and
10 building codes.

11 GARDENING. The growing of a garden or the act of working in a garden.

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

15 GOVERNMENTAL ENTITY. The Federal Government, this State or any of its instrumentalities; a county, city,
16 township, village, school district, community college district or community hospital district; any agency
17 authorized to exercise a governmental function in a limited geographical area or other political subdivision;
18 any instrumentality of one or more of such units; or any of such units and one or more other States or
19 political subdivision of such States.

20 GRADE. The lowest point of elevation within the area between the exterior surface of the structure and the
21 property line. If the property line is more than five feet from the exterior surface of the structure, "grade"
22 means the lowest point of elevation between the exterior surface of the structure and a line five feet from
23 the exterior surface of the structure.

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

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

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

40 HOME OCCUPATION. A business conducted in a dwelling unit by a person with legal or equitable interest in
41 the dwelling unit.

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

1 HORIZONTAL MIXED-USE. See "MIXED-USE, HORIZONTAL".

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

7 INCENTIVE. Regulatory flexibility, reductions, or rewards that may be granted to a development or project
8 that provides certain Recognized Benefits or elements that go beyond the minimum requirements. The
9 level of Incentive granted is relative to the extent of the Recognized Benefit provided.

10 INTEGRATED PARKING. A feature of a building that utilizes a portion of the ground level for vehicle storage
11 and parking.

12 INTENSITY OF USE. The amount of activity associated with a specific use. Intensity of use shall be
13 determined by the Economic Development and Planning Department based on the following criteria:

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

21 JUNK. Any of the following products which are stored in the open and which are damaged or deteriorated
22 or are in such a condition that the product cannot be used for the purpose for which it was manufactured:

- 23 1. Machinery;
- 24 2. Appliances;
- 25 3. Merchandise with missing parts;
- 26 4. Scrap metal; and
- 27 5. Scrap materials, including, but not limited to, rags, paper or building materials.

28 JUNK VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not
29 limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own
30 power.

31 JUNKYARD. A lot used to store or process junk and junk vehicles.

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

34 LOADING SPACE OR AREA. An off-street space on the same lot with a structure or group of structures for
35 the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and
36 having direct and unobstructed access to a public street or alley. "Unobstructed" does not preclude the use
37 of security devices.

38 LODGING FACILITY. Building(s) or part of a building, where by prearrangement transient or extended-stay
39 guests are provided a sleeping room and a bathroom in return for payment. A lodging facility has staff on-
40 site or on-call 24 hours a day and may include but is not limited to, a boarding or rooming house, hotel,
41 motel or motor lodge, or hostel.

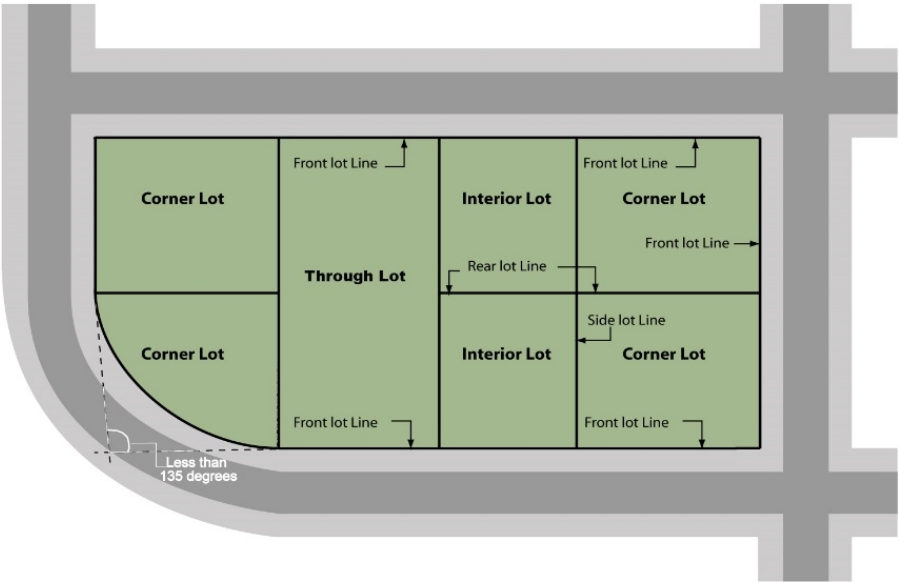
42 LOT. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by a
43 principal structure or use and any accessory structure or by any other use or activity permitted on the

parcel of land. Lot includes the open spaces and yards required under this Zoning Code and has its frontage on a public street or road either dedicated to the public or designated on a recorded subdivision plat.

Corner, interior and through lots are described as follows:

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

[FIGURE 5]



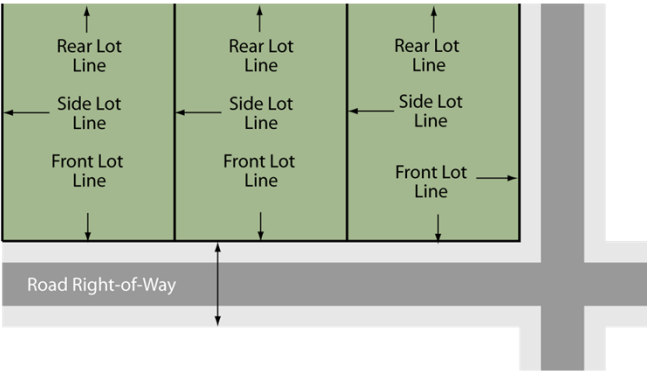
LOT AREA. Means the total horizontal area within the lot lines of the lot.

LOT COVERAGE. The part or percentage of lot area, not including right-of-way, occupied by buildings, structures and hard-surfaced parking areas.

LOT DEPTH. The horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

LOT LINE. Any of the lines bounding a lot.

[FIGURE 6]



LOT LINE, FRONT. The line separating a lot from the right-of-way line of a street.

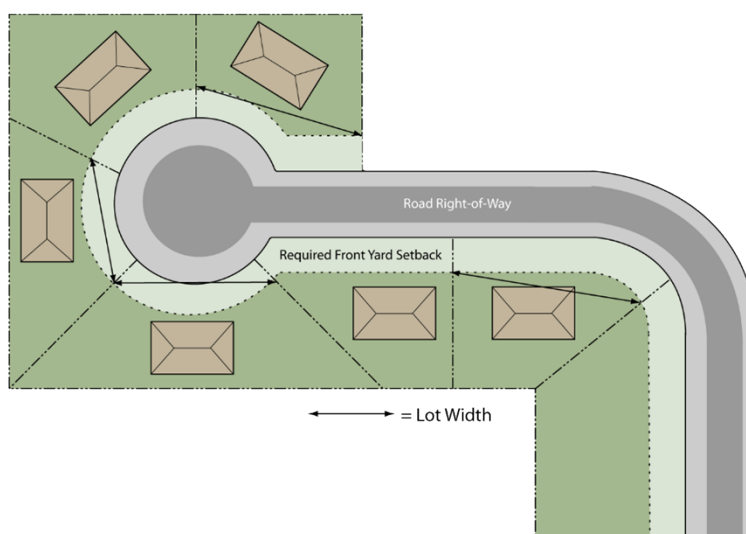
LOT LINE, REAR. A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall be only one rear lot line. In the case of a lot converging toward the rear, the rear lot line shall be an imaginary line parallel to the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

LOT LINE, SIDE. Any lot line not a front lot line or a rear lot line.

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

LOT WIDTH. The horizontal distance from one side lot line to the opposite side lot line, beginning and ending where the side lot lines meet the required setback from the Front Lot Line.

[FIGURE 7]



LOW IMPACT DEVELOPMENT. Land development that uses nature, through preserving or recreating natural landscape features and minimizing effective imperviousness, to reduce, reuse and/or manage stormwater thereby protecting water quality.

MAINTENANCE OF STRUCTURE. To keep up, to keep from change, to preserve, to hold or keep in any particular state or condition or to support what has already been brought into existence.

MID-RISE AND HIGH-RISE. A mid-rise or high-rise building is a medium-to large-size structure that can incorporate a mixture of uses and may often have integrated parking. Mid-rise buildings are typically 4-8 floors in height, and high-rise buildings are nine (9) or more floors in height.

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

- a) MIXED-USE, HORIZONTAL. Horizontal mixed-use refers to development patterns where uses within a development site or along a block are mixed along the extent of the building and/or development. Horizontal mixed-use can be combined with vertical mixed-use.
- b) MIXED-USE, VERTICAL. Vertical mixed-use refers to development patterns where uses within a building are mixed, often with retail or active commercial uses on the ground and lower floors, and office or residential uses on the upper floors.

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

4 MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three (3) or more
5 mobile homes are located on a continual, non-recreational basis and which is offered to the public for that
6 purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure,
7 street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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

11 MOTOR VEHICLE. Motor vehicle means any self-propelled vehicle, whether operable or not, and includes,
12 but is not limited to, an automobile, bus, truck, pickup truck, truck tractor, van, wrecker or construction
13 equipment such as loaders/backhoes, bulldozers, rollers and forklifts.

14 MOTOR VEHICLE REPAIR STATION. A use where minor repairs (as defined in "Motor Vehicle Service
15 Station") are performed and any of the following major repairs are performed: bumping, vehicle painting,
16 replacement of body parts and collision service, engine repair, engine rebuilding or replacement,
17 replacement of transmission or internal transmission parts, and rebuilding or reconditioning of motor
18 vehicles.

19 MOTOR VEHICLE SERVICE STATION. A use for supplying gasoline, oil and minor accessories at retail
20 directly to the customer and which performs minor repairs. "Minor repairs" means: engine tune up,
21 alternator or generator replacement, battery replacement, fan belt replacement, radiator hose replacement,
22 radiator repair or replacement, tire and strut repair or replacement, wheel balancing, oil change,
23 windshield repair or replacement, brake repair or replacement, muffler and exhaust system replacement,
24 front end alignment, and automobile washing and detailing.

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

28 NONRESIDENTIAL USE. Any use not a residential use.

29 NURSERY. Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

30 NURSING HOME. See "ADULT CARE FACILITIES."

31 OCCUPANT. A person who takes or enters upon possession of all or part of a building, parcel, or lot.

32 OFF-STREET PARKING FACILITY. An off-street parking surface lot or an off-street parking structure.

33 OFF-STREET PARKING STRUCTURE. A structure which provides for vehicular parking spaces, along with
34 drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of two or
35 more vehicles.

36 OFF-STREET PARKING SURFACE LOT. The use of an area for vehicular parking spaces, along with drives
37 and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two
38 vehicles on the surface of a lot.

39 OFFICE. A structure in which a person transacts his or her business or carries on his or her stated
40 occupation.

41 OPEN SPACE. The ground area, and the space above such ground area, which is unimpeded from the
42 ground to the sky by any structure, except that the area may be used for landscaping, gardening or

recreational purposes such as swimming, shuffleboard, tennis or similar uses. Parking lots and storage areas for vehicles and material shall not be considered as open space.

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

OUTDOOR PLAY SPACE. The outside area on a lot reserved at a day care or group day care home for outside exercise, large motor skill development and play space of children.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, junk vehicles, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

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

PARCEL. A tract of land officially described and registered under one ownership.

PARKING SPACE. An area of defined length and width for the parking of motor vehicles. Such area shall be exclusive of drives, aisles or entrances giving access thereto.

PEAK HOUR PARKING DEMAND. The number of parking spaces required during the highest intensity of use.

PERIMETER LINE OR BOUNDARY LINE. The exterior limits of a lot.

PERSONAL SERVICE ESTABLISHMENT. Any premises or business in which collaborative creative workspace or services for persons are performed, including but not limited to 'MAKERSPACE', shoe repair, tailoring, beauty parlors, nail salons, tanning salons, barbershops.

PLACES OF ASSEMBLY. Any structure wherein persons regularly gather for entertainment, social, educational or recreational activities, or political purposes including, but not limited to, theaters, fraternal organizations, community centers, and trade union halls.

PLACES OF WORSHIP. Any structure wherein persons regularly gather for religious activity including but not limited to churches, synagogues, mosques, and temples, and the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, and church halls.

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

PLOT PLAN. A diagram depicting the existing and proposed structures, lot lines, setbacks, parking areas and the location of any known wells.

PORCH. See "FRONTAGE TYPE".

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

PRIMARY FACADE. See "FACADE, PRIMARY".

1 PRIMARY FRONTAGE. See “FRONTAGE, PRIMARY”.

2 PRINCIPAL USE. The primary, major, main, leading, outstanding or chief use which a lot serves or is
3 intended to serve.

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

6 PRODUCTION FACILITIES. Facilities for the production of consumer goods such as food, beverages, art,
7 clothing, textiles, etc. and have a minimum of 20% floor area dedicated to retail sales.

8 PUBLIC UTILITY. Electric light and power companies, whether private, public, corporate or cooperative;
9 gas companies; water, telephone, telegraph, oil, gas and pipeline companies; motor carriers; and all public
10 transportation and communication agencies other than railroads and railroad companies.

11 REAL PROPERTY is a lot, plot or parcel of land recorded and located in the City of Lansing.

12 RECOGNIZED BENEFIT. The provision of certain elements or improvements that are desired by the City, as
13 either expressed in the Comprehensive Plan or as stated in the zoning ordinance, or that go beyond the
14 minimum requirements.

15 RECONSTRUCTION. The act of rebuilding a structure to meet the standards of the Building Code or Housing
16 Code.

17 RECREATIONAL EQUIPMENT. A watercraft, vehicle, or other conveyance designed to be used primarily off
18 of public streets and roads, and not regulated by the Michigan Vehicle Code, including by way of example,
19 but not limited to: snowmobiles; boats and boat trailers; jet skis, floats and rafts, including transportation
20 equipment.

21 RECREATIONAL FACILITY. A structure or open space which provides activities, including, but not limited
22 to, swimming, racquet sports, exercise and fitness rooms or areas, and gymnasiums.

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

28 REPAIR. To restore to a sound or good state after decay, injury, dilapidation or partial destruction.

29 RESIDENTIAL USE. A use all or part of a lot, parcel, or building as a single-family, two-family or multifamily
30 residence, or residential child care facility, and accessory uses thereto.

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

- 34 a) Restaurants with Outdoor Seating. A use that involves the sale or delivery of any prepared food or
35 beverage for consumption in a defined area on premises but outside of the building in which it is
36 prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or
37 sidewalk.
- 38 b) Carry-Out Restaurant. A use that involves the sale of food, beverages, and/or desserts in disposable
39 or edible containers or wrappers in a ready-to-consume state for consumption mainly off the
40 premises. A carry out restaurant differs from a drive through restaurant in that a customer must
41 park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to
42 a customer in a parked car.

- c) Drive-In Restaurant. A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle while parked on the premise.
- d) Drive-Through Restaurant. A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.
- e) Standard Restaurant. A standard restaurant is a use that involves either of the following:
 - (1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - (2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
- f) Bar/Lounge/Tavern. A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

RESTORATION. To put back into original or historic condition.

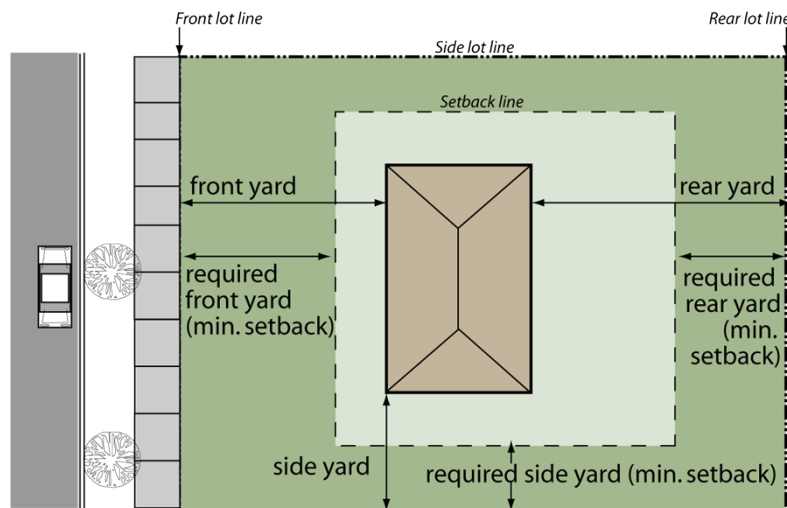
RESUMPTION. To begin the use of a nonconformity after it has been previously discontinued from use.

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

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

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

[FIGURE 8]



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

SHELTERED CARE FACILITY. A governmental or nongovernmental establishment having as its principal function the provision of supervision, personal care, and protection for more than six (6) adults, in addition to room and board, for up to 24 hours a day, five or more days a week and for two or more consecutive weeks, with or without compensation. "Sheltered Care Facility" includes, but is not limited to, emergency

shelters, facilities for persons who are homeless, parolees, ex-offenders, aged, or developmentally or physically disabled, who may require supervision on an on-going basis but do not require continuous nursing care. A Sheltered Care Facility does not include any of the following:

- a) A nursing home licensed under article 17 of public act 368 of 1978, as amended, being m.c.l.a. 333.20101 to 333.22181;
- b) A hospital licensed under article 17 of public act 368; or
- c) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under public act 258 of 1974, as amended, being m.c.l.a. 330.1001 to 330.2106.

SHOPPING CENTER. A grouping of two (2) or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

SITE PLAN. A plan that conforms to the requirements contained in Chapter 1260.

STABLE. A structure used to keep horses for commercial purposes.

STOOP. See "FRONTAGE TYPES".

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

STOREFRONT. See "FRONTAGE TYPES".

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

STREET, PRIVATE. A street which is not public.

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

- a) Expressway: Restricted access divided Interstate and U.S. highways for motor vehicle use only that are typically under the jurisdiction of the State of Michigan or the Federal Highway Administration.
- b) Non-Local Streets:
 - 1) Activity Corridor: An arterial or major street that traverses an area that typically is designed to promote a multi-modal balance between vehicle, pedestrian and bicycle travel. Such streets may have more frequent traffic signals, a higher level of service of public transit, on-street parking, and more abundant locations for pedestrian crossings to encourage activity along the sidewalks.
 - 2) Prime Connector: Major collector streets that link higher class streets with local streets. Prime Connector typically traverse residential districts and are designed for moderate traffic speeds and volumes, often with special design features to bicyclists.
 - 3) Suburban Corridor: A class of arterial or Major Streets that are similar in traffic function as Arterial Corridors, but typically are lined with more suburban style auto-oriented development with lower density and deeper setbacks.
 - 4) Arterial Corridor: Major Streets that, compared to most other types of streets, are designed accommodate higher volumes of vehicle traffic and often are "cross town" routes that are, or

may connect with, state trunklines or roads in adjacent communities. May also be referred to as Principal or Major Arterials.

5) Neighborhood Connector: Minor residential collector streets that link local streets with higher classes of streets. Neighborhood Connectors are designed for lower traffic volumes and speeds to complement the character of the neighborhoods served. Dedicated bike facilities may be provided.

c) Local Street: Lowest traffic streets providing access to residents. Lanes are typically unmarked with on-street parking and stop-controlled intersections.

STRUCTURAL ALTERATION. 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. 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. A structure having a replacement cost of not more than \$5,000.00.

STRUCTURE, TEMPORARY. 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. To put in place of another.

TAVERN. See "RESTAURANT: BAR/TAVERN"

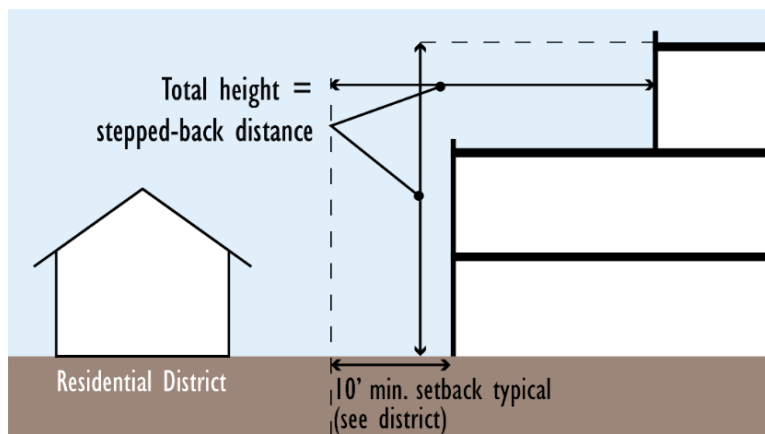
TEMPORARY USE. Any use that is not permitted as a principal use, accessory use or a conditional use in a zoning district, and which is limited in its duration.

TOWNHOUSE. A group of dwellings having party walls with each other and located side by side.

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

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

[FIGURE 9]



USE.

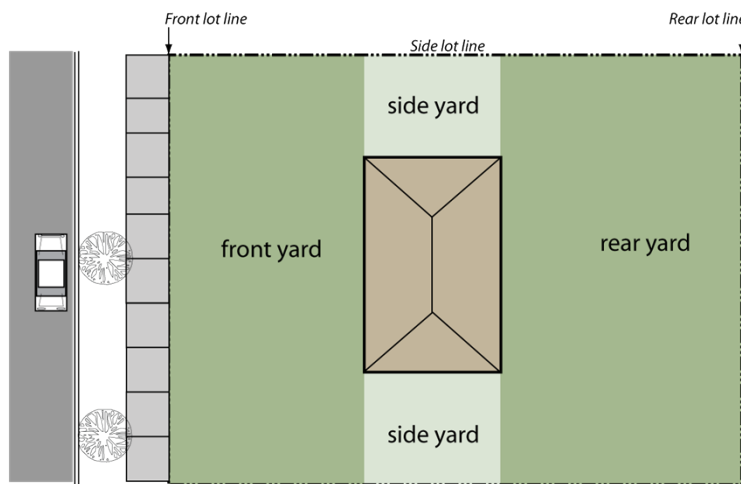
- a) Any purpose for which a structure or lot may be designed, arranged, intended, maintained or occupied; or
- b) Any activity, occupation, business or operation carried on in a structure or on a lot.

1 VERTICAL MIXED-USE. See "MIXED-USE, VERTICAL".

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

- 4 a) "Front yard" means a yard extending across the full width of a lot between the front lot line of the
5 structure containing the principal use and the front lot line.
6 b) "Rear yard" means a yard extending the full width of a lot between the rearmost structure
7 containing the principal use and the rear lot line, the depth of which is the least distance between
8 the rear lot line and the rear of the structure containing the principal use.
9 c) "Side yard" means a space within a lot between a side lot line and a structure containing the
10 principal use or an attached accessory structure, whichever is closer to the side lot line. A side yard
11 extends on each side of a lot from the front line of the structure to the rear line of the structure.

12 [FIGURE 10]



13
14 ZONING VARIANCE. A modification of the strict letter of this Zoning Code granted by the Board of Zoning
15 Appeals when, by reason of exceptional conditions, the strict application of this Zoning Code results in
16 peculiar, exceptional or practical difficulties or unnecessary hardship to the owner of the lot.

CHAPTER 1242 DISTRICTS GENERALLY AND ZONING MAP**1242.01 ESTABLISHMENT OF DISTRICTS**

The City is hereby divided into the following zoned districts:

a) Commercial/Mixed-Use Zones

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

b) Residential Zones

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

c) Special District Zones

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

1242.02 OFFICIAL ZONING MAP

- a) The boundaries of the districts described in Section 1242.01 are established as shown upon the official Zoning Map of the City, which Map is incorporated by reference and made a part of this Zoning Code as if fully set out herein.
- b) The official Zoning Map shall be kept on file in the office of the Planning Office.
- c) Whenever a district boundary is amended pursuant to Chapter 1276, the Planning Office shall, within thirty (30) days, make the correlative change in the official Zoning Map so as to reflect the change of the district boundary.

- d) If a territory is annexed to the City, or comes under City jurisdiction for zoning purposes under 1984 PA 425, a map of the annexed or 1984 PA 425 territory shall be prepared by the Planning Office and shall be included as part of the official Zoning Map
- e) If a street, alley or public way is vacated, it shall take the zoning of the land to which it is attached, pursuant to Section 227a of Public Act 288 of 1967, as amended, being M.C.L.A. 560.227a.
- f) A conformed copy of the official Zoning Map shall be made available by the Planning Office to a person requesting a copy, if the person pays a fee set by Council, which fee covers costs involved in preparing the copy.

1242.03 STREET TYPOLOGIES

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

a) Non-Local Streets:

- 1) Activity Corridor
- 2) Prime Connector
- 3) Suburban Corridor
- 4) Arterial Corridor
- 5) Neighborhood Connector

b) Local Street

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

1242.04 INTERPRETATION OF DISTRICT BOUNDARIES

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

- a) Centerline or Right-of-way of Streets. Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b) Parallel to Streets. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or rail rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map. The Official Zoning Map maintained by the City shall be used to determine such dimensions in the case of any multiple interpretations.
- c) Lot Lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- d) Waterways. Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at the center line of such feature, or terminated at the limit of the adjacent jurisdiction unless otherwise indicated.
- e) Subdivisions. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.

- 1 f) Determination. The Board of Zoning Appeals shall make a determination, upon written application
- 2 or upon its own motion, in those situations where un-zoned property may exist, or where, due to
- 3 the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction or
- 4 conflict as to the intended location of any district boundaries shown thereon or interpretation
- 5 concerning the exact location of district boundary lines.

CHAPTER 1243 COMMERCIAL MIXED-USE DISTRICTS**1243.01 APPLICABILITY**

- a) The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in CHAPTER 1246 – ARCHITECTURAL STANDARDS and other applicable chapters of this zoning ordinance. If there is a conflict between any standards, the stricter standards shall apply.
- b) Exempt Expansions. Changes of use to another permitted use or to increase parking to meet the minimum number of spaces required, building maintenance or façade changes that do not alter the building footprint or require site improvements, shall be permitted according to CHAPTER 1260 – SITE PLAN REVIEW, provided that standards of other applicable city codes and ordinances are met.

1243.02 ADMINISTRATION

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

(1) Incentives → See above for details		A	B	C
(2) Recognized Benefit See below for details ↓		DIMENSIONAL FLEXIBILITY	BUILDING HEIGHT	REDUCED PARKING
A	Open Space	X		
B	Low-Impact Development	X		
C	Mixed-Use			X
D	Green Building	X	X	
E	Additional Landscape Elements	X		
F	Pedestrian Amenities	X		X
G	Shared Access			X
H	Shared Parking			X

[FIGURE 11]

- 1 2) Recognized Benefits. Additional building height or flexibility may be granted during the
2 project review when one or more of the following recognized benefits are provided:
- 3 (a) Open Space. Inclusion of 5% open space above what may be required for the
4 building type. Open space must meet the following standards to be counted toward
5 the minimum requirement:
- 6 (1) Open space may be public or private but must be accessible to the public
7 along with employees or residents or visitors.
- 8 (2) Dimensions, grading and design of the open space shall provide useable area
9 for seating, gathering, recreation or other activities.
- 10 (3) Required open space shall not include wetlands, required setbacks, required
11 landscape areas, water bodies, easements for private roads or overhead
12 utilities, stormwater control facilities as required by Chapter 1219,
13 floodplain area or public right-of-way, provided that where additional public
14 right-of-way is desired by the city, it may be included.
- 15 (4) Required open space shall be functional provided to supplement public
16 space along a sidewalk, provide pedestrian or greenway connections, pocket
17 parks to serve nearby uses, located and designed to terminate views along
18 streets, or otherwise provide an amenity that would not be provided in a
19 project that just met minimum code requirements
- 20 (b) Low Impact Development (LID, e.g. green roof, on-site stormwater retention, rain
21 gardens, native species landscaping). Use of alternative stormwater management
22 design that may include green roofs, natural retention systems, porous pavement
23 alternatives, or other energy or water conserving applications above and beyond the
24 requirements of Chapter 1219 - Post-Construction Stormwater Management.
- 25 (c) Provision for Mixed-Use. Proposals that include a mix of different but compatible
26 use types within the same building, such as first-floor retail with offices or
27 residential units on upper floors.
- 28 (d) Green Buildings. Significant use of sustainable building and site design features such
29 as: water use reduction, water efficient landscaping, innovative wastewater
30 technologies, low impact stormwater management, optimize energy performance,
31 on-site renewable energy, solar heating, reuse/recycled/renewable materials,
32 indoor air quality or other sustainable elements.
- 33 (e) Additional Landscape Elements. Exceeding minimum quantities or sizes required in
34 Chapter 1252 – Landscaping. Or additional plantings or decorative fence or wall
35 where needed to help reduce impacts on neighboring properties. Native species,
36 larger caliper plantings,
- 37 (f) Pedestrian Amenities. Provision of public plazas, walkways or pedestrian-oriented
38 features, such as street trees or benches beyond those required or enhancements to
39 a transit stop, such as a shelter, large pad size or similar improvements endorsed by
40 public transit authority.
- 41 (g) Shared Access. Removal of a driveway or use of (not isolated remnant parcels) and
42 shared driveway for access from public streets. This may require an access
43 easement approved by the city attorney.
- 44 (h) Shared Public Parking. See Section 1254.01.04 Factors to Permit a Reduction from
45 the Amount of Parking Required

- c) Allowed Flexibility. It is recognized that certain existing site conditions may prohibit full compliance with this Section. The Director of Economic Development and Planning, or his or her designee, is authorized to approve modifications to the standards of this Section, after considering the criteria and standards below. Any request for relief from a required standard other than those listed below shall be made through the variance procedures set forth in Chapter 1274 – Board of Zoning Appeals.

1) Criteria for Modification

- (a) Demonstration by the applicant that there is a unique situation with the property that makes it impractical to fully comply with the standards herein.
- (b) The proposed development is consistent with the Design Lansing Comprehensive Plan, as amended.
- (c) The proposed development is consistent with the Intent of the District.
- (d) The proposed modification will not prevent or complicate logical extensions of streets, infrastructure, parking, open space, or development of adjacent properties.
- (e) The modification is the minimum necessary to allow reasonable development that is consistent with the intent of the Zoning Ordinance and the Design Lansing Comprehensive Plan.
- (f) The proposed development will not impair public safety.
- (g) The modification is not simply for convenience of the development.
- (h) The design will not be detrimental to adjacent residential uses.

2) Modification Standards

(a) Height

- (1) Minimum and maximum height - up to ten (10) percent for any cumulative increase or decrease in building height.
- (2) Clear height – up to ten (10) percent.

(b) Building Placement

- (1) Build-to Line – up to five (5) feet.
- (2) Build-to Line – up to the necessary distance to prevent building foundations from encroaching on the public right-of-way or established easements.
- (3) Street wall requirements – up to ten (10) percent of the height/fenestration/access gate requirements.
 - i. Upper floor step-backs – up to ten (10) percent.
 - ii. Street wall/fence/screening requirements – up to ten (10) percent.

(c) Architectural Regulations (per Chapter 1246)

- (1) Windows (minimum and maximum fenestration percentage) – up to ten (10) percent.
- (2) Projections (stoops, porches, awnings, balconies) – up to ten (10) percent.
- (3) Required open space – up to ten (10) percent.
- (4) Entrances (maximum average spacing) – up to ten (10) percent increase in spacing.

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

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

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

1243.03 COMMERCIAL MIXED-USE PERMITTED USES

In the Commercial Mixed-Use Districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses shall adhere to the Conditions noted in the Section referenced. Special Land Uses may be permitted by Council in accordance with the procedures and conditions described in Chapter 1262 – Special Land Use Permits if the conditions described in this section for each use are met, and if all Federal, State and local laws are met. Permitted and approved uses may be mixed both horizontally and vertically, subject to conditions and regulations in the district sections that follow.

Table 1243.03: Commercial Mixed-Use Districts Master Use Table									
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions
Commercial/Office									
Retail sales and Personal Services	C	C	C	C	C	C	C	C	Permitted on non-local streets. Permitted on local street only within 50' of a non-local street.
Professional/business offices	P	P	P	P	P	P	P	P	
Active / Recreational Commercial	P	P	P	P	P	C	P	P	Permitted on non-local streets
Animal Hospital	C	C	C	C	C	C	C	C	No kennels
Bank	P	P	P	P	P	P	P	P	
Brewpub	C	C	C	C	C		C	C	Permitted on non-local streets. Permitted on local street only within 50' of a non-local street.
Clinic	C	C	C	C	C	C	C	C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor.
Funeral Home	C	C		C			C		1. Assembly area for funeral procession shall be provided in addition to off-street parking requirements. 2. At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor.
Kennel	C	C	C	C	C		C		1. Structures must be setback at least 50 feet from each adjacent residential lot line. 2. Lot size of at least 3 acres for a kennel having an outside exercise run or treatment area. 3. Outside exercise run or treatment area must be located at least 100 feet from all lots lines and at least 400 feet from an adjacent residential lot line.
Laundromat, dry cleaner	P	P	P	P	P		P		
Lodging Facility	P	P	P	P	P		P	P	

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions
Mobile Food Vending (Food trucks and carts)	C	C	C	C	C		C		See Section 1250. for conditions
Motor vehicle service station	C	C	C	C	C		C		1. The building shall meet the district placement standards. 2. For a building located on a corner lot, the secondary front facade may occupy no less than 50% of the frontage. The remainder of the frontage not occupied by the building shall be screened per the parking standards of the district. 3. The fueling pumps shall be located a minimum of 20 feet behind the build-to line. 4. The canopy over the fueling pumps shall have a roof with the same slope as the principal building. Canopy clearance should not exceed 14' from the ground to the bottom of the canopy. Maximum canopy height is limited to 20'. 5. One access per street frontage however a second access may be approved by city staff upon a finding that the additional access is essential for convenient access, and that the access is spaced adequately and designed to minimize conflicts per Section 1254.01.11. A secondary access drive is permitted for shared access with adjacent parcels.
Nursery, commercial greenhouse	C	C					C		1. The lot on which the nursery or commercial greenhouse is located contains not less than three (3) acres. 2. The lot on which the nursery or commercial greenhouse is located has not less than one property line which abuts and has primary access to a major or minor arterial. 3. The outdoor storage of landscape materials, other than plants, shall be screened from view of all public right-of-ways and residential parcels of land by a six (6) foot high opaque wood or vinyl fence, decorative screen wall or landscaped berm.
Outdoor Mini-golf	P	P							
Parking facility	S	S	S	S	S	S	S	S	1. On Activity Corridors, the first floor of the structure shall have a minimum depth of 20 feet to be occupied by active uses permitted in the district. 2. Access drives shall be permitted on the ground level, provided they are collectively no more than 25% of the frontage. 3. The facade of the parking structure shall be integrally designed with the architecture of the overall building, utilize the same building materials, provide an architectural treatment at the top of the structure, such as a cornice, and have wall openings with proportions that comply with the fenestration requirements in Section 1246.04 4. New parking structures shall be designed with an upper story minimum clear height of 9'.
Restaurant, bar, tavern	C	C	C	C	C		C	C	Permitted on non-local streets. Permitted on local street only within 50' of a non-local street
Self-Storage Rental	S								
Studio (dance, health, music, etc.)	P	P	P	P	P	P	P	P	

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions
Vehicle sales, vehicle leasing, and other outdoor sales facility	C	C		C			S		1. The area of the lot on which the items described in this subsection are located shall be covered with Portland cement or asphaltic concrete. 2. Each point of vehicular ingress and egress to the lot shall be not less than sixty feet from the intersection of any two streets. 3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure. 4. Lighting shall be confined within and directed onto the parking area only. 5. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight (8) feet from all lot lines adjacent to the public right-of-way excluding approved driveways, and any residentially zoned property. The buffer zone shall be landscaped, screened and buffered in accordance with the requirements of Section 1252.09
Drive-thru, as accessory use	C	C	C	C	C	S	C		1. A drive-thru business may have a front setback greater than the build-to-line required in the zoning district only to accommodate a travel lane for safe and efficient interior circulation. 2. No parking is allowed in the front yard 3. The drive-thru window shall be on the side or rear of the building. 4. Methods to minimize the impact of noise from outdoor speakers on adjacent residential are required. 5. The site will be adjacent to a Suburban Corridor, Arterial Corridor, Prime Connector, or Activity Corridor and all points of ingress and egress shall be directly onto one of the aforementioned street types. 6. Adequate waiting or standing areas for vehicles shall be provided on-site so that no vehicle is required to wait, stand, or be stored within a right-of-way, in accordance with the parking requirements of Chapter 1254.
Residential Uses									
Single-Family detached	C	C	C	C	C	P			PERMITTED ONLY ON LOCAL STREET
Two-Family dwelling						P	P		
Multi-Family dwelling	P	P	P	P	C	P	P	C	Ground floor multiple-family dwelling units are not permitted on the frontage of buildings along Activity Corridor and Arterial Corridor street types.
Mobile Home Park									
Bed and Breakfast					C	C	C		1. Must be the principal residence of the owner and the owner shall live on the premises when in operation. 2. Must provide one surfaced off-street parking spot per guest room in addition to standard parking for residence. In MX-3 these parking requirements are not exempt under section 1254.01.04 f)
Human Care Facilities									
Adult Day Care Facility						P	P		
AFC small group home (≤ 12)						P	P		
AFC large group home (13-20)						S	S		
Child Care centers, preschools, and commercial day care	C	C	C	C	C	C	C	C	At least one property line abutting an arterial, suburban or activity corridor
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	SC	MX-C	MX-1	MX-2	MX-3	DT-1	DT-2	DT-3	Conditions

Group Day Care Home (7-12 children, <24 hours/day)	C	C	C	C	C	C	C	1. The facility provides and maintains on the lot not less than 900 square feet of outdoor play space. 2. The use of the structure as a group day care home shall be clearly incidental to the principal residential use. 3. One person, other than a member of the family residing in the dwelling, may be employed, so long as that person is not the primary caregiver. 4. No change occurs in the outside appearance of the dwelling. 5. No signs are permitted. 6. The outdoor play space shall be fenced. This requirement can be waived by approval of the Planning Office if the specified outdoor area is common open space shared with other dwelling units.
Sheltered Care Facility		S					S	1. At least one property line abutting a Major Arterial street type. 2. The proposed Sheltered Care Facility is located more than 1,500 feet from an existing Sheltered Care Facility which provides care for more than six persons.
Institutional								
Places of Assembly	C	C	C	C	C	S	C	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Places of Worship	S	S	S	S	S	S	S	
Hospital	C	C	C	C	C	C	C	1. At least one property line abutting an arterial, suburban or activity corridor.
Library	P	P	P	P	P	P	P	
Museum						P	P	
Schools			C	C	C	C	C	All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Trade school	C	C	C	C	C	C	C	
Park, open space, plaza	P	P	P	P	P	P	P	
Industrial								
Cleaning, processing, servicing, or repair of any product	P	P	C	C	C		P	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Manufacture of already processed components (bakeries, cosmetics, candies, etc.)	P	P					P	
Manufacture of toys, furniture, appliances, etc.							P	
Metal forming							C	1. All activities conducted and materials stored shall be within an enclosed structure. 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Motor vehicle repair station	C						S	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Production of consumer goods, with 20% GFA retail sales	P	C	C	C	C		P	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Research laboratory	S	S	S	S	S	S	P	S
Wholesale and warehouse uses							S	
Adult Business Uses	S	S						See 1250.02.11

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

1 1243.04 S-C - SUBURBAN COMMERCIAL

2 [FIGURE 12]

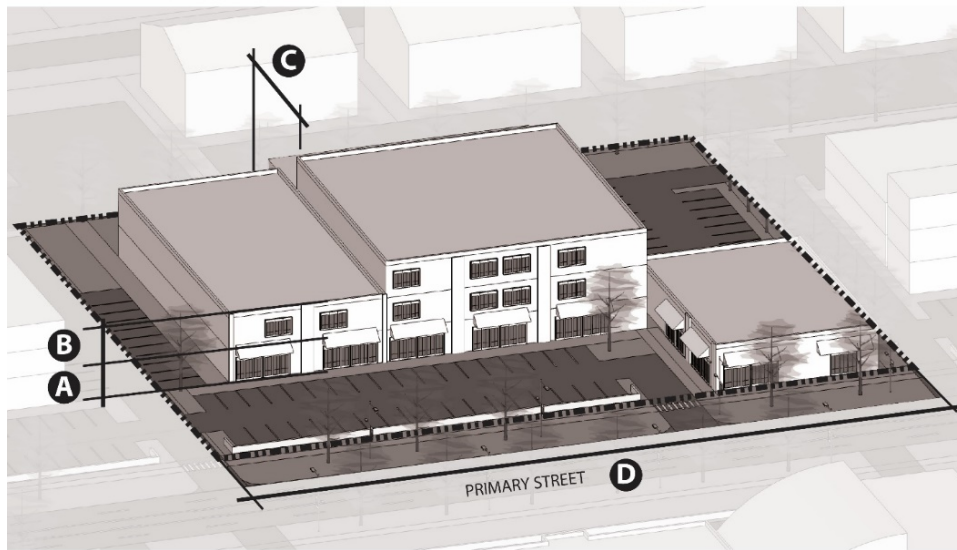


3
4 1243.04.01 S-C INTENT

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

1 1243.04.02 S-C SITE LAYOUT REQUIREMENTS

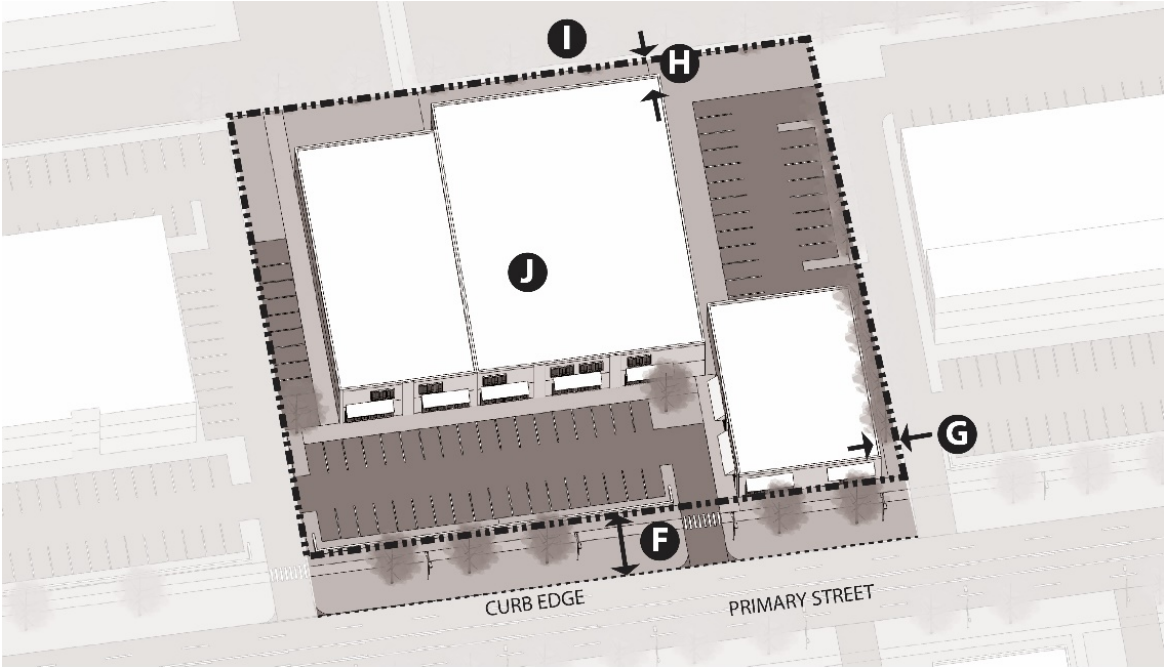
2 [FIGURE 13]



a) BUILDING MASSING

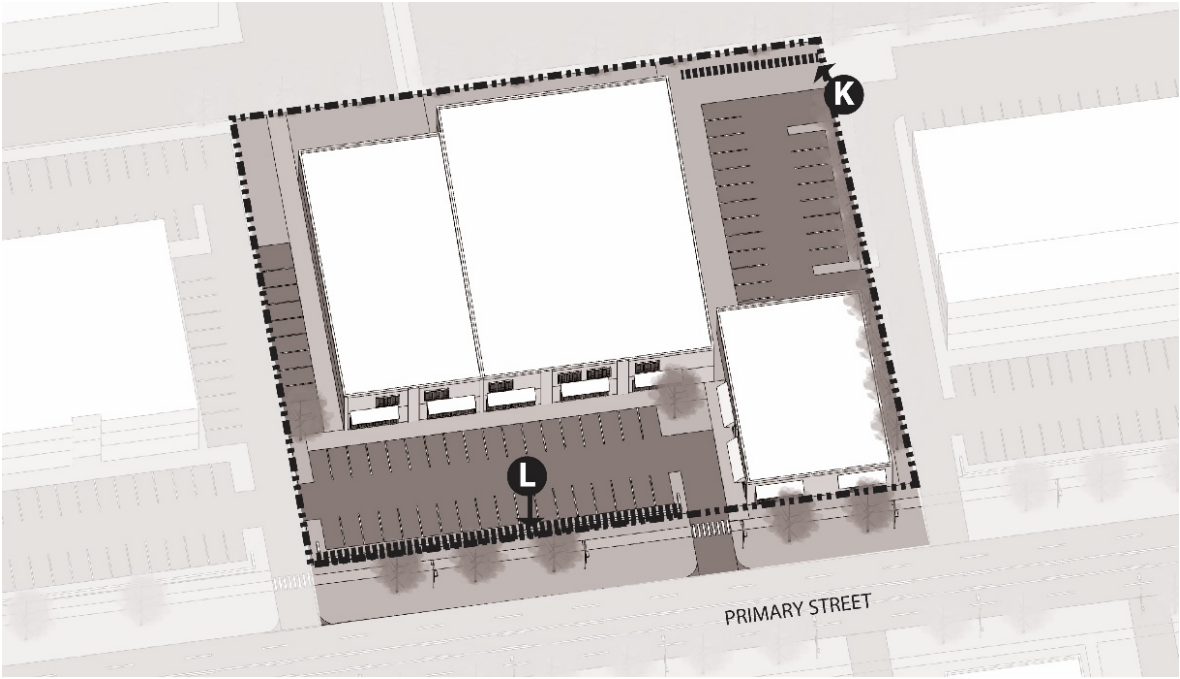
A. Minimum Height	16'	1 Story
B. Maximum Height	40'	3 Stories
<i>See Section 1250.03.02 for height exceptions</i>		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	

[FIGURE 14]



b) BUILDING PLACEMENT	
D. Build-to-Line	1. Eight (8) feet as measured from the property line or rear edge of the front parking lot. 2. An additional 10-20' setback may be allowed (with Zoning Administrator approval) for outdoor public space. 3. An additional 50' setback for a single-loaded aisle of parking or 70' of setback for a double-loaded aisle of parking is permitted.
E. Minimum Side Setback	0' when adjacent to another Commercial Mixed-Use district parcel, otherwise 10'
F. Minimum Rear Setback	10' building
G. Minimum Setback from adjacent Residential districts	Width equal to rear setback of adjacent residential district
H. Maximum Lot Coverage	75%
See Section 1250.04.01 for placement of accessory buildings	

1 [FIGURE 15]



c) PARKING	
Allowed Surface Parking Locations	Front, Side, or Rear yards. Front yard parking limited to one double-loaded bay of parking
I. Front Parking Lot Setback / Screening J. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Ch. 1252
Required Parking Spaces	Parking per Ch. 1254; Section 1254.01.04 for parking reductions
Loading Bays	Not permitted in front yard; see Section 1254.01.17 Truck turning templates and access to loading must be delineated on site plan

3

1 1243.05 MX-C MIXED USE URBAN CORRIDOR

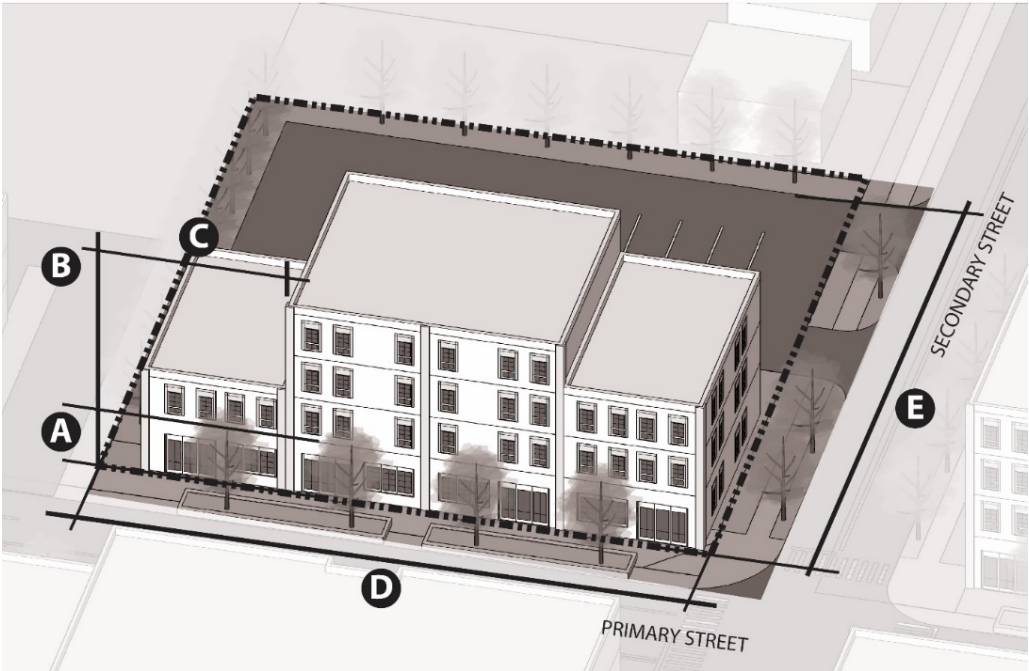
2 [FIGURE 16]

3
4 1243.05.01 MX-C INTENT

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

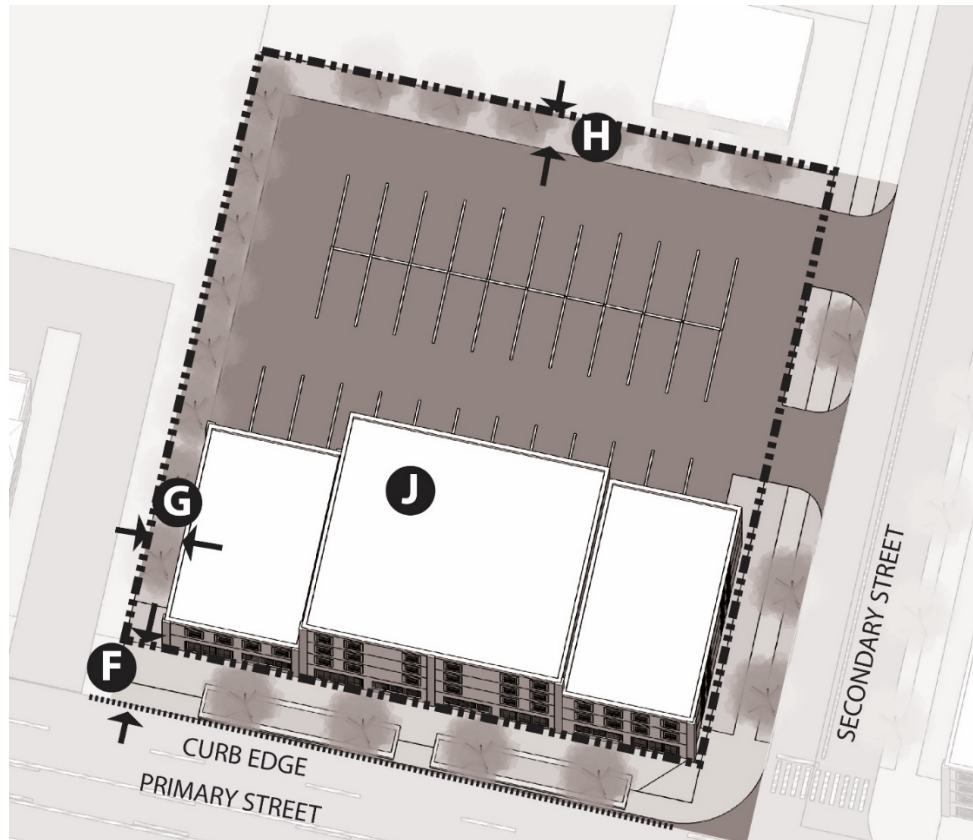
[FIGURE 17]

1243.05.02 MX-C SITE LAYOUT REQUIREMENTS



a) BUILDING MASSING		
A. Minimum Height	25'	1 Story
B. Maximum Height	60'	5 Stories
See Section 1250.03.02 for height exceptions		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	

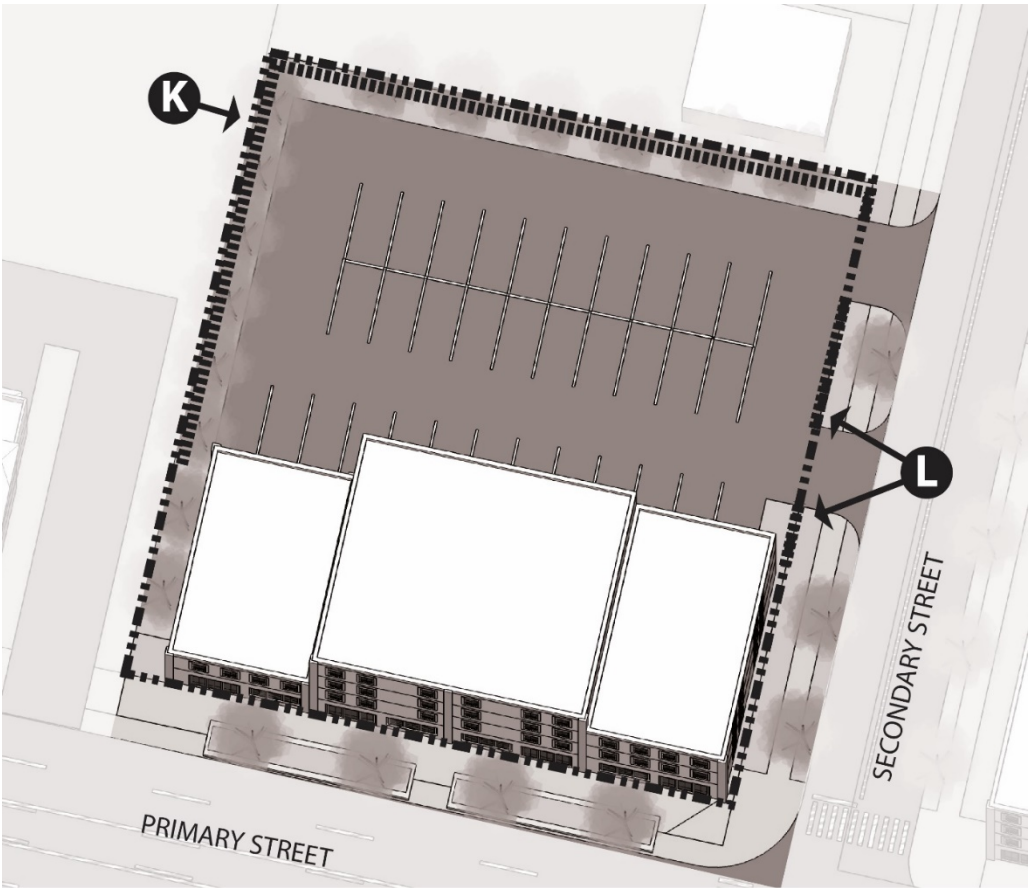
[FIGURE 18]



b) BUILDING PLACEMENT

D. Build-to-Line	Five (5) feet as measured from the property line or rear edge of the front parking lot. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the property line provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width 3. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	0'
F. Minimum Rear Setback	10' building
Minimum Setback from adjacent R-1 through R-6 districts	25'
G. Maximum Lot Coverage	80%
See Section 1250.04.01 for placement of accessory buildings	

[FIGURE 19]



c) PARKING	
Allowed Surface Parking Locations	Municipal Parking, On-Street Parking On-site: Side or Rear yard, Single-loaded bay of Front yard only on Suburban and Arterial Corridors
H. Front Parking Lot Setback / Screening I. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per ch. 1252
Required Parking Spaces	Parking per Ch. 1254; Section 1254.01.04 for parking reductions
Loading Bays	Not permitted in front yard; see Section 1254.01.17 Truck turning templates and access to loading must be delineated on site plan

1 1243.06 MX-1 MIXED-USE NEIGHBORHOOD CENTER

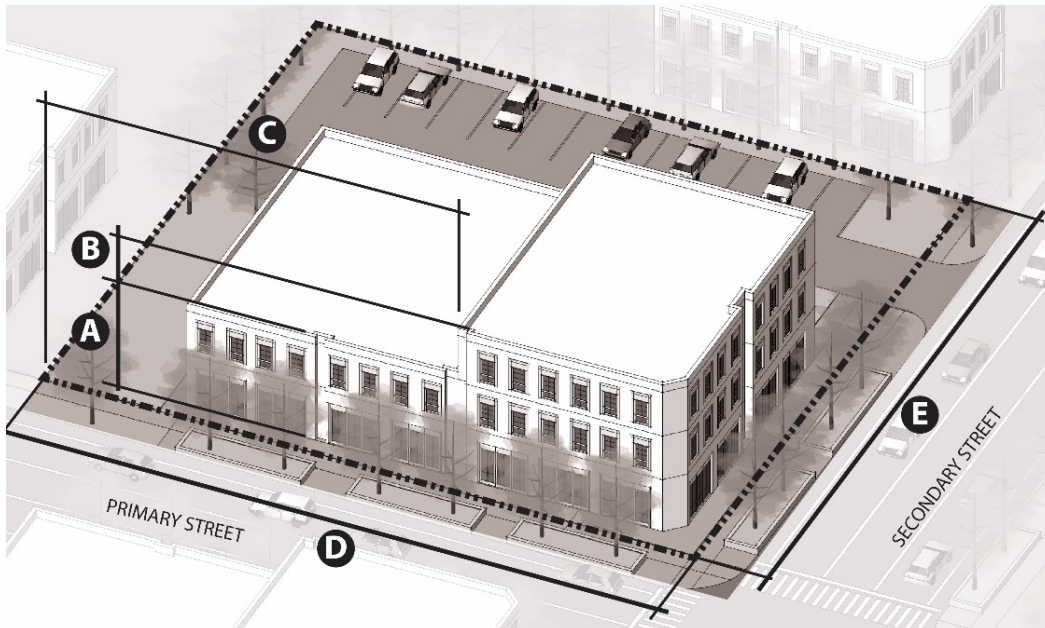
2 [FIGURE 20]

3
4 1243.06.01 MX-1 INTENT

5 The purpose and intent of the MX-1 Mixed-Use Neighborhood Center district is to provide for a vertical and
6 horizontal mix of uses, typically with retail or commercial space on the ground floor and office or
7 residential uses on upper floors. Development is characterized buildings located closer to the street to
8 promote walking and biking, and to create a character that is more “place” based than auto-oriented.
9 Development in this district needs to be appropriately scaled to adjacent residential areas.

1243.06.02 MX-1 SITE LAYOUT REQUIREMENTS

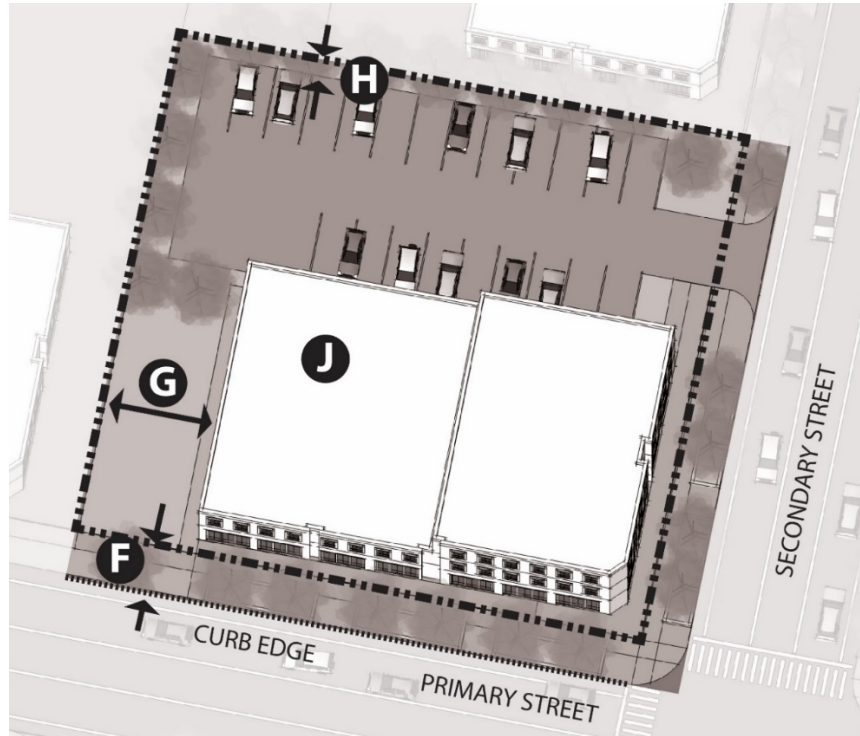
[FIGURE 21]



a) BUILDING MASSING

A. Minimum Height	25'	1 Story
B. Maximum Height	40'	3 Stories
<i>See Section 1250.03.02 for height exceptions</i>		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Entrances:	Arterial Corridor Suburban Corridor	Primary entrance must face frontage, unless site also fronts Prime Connector or Neighborhood Connector
	Prime Connector Neighborhood Connector	At least one entrance must face primary frontage
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

[FIGURE 22]

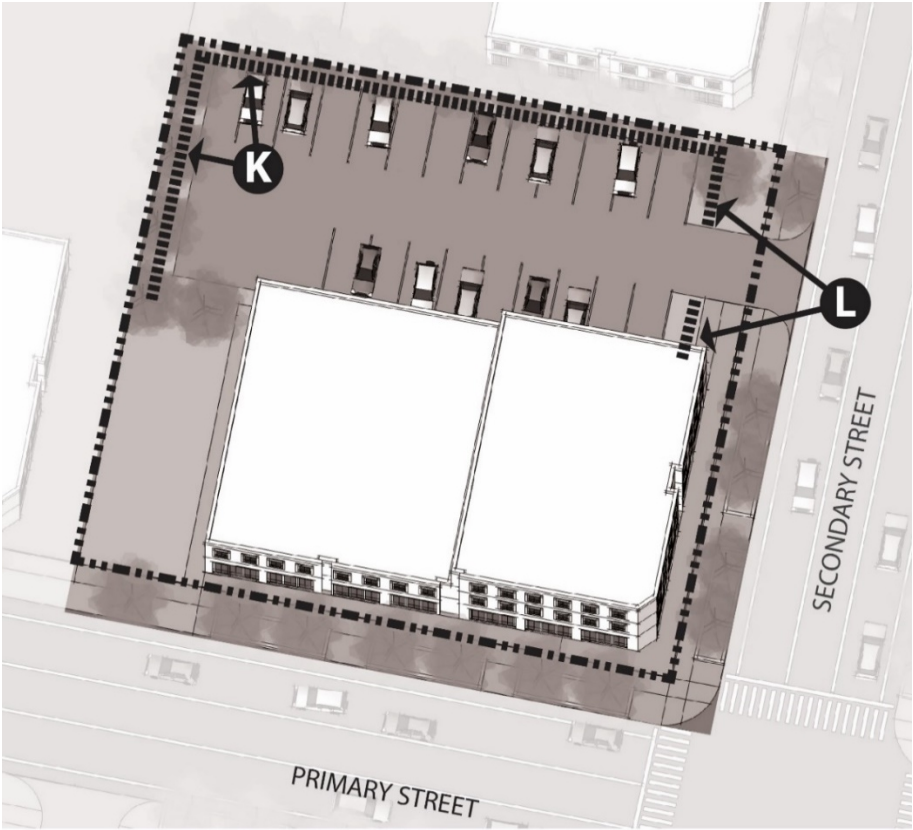


b) BUILDING PLACEMENT

D. Build-to-line	Five (5) feet as measured from the property line or rear edge of front parking lot. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the property line provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width 3. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	0'
F. Minimum Rear Setback	10' building
Minimum Setback from adjacent R-1 through R-6 districts	25'
G. Maximum Lot Coverage	85%
See Section 1250.04.01 for placement of accessory buildings	

1

[FIGURE 23]



2

c) PARKING		
Allowed Surface Parking Locations	Arterial Corridor:	Side or Rear yards; One row in front yard allowed
	Suburban Corridor:	
	Prime Connector:	On-street and Rear yard
	Neighborhood Connector:	Side or Rear yards
H. Front Parking Lot Setback / Screening I. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252	
Required Parking Spaces	85% of parking required per Chapter 1254	
	Section 1254.01.04 for parking reductions	

3

1243.07 MX-2 MIXED-USE COMMUNITY CENTER

[FIGURE 24]

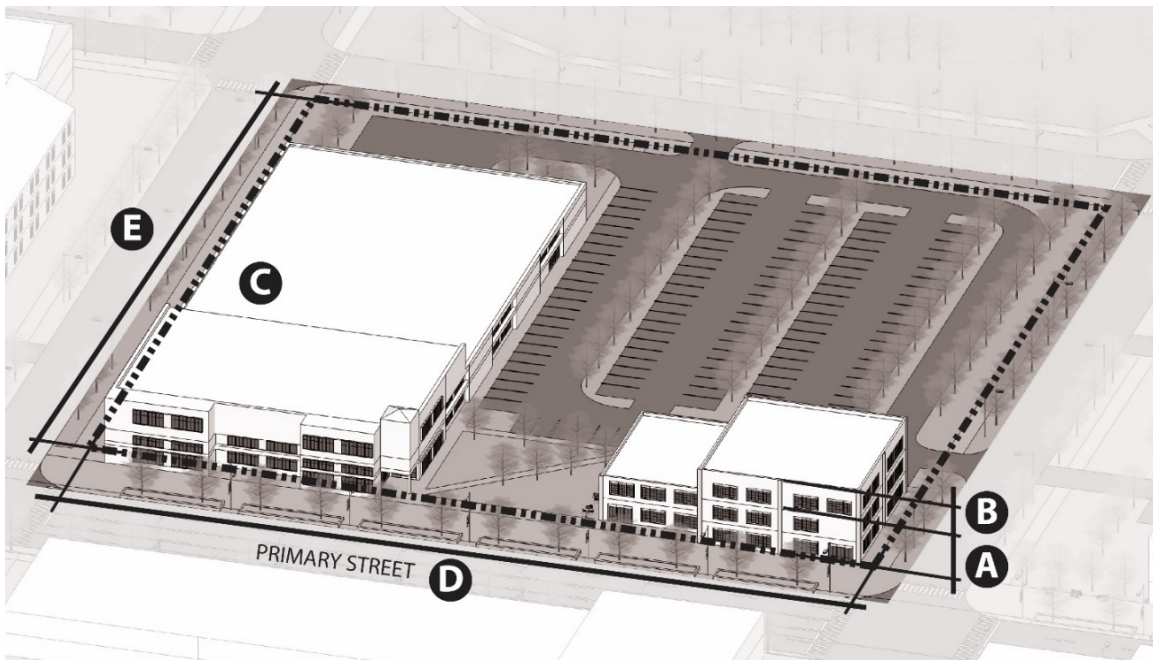


1243.07.01 MX-2 INTENT

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

1243.07.02 MX-2 SITE LAYOUT REQUIREMENTS

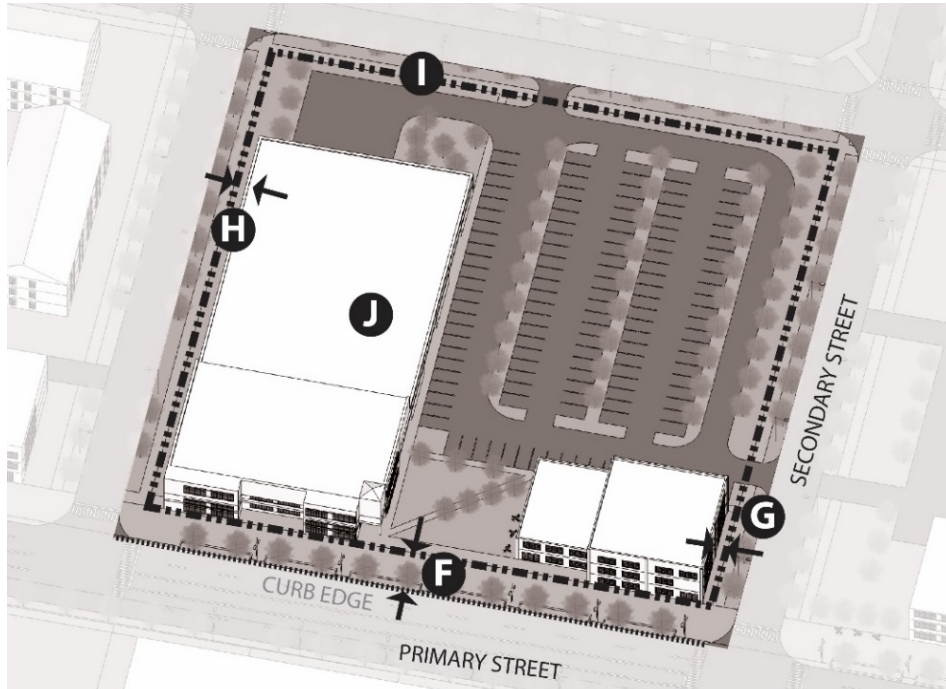
[FIGURE 25]



a) BUILDING MASSING

A. Minimum Height	25'	2 Stories 1 Story may be allowed upon written approval of Zoning Administrator
B. Maximum Height: Arterial Corridor Activity Corridor Suburban Corridor	60'	5 Stories
Prime Connector Neighborhood Connector Local Street	40'	3 Stories
See Section 1250.03.02 for height exceptions		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

[FIGURE 26]

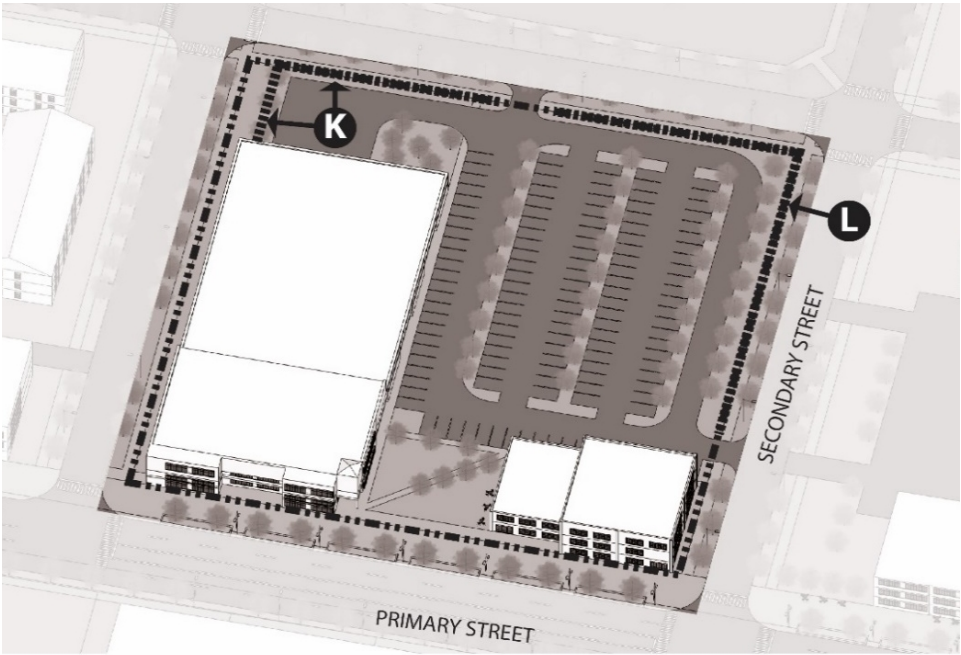


b) BUILDING PLACEMENT

D. Build-to-line	Five (5) feet as measured from the property line. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the property line, provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width 3. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	0'
F. Minimum Rear Setback	10' building
Minimum Setback from adjacent R-1 through R-6 districts	25'
G. Maximum Lot Coverage	80%

See Section 1250.04.01 for placement of accessory buildings

1 [FIGURE 27]



2

c) PARKING	
Allowed Surface Parking Locations	Municipal parking; on-street parking On-site: Side or Rear yard
H. Front Setback / Screening on secondary street corners I. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Ch. 1254; Section 1254.01.04 for parking reductions

3

1 1243.08 MX-3 MIXED-USE DISTRICT CENTER

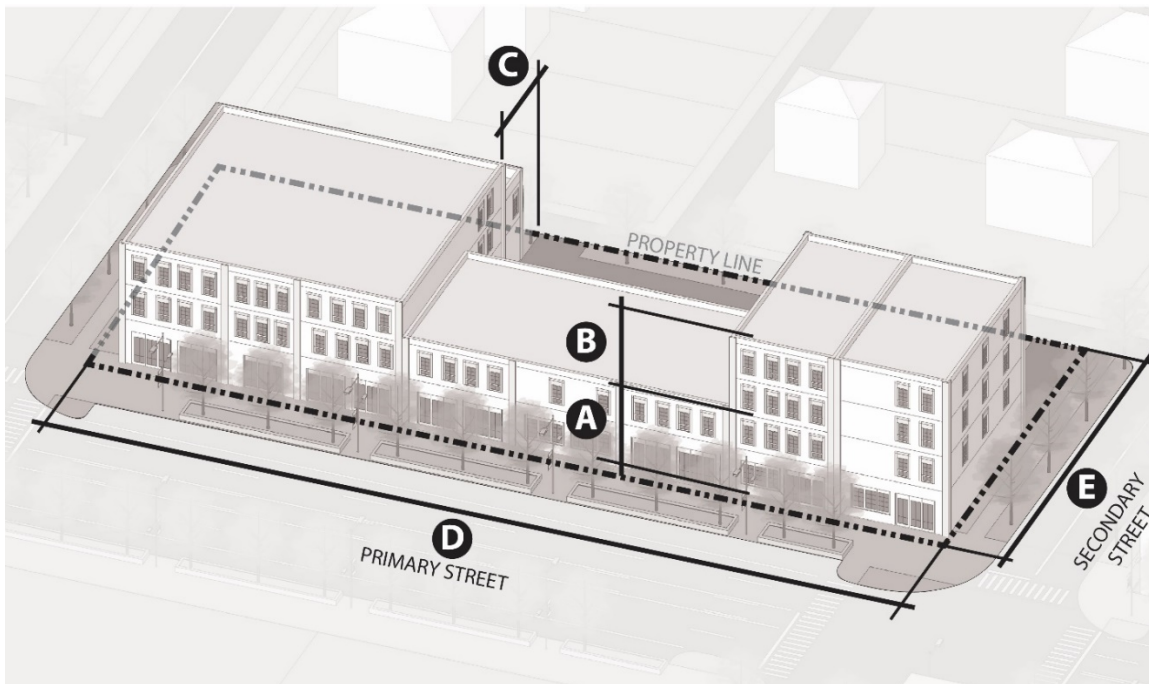
2 [FIGURE 28]

3
4 1243.08.01 MX-3 INTENT

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

1243.08.02 MX-3 SITE LAYOUT REQUIREMENTS

[FIGURE 29]

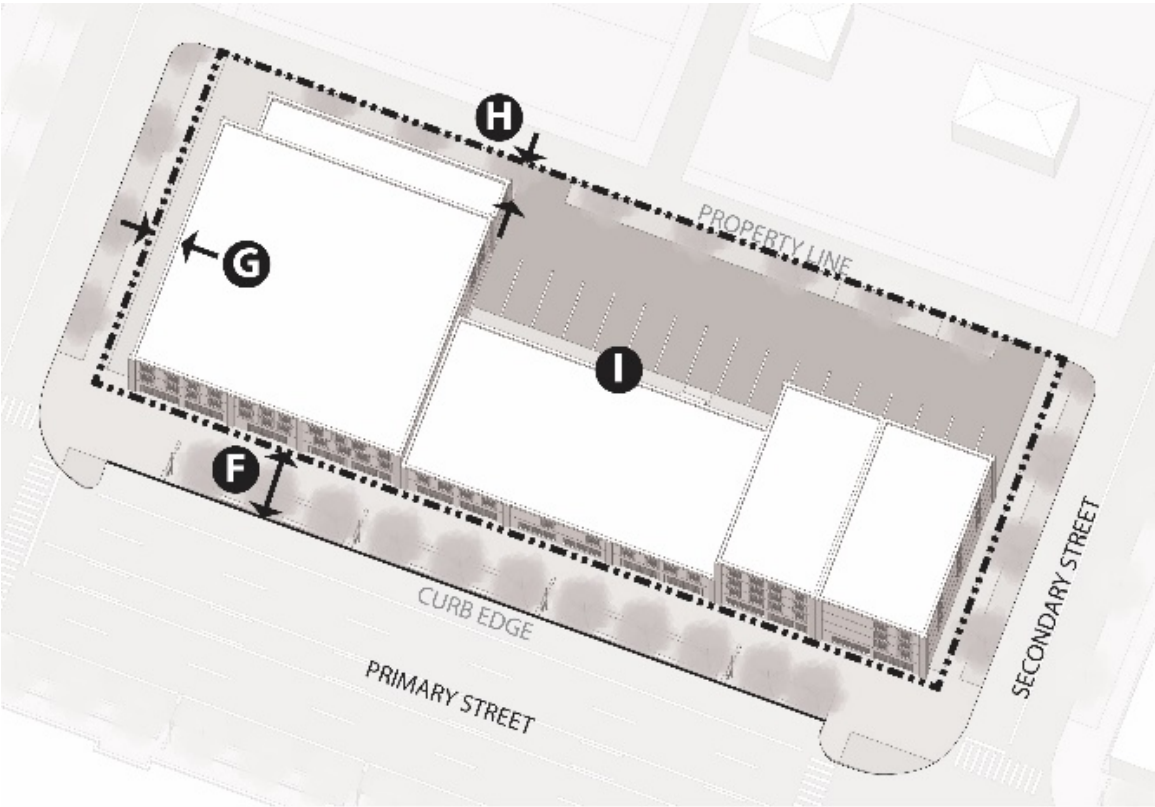


a) BUILDING MASSING

A. Minimum Height	25'	2 Stories, 1 Story may be allowed upon written approval of zoning administrator
B. Maximum Height:	80'	6 Stories
<i>See Section 1250.03.02 for height exceptions</i>		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

1

[FIGURE 30]

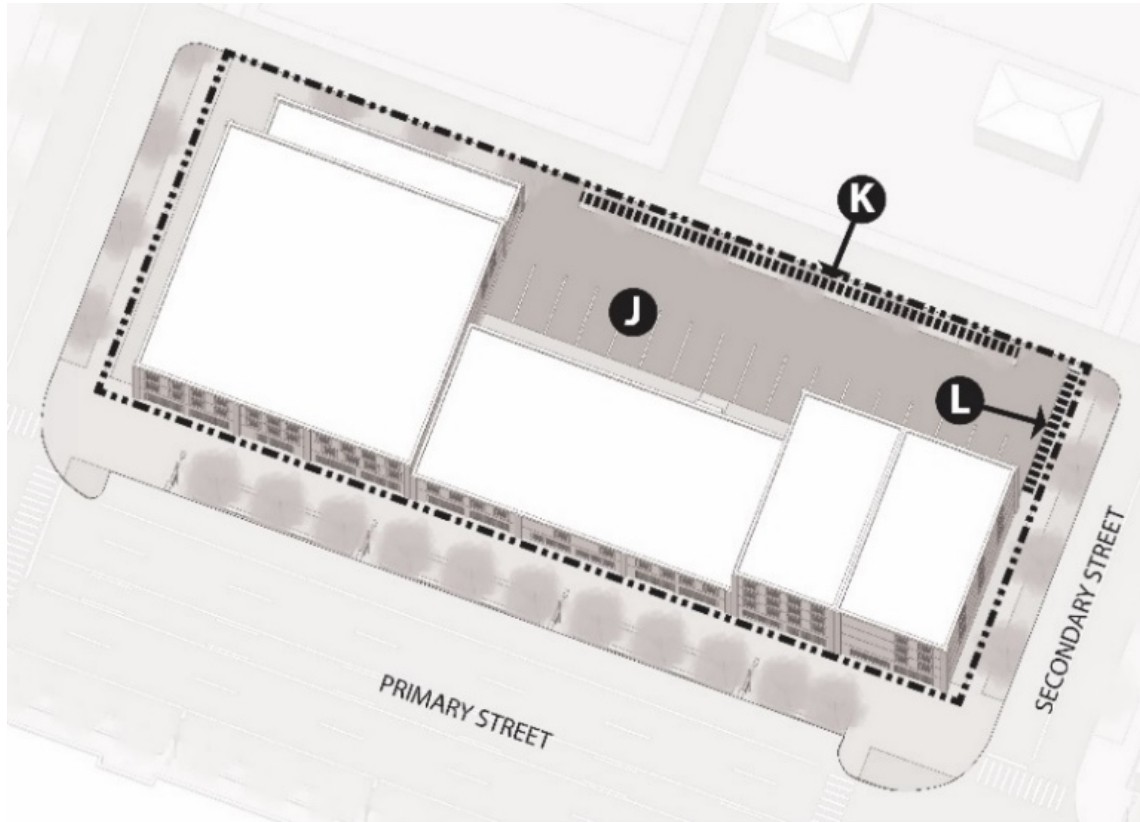


2

b) BUILDING PLACEMENT	
D. Build-to-line	Five (5) feet as measured from the property line. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the property line, provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width, 3. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	0'
F. Minimum Rear Setback	0'
G. Maximum Lot Coverage	100%
Minimum setback from adjacent Residential districts	1. 25'; and 2. 6' opaque screen-wall / fencing required along edge of residentially zoned or used property
See Section 1250.04.01 for placement of accessory buildings	

3

[FIGURE 31]



c) PARKING

H. Allowed Surface Parking Locations	Municipal parking; on-street parking On-site: Side or Rear yard, Front yard only when corner lot on secondary streets
I. Front Parking Lot Setback / Screening on secondary street corners J. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Ch. 1254; Section 1254.01.04 f)3) for parking reductions

1 1243.09 DT-1 URBAN EDGE

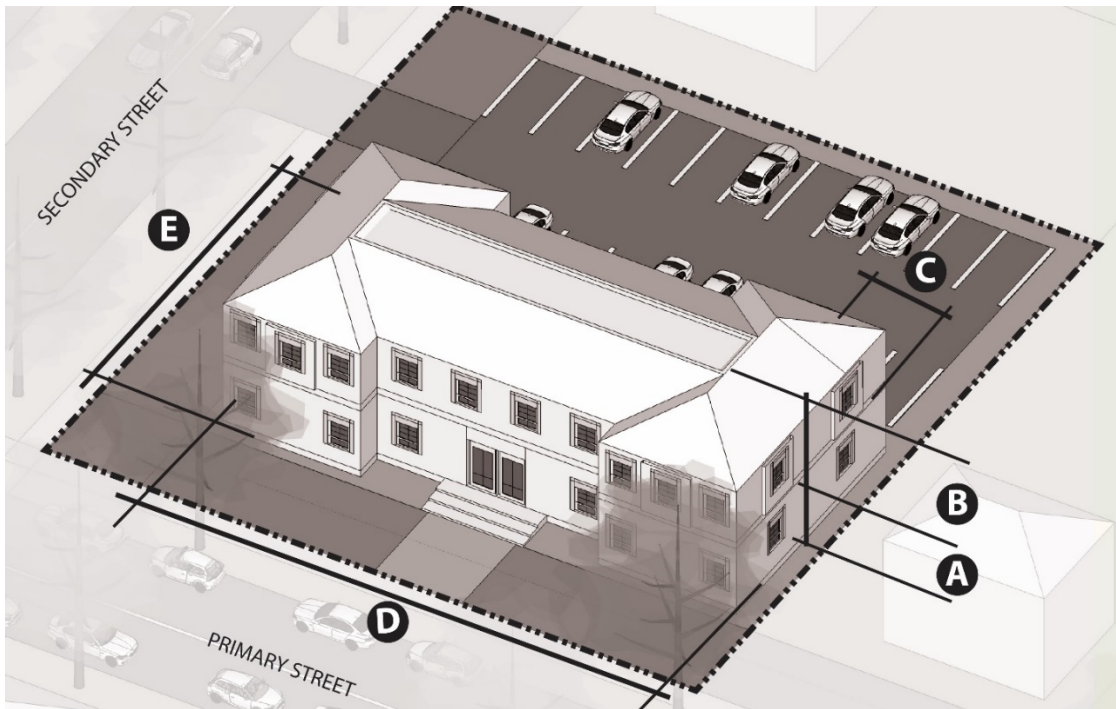
2 [FIGURE 32]

3
4 1243.09.01 DT-1 INTENT

5 The DT-1 Urban Edge district permits a mixture of office and residential uses complementary to the
6 Downtown Core but lower in intensity. Urban Edge areas are intended to retain elements of the historic
7 residential character such as short block lengths and existing front-yard setbacks. One purpose of this
8 district is to permit homes to be converted to offices provided the historic residential character is
9 maintained.

1243.09.02 DT-1 SITE LAYOUT REQUIREMENTS

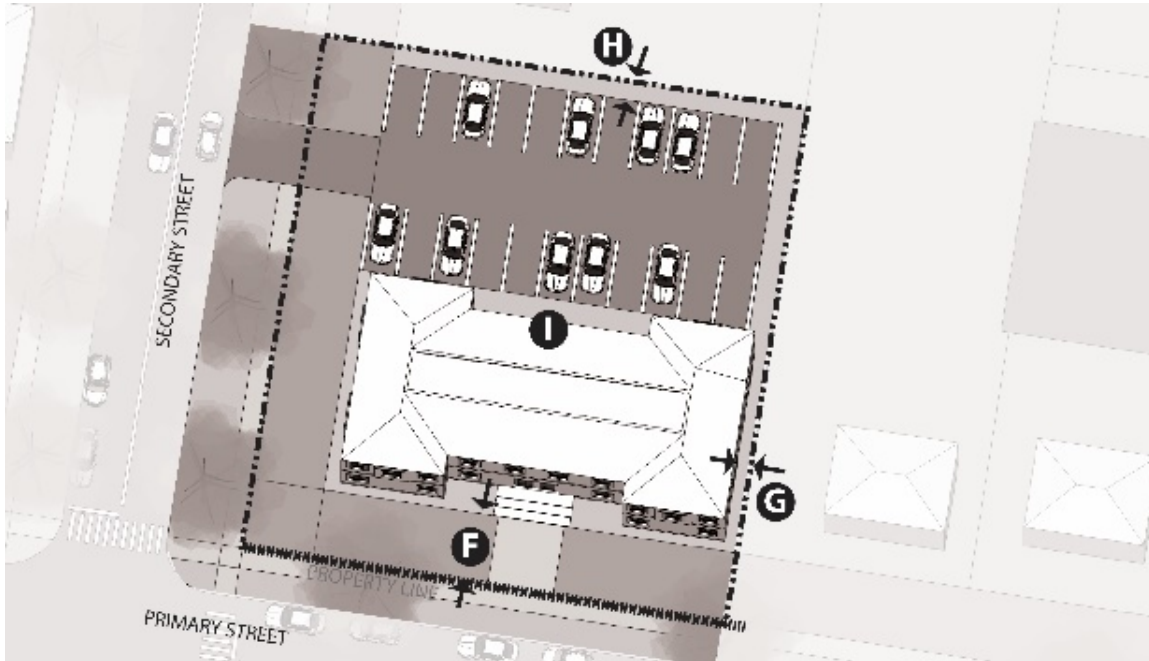
[FIGURE 33]



a) BUILDING MASSING

A. Minimum Height	25'	2 Stories
B. Maximum Height:	40'	4 Stories
<i>See Section 1250.03.02 for height exceptions</i>		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

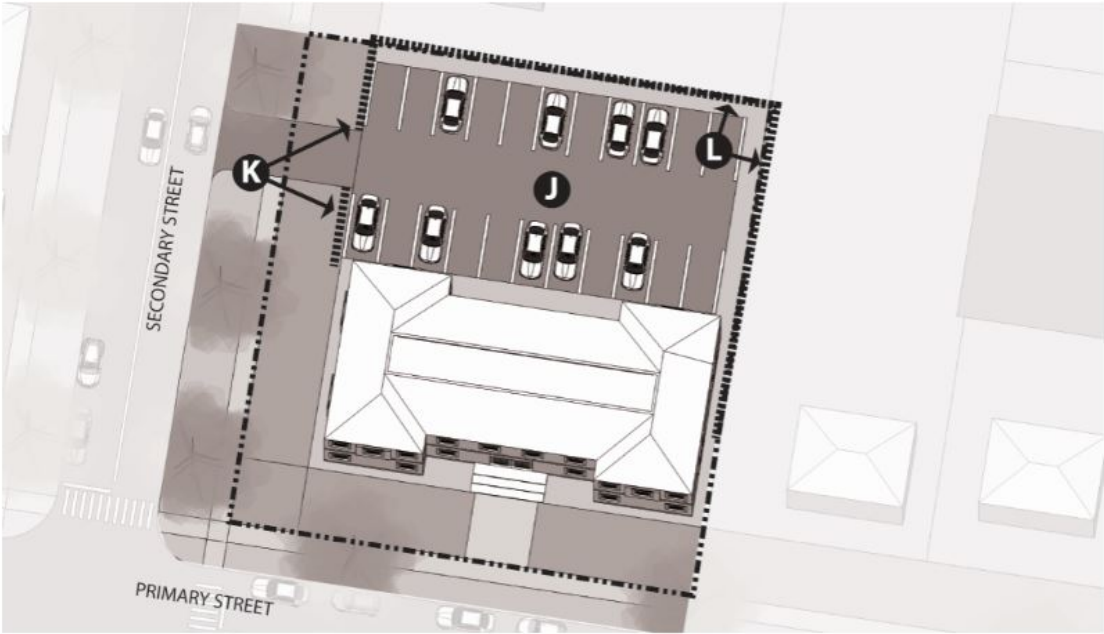
[FIGURE 34]



b) BUILDING PLACEMENT

D. Build-to-line	Average setback of the residential buildings within the block face for Single-Family and Two-Family dwellings. OR for other uses, Five (5) feet as measured from the property line. The Zoning Administrator may approve: 1. A setback of ten (10) feet from property line, provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	5'one side yard; 15' total of two side yards
F. Minimum Rear Setback	20' building
G. Maximum Lot Coverage	60%
See Section 1250.04.01 for placement of accessory buildings	

1 [FIGURE 35]



2

c) PARKING	
H. Allowed Surface Parking Locations	Municipal parking, On-Street Parking On-Site: Side or Rear yard
I. Front Parking Lot Setback / Screening on secondary street corners J. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	75% of parking required per Chapter 1254; Section 1254.01.04 for parking reductions

3

1243.10 DT-2 URBAN FLEX

[FIGURE 36]

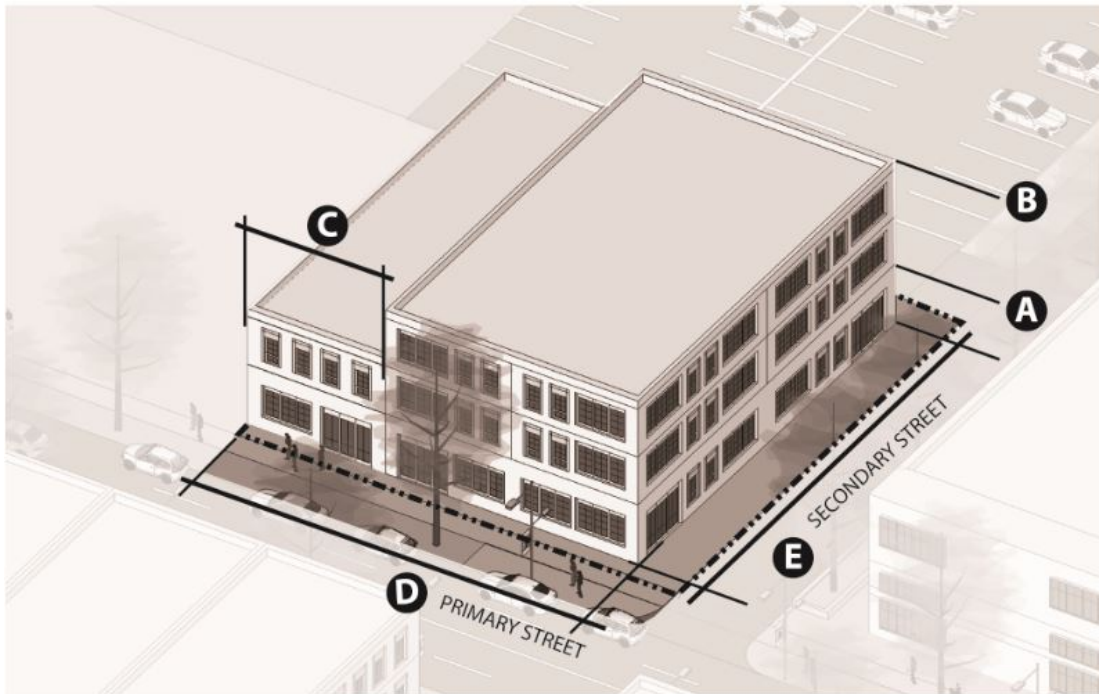


1243.10.01 DT-2 INTENT

The intent and purpose of the DT-2 Urban Flex district is to foster a mixture of residential, commercial, and industrial uses that complement the nearby Downtown Core and Mixed-Use Corridors. The Urban Flex districts generally are areas transitioning from older industrial and auto-oriented uses with pockets of residential to higher density modern infill and adaptive reuse. These areas are characterized by an eclectic mixture of entertainment, retail, residential, and lower intensity industrial uses in a warehouse setting. Along Activity Corridors, ground floor uses should be those that generate pedestrian activity along the street front through the location of doors, windows, and displays.

1243.10.02 DT-2 SITE LAYOUT REQUIREMENTS

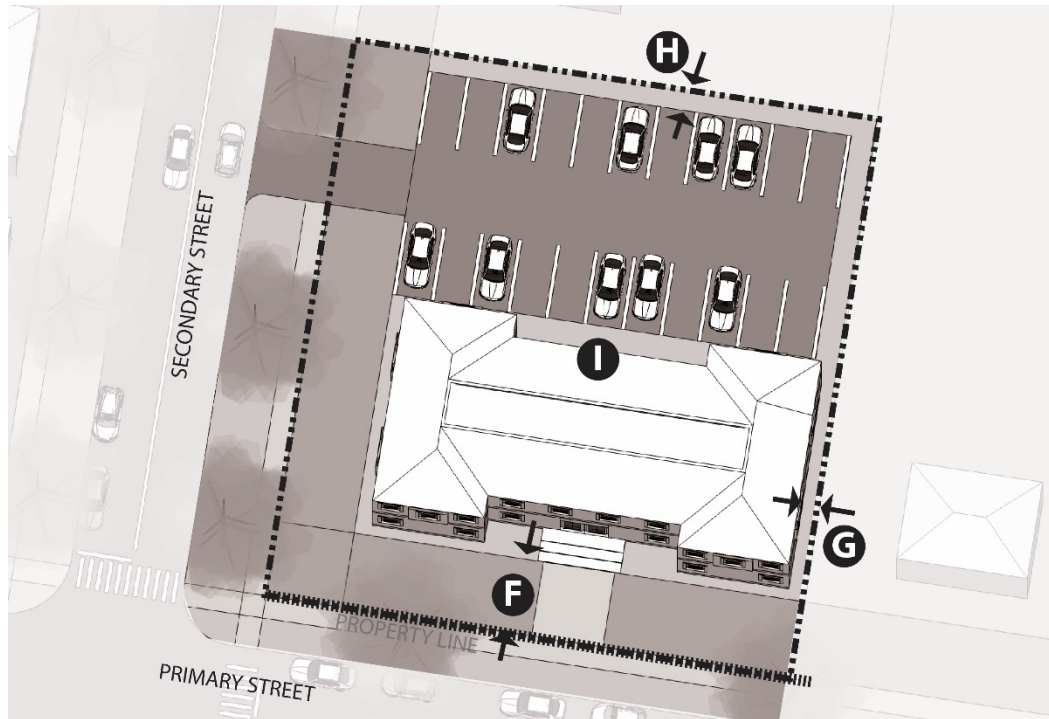
[FIGURE 37]



a) BUILDING MASSING

A. Minimum Height	25'	1 Story
B. Maximum Height:		
Arterial Corridor	80'	6 Stories
Activity Corridor		
Prime Connector	55'	4 Stories
Local Street	40'	4 Stories
<i>See Section 1250.03.02 for height exceptions</i>		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

[FIGURE 38]

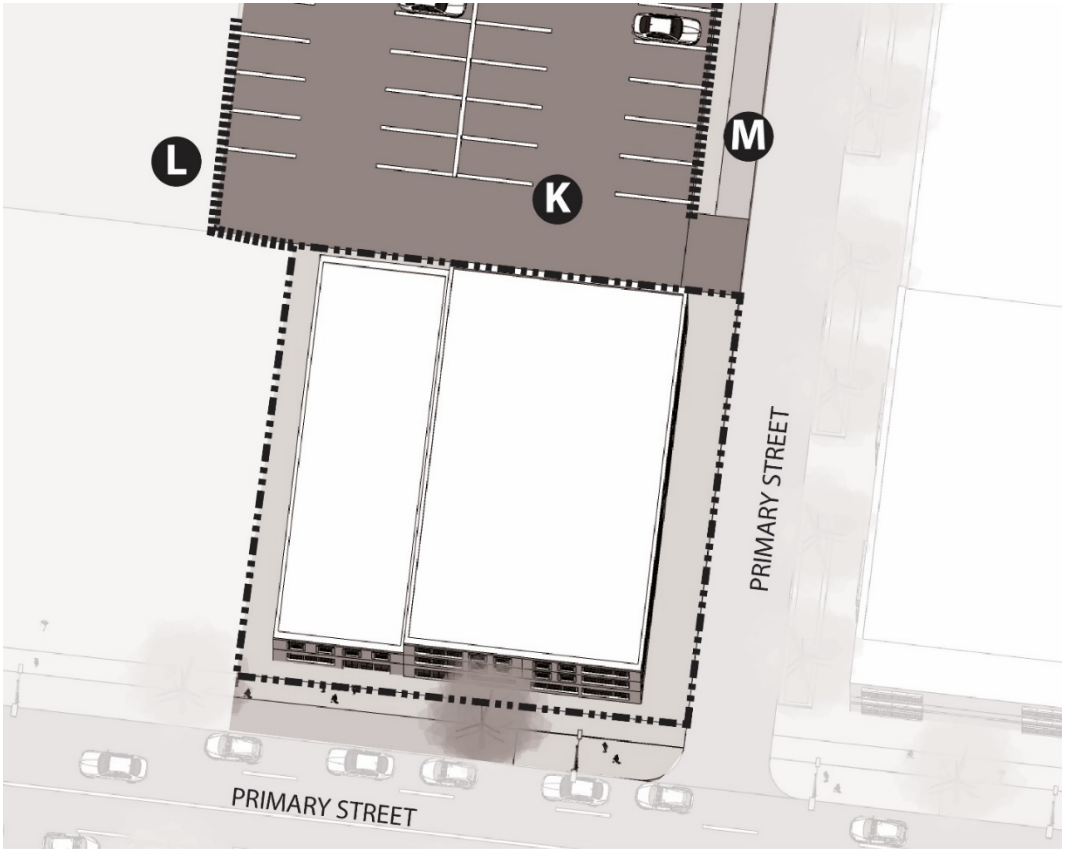


b) BUILDING PLACEMENT

D. Build-to-line	Five (5) feet as measured from the property line or rear edge of the front parking lot. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the property line, provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width, 3. A setback equal to the average setback of the buildings to be retained within the block face of the more active street type. The applicant shall provide a map with those measurements.
E. Minimum Side Setback	0' when adjacent to another dt-2 parcel, otherwise 10'
F. Minimum Rear Setback	10' building
G. Maximum Lot Coverage	75%
Minimum setback from adjacent Residential districts	10'
See Section 1250.04.01 for placement of accessory buildings	

1

[FIGURE 39]



2

c) PARKING	
H. Allowed Surface Parking Locations	On-Street Parking On-Site: Side or Rear yard. Front yard parking limited to one single-loaded bay
I. Front Parking Lot Setback / Screening J. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	50% of parking required per Chapter 1254; Section 1254.01.04 for parking reductions

3

1243.11 DT-3 DOWNTOWN CORE

[FIGURE 40]

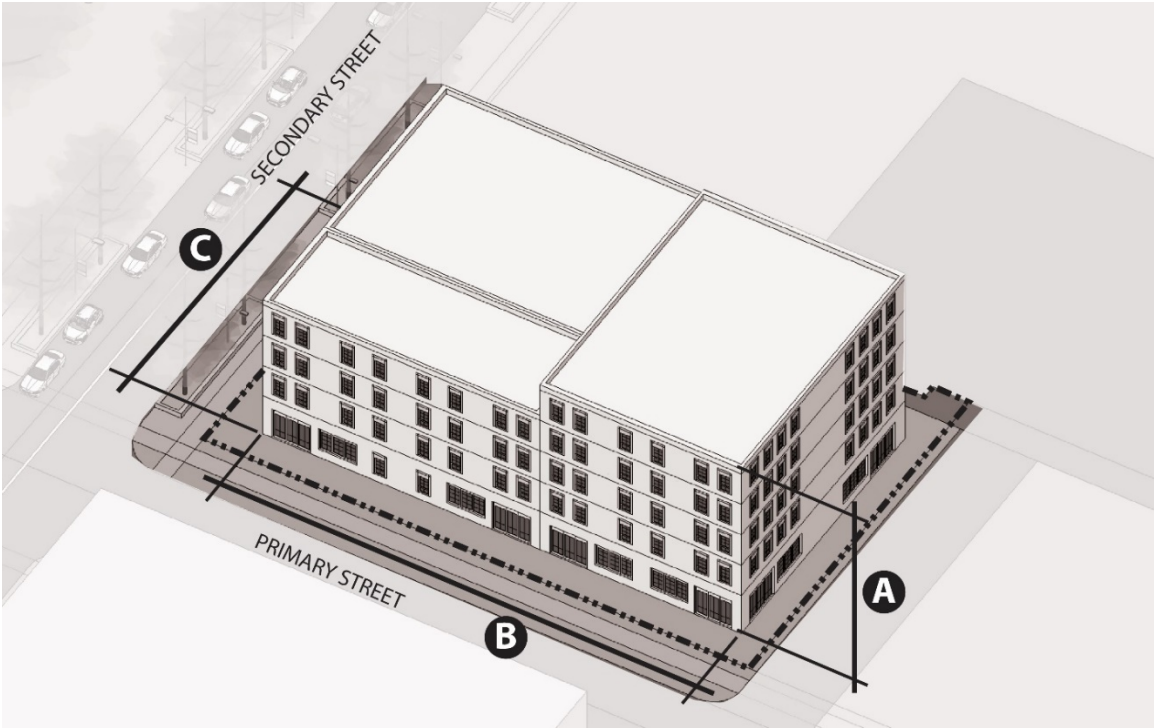


1243.11.01 DT-3 INTENT

The intent and purpose of the DT-3 Downtown Core district is to provide primarily a vertical mix of uses with higher density residential housing and office buildings. Ground floor uses should be those that generate pedestrian activity along the street front through the location of doors, windows, and displays. Development in this district is characterized by tall buildings lining urban streets with most or all parking provided on street or in municipal lots or structures. This district accommodates the City's highest intensity and density development.

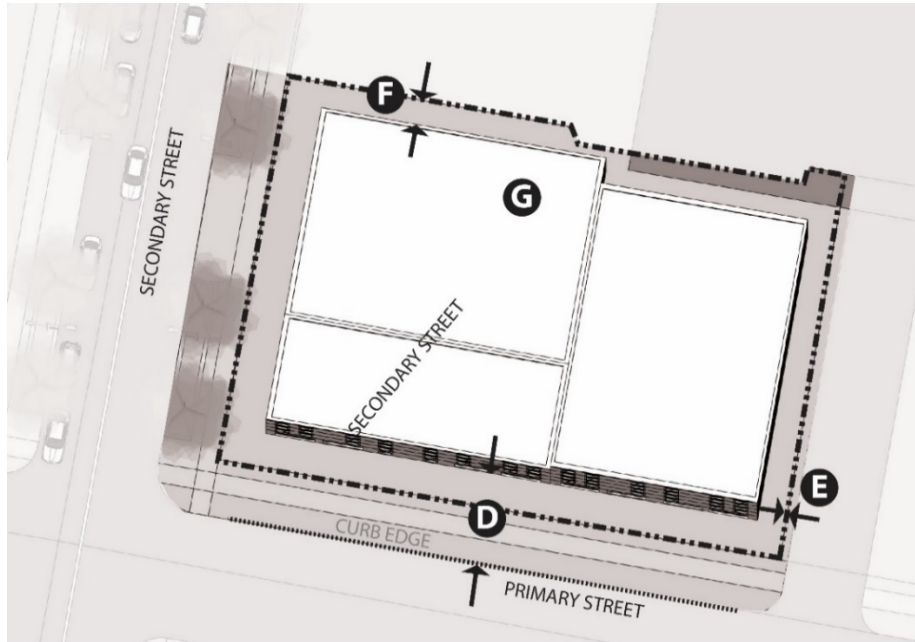
1243.11.02 DT-3 SITE LAYOUT REQUIREMENTS

[FIGURE 41]



a) BUILDING MASSING		
A. Minimum Height	25'	2 Stories
Maximum Height:	None	
Required Corner Massing	When site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner	

[FIGURE 42]



b) BUILDING PLACEMENT

B. Build-to-line	Five (5) feet as measured from the property line. The Zoning Administrator may approve: 1. A setback of ten (10) feet from the inside edge of the sidewalk, provided that the additional space is dedicated to outdoor seating and/or public art. 2. A setback of zero (0) feet from the inside edge of the sidewalk, provided that the existing or proposed sidewalk is at least ten (10) feet in width.
C. Minimum Side Setback	0'
D. Minimum Rear Setback	0'
E. Maximum Lot Coverage	100%

c) PARKING

Required Parking Spaces	No required parking.
Allowed Surface Parking Locations	On-street parking; On-site: Rear yards only. Side yard parking allowed upon written approval of Zoning Administrator.
Parking Lot Spaces	Number of parking spaces shall not exceed what would otherwise be required per Section 1254.03 Parking facilities subject to Special Land Use permit. See Chapter 1262
Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252

CHAPTER 1244 RESIDENTIAL DISTRICTS**1244.01 APPLICABILITY**

The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in CHAPTER 1246 – ARCHITECTURAL STANDARDS and other applicable chapters of this zoning ordinance. If there is a conflict between any standards, the stricter standards shall apply conventionally on-site constructed homes. For purposes of compatibility, all structures shall:

1. Have not less than two exterior doors with one door being in front of the structure and the other being in either the rear or on the side of the structure;
2. Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by the difference in between the ground and floor levels.

1244.02 GENERAL DEVELOPMENT**Requirements for Dwelling Units**

Any dwelling unit, including a structure or portion of a structure constructed on-site, a premanufactured unit, a precut structure or a panelized structure, whether erected above and/or below ground, shall comply with the following standards:

- a) It shall conform with the minimum residential lot dimensional requirements and building types for the district in which it is located.
 - 1) On existing lots less than 40 feet in width the minimum side setbacks may be reduced to 10% of the lot width, rounding down, on one side and ten (10) feet on the other side to accommodate a driveway.
- 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 (7.5) feet. For single-family dwellings on lots less than 40 feet in width in R-5 and R-6 Residential Districts, it shall contain a core area of living space of at least 20 feet by 20 feet in size and shall have a minimum internal height of seven and one-half (7.5) feet.
- c) It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and has a wall of the same perimeter dimensions as the structure, which is aesthetically compatible in design and appearance with conventionally on-site constructed homes, and constructed of such materials and type as required in the Building Code.
- 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 4:12 pitch and an overhang of at least one foot; and

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

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

1244.03 ADMINISTRATION

- a) Residential construction for single-family and two-family detached homes are not required to follow the site plan review process in Chapter 1260 but must adhere to the regulations of this zoning ordinance and other applicable City codes and ordinances.
- b) Single-family or two-family principle and accessory structures and for alterations, use changes or additions, a plot plan depicting the existing and proposed structures, lot lines, setbacks, parking areas and the location of any known wells shall be submitted to the planning office for review and approval prior to issuance of a building permit.
- c) Any other residential use not listed in subsection a) above shall be reviewed according to Chapter 1260 – Site Plan Review.

1244.04 RESIDENTIAL PERMITTED USES

In the Residential Districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses shall adhere to the Conditions noted in the Section referenced. Special Land Uses may be permitted by Council in accordance with the procedures and conditions described in CHAPTER 1262 – SPECIAL LAND USE PERMITS if the conditions described in this section for each use are met, and if all Federal, State and local laws are met. Permitted and approved uses may be mixed both horizontally and vertically.

Table 1244.04 Residential Districts Master Use Table											
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	R-1	R-2	R-3	R-4	R-5	R-6a	R-6b	R-MX	MFR	R-AR	Conditions
Residential Uses											
Single-Family detached	P	P	P	P	P	P	P	P		P	
Two-Family dwelling							C	P	P	P	For R-6B: 1. Must maintain the appearance of a medium sized home and is appropriately scaled to fit within primarily single-family neighborhoods.
Multi-Family dwelling							C	P	P	P	
Mobile Home Park									S		
Short-Term Rental	C	C	C	C	C	C	C	C	C	C	Lansing Airbnb/Short-term rental housing policy
Human Care Facilities											
Adult Day Care Facility								S	S		
Adult Foster Care (≤ 6)	P	P	P	P	P	P	P	P	P	P	
AFC small group home (≤ 12)	S	S	S	S	S	S	S	P	P		
AFC large group home (13-20)								S	S	S	
AFC Congregate Care								S	S	S	
Child Care centers, preschools, and commercial day care	S	S	S	S	S	S	S			S	

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	R-1	R-2	R-3	R-4	R-5	R-6a	R-6b	R-MX	MFR	R-AR	Conditions
Family Day Care (≤ 6, less than 24 hours/day)	P	P	P	P	P	P	P	P	P		
Group Day Care Home (7-12 children, <24 hours/day)	C	C	C	C	C	C	C	C	C	C	1. The facility provides and maintains on the lot not less than 900 square feet of outdoor play space. 2. The use of the structure as a group day care home shall be clearly incidental to the principal residential use. 3. One person, other than a member of the family residing in the dwelling, may be employed, so long as that person is not the primary caregiver. 4. No change occurs in the outside appearance of the dwelling. 5. No signs are permitted. 6. The outdoor play space shall be fenced. This requirement can be waived by approval of the Planning Division if the specified outdoor area is common open space shared with other dwelling units.
Foster Family Home (6 or fewer children, 24 hours/day)	P	P	P	P	P	P	P	P	P		
Sheltered Care Facility										S	
Convalescent or Nursing Home								S	S	S	
Institutional											
Places of Assembly	S	S	S	S	S	S	S	S	S	C	At least one property line abutting an arterial, suburban or activity corridor or it must be determined by the City Engineer or his/her designee that the existing transportation system is sufficient to accommodate the proposed use. A traffic impact study may be required to assist in making this determination.
Places of Worship	S	S	S	S	S	S	S	S	S	S	
Hospital										C	At least one property line abutting an arterial, suburban or activity corridor
Library	C	C	C	C	C	C	C	C	C	C	1. Front, rear and side yards are not less than 25 feet, except as provided below. 2. If a front, rear or side yard abuts a Commercial Mixed-Use District, then that yard which abuts such District shall meet that dimensional requirement of the District.
Museum										C	3. No parking exists in the front yard. 4. No accessory structure is located in the front yard.

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	R-1	R-2	R-3	R-4	R-5	R-6a	R-6b	R-MX	MFR	R-AR	Conditions
Schools	C	C	C	C	C	C	C	C	C	C	All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor or it must be determined by the City Engineer or his/her designee that the existing transportation system is sufficient to accommodate the proposed use. A traffic impact study may be required to assist in making this determination
Trade school										C	
Park, open space, plaza	P	P	P	P	P	P	P	P	P	P	
Commercial/Office											
Retail sales and Personal Services										C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Professional/business offices										P	
Active/Recreational Commercial										C	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Animal Hospital										C	No Kennels
Cemetery		S								S	
Clinic										C	At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Golf courses	S	S								S	
Nursery, commercial greenhouse										C	1. The lot on which the nursery or commercial greenhouse is located contains not less than three (3) acres. 2. The lot on which the nursery or commercial greenhouse is located has not less than one property line which abuts and has primary access to a major or minor arterial. 3. The outdoor storage of landscape materials, other than plants, shall be screened from view of all public right-of-ways and residential parcels of land by a six (6) foot high opaque wood or vinyl fence, decorative screen wall or landscaped berm.
Parking surface lot	S	S	S	S	S	S	S	S	S	S	Shall comply with applicable standards of Chapter 1252 and Chapter 1254
Studio (dance, music, etc.)										P	
Research laboratory										S	

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

1244.05 R-1 SUBURBAN RESIDENTIAL

[FIGURE 43]



1244.05.01 R-1 INTENT

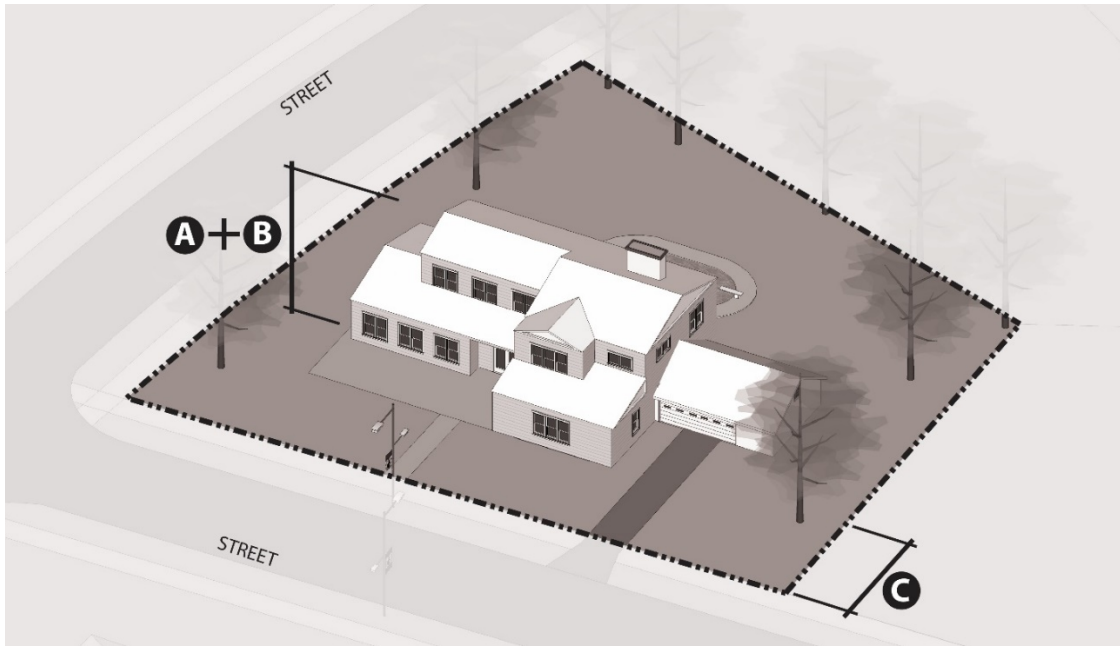
The R-1 Suburban Residential district is intended for the largest, lowest-density single-family development in the city. These neighborhoods feature large lots, large homes with attached garages, significant landscaping and curvilinear streets and cul-de-sacs. These houses are intended to each be unique with significant architectural detail and quality. Typical character types include Contemporary and Neo-Eclectic.

1244.05.02 R-1 BUILDING TYPES

Detached Houses are the only building type intended to meet the intent of this district. Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

1244.05.03 SITE LAYOUT REQUIREMENTS

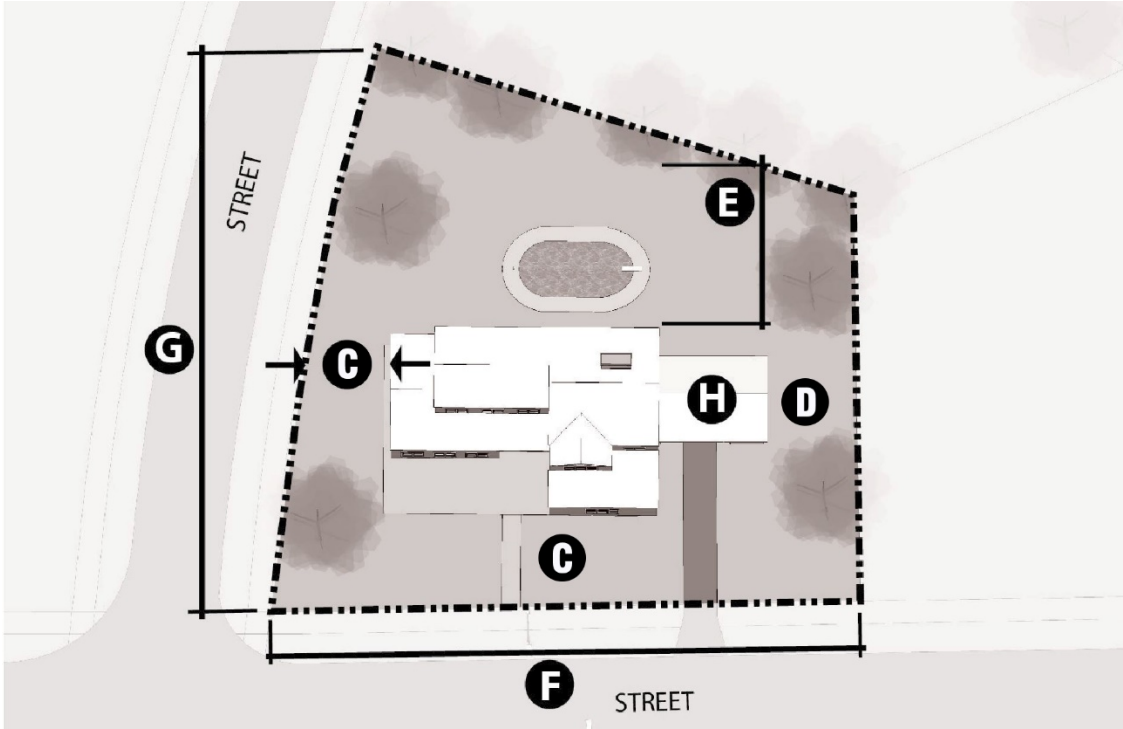
[FIGURE 44]



a) BUILDING MASSING

A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Dwelling Units per Lot	1	

[FIGURE 45]



b) BUILDING PLACEMENT		
C. Minimum Front Setback	The average setback on block face	
D. Minimum Side Setback	5'one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size	6,000 sq. ft.	
F. Lot Width – min., max.	60' – 200'	
G. Lot Depth – min., max.	100' – 200'	
Maximum Lot Coverage	Total Impervious Surfaces	55%
	Building Coverage	40%
See section 1250.04.01 for placement of accessory buildings.		

c) PARKING	
Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.
H. Garages	Garages may be attached but may not project in front of the front building facade. Side entry garage preferred.

1244.06 R-2 SUBURBAN RESIDENTIAL

[FIGURE 46]



1244.06.01 R-2 INTENT

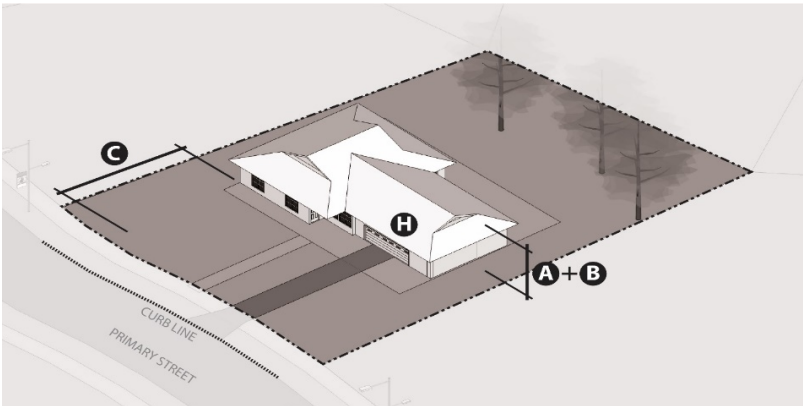
The R-2 Suburban Residential district is intended for mid-century to modern subdivisions. These neighborhoods feature medium-sized lots, often attached garages, curvilinear streets and cul-de-sacs, and a variety of housing types and sizes. Typical character styles include ranch, split level, minimal traditional, and contemporary, often with side-facing gables or hip roofs.

1244.06.02 R-2 BUILDING TYPES

Detached Houses are the only building type intended to meet the intent of this district. Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

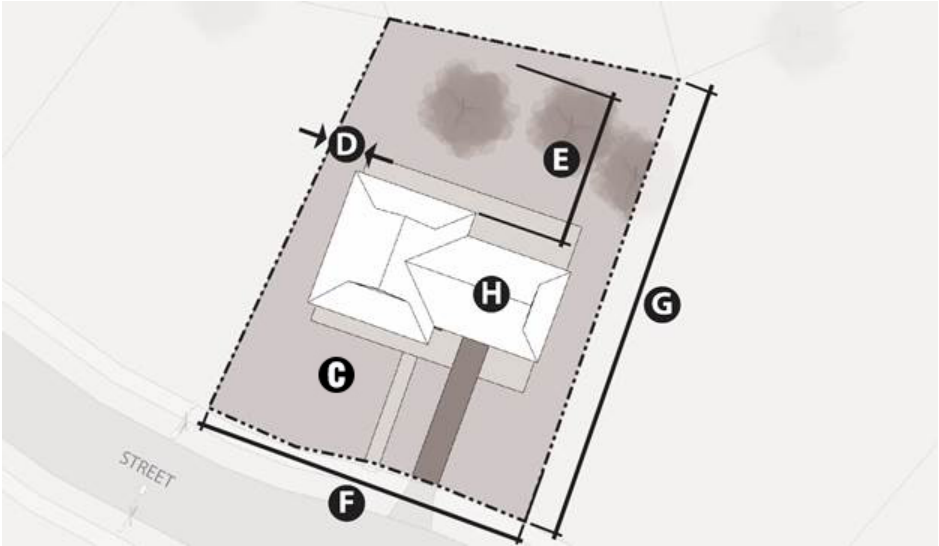
1244.06.03 SITE LAYOUT REQUIREMENTS

[FIGURE 47]



a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Dwelling Units per Lot	1	

[FIGURE 48]



(b) BUILDING PLACEMENT		
C. Minimum Front Setback	20' or the average setback on block face	
D. Minimum Side Setback	5' one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size	5,000 sq. ft.	
F. Lot Width – min., max.	50' – 100'	
G. Lot Depth – min., max.	100' – 175'	
Maximum Lot Coverage	Total Impervious Surfaces	55%
	Building Coverage	40%
<i>See section 1250.04.01 for placement of accessory buildings.</i>		

(c) PARKING	
Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.
H. Garages	Garages may be in rear yard or attached but may not project in front of the front building facade.

1 1244.07 R-3 SUBURBAN RESIDENTIAL

2 [FIGURE 49]

3
4 1244.07.01 R-3 INTENT

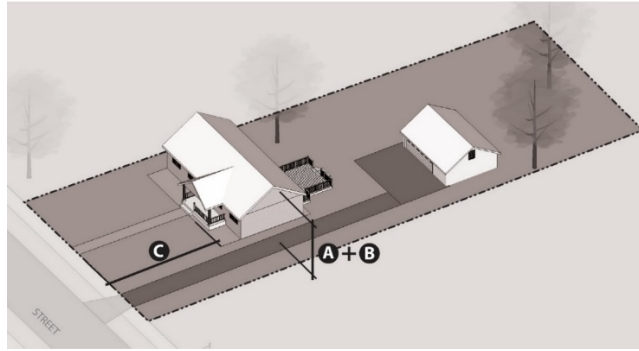
5 The R-3 Suburban Residential district is intended to accommodate a more flexible rural character in the
6 city. Deep lots are typical with variable setbacks. Typical character types include Ranch and Minimal
7 Traditional, often with side-facing gable roofs.

8 1244.07.02 R-3 BUILDING TYPES

9 Detached Houses are the only building type intended to meet the intent of this district. Architectural
10 regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

1244.07.03 SITE LAYOUT REQUIREMENTS

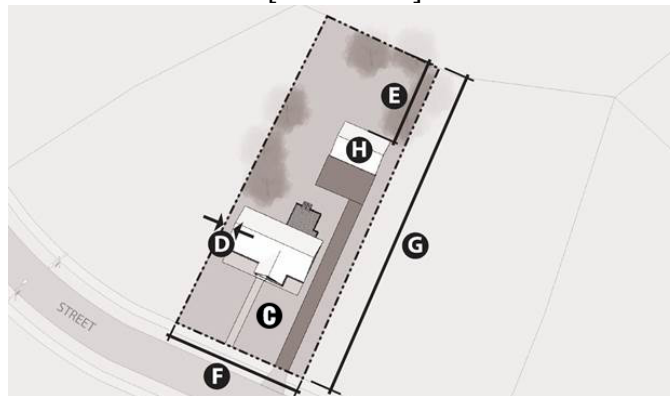
[FIGURE 50]



(a) BUILDING MASSING

A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Dwelling Units per Lot	1	

[FIGURE 51]



(b) BUILDING PLACEMENT

C. Front Setback	20' or the average setback on block face. 50' maximum	
D. Minimum Side Setback	5' one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size	4,000 sq. ft.	
F. Lot Width – min., max.	40' – 150'	
G. Lot Depth – min., max.	100' – none	
Maximum Lot Coverage	Total Impervious Surfaces	60%
	Building Coverage	45%
See section 1250.04.01 for placement of accessory buildings.		

(c) PARKING

Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.
H. Garages	Rear

1 1244.08 R-4 URBAN EDGE RESIDENTIAL

2 [FIGURE 52]

3
4 1244.08.01 R-4 INTENT

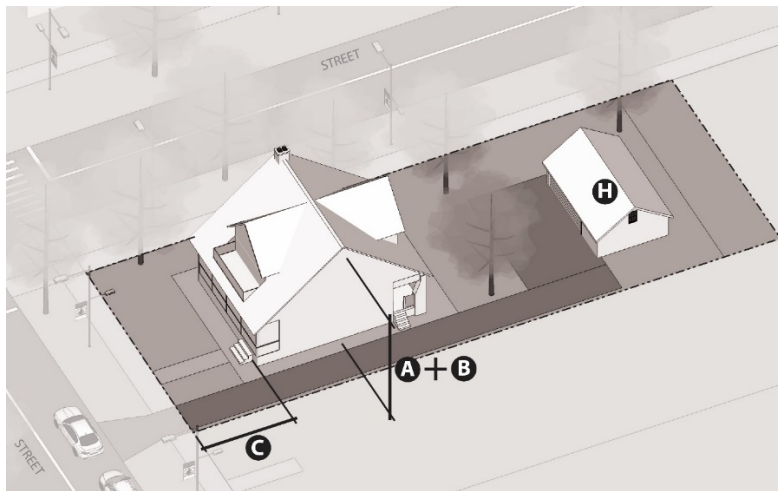
5 The intent of the R-4 Urban Edge Residential district is to preserve the character of Lansing's most historic
6 neighborhoods. These neighborhoods were originally designed in the style of the City Beautiful/Garden
7 City movement, with a variety of high-style historic single-family homes. Any modifications or new
8 construction in this district should respect the high-style character types of the early 20th century. Typical
9 Character types include Tudor, Colonial Revival, and Craftsman.

10 1244.08.02 R-4 BUILDING TYPES

11 Detached Houses are the only building type intended to meet the intent of this district. Architectural
12 regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

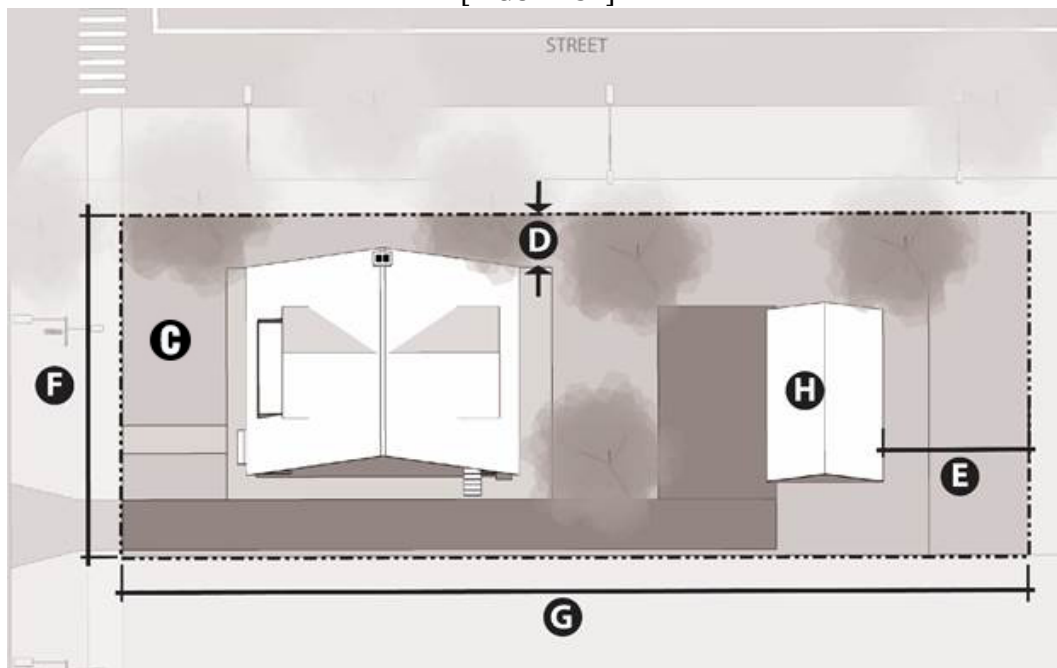
1 1244.08.03 SITE LAYOUT REQUIREMENTS

2 [FIGURE 53]



3 (a) BUILDING MASSING

A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Dwelling Units per Lot	1	

4 [FIGURE 54]
5

6 (b) BUILDING PLACEMENT

C. Front Setback	Lessor of 20' or the average setback on block face
D. Minimum Side Setback	5 one side yard'; 15' total of two side yards
H. Minimum Rear Setback	30'

Minimum Lot Size	4,000 sq. ft.
F. Lot Width – min., max.	40' – 80'
G. Lot Depth – min., max.	100' – 150'
Maximum Lot Coverage	Total Impervious Surfaces 60%
	Building Coverage 45%
<i>See section 1250.04.01 for placement of accessory buildings.</i>	
(c) PARKING	
Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.
H. Garages	Rear yard or along alley

1

1244.09 R-5 URBAN RESIDENTIAL

[FIGURE 55]



1244.09.01 R-5 INTENT

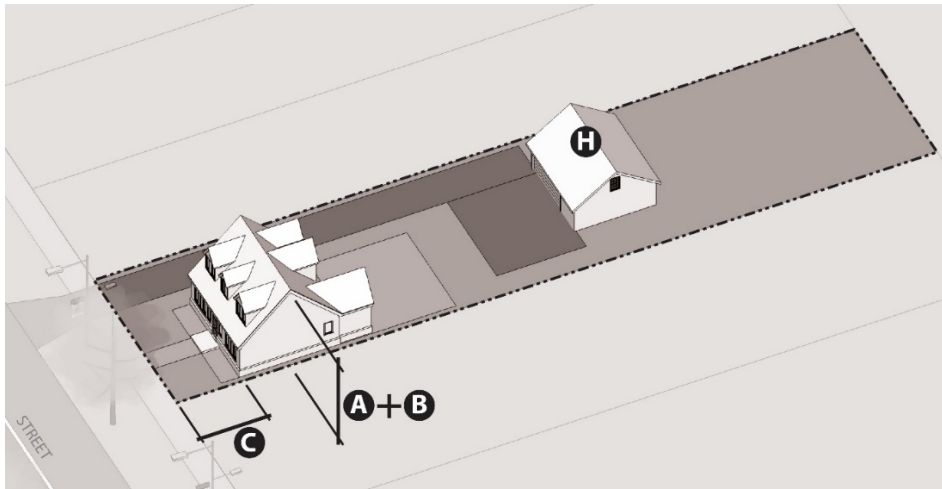
The R-5 Urban Residential district is intended to preserve a lower density urban district than R-6. Homes in this district are primarily mid-century 1 1/2 story bungalows and any new constructions should match that smaller scale rather than the larger, more historic two-story homes in R-4 and R-6. Typical character types include Minimal Traditional, Cape Cod, and Neocolonial. Front- or side-facing gables with dormers are typical roof styles.

1244.09.02 R-5 BUILDING TYPES

Detached Houses are the only building type intended to meet the intent of this district. Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

1 1244.09.03 SITE LAYOUT REQUIREMENTS

2 [FIGURE 56]

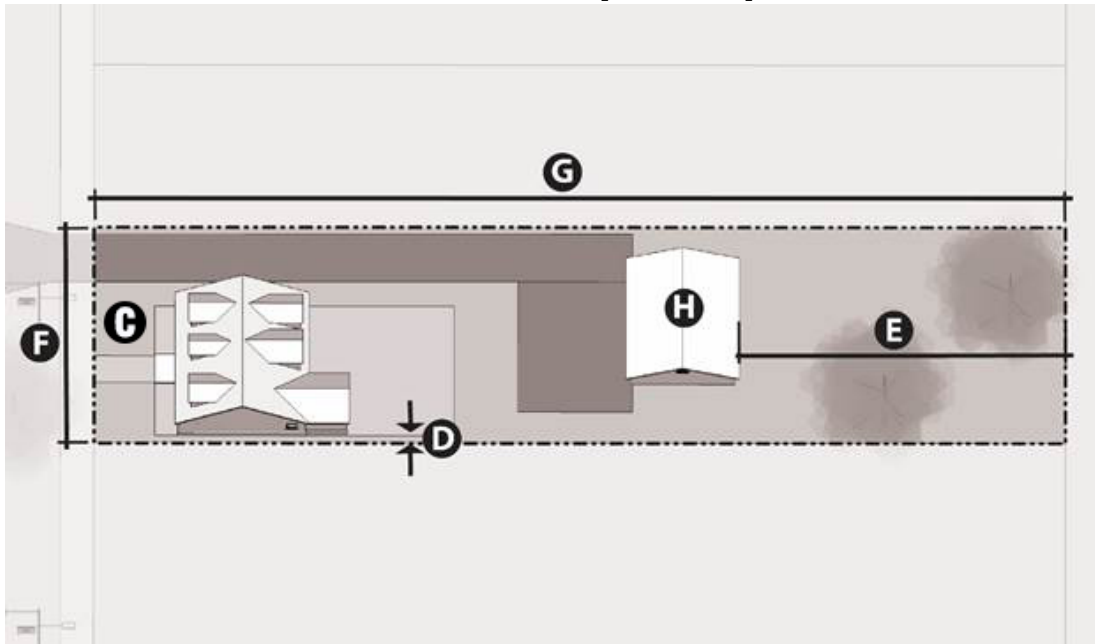


3

(a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Dwelling Units per Lot	1	

4

[FIGURE 57]



(b) BUILDING PLACEMENT

C. Front Setback	Lessor of 20' or the average setback on block face	
D. Minimum Side Setback	5' one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size	4,000 sq. ft.	
F. Lot Width – min., max.	40' – 70' or average of adjacent lots	
G. Lot Depth – min., max.	100' – 200'	
Maximum Lot Coverage	Total Impervious Surfaces	60%
	Building Coverage	45%
<i>See section 1250.04.01 for placement of accessory buildings.</i>		

(c) PARKING

Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.	
H. Garages	Rear yard or along alley	

1244.10 R-6 URBAN RESIDENTIAL

[FIGURE 58]



1244.10.01 R-6 A & B INTENT

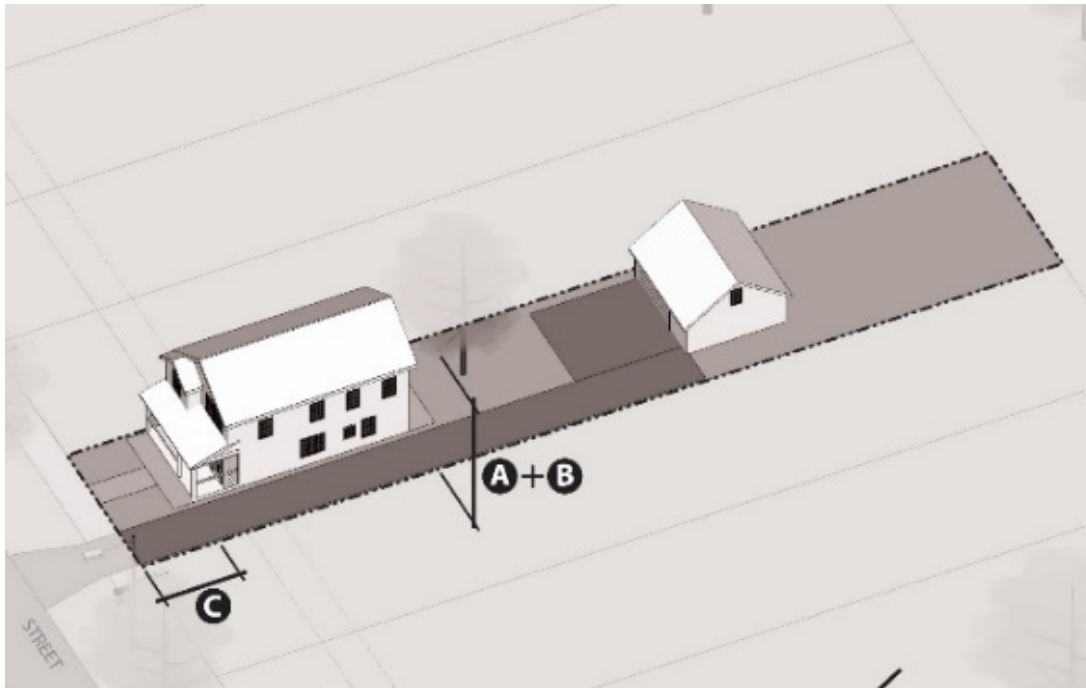
The intent of the R-6 Urban Residential district is to preserve the historic character of Lansing's most urban neighborhoods maintaining the scale of medium-density single-family detached residences. These neighborhoods feature small lots, early 20th century-built homes often with alleys and rear loading garages. Infill development in this district should respect the historic single-family character. Typical character types include Four-Square, Craftsman, and Queen Anne vernacular types. Front-facing gable and hip roofs are typical. The intent of sub-district R-6B is to integrate attached residential units into appropriate locations at the perimeter of established residential neighborhoods. Attached residential units are intended to provide a physical transition from the adjacent busier street types, and/or non-residential uses to the purely residential neighborhood.

1244.10.02 R-6 BUILDING TYPES

Architectural regulations and Building Types are further described in CHAPTER 1246.05 - BUILDING TYPES.

1 1244.10.03 SITE LAYOUT REQUIREMENTS

2 [FIGURE 59]

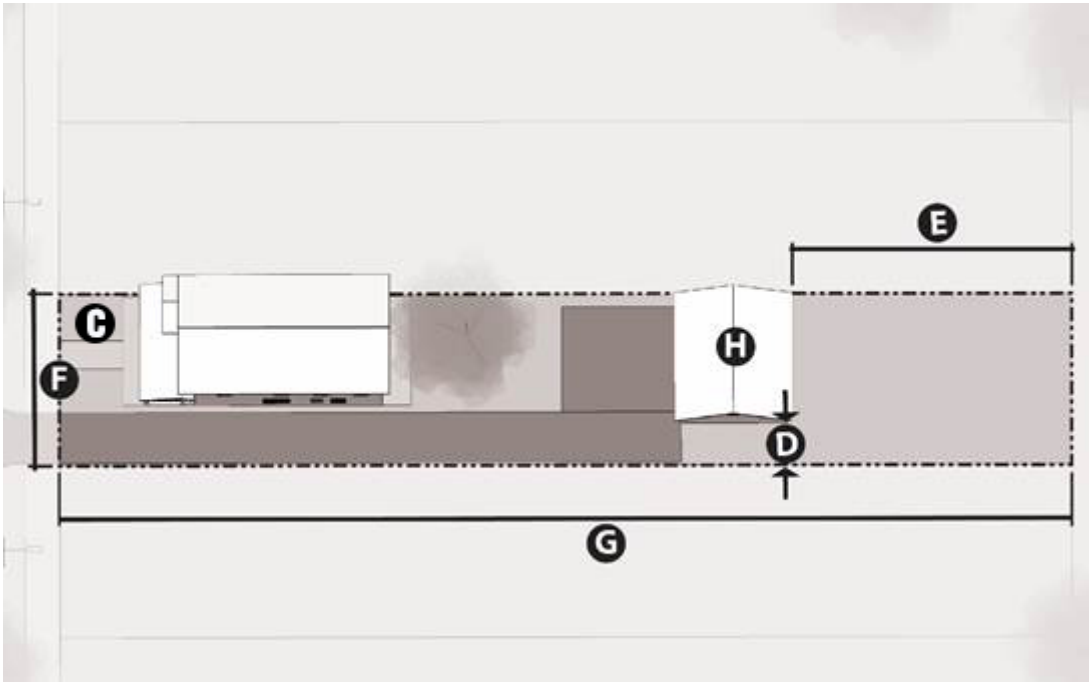


3

(a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	2.5 Stories
Maximum Number Of Principal Buildings		1
Maximum Dwelling Units per Lot	R-6a	1
	R-6b	6

4

[FIGURE 60]



(b) BUILDING PLACEMENT		
C. Front Setback	Lessor of 20' or the average setback on block face	
D. Minimum Side Setback	5' one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size (per dwelling unit)	R-6a	4,000 sq. ft.
	R-6b	Efficiency: 2200 sq. ft. 1-bdrm: 2600 sq. ft., 2 bdrm: 3000 sq. ft., 3+ bdrms: 3800 sq. ft.
F. Lot Width – min., max.	40' – 60'	
G. Lot Depth – min., max.	100' – 200'	
Maximum Lot Coverage	Total Impervious Surfaces	60%
	Building Coverage	45%
See section 1250.04.01 for placement of accessory buildings.		

(c) PARKING	
Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard.
H. Garages	Rear yard or along alley

1244.11 MFR MULTI-FAMILY RESIDENTIAL

[FIGURE 61]



1244.11.01 MFR INTENT

The MFR Multiple Family Residential district is applied to areas of Lansing that are appropriate for the highest range of residential densities to accommodate multiple family dwellings. The MFR zone is suitable as a transition from the residential districts into mixed-use commercial areas. MFR complexes should be designed with a campus-like character, providing shared open space, landscape buffering, and consistent site design features.

1244.11.02 MFR BUILDING TYPES

Attached Residential is the primary building type intended to meet the intent of this district. Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

A Mobile Home Park, as defined in this ordinance, and that meets the requirements of PA 419 of 1976, as amended, being M.C.L.A. 125.1101 to 125.1147, may be permitted in a MFR district, if it is located on not less than ten (10) acres, and subject to issuance of a Special Land Use permit in accordance with the provisions of Chapter 1262 and to Site Plan Review of Chapter 1260.

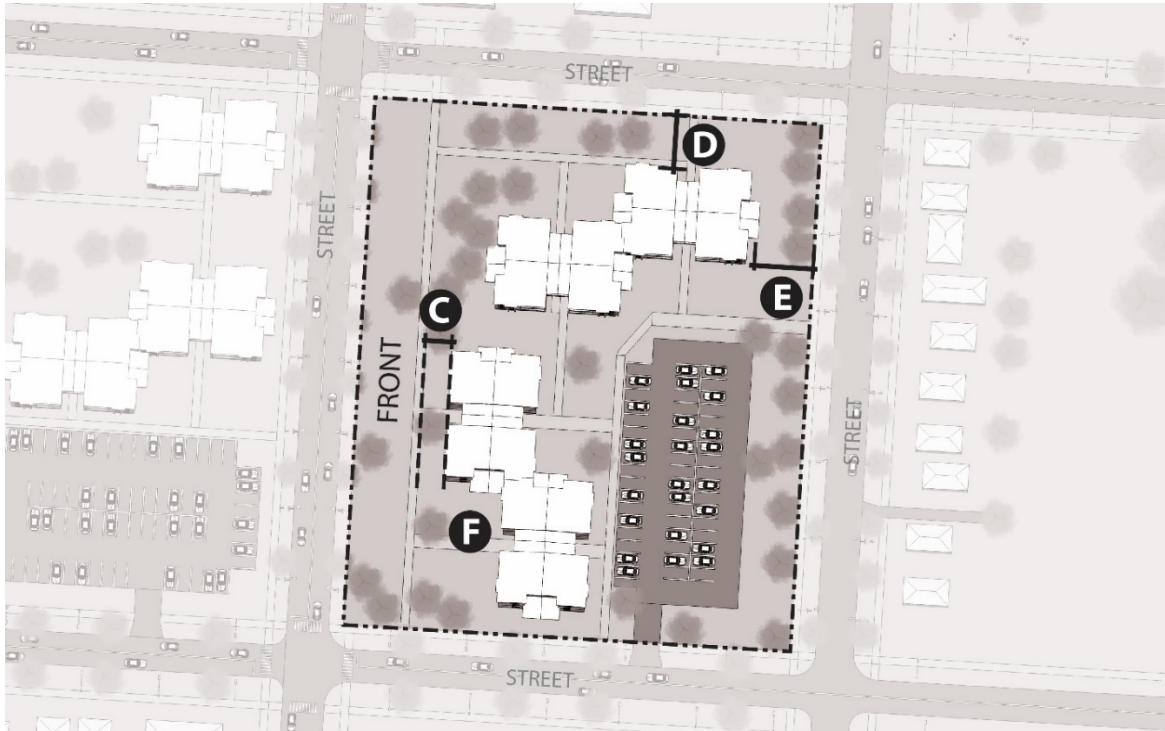
1244.11.03 SITE LAYOUT REQUIREMENTS

[FIGURE 62]



(a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	45'	4 Stories

[FIGURE 63]



(b) BUILDING PLACEMENT

C. Front Setback	20'
D. Minimum Side Setback	10' 25' when adjacent to a Residentially zoned district or used property
E. Minimum Rear Setback	25'
Minimum Lot Size (per dwelling unit)	Efficiency: 2200 sq. ft. 2 bdrm: 3000 sq. ft., 1-bdrm: 2600 sq. ft., 3+ bdrms: 3800 sq. ft.
Maximum Lot Coverage	Total Impervious Surfaces 60%
	Building Coverage 40%
See section 1250.04.01 for placement of accessory buildings.	

(c) PARKING

Building Access & Entrances	Entrances may face interior parking, but should have pedestrian connections to the public right-of-way sidewalks
Parking	See Chapter 1254 for parking standards. Parking permitted in the interior, Rear, or Side yards. Property and parking lot setback / screening per Chapter 1252

1244.12 R-MX MIXED RESIDENTIAL

[FIGURE 64]



1244.12.01 R-MX INTENT

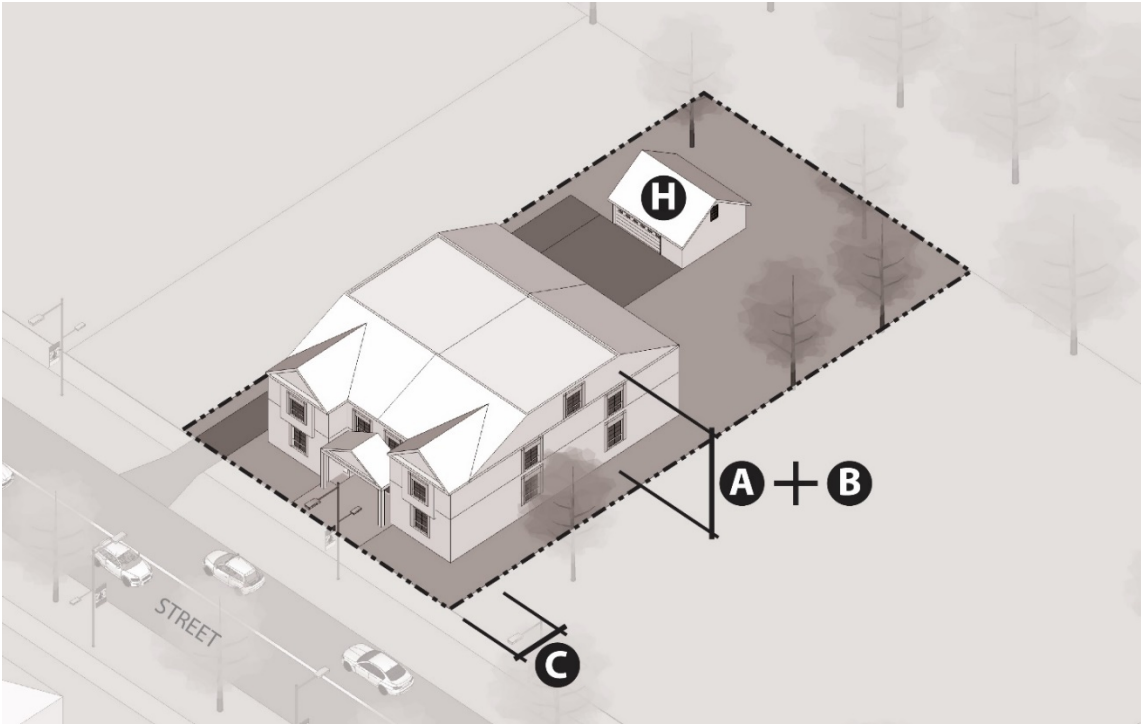
The R-MX Mixed Residential district is intended to accommodate a mixture of housing types along corridors and near the Downtown. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained where possible for their character and infill housing should respect the established scale and massing. Denser housing along corridors is intended to provide a transition to the adjacent established single-family neighborhoods.

1244.12.02 R-MX BUILDING TYPES

Detached Houses and Attached Residential are the only building types intended to meet the intent of this district. Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

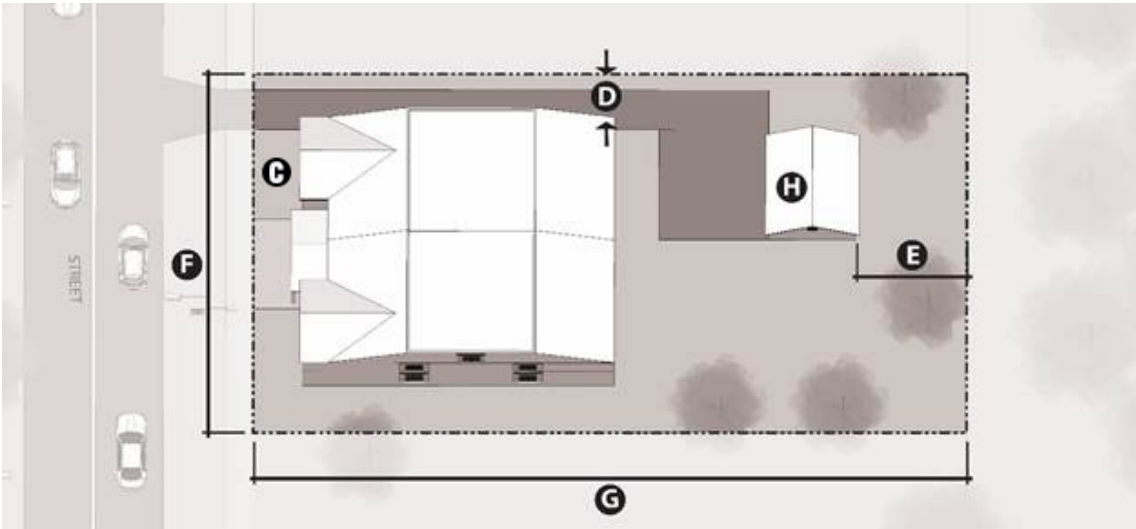
1244.12.03 SITE LAYOUT REQUIREMENTS

[FIGURE 65]



(a) BUILDING MASSING		
A. Minimum Height	20'	2 Stories
B. Maximum Height:	45'	4 Stories

[FIGURE 66]



(b) BUILDING PLACEMENT		
C. Front Setback	20'	
D. Minimum Side Setback	5' one side yard; 15' total of two side yards	
E. Minimum Rear Setback	30'	
Minimum Lot Size (per dwelling unit)	Efficiency: 1,200 sq. ft. 2 bdrm: 1,500 sq. ft.,	1-bdrm: 1,300 sq. ft., 3+ bdrms: 2,200 sq. ft.
F. Lot Width – min., max.	40' – 60'	
G. Lot Depth – min., max.	150' – 200'	
Maximum Lot Coverage	Total Impervious Surfaces	65%
	Building Coverage	40%
See section 1250.04.01 for placement of accessory buildings.		

(c) PARKING	
Parking	See Chapter 1254 for parking standards. Parking permitted in rear or side yard. Property and parking lot setback / screening per Chapter 1252
H. Garages	Rear yard or along alley

1244.13 R-AR ADAPTIVE REUSE RESIDENTIAL

[FIGURE 67]



1244.13.01 R-AR INTENT

The purpose and intent of the R-AR Adaptive Reuse Residential district is to:

[A] Promote the appropriate reuse or redevelopment of former institutional sites that is compatible in scale and intensity with the previous use or character of the area.

[B] Minimize impacts on and ensure proper transitions from taller buildings and more intense uses to adjoining residential neighborhoods and less intense uses.

[C] Provide for recreational, pedestrian and open space needs that may be displaced by redevelopment of vacant institutional sites

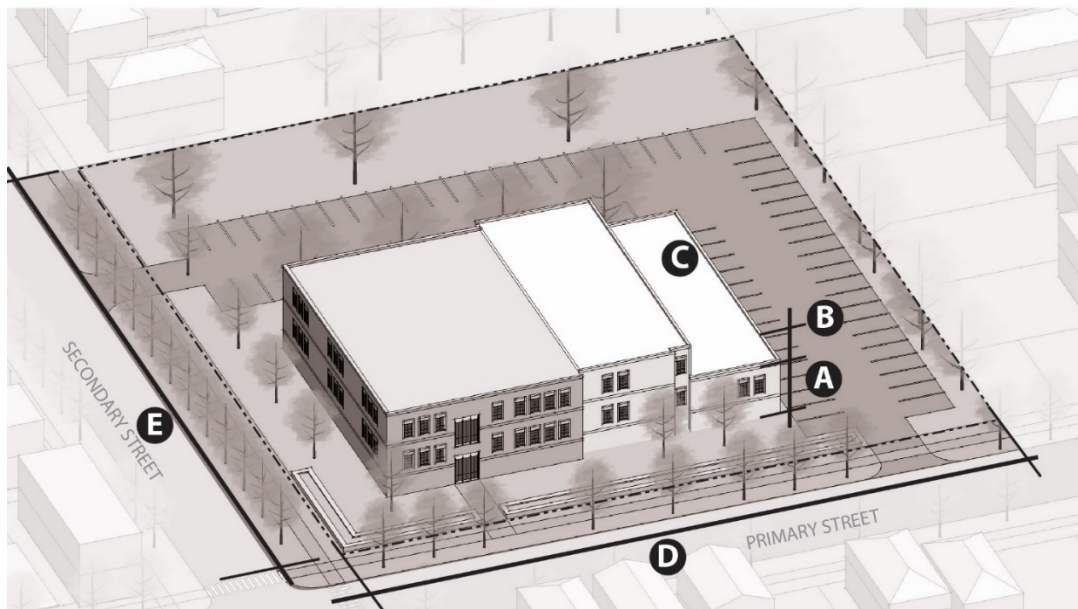
[D] Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.

1244.13.02 R-AR BUILDING TYPES

Architectural regulations and Building Types are further described in CHAPTER 1246.05 – BUILDING TYPES.

1 1244.13.03 SITE LAYOUT REQUIREMENTS

2 [FIGURE 68]

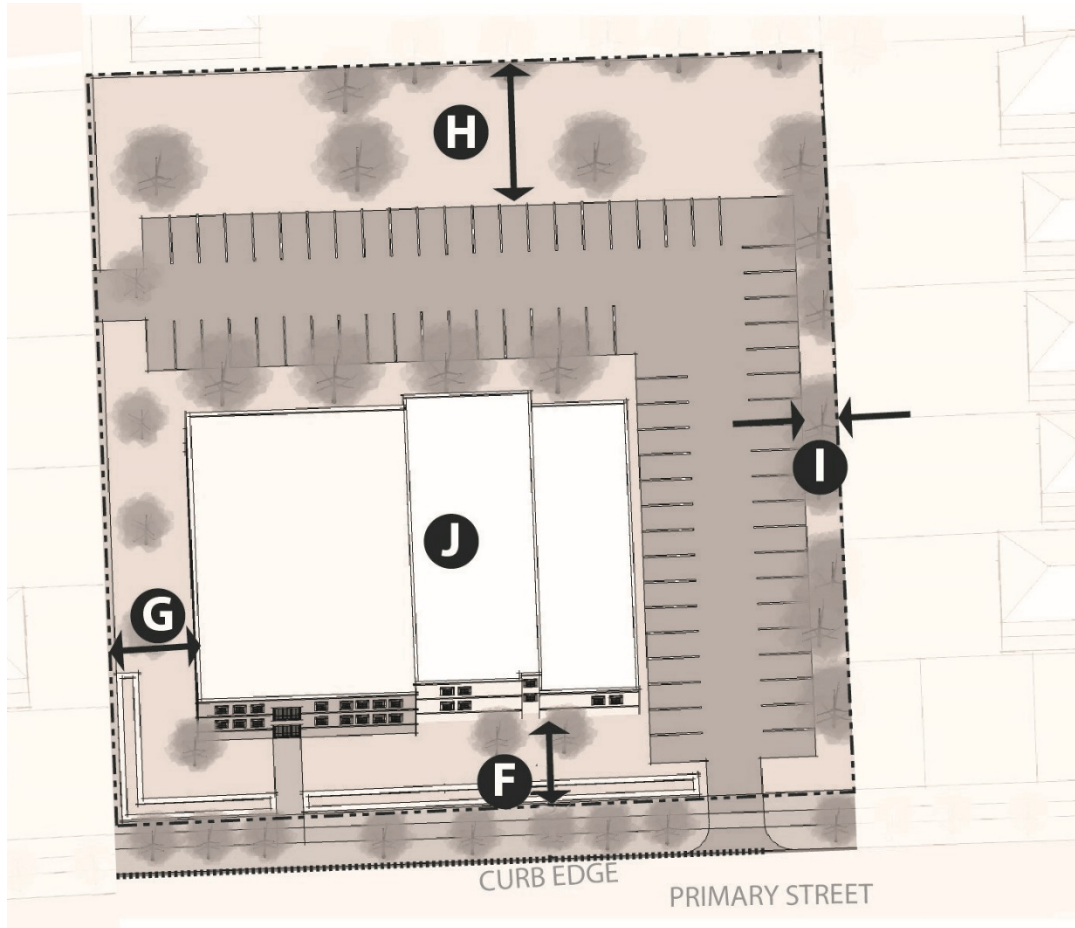


3

(a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	A: 35'; or B: Equal to the height of the existing building being retained or the maximum allowable height of the adjacent residential districts, whichever is greater.	
C. Required Upper Floor Step-Backs	Equal to each story height, for each story of the building above the maximum of the adjacent residential district	
Minimum Lot Size (per dwelling unit)	Efficiency: 1,200 sq. ft. 2 bdrm: 1,500 sq. ft.,	1-bdrm: 1,300 sq. ft., 3+ bdrms: 2,200 sq. ft.

4

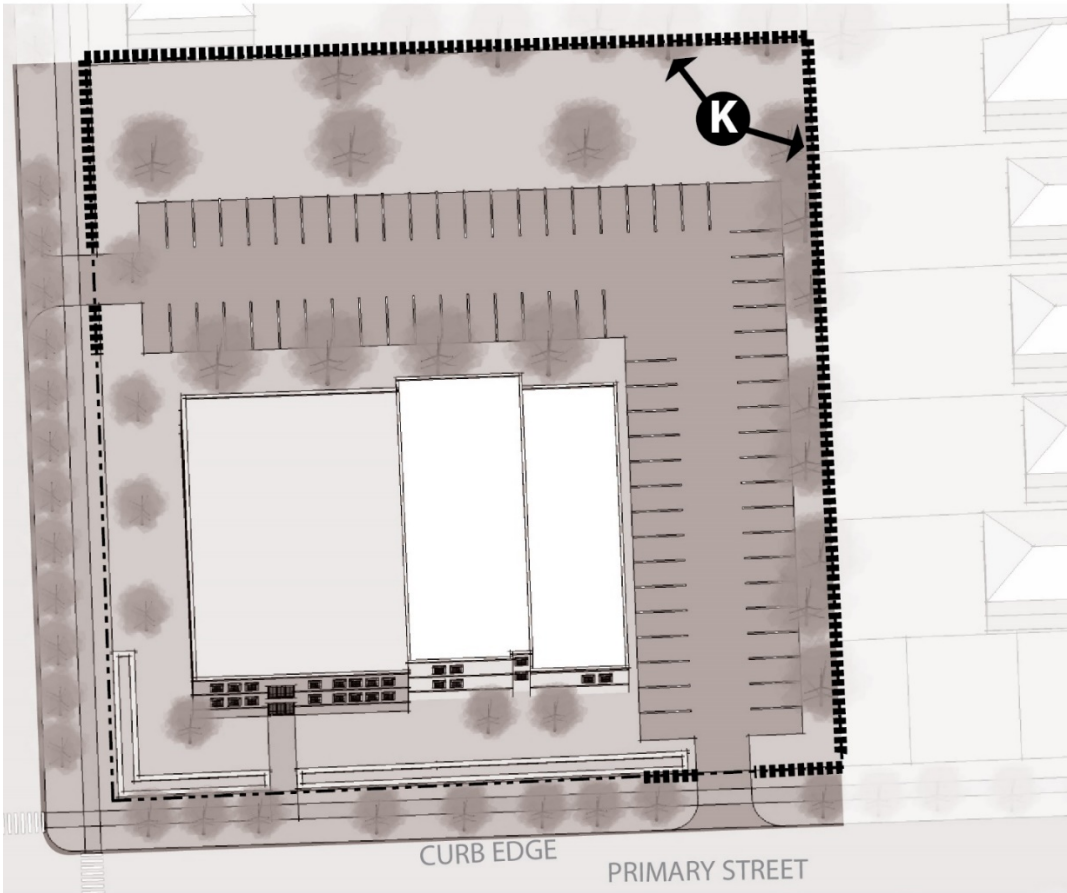
[FIGURE 69]



(b) BUILDING PLACEMENT

F. Front Setback	The established setback along the block face
G. Minimum Side Setback	Whichever is greater:
H. Minimum Rear Setback	A: The setback of the adjacent residential district B: Equal to building height
I. Maximum Lot Coverage	Equal to the lot coverage limitation of the adjacent residential district (see Incentives coverage bonuses)
<i>See section 1250.04.01 for placement of accessory buildings.</i>	

[FIGURE 70]



(c) PARKING	
Allowed Surface Parking Locations	Side and Rear yard parking only. Interior parking lots allowed.
J. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Chapter 1254; Section 1254.01.04 for parking reductions.

CHAPTER 1245 SPECIAL DISTRICTS**1245.01 APPLICABILITY**

- a) The standards of this chapter shall apply to all proposed development within the zoning districts contained herein, and shall be considered in combination with the standards in CHAPTER 1246 – ARCHITECTURAL STANDARDS and other applicable chapters of this zoning ordinance. If there is a conflict between any standards, the stricter standards shall apply.
- b) Exempt Expansions. Changes of use to another permitted use or to increase parking to meet the minimum number of spaces required, building maintenance or façade changes that do not alter the building footprint or require site improvements, shall be permitted according to CHAPTER 1260 – SITE PLAN REVIEW, provided that standards of other applicable city codes and ordinances are met.

1245.02 ADMINISTRATION

- a) Site Plan Review. Applications shall be reviewed according to CHAPTER 1260 – SITE PLAN REVIEW.
- b) Incentives.

- 1) Types of Incentives. To promote redevelopment and stimulate reinvestment in the City, the Planning Office may grant additional flexibility or development options where one or more of the Recognized Benefits, listed below, are provided. The following incentives may be granted:

- (a) Dimensional Flexibility. Flexibility may be granted of the minimum lot coverage, building frontage, or setbacks provided the resulting layout will not negatively impact nearby residences.
- (b) Additional Building Height. The maximum building height may be increased by one additional story.
- (c) Reduced Minimum Parking. Reduced parking may be allowed consistent with Section 1254.01.04.

(1) Incentives → See above for details		A	B	C
(2) Recognized Benefit See below for details ↓		DIMENSIONAL FLEXIBILITY	BUILDING HEIGHT	REDUCED PARKING
A	Open Space	X		
B	Low-Impact Development	X		
C	Mixed-Use			X
D	Green Building	X	X	
E	Additional Landscape Elements	X		
F	Pedestrian Amenities	X		X
G	Shared Access			X
H	Shared Parking			X

[FIGURE 71]

- 1 2) Recognized Benefits. Additional building height or flexibility may be granted during the
2 project review when one or more of the following recognized benefits are provided:
- 3 (a) Open Space. Inclusion of 5% open space above what may be required for the
4 building type. Open space must meet the following standards to be counted toward
5 the minimum requirement:
- 6 (1) Open space may be public or private but must be accessible to the public
7 along with employees or residents or visitors.
- 8 (2) Dimensions, grading and design of the open space shall provide useable area
9 for seating, gathering, recreation or other activities.
- 10 (3) Required open space shall not include wetlands, required setbacks, required
11 landscape areas, water bodies, easements for private roads or overhead
12 utilities, stormwater control facilities as required by Chapter 1219,
13 floodplain area or public right-of-way, provided that where additional public
14 right-of-way is desired by the city, it may be included.
- 15 (4) Required open space shall be functional (not isolated remnant parcels) and
16 provided to supplement public space along a sidewalk, provide pedestrian
17 or greenway connections, pocket parks to serve nearby uses, located and
18 designed to terminate views along streets, or otherwise provide an amenity
19 that would not be provided in a project that just met minimum code
20 requirements.
- 21 (b) Low Impact Development (LID, e.g. green roof, on-site stormwater retention, rain
22 gardens, native species landscaping). Use of alternative stormwater management
23 design that may include green roofs, natural retention systems, porous pavement
24 alternatives, or other energy or water conserving applications above and beyond the
25 requirements of Chapter 1219 - Post-Construction Stormwater Management.
- 26 (c) Provision for Mixed-Use. Proposals that include a mix of different but compatible
27 use types within the same building, such as first-floor retail with offices or
28 residential units on upper floors.
- 29 (d) Green Buildings. Significant use of sustainable building and site design features such
30 as: water use reduction, water efficient landscaping, innovative wastewater
31 technologies, low impact stormwater management, optimize energy performance,
32 on-site renewable energy, solar heating, reuse/recycled/renewable materials,
33 indoor air quality or other sustainable elements.
- 34 (e) Additional Landscape Elements. Exceeding minimum quantities or sizes required in
35 CHAPTER 1252 – LANDSCAPING. Or additional plantings or decorative fence or wall
36 where needed to help reduce impacts on neighboring properties. Native species,
37 larger caliper plantings,
- 38 (f) Pedestrian Amenities. Provision of public plazas, walkways or pedestrian-oriented
39 features, such as street trees or benches beyond those required or enhancements to
40 a transit stop, such as a shelter, large pad size or similar improvements endorsed by
41 the Capital Area Transportation Authority (CATA) .
- 42 (g) Shared Access. Removal of a driveway or use of shared driveway for access from
43 public streets. This may require an access easement approved by the city attorney.
- 44 (h) Shared Public Parking. See Section 1254.01.04 Factors to Permit a Reduction from
45 the Amount of Parking Required.

- d) Allowed Flexibility. It is recognized that certain existing site conditions may prohibit full compliance with this Section. The Director of Economic Development and Planning, or his or her designee, is authorized to approve modifications to the standards of this Section, after considering the criteria and standards below. Any request for relief from a required standard other than those listed below shall be made through the variance procedures set forth in Chapter 1274 – Board of Zoning Appeals.

1) Criteria for Modification

- (a) Demonstration by the applicant that there is a unique situation with the property that makes it impractical to fully comply with the standards herein.
- (b) The proposed development is consistent with the Design Lansing Comprehensive Plan, as amended.
- (c) The proposed development is consistent with the Intent of this District.
- (d) The proposed modification will not prevent or complicate logical extensions of streets, infrastructure, parking, open space, or development of adjacent properties.
- (e) The modification is the minimum necessary to allow reasonable development that is consistent with the intent of the Zoning Ordinance and the Design Lansing Comprehensive Plan.
- (f) The proposed development will not impair public safety.
- (g) The modification is not simply for convenience of the development.
- (h) The design will not be detrimental to adjacent residential uses.

2) Modification Standards

(a) Height

- (1) Minimum and maximum height - up to ten percent for any cumulative increase or decrease in building height.
- (2) Clear height – up to ten percent.

(b) Building Placement

- (1) Build-to line – up to five (5) feet.
- (2) Street wall requirements – up to ten percent of the height/ fenestration/access gate requirements.
 - i. Upper floor step-backs – up to ten percent.
 - ii. Street wall/fence/screening requirements – up to ten percent.

(c) Architectural Regulations (per Chapter 1246)

- i. Windows (minimum and maximum fenestration percentage) – up to ten percent.
- ii. Projections (stoops, porches, awnings, balconies) – up to ten percent.
- iii. Required open space – up to ten percent.
- iv. Entrances (maximum average spacing) – up to ten percent increase in spacing.

- e) Conditions and Phasing. Where deemed necessary, the Zoning Administrator, or Planning Board and Council for special uses, as applicable, may:

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

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

1245.03 INDUSTRIAL AND INSTITUTIONAL PERMITTED USES

In Industrial and Institutional Districts, the following principal uses are permitted. Permitted uses shall be subject to site plan review. Conditional uses are permitted if the Conditions noted in the Section referenced are met. Special Land Uses may be permitted by Council in accordance with the procedures and review standards described in CHAPTER 1262 – SPECIAL LAND USE PERMITS.

Table 1245.03 Special Districts Master Use Table						
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND-1	IND-2	IND-3	INST-1	INST-2	Conditions
Industrial						
Cleaning, processing, servicing, or repair of any product	P	P	P			
Dry cleaning plants	P	P	P			
Industrial scrap metal processing	P	P				
Lumber yards	P		P			
Manufacture of already processed components (bakeries, cosmetics, candies, etc.)	P	P	P			
Manufacture of automobiles parts and car assembly	P	P				
Manufacture of toys, furniture, appliances, etc.	P	P	P			
Metal forming	P	P	P			
Motor vehicle repair station	C	C	C			1. All activities shall be conducted within an enclosed structure. 2. Any vehicle stored on the lot shall be stored in an enclosed structure or within a completely fenced area.
Power plants	P	P				
Production of consumer goods, with 20% GFA retail sales	P	P	P			
Research laboratory	P	P	P	P	P	
Salvage Yards / Junk Yards / Open Storage	C	C				1. The materials are enclosed by a structure or a fence, not less than eight feet in height, which obstructs vision. 2. The materials stored within 20 feet of the fence shall not exceed the height of the fence. 3. A plan is submitted to and approved by the Planning Division, which shows the type and location of the fence. 4. No outdoor burning occurs on the lot on which the salvage yard is located.

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND-1	IND-2	IND-3	INST-1	INST-2	Conditions
Sanitary land fill	S					
Tool, die, and machine shops	P	P	P			
Truck terminals	P	P				
Wholesale and warehouse uses	P	P	P			
Wireless Communications Towers	S	S	S			
Adult Business Uses	S	S	S			See 1250.02.11
Residential Uses						
Single-Family detached						
Two-Family dwelling				P	P	
Multi-Family dwelling	C	C	C	P	P	In Industrial Districts, multiple-family only as part of an adaptive re-use renovation of or addition to an existing structure.
Human Care Facilities						
Adult Day Care Facility				S	S	
AFC large group home (13-20)				S	S	
AFC Congregate Care				S	S	
Child Care centers, preschools, and commercial day care				C	C	At least one property line abutting an arterial, suburban or activity corridor
Convalescent or Nursing Home				P	P	
Sheltered Care Facility				C	C	1. At least one property line abutting a Major Arterial street type. 2. The proposed Sheltered Care Facility is located more than 1,500 feet from an existing Sheltered Care Facility which provides care for more than six persons.
Institutional						
Places of Assembly	C	C	C	C	C	1. At least one property line abutting an arterial, suburban or activity corridor 2. Methods to minimize the impact of potential, excessive noise on adjacent residential are required.
Places of Worship	S	S	S	S	S	
Hospital				P	P	
Museum	C	C	C	P	P	1. Front, rear and side yards are not less than 25 feet, except as provided below. 2. If a front, rear or side yard abuts a Residential district, then that yard which abuts such District shall meet that dimensional requirement of the District.
Library	C	C	C	P	P	3. No parking exists in the front yard.
Schools				C	C	All education facilities, except elementary or middle schools, must have at least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor
Trade school	C	C	C	C	C	
Park, open space, plaza	P	P	P	P	P	

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND- 1	IND- 2	IND- 3	INST- 1	INST- 2	Conditions
Commercial/Office						
Retail sales and Personal Services	P	P	P			
Professional/business offices	P	P	P	P	P	
Active / Recreational Commercial	P	P	P	P	P	
Animal Hospital	C	C	C	C	C	No kennels
Bank	P	P	P	P	P	
Brewpub	P	P	P			
Clinic	P	P	P	C	C	At least one property line abutting and all points of ingress/ egress directly to an arterial, suburban or activity corridor
Funeral Home	P	P	P	P	P	
Kennel	C	C				1. Structures must be setback at least 50 feet from each adjacent residential lot line 2. Lot size of at least 3 acres for a kennel having an outside exercise run or treatment area 3. Outside exercise run or treatment area must be located at least 100 feet from all lots lines and at least 400 feet from an adjacent residential lot line
Laundromat, dry cleaner	P	P	P			
Lodging Facility				C	C	At least one property line abutting and all points of ingress/ egress directly to an arterial, suburban or activity corridor
Mobile Food Vending (Food trucks and carts)	C	C	C			(TO BE DRAFTED)
Motor vehicle service station	P	P	P			
Nursery, commercial greenhouse	P	P	P			
Parking facility	S	S	S	S	S	1. On Activity Corridors, the first floor shall have a minimum depth of 20 feet to be occupied by commercial uses permitted in the district. 2. Access drives shall be permitted on the ground level, provided they are collectively no more than 25% of the frontage. 3. The facade of the parking structure shall be integrally designed with the architecture of the overall building, utilize the same building materials, provide an architectural treatment at the top of the structure, such as a cornice, and have wall openings with proportions that comply with the fenestration requirements in Section 1246.04 4. New parking structures shall be designed with an upper story minimum clear height of 9'.
Restaurant, bar, tavern	C	C	C	C	C	Permitted on non-local streets. Permitted on local street only within 50' of a non-local street
Self-storage rental	P	P	P			
Studio (dance, health, music, etc.)	P	P	P	P	P	

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND- 1	IND- 2	IND- 3	INST- 1	INST- 2	Conditions
Vehicle sales, vehicle leasing, and other outdoor sales facility	C	C	C			1. The area of the lot on which the items described in this subsection are located shall be covered with Portland cement or asphaltic concrete. 2. Each point of vehicular ingress and egress to the lot shall be not less than sixty feet from the intersection of any two streets. 3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure. 4. Lighting shall be confined within and directed onto the parking area only. 5. The portion of the lot on which the items described in this subsection are located shall have a buffer zone of at least eight (8) feet from all lot lines adjacent to the public right-of-way, excluding approved driveways, and any residentially zoned property. The buffer zone shall be landscaped, screened and buffered in accordance with the requirements of Section 1252.09
Drive-thru, as accessory use	C	C	C			1. A drive-thru business may have a front setback greater than the build-to-line required in the zoning district only to accommodate a travel lane for safe and efficient interior circulation. 2. No parking is allowed in the front yard 3. The drive-thru windows shall be on the side or rear of the building. 4. Methods to minimize the impact of noise from outdoor speakers on adjacent residential are required. 5. The site will be adjacent to a Suburban Corridor, Arterial Corridor, Prime Connector, or Activity Corridor and all points of ingress and egress shall be directly onto one of the aforementioned street types. 6. Adequate waiting or standing areas for vehicles shall be provided on-site so that no vehicle is required to wait, stand, or be stored within a right-of-way, in accordance with the parking requirements of Chapter 1254.

- 1 Accessory uses customarily incidental to any of the above principal uses are allowed provided the Zoning
- 2 Administrator may require additional parking or compliance with other standards upon a determination
- 3 that such use may impact site operations beyond that of the Principal Use.
- 4 All activities shall take place within a completely enclosed building unless otherwise indicated.

1245.04 IND-1 SUBURBAN INDUSTRIAL

[FIGURE 72]

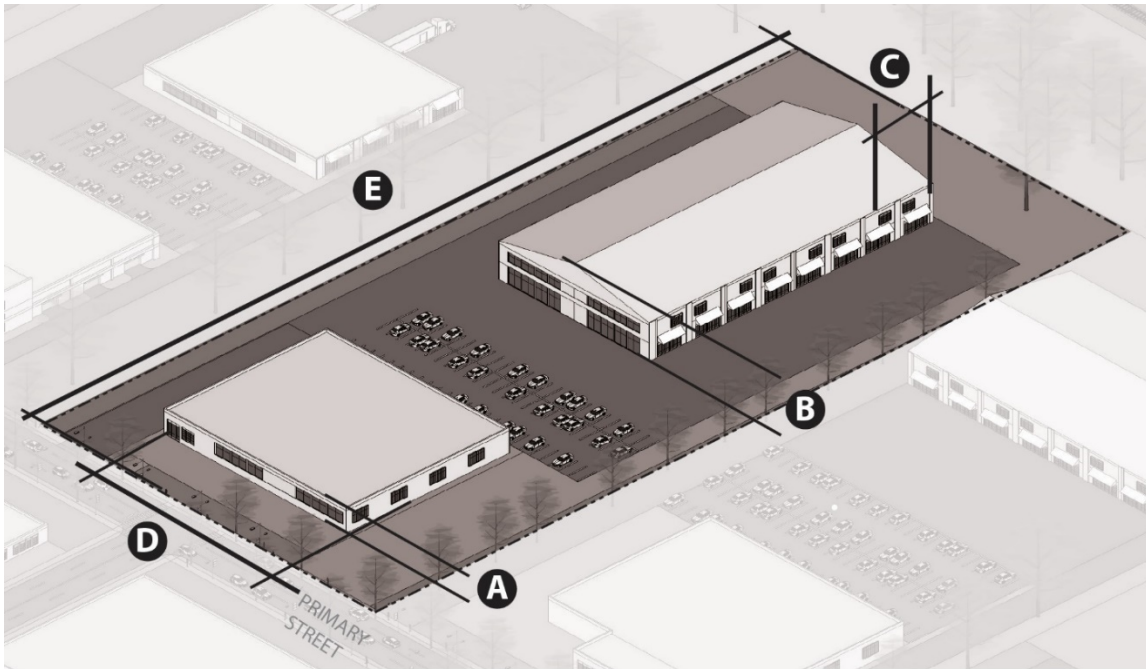


1245.04.01 IND-1 INTENT

The IND-1 Suburban Industrial district is intended for light-to-medium intensity industrial uses including Research & Development, manufacturing, warehousing and similar uses. IND-1 districts are distinct from other industrial districts in that the setting is of a more suburban style industrial park with low rise buildings, with relatively larger lots with expansive lawns.

1 1245.05.02 IND-1 SITE LAYOUT REQUIREMENTS

2 [FIGURE 73]

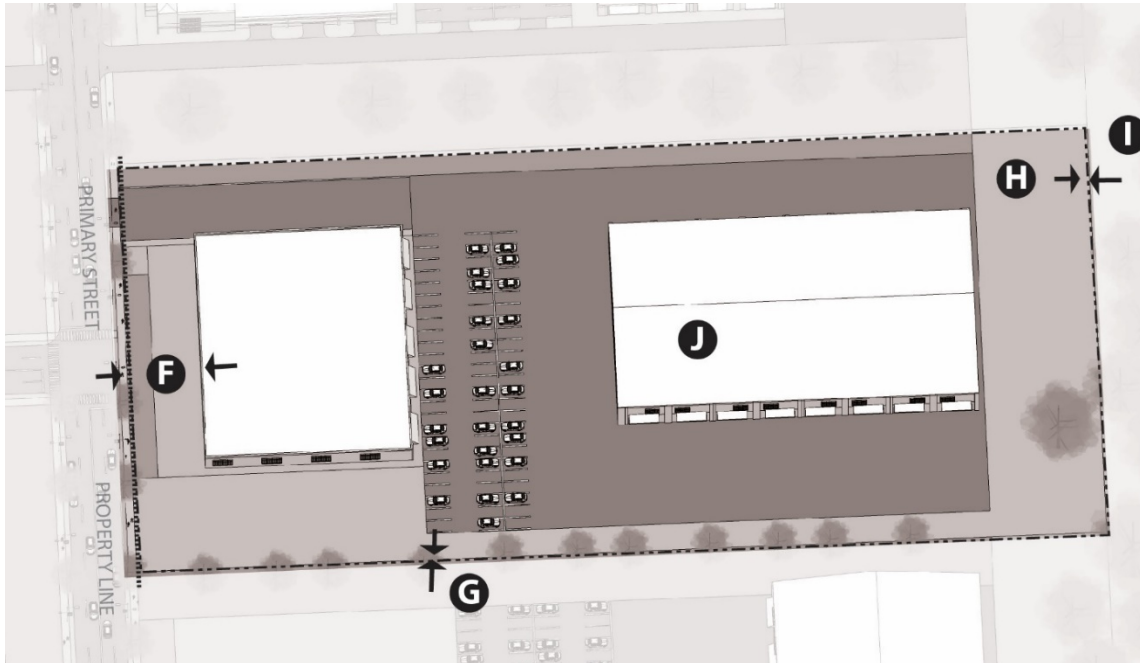


3

(a) BUILDING MASSING	
A. Minimum Height	16'
B. Maximum Height	45'
<i>See Section 1250.03.02 for height exceptions</i>	
C. Required Upper Floor Step-Backs - when adjacent to R-1 to R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
<i>These standards apply to principal and accessory buildings.</i>	

4

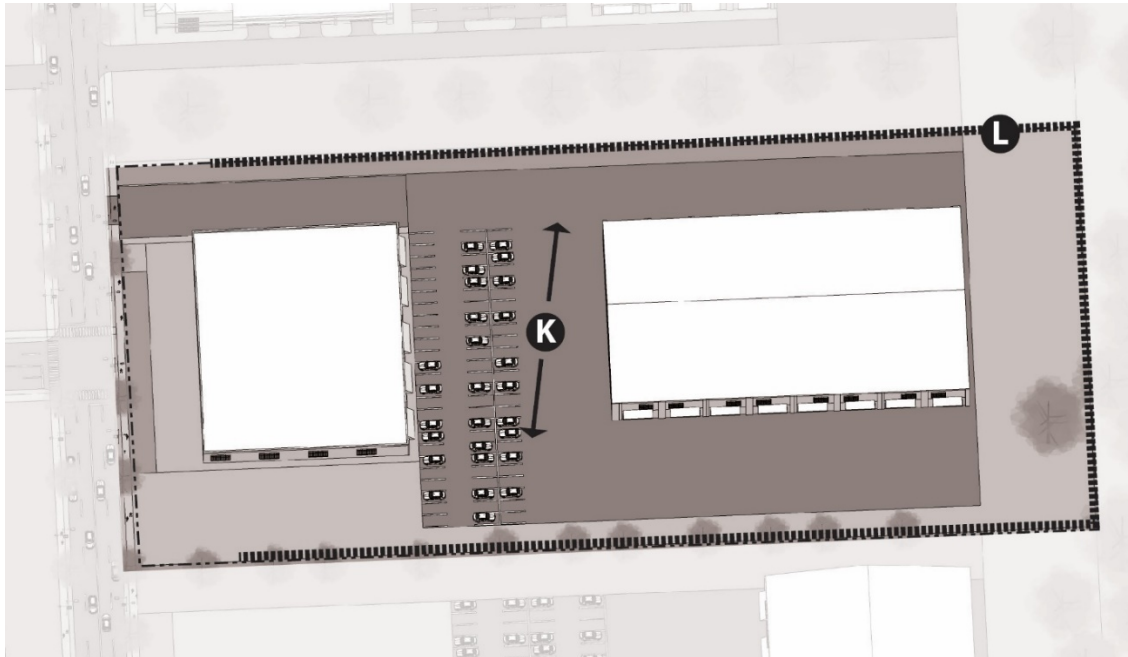
[FIGURE 74]



(b) BUILDING PLACEMENT

D. Front Setback	
Arterial Corridor	Min. 25'
Neighborhood Connector	
Local Street	
Suburban Corridor	Min. 25' (including 20' landscape greenbelt)
Prime Connector	
Activity Corridor	Min. 25', Max. 40'
E. Minimum Side Setback	10'
F. Minimum Rear Setback	10'
G. Min. Setback from adjacent and across the street Residential Districts	Whichever is Greater: A: Double the setback in adjacent residential district; or B: Equal to building height
<i>See section 1250.04.01 for placement of accessory buildings.</i>	

[FIGURE 75]



(c) PARKING	
H. Allowed Surface Parking Locations	One single-loaded bay in front; Side or rear parking allowed.
I. Side & Rear Parking Lot Setback / Screening from non-industrial district	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Ch. 1254; Section 1254.01.04 for parking reductions
Loading Bays Truck turning templates and access to loading must be delineated on site plan	Not permitted in front. See Section 1254.01.17 for more details

(d) Accessory Outdoor Storage	
Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use. See Section 1250.02.07 for more on Vehicle Storage.	
Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.08	
The Zoning Administrator may require the area identified on the site plan.	

1 1245.05 IND-2 GENERAL INDUSTRIAL

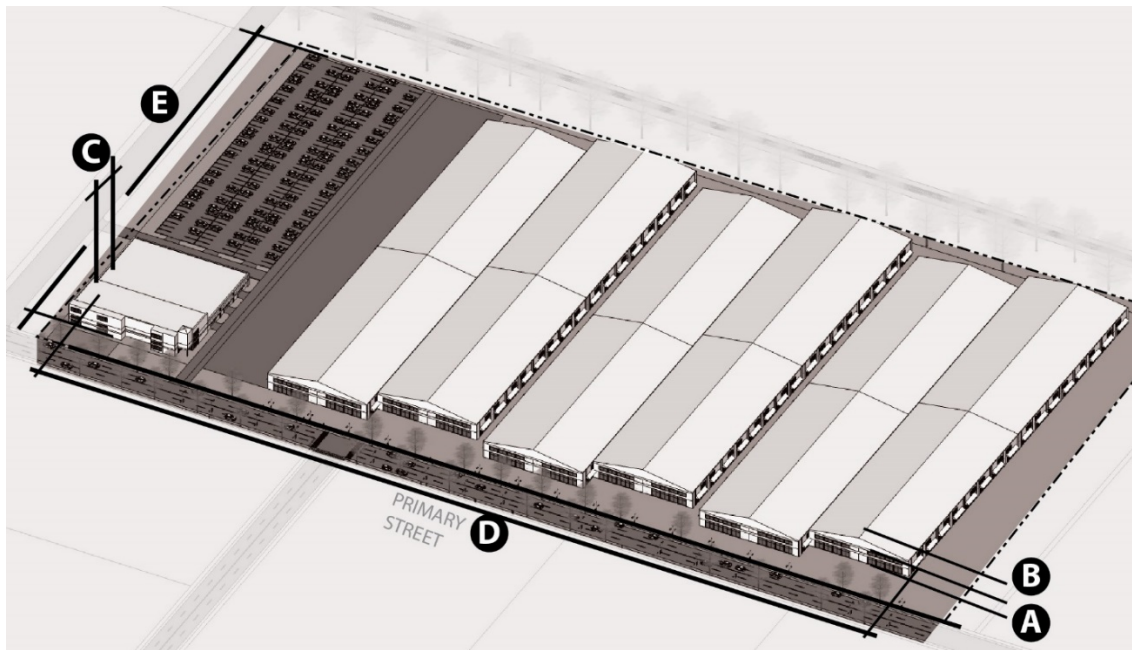
2 [FIGURE 76]

3
4 1245.05.01 IND-2 INTENT

5 The IND-2 General Industrial district is intended for a wide range of industrial uses ranging from medium
6 intensity, such as contractor yards and warehousing, to larger scale heavy industrial uses such as vehicle
7 manufacturing plants, processing or storage and distribution of raw materials, trucking terminals and
8 similar uses. This district also provides for higher intensity extractive uses and landfills, though given the
9 urban character of the city, those types of uses have extensive regulations to ensure compatibility with
10 surrounding land uses and the environment.

1 1245.05.02 IND-2 SITE LAYOUT REQUIREMENTS

2 [FIGURE 77]

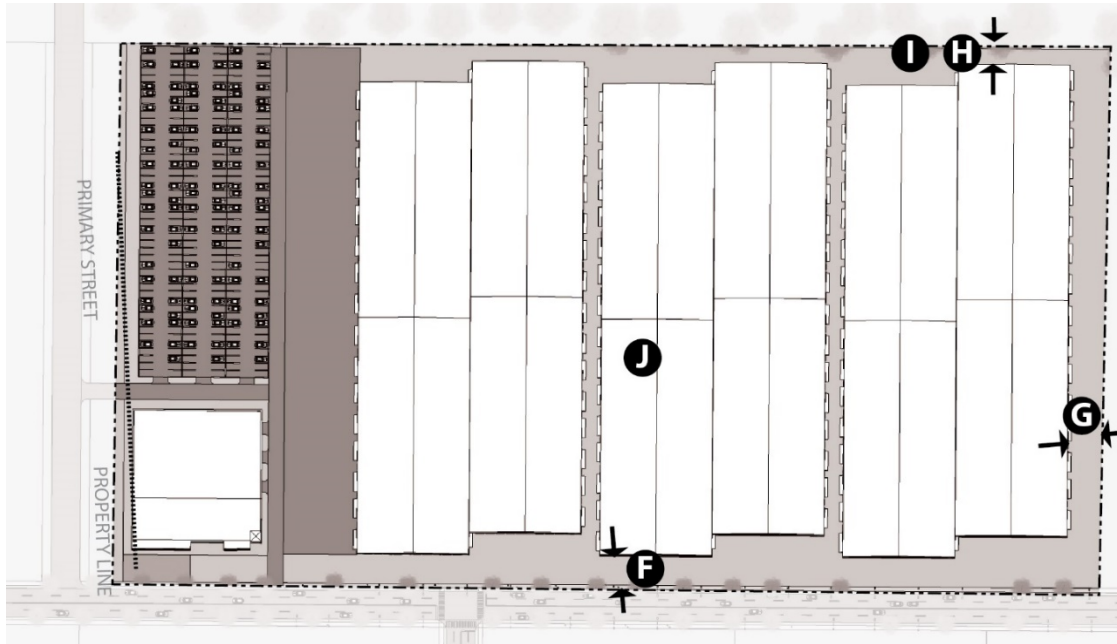


3

(a) BUILDING MASSING	
A. Minimum Height	16'
B. Maximum Height	60'
<i>See Section 1250.03.02 for height exceptions</i>	
C. Required Upper Floor Step-Backs - when adjacent to R-1 to R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
<i>These standards apply to principal and accessory buildings.</i>	

4

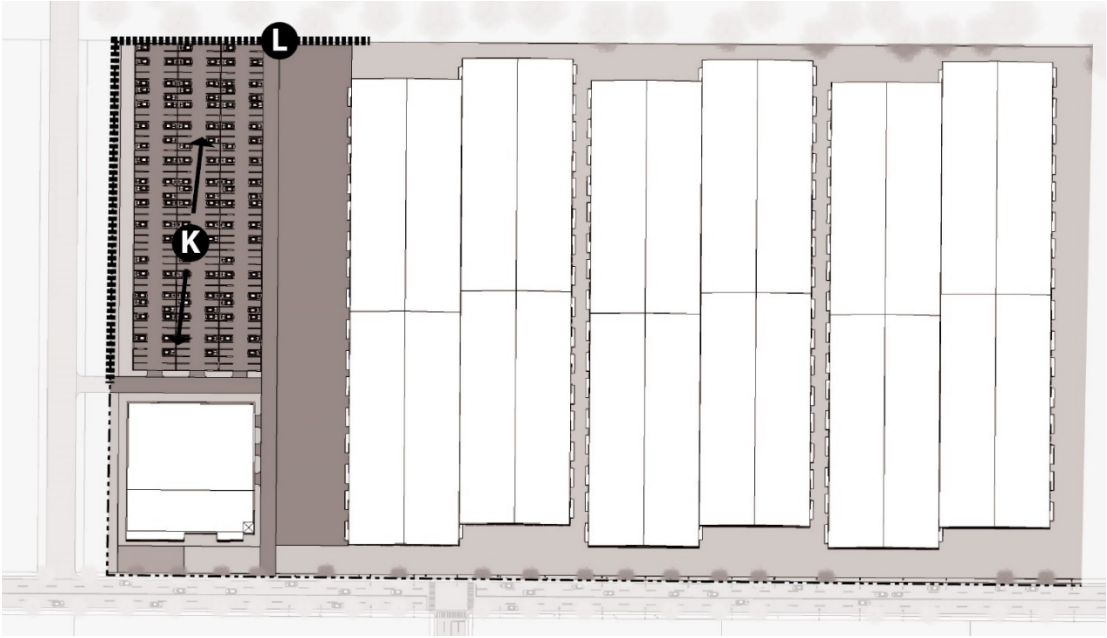
[FIGURE 78]



(b) BUILDING PLACEMENT

D. Front Setback	25' (if less than 50% of buildings on block face are residential it may be 0')
E. Minimum Side Setback	0' provided it meets building code for firewall, otherwise minimum 10'
F. Minimum Rear Setback	0' provided it meets building code for firewall, otherwise minimum 10'
G. Min. Setback from adjacent and across the street Residential Districts	Whichever is Greater: A: Double the setback in adjacent residential district; or B: Equal to building height
See section 1250.04.01 for placement of accessory buildings.	

[FIGURE 79]



(c) PARKING	
H. Allowed Surface Parking Locations	Side or rear parking allowed.
I. Side & Rear Parking Lot Setback / Screening from non-industrial district	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Chapter 1254 Section 1254.01.04 for parking reductions
Loading Bays Truck turning templates and access to loading must be delineated on site plan	Not more than 50% of front yard frontage. See Section 1254.01.17 for more details

(d) Accessory Outdoor Storage	
Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use. See Section 1250.02.07 for more on Vehicle Storage.	
Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.08	
The Zoning Administrator may require the area identified on the site plan.	

1245.06 IND-3 URBAN INDUSTRIAL

[FIGURE 80]

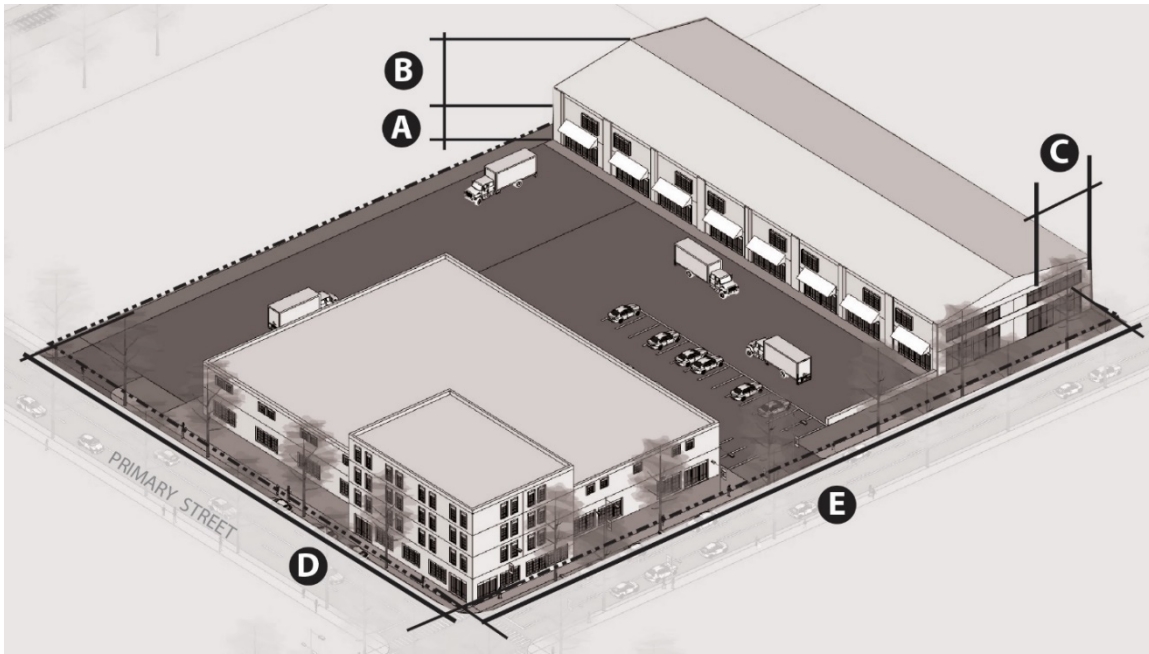


1245.06.01 IND-3 INTENT

The IND-3 Urban Industrial district generally applies to areas in the city that have long been used for a variety of industrial uses. A distinction of the IND-3 District is that it includes many older multi-story industrial buildings in a more urban setting with shallow building setbacks often nestled into areas adjacent to older residential neighborhoods. Uses permitted range from office and research to manufacturing, with some uses offering goods or services for sale directly to the general public, such as heavy auto repair and lumber yards.

1 1245.06.02 IND-3 SITE LAYOUT REQUIREMENTS

2 [FIGURE 81]

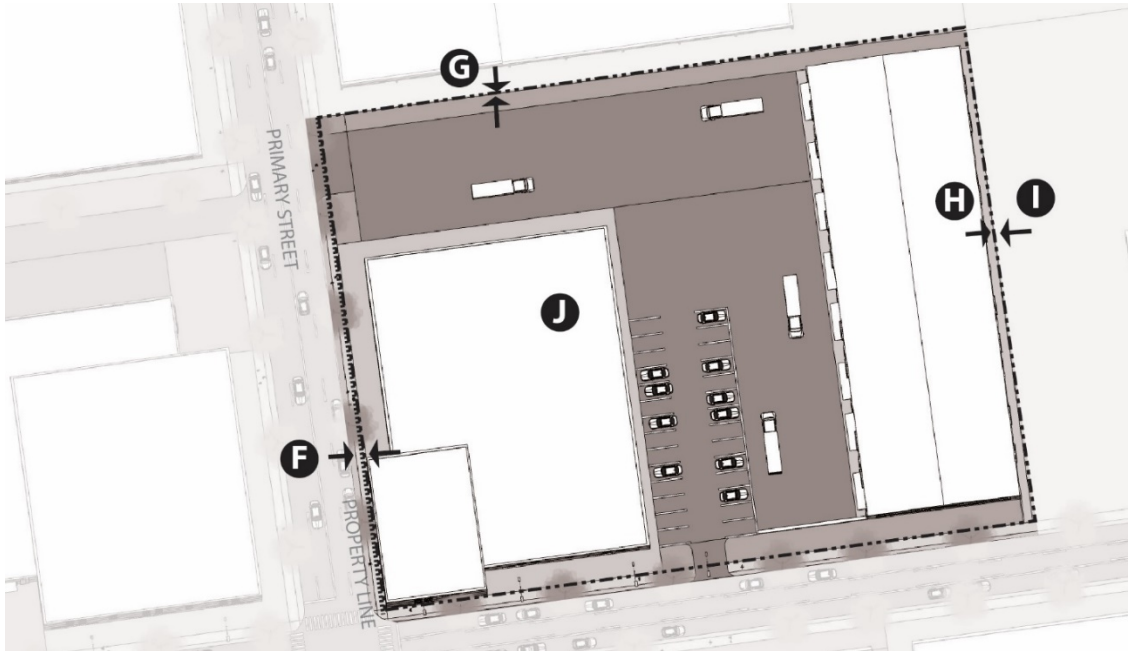


3

(a) BUILDING MASSING	
A. Minimum Height	16'
B. Maximum Height	60'
<i>See Section 1250.03.02 for height exceptions</i>	
C. Required Upper Floor Step-Backs - when adjacent to R-1 to R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
<i>These standards apply to principal and accessory buildings.</i>	

4

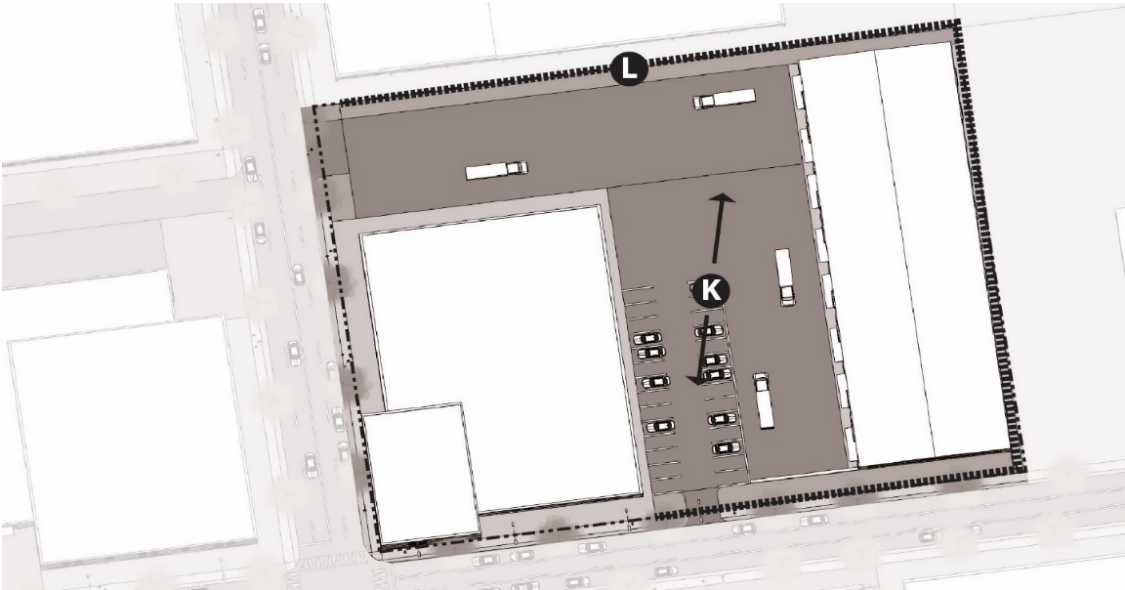
[FIGURE 82]



(b) BUILDING PLACEMENT

D. Front Setback	All non-Local Street Types	0' Min. / 15' Max.
	Local Street	0' Min. / 30' Max.
E. Minimum Side Setback	0' provided it meets building code for firewall, otherwise minimum 10'	
F. Minimum Rear Setback	0' provided it meets building code for firewall, otherwise minimum 10'	
G. Min. Setback from adjacent and across the street Residential Districts	10' + 1' setback for each 1' in building height above 10'	
See section 1250.04.01 for placement of accessory buildings.		

[FIGURE 83]



(c) PARKING	
H. Allowed Surface Parking Locations	Side or rear parking allowed.
I. Side & Rear Parking Lot Setback / Screening from non-industrial district	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Chapter 1254 Section 1254.01.04 for parking reductions
Loading Bays Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard See Section 1254.01.17 for more details

(d) Accessory Outdoor Storage	
Outdoor storage of equipment, vehicles, or materials shall be associated with the principal use. See Section 1250.02.07 for more on Vehicle Storage.	
Accessory outdoor storage shall be screened from adjacent residential and public streets and shall not be located in the front yard. See Section 1252.08.	
The Zoning Administrator may require the area identified on the site plan.	

1245.07 INST-1 SUBURBAN INSTITUTIONAL

[FIGURE 84]



1245.07.01 INST-1 INTENT

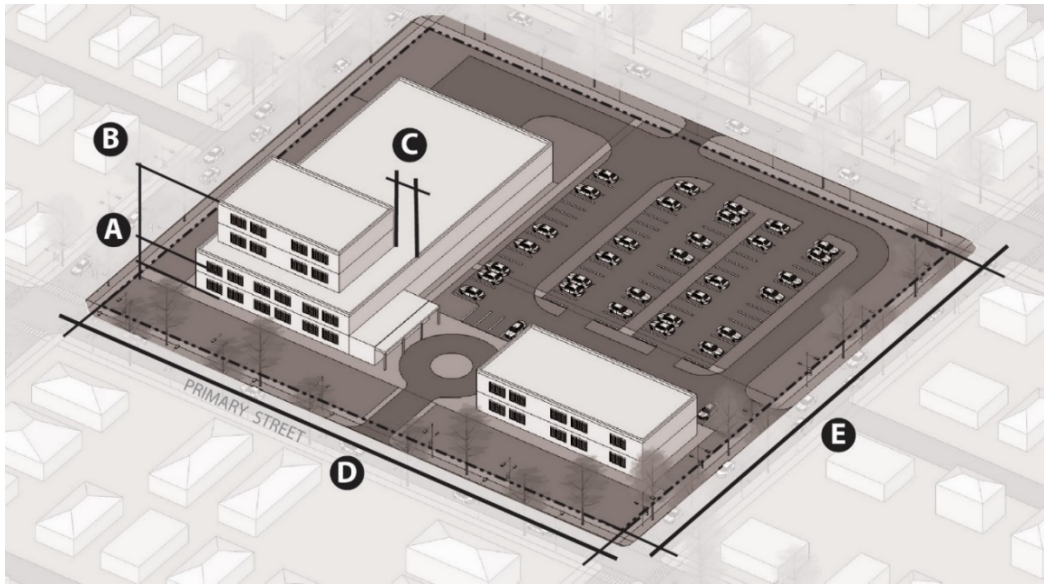
The INST-1 Suburban Institutional district is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The Suburban Institutional district encourages campus-type character, which includes landscaped open space between buildings, a green buffer at the perimeter, and uniform site design and details.

1245.07.02 INST-1 BUILDING TYPES

Architectural regulations and Building Types are further described in Chapter 1246 and Section 1246.05 – Building Types.

1 1245.07.03 INST-1 SITE LAYOUT REQUIREMENTS

2 [FIGURE 85]

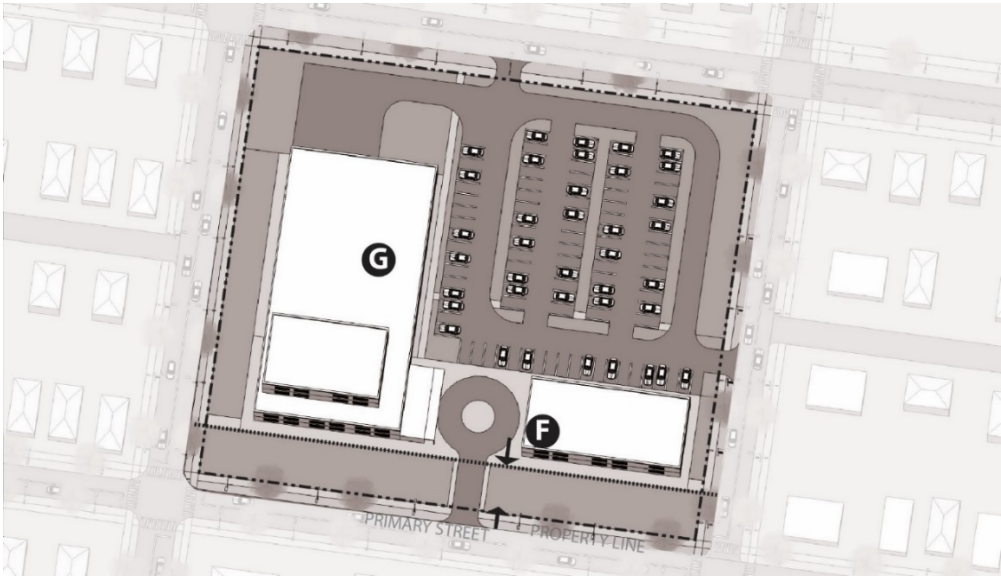


3

(a) BUILDING MASSING	
A. Minimum Height	16'
B. Maximum Height	60' Buildings of greater than the maximum height may be allowed provided side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
<i>See Section 1250.03.02 for height exceptions</i>	
C. Required Upper Floor Step-Backs - when adjacent to R-1 to R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
<i>These standards apply to principal and accessory buildings.</i>	

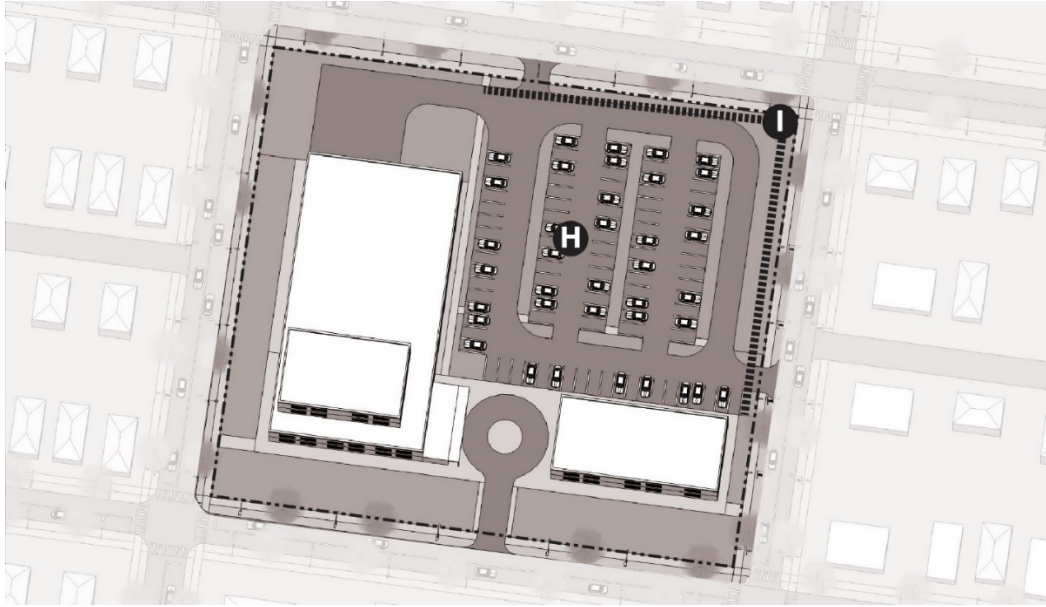
4

[FIGURE 86]



(b) BUILDING PLACEMENT	
D. Front Setback	30' MAX.
Front Setback When Drop Off Zone Present	Additional setback to accommodate for drop off zones may be approved during Site Plan Review per Chapter 1260
Minimum Side Setback	30' if adjoining a residential district or use, otherwise 0'
Minimum Rear Setback	30'
E. Maximum Lot Coverage	75%
See section 1250.04.01 for placement of accessory buildings.	

[FIGURE 87]



(c) PARKING		
F. Allowed Surface Parking Locations	Arterial Corridor, Suburban Corridor, Prime Connector, Neighborhood Connector, Local Street	Front, Side, or Rear Parking. Front yard parking limited to four (4) rows of parking. additional front setback allowed to accommodate front parking.
	Activity Corridor	Side or Rear Parking only
Front Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252	
G. Side & Rear Parking Lot Setback / Screening		
Required Parking Spaces	Parking per Chapter 1254 Section 1254.01.04 for parking reductions	
Loading Bays Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard. See Section 1254.01.17 for more details	
Drop-off Zones	Front, Side, or Rear of the building	

1245.08 INST-2 URBAN INSTITUTIONAL

[FIGURE 88]



1245.08.01 INST-2 INTENT

The INST-2 Urban Institutional district is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The Urban Institutional district encourages a walkable character, uniform site design and details, and integration into the neighboring urban mixed-use districts.

To help ensure any future expansion of this district is consistent with the intent of this code, the applicant shall demonstrate the following during a rezoning application:

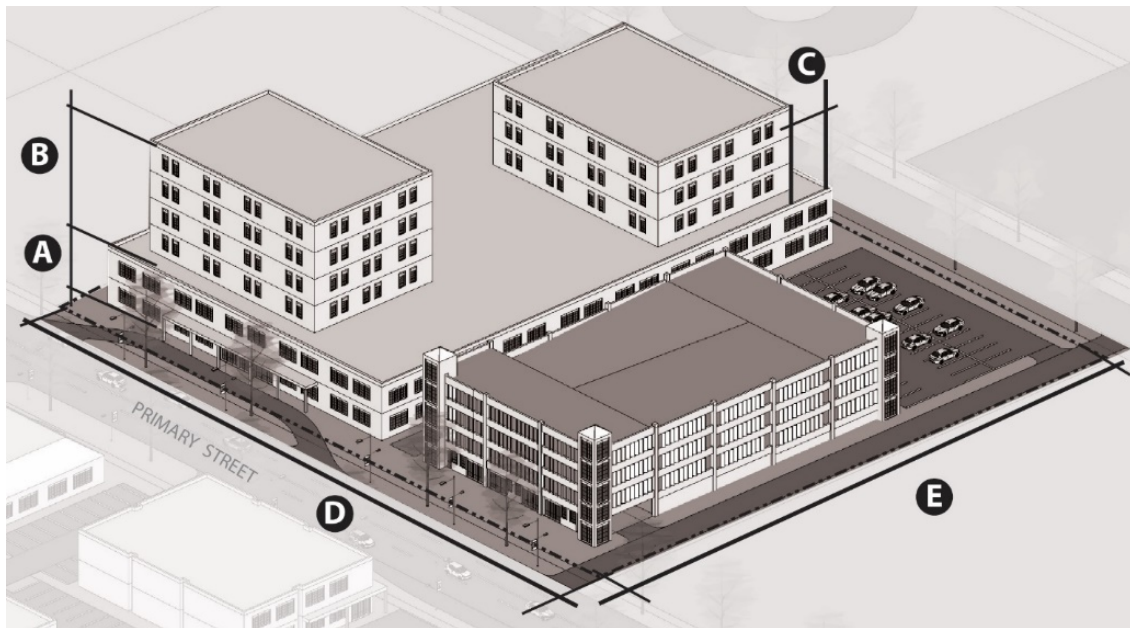
1. The expansion is a logical extension that abuts an existing district boundary at least 200 feet in length.
2. The expansion has frontage along a non-local street or all access must connect to a non-local street through the existing district.
3. A conceptual design for the lot(s) must be described as part of a campus plan associated with the rezoning. The concept plan shall demonstrate adequate buffering from any adjacent residential use. The City may require additional setback, landscaping or other design elements to help ensure compatibility with the adjacent land uses.

1245.08.02 INST-2 BUILDING TYPES

Architectural regulations and Building Types are further described in Chapter 1246 and Section 1246.05 – Building Types.

1245.08.02 INST-2 SITE LAYOUT REQUIREMENTS

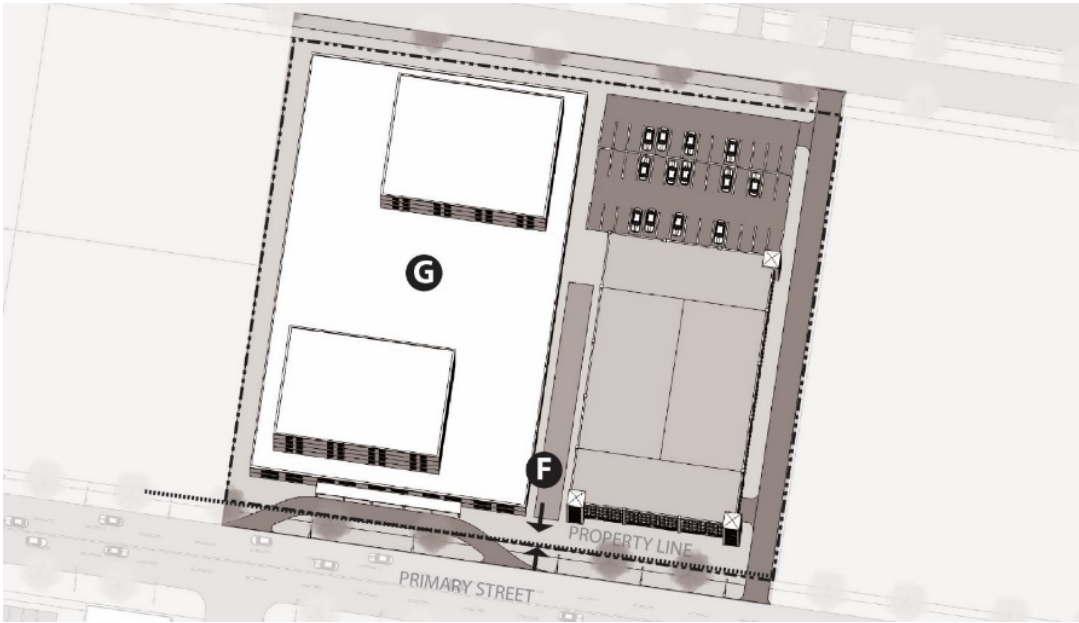
[FIGURE 89]



(a) BUILDING MASSING

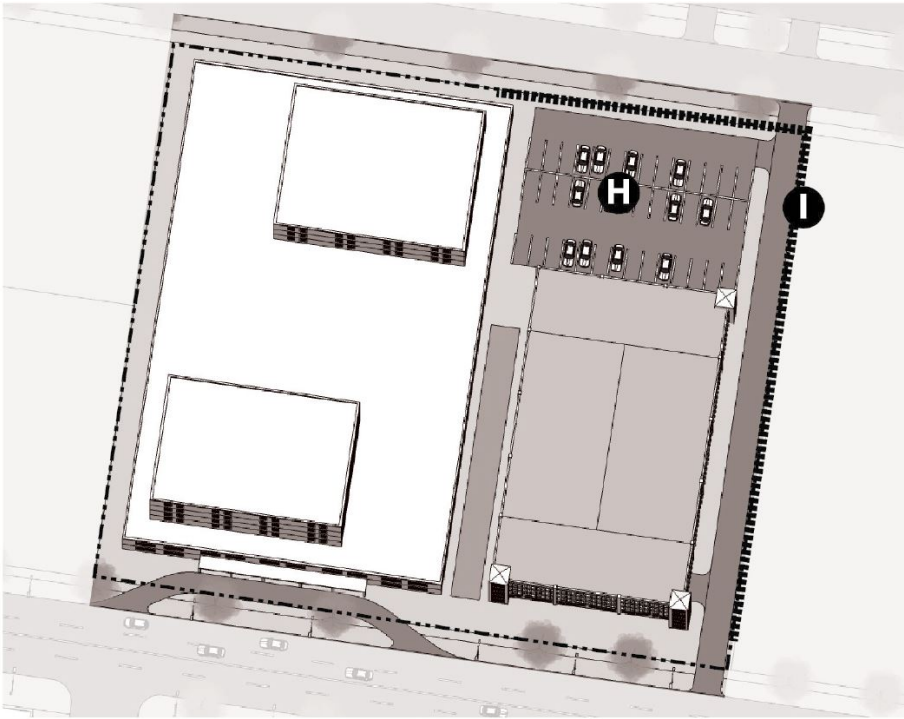
A. Minimum Height	16'
B. Maximum Height	60'
<i>See Section 1250.03.02 for height exceptions</i>	
C. Required Upper Floor Step-Backs - when adjacent to R-1 to R-6 districts	For the elevation adjacent to a residential district, the floors above the second story shall be tiered back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.
<i>These standards apply to principal and accessory buildings.</i>	

[FIGURE 90]



(b) BUILDING PLACEMENT		
D. Setbacks	Activity Corridor	0' min. / 15' max.
	All other street types	Whichever is Greater: A: The established setback along the block face; or B: Equal to the required setback of the adjacent residential district
Front Setback When Drop Off Zone Present	Additional setback to accommodate for drop off zones may be approved during Site Plan Review per Chapter 1260	
E. Maximum Lot Coverage	100%	
See section 1250.04.01 for placement of accessory buildings.		

[FIGURE 91]



(c) PARKING	
F. Allowed Surface Parking Locations	Side or Rear parking only
G. Side & Rear Parking Lot Setback / Screening	Property and parking lot setback / screening per Chapter 1252
Required Parking Spaces	Parking per Chapter 1254 Section 1254.01.04 for parking reductions
Loading Bays Truck turning templates and access to loading must be delineated on site plan	Not permitted in front yard. See Section 1254.01.17 for more details
Drop-off Zones	Front, Side, or Rear of the building

CHAPTER 1246 ARCHITECTURAL STANDARDS**1246.01 INTRODUCTION**

This Chapter sets forth the architectural standards applicable to the various character districts in the City of Lansing. These standards supplement those stated for each Zoning District. These standards are intended to result in construction and development that reinforces the vision established in the Design Lansing Comprehensive Plan.

1246.02 APPLICABILITY**1246.02.01 RESIDENTIAL, SERVICE, RETAIL, ACCESSORY, AND INDUSTRY, MANUFACTURING, & PROCESSING USES**

The requirements of this Chapter shall apply to all proposed development with Residential, Service, Retail, Accessory, and Industry, Manufacturing & Processing uses and shall be considered in combination with the standards for the applicable Zoning District and the rest of the zoning ordinance.

1246.02.02 RECREATION, EDUCATION, PUBLIC ASSEMBLY, TRANSPORTATION, COMMUNICATIONS, & INFRASTRUCTURE USES

Development with Public Recreation, Public Education, Public Assembly, Transportation, Public Communications and/or Infrastructure uses shall comply with the standards for the applicable Zoning District, but shall not be required to meet the standards in this Chapter.

1246.02.03 ADDITIONS OR MODIFICATIONS TO EXISTING BUILDINGS

Building additions to buildings built prior to the adoption of this form-based code shall apply the architectural standards that most closely match the existing building, as determined by the Zoning Administrator.

1246.03 MODIFICATIONS

- a) Modifications to the standards established in this Article may be approved by the Zoning Administrator. Any such modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the Zoning Administrator based upon the following criteria:

- 1) The design of the building shall be in keeping with the desired architectural character as articulated in the Comprehensive Plan, the intent of the district, and by example of new buildings designed following the standards of this code. This shall not prevent innovation and creativity in design that is in keeping with the Comprehensive Plan, as determined by the Zoning Administrator.
- 2) The design shall meet district height requirements.
- 3) The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of the districts, as defined in paragraph 1, above.

- b) Relief from Unlisted Standards.

Any request for relief from a standard other than those listed above shall be made through the variance permit procedures set forth in Chapter 1274.

1 1246.04 ARCHITECTURAL REGULATIONS

2 1246.04.01 GENERAL ARCHITECTURAL STANDARDS

3 a) Building Frontage On Primary And Secondary Streets

4 1) Building Frontage

5 (a) Building facades shall be built parallel to the primary frontage line or to the tangent
6 of a curved primary line, and along the build-to line, as specified in each zoning
7 district Sections 1243.04 through 1243.11 and 1245.04 through 1245.08

8 (b) Exceptions may be granted by the Zoning Administrator where the parcel has an
9 irregular configuration, utility easements or legal constraints which prevent
10 compliance, or if the building is sited to take advantage of specific topographical and
11 natural characteristics.

12 (c) In no instance shall a front or side parking lot width exceed the primary frontage
13 width of a principal building by more than 150%.

14 (1) For corner lots, in no instance shall a front parking lot width exceed the
15 primary frontage width of a principal building along the more active street
16 type by more than 150%.

17 2) Multi-Building Sites

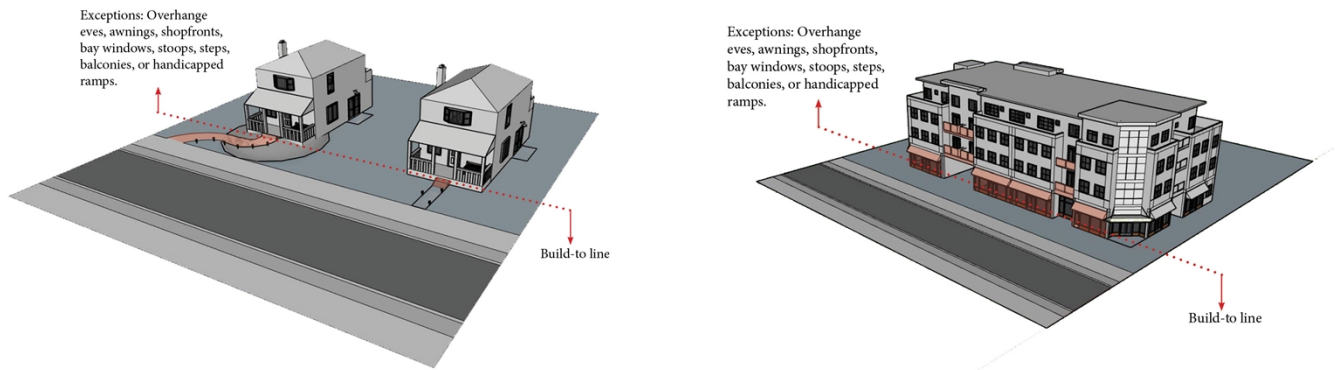
18 (a) Buildings shall be located to break up the site into a series of smaller blocks defined
19 by streets and pedestrian walkways, and to frame and enclose parking areas,
20 outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

21 (b) Perimeter buildings and outparcels shall be configured and located to define street
22 edges, development entry points, and spaces for gathering between buildings.

23 (c) Perimeter buildings shall be oriented so that the primary facade(s) faces a public
24 street and has a usable entry on that street. Buildings that are interior to a lot that
25 has buildings that otherwise meet the frontage requirement may have entrances
26 that do not face the primary frontage.

- b) No part of any building may project forward of the build-to line except overhanging eaves, awnings, shopfronts, bay windows, stoops, steps, balconies, or handicapped ramps approved by the Zoning Administrator.

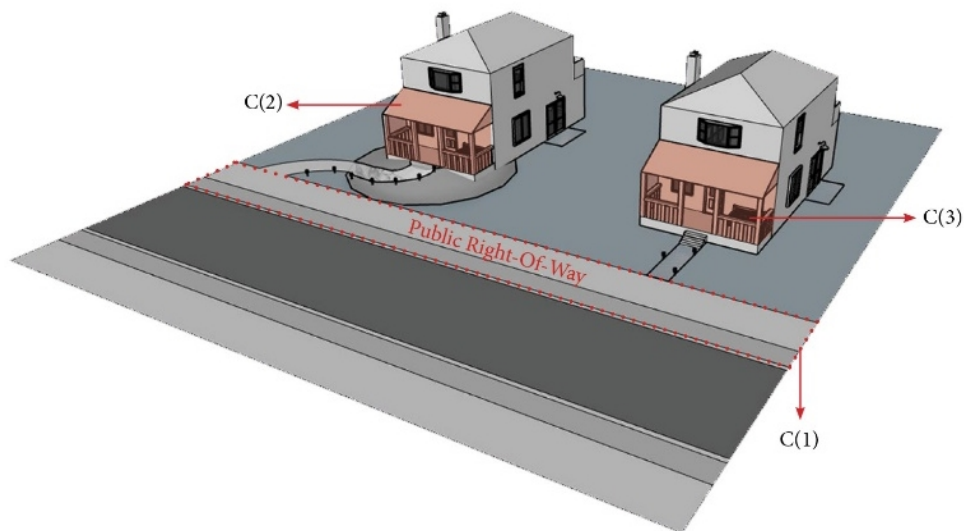
[FIGURE 92]



c) Stoops and Front Porches

- 1) Shall not extend into the public right-of-way.
- 2) All required front porches shall be completely covered by a roof.
- 3) Front porches may be screened (insect screening) when all architectural elements (columns, railings, etc.) occur on the outside of the screen facing the street-space
- 4) Finished floor height shall be no more than 8 inches below the first interior finished floor level of the building.

[FIGURE 93]



d) Awnings/Overhangs - When an awning or overhang is incorporated into a building, the following requirements must be met:

- 1) Minimum 10 feet clear height above sidewalk, minimum 5 feet depth out from the facade. Maximum projection to within 1 foot of back of curb where there are no street trees, or 1 foot into the tree-planting strip.
- 2) Canvas cloth or equivalent (no shiny or reflective materials).
- 3) Metal and glass are permitted, when configured as a marquee over an entrance.
- 4) No internal illumination through the awning/overhang.
- 5) Lettering on awnings limited to 6 inches tall on vertically hanging fabric at curb side of awning.
- 6) No one-quarter cylinder configurations.
- 7) Awnings and overhangs shall complement the fenestration pattern of the building facade.

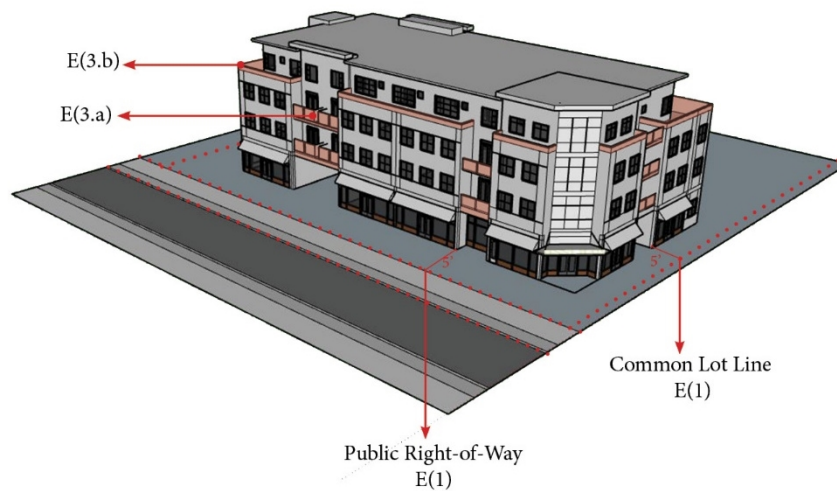
[FIGURE 94]



e) Balconies:

- 1) Shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way.
- 2) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
- 3) Where Residential Districts include balconies as a method for achieving the required private open area, the balcony:
 - (a) Shall be enclosed by balustrades, railings, or other means that block at least half of the view through them;
 - (b) Shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another balcony above.

[FIGURE 95]



f) Windows

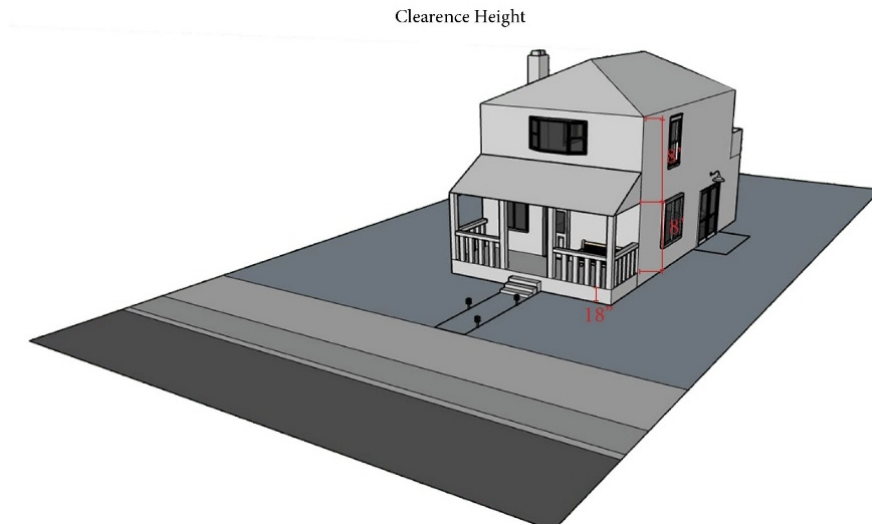
- 1) Glass shall be clear, with light transmission at the ground story at least 90 percent and for the upper stories 75 percent (modification as necessary to meet any applicable building and energy code requirements).
- 2) Ground story windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space).
- 3) A minimum of 80 percent of the ground story window surface shall allow a view into the building interior for a depth of at least 12 inches.
- 4) No window may be blocked with cinderblock, brick, or other such means except temporarily as ordered by the Building Safety Office, Code Enforcement Office, or Fire Department.

1246.04.02 RESIDENTIAL BUILDING TYPES

a) Clear Height

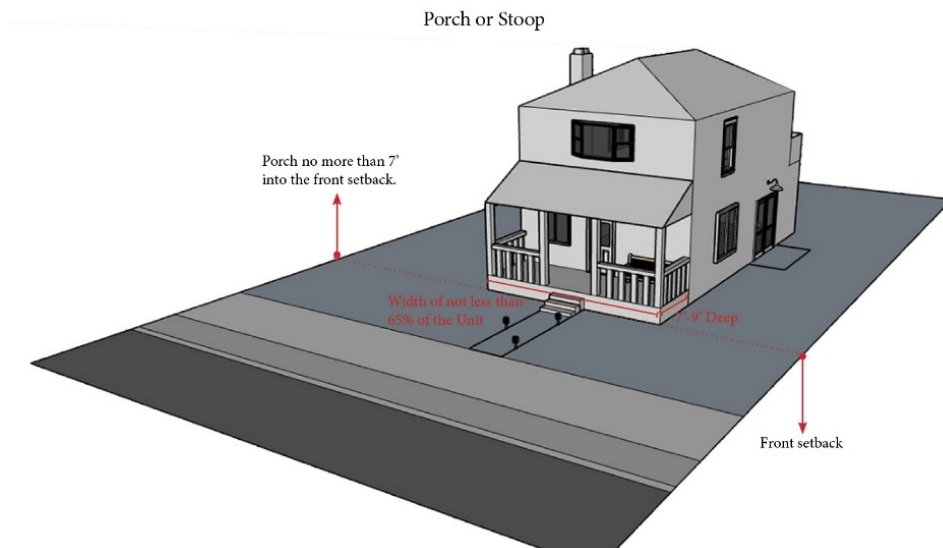
- 1) First Floor Clear Height: 7.5' min.
- 2) Upper Floors Clear Height: 7.5' min.
- 3) Ground Floor Finish Elevation Above/Below Sidewalk: Minimum 18" with stairs. ADA accessible units with ramp access permitted with approval. Where the first floor is occupied by a lobby, office, or common space and no dwellings are located on the first floor along the front of the building, then the first floor may be at the same grade as the sidewalk.

[FIGURE 96]



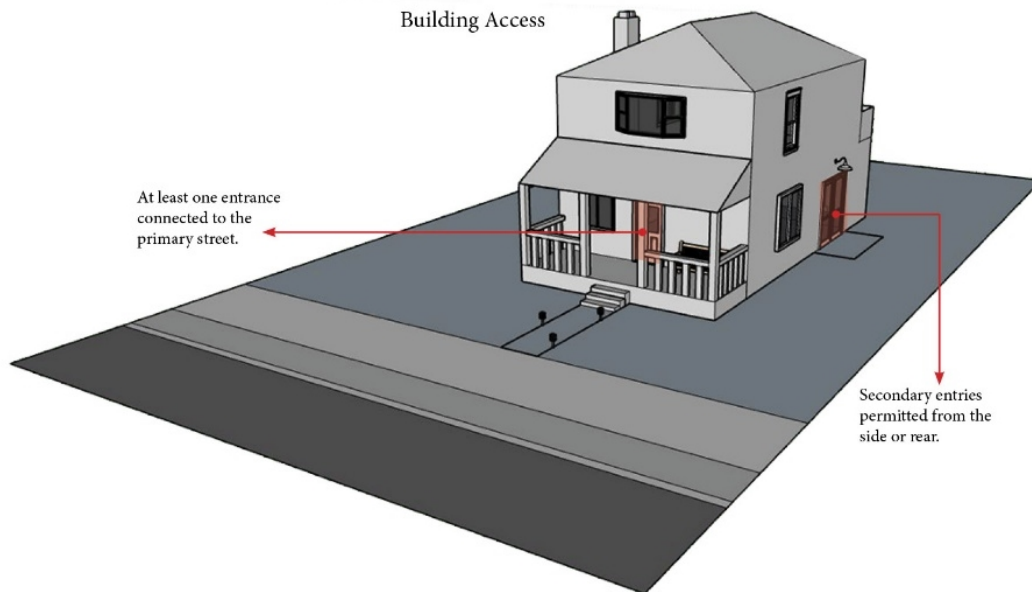
- b) Porch or Stoop: Each residential unit with a separate entrance shall include a stoop of not more than 5' deep and 6' wide (not including steps or ramp) or a porch between 7' and 9' deep that projects no more than 7' into the front setback and with a width of not less than 65% of each unit with a separate entrance. Where the first floor is occupied by a lobby, office, or common space and no dwelling are located on the first floor along the front of the building, then a stoop or porch is not required.

[FIGURE 97]



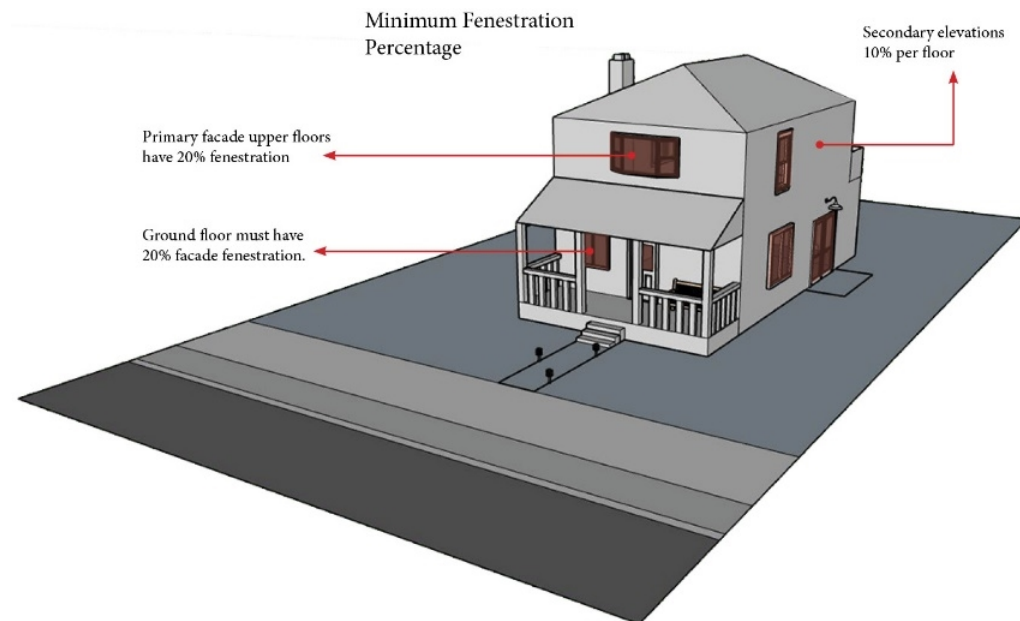
- c) Building Access: At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear. Maximum recessed entry of 5'.

[FIGURE 98]



- d) Minimum Fenestration Percentage:
- 1) Primary Façade - Ground Floor 20%; Upper Floors 20%
 - 2) Secondary Elevations - 10% per floor

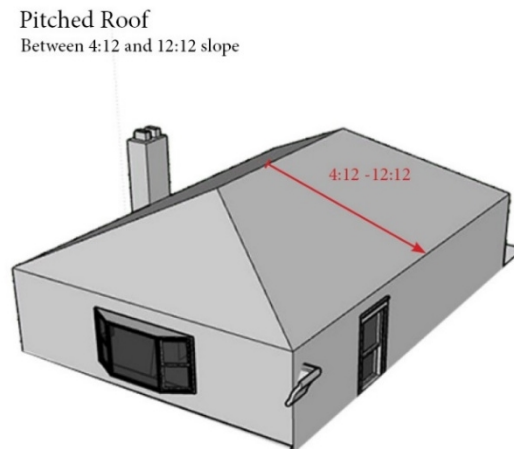
[FIGURE 99]



- e) Allowed building materials
- 1) Primary facades (i.e. facing onto a street): Brick or stone siding, wood siding, vinyl siding, fiber clapboards. Material must be consistent with adjacent residential character. Other materials as determined by Zoning Administrator.

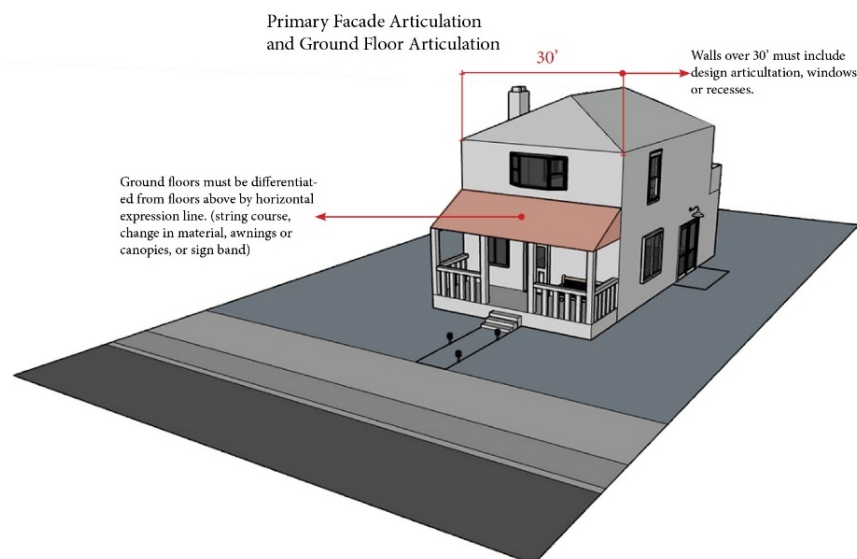
- 2) Secondary facades (i.e. those not facing onto a street): Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator.
- f) Roof Types
- 1) Pitched: between 4:12 and 12:12 slope
 - 2) Flat roof: with cornice and parapet

[FIGURE 100]



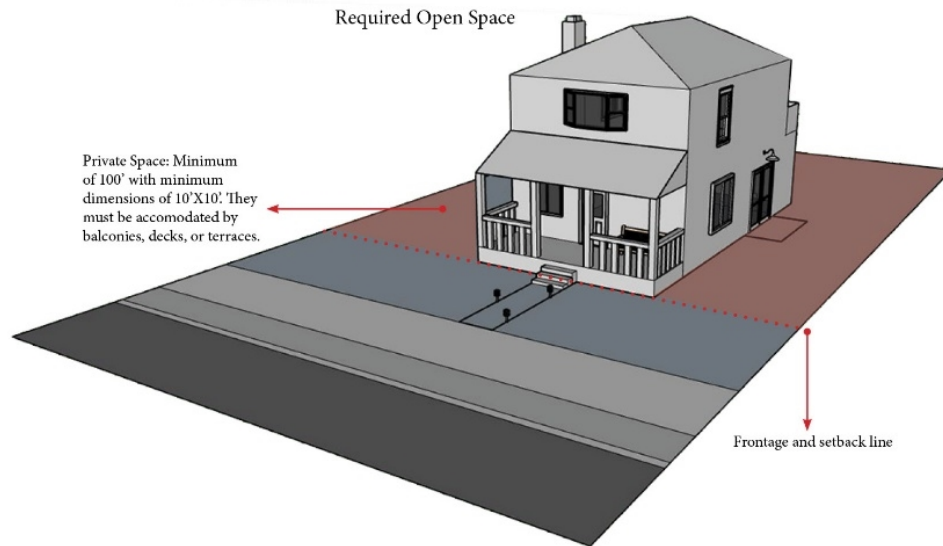
- 3) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.
 - 4) Roof Materials (for pitched roofs) - Asphalt, fiberglass, tile, slate, standing seam metal
- g) Building Articulation
- 1) Primary Facade Articulation - Walls over 30' in length must include design articulation, windows or recesses
 - 2) Primary Facade Ground Floor Articulation - Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.

[FIGURE 101]



- h) Service. Services and utility hookups shall not be visible from the primary street frontage, preferably located in the rear yard.
- i) Required Open Space (Outside of Frontage and setback areas.) - Private space. Minimum 100 square feet per unit. Minimum dimensions 10' x 10'. Private open space may be accommodated by balconies, decks or terraces.

[FIGURE 102]



1246.04.03 COMMERCIAL / MIXED-USE BUILDING TYPES

- a) Clear Height
- 1) Second Floor Finish Elevation - 14' min.
 - 2) Upper Floors Clear Height - 8' min.
 - 3) Ground Floor Finish Elevation Above/Below Sidewalk - Max of 6" above adjacent sidewalk with ramp

[FIGURE 103]



b) Minimum Fenestration Percentage:

- 1) Storefront 60%
- 2) Non-storefront Ground Floor 40%
- 3) Upper Floors 20%

[FIGURE 104]



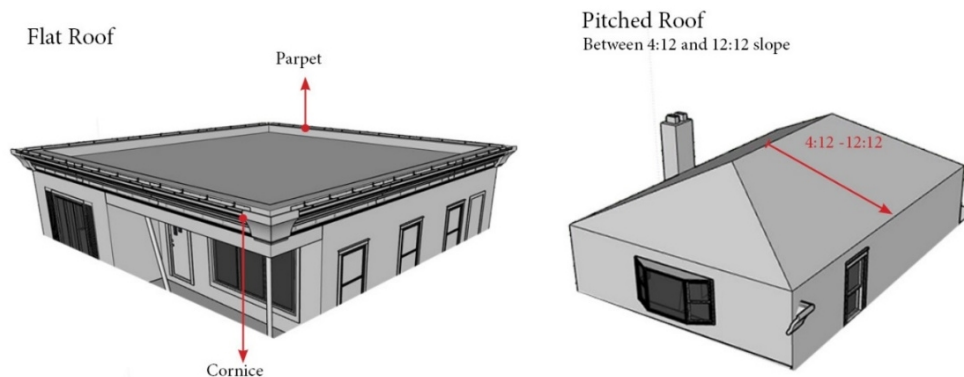
c) Allowed building materials

- 1) Primary facades (i.e. facing onto a street) - Brick (masonry); stone; glass; other similar materials as determined by Zoning Administrator
- 2) Secondary facades (i.e. those not facing onto a street) - Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator

d) Roof Types

- 1) Pitched: between 4:12 and 12:12 slope
- 2) Flat roof: with cornice and parapet
- 3) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building.
- 4) Roof Materials (for pitched roofs) - Asphalt, fiberglass, tile, slate, standing seam metal

[FIGURE 105]



e) Building Articulation

- 1) Primary Facade Articulation - Walls over 30' in length must include design articulation, windows or recesses

[FIGURE 106]

Primary Facade Articulation
Walls over 30' in length must include design articulation, windows or recesses.



- 2) Primary Facade Ground Floor Articulation - Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.

[FIGURE 107]

Primary Facade Ground
Floor Articulation
Purpose is to differential ground floor from
floors above



- f) Building Access. At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear. Maximum recessed entry of 5'.

[FIGURE 108]

Building Access



At least one entry must face onto and connect to the primary street.

Secondary entries permitted from the side or rear.

- g) Service. Services and utility hookups shall not be visible from the primary street frontage, preferably located in the rear yard.

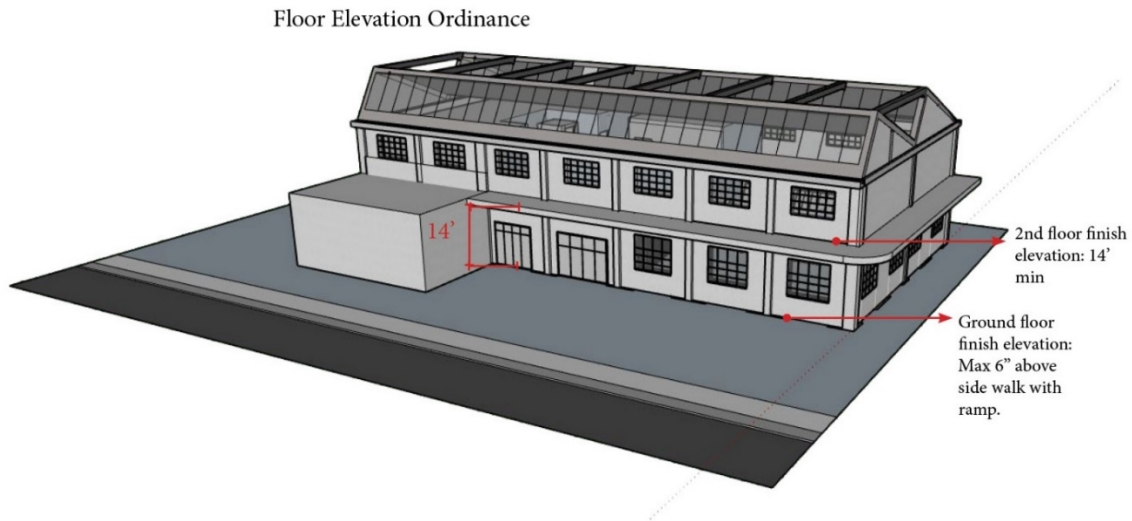
1246.04.04 INDUSTRIAL BUILDING TYPES

The following standards shall only apply to those industrial building facades that are at least 50% visible to a Residential use or Non-Local Street within 300 feet of the building façade:

a) Clear Height

- 1) Second Floor Finish Elevation - 14' min.
- 2) Ground Floor Finish Elevation Above/Below Sidewalk - Max of 6" above adjacent sidewalk with ramp.

[FIGURE 109]



b) Fenestration

- 1) Minimum Fenestration Percentage: Primary façade – Ground Floor - 30%; Upper Floors – 20%

[FIGURE 110]



c) Allowed building materials

- 1) Primary facades (i.e. facing onto a street) - Brick (masonry); stone; other similar materials as determined by Zoning Administrator.
- 2) Secondary facades (i.e. those not facing onto a street) - Same as primary facades, but also including decorative metal, wood; EIFS (on upper floors only); other similar materials as determined by Zoning Administrator.

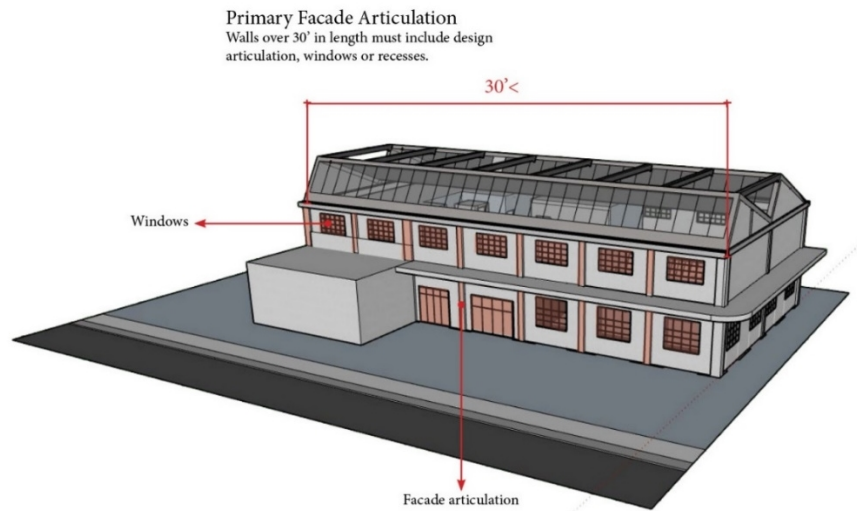
d) Roof Types

- 1) Pitched: between 4:12 and 12:12 slope.
- 2) Flat roof: with cornice and parapet.
- 3) All rooftop mounted HVAC and mechanical equipment shall be screened from view on all sides of the building per 1250.04.02 c).

e) Building Articulation

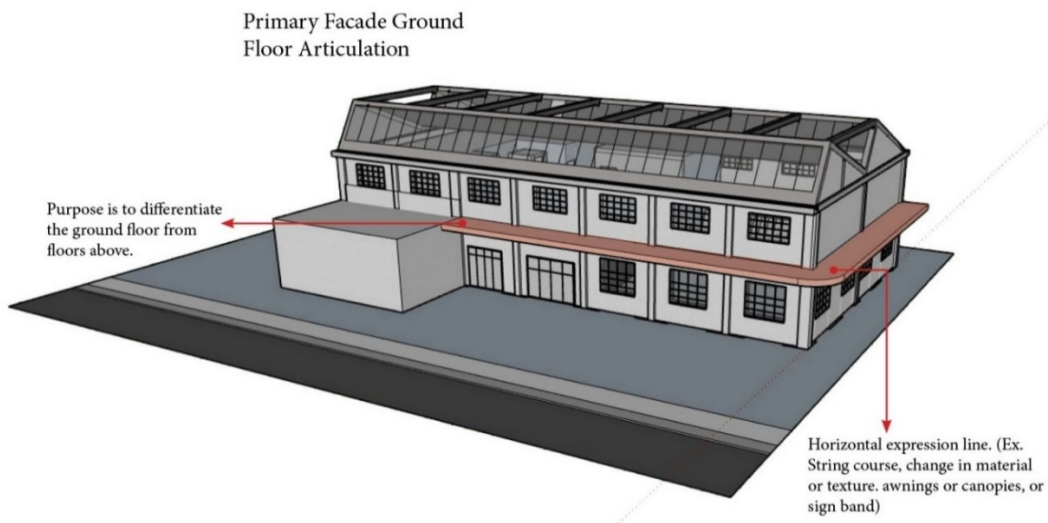
- 1) Primary Facade Articulation - Walls over 30' in length must include design articulation, windows or recesses

[FIGURE 111]



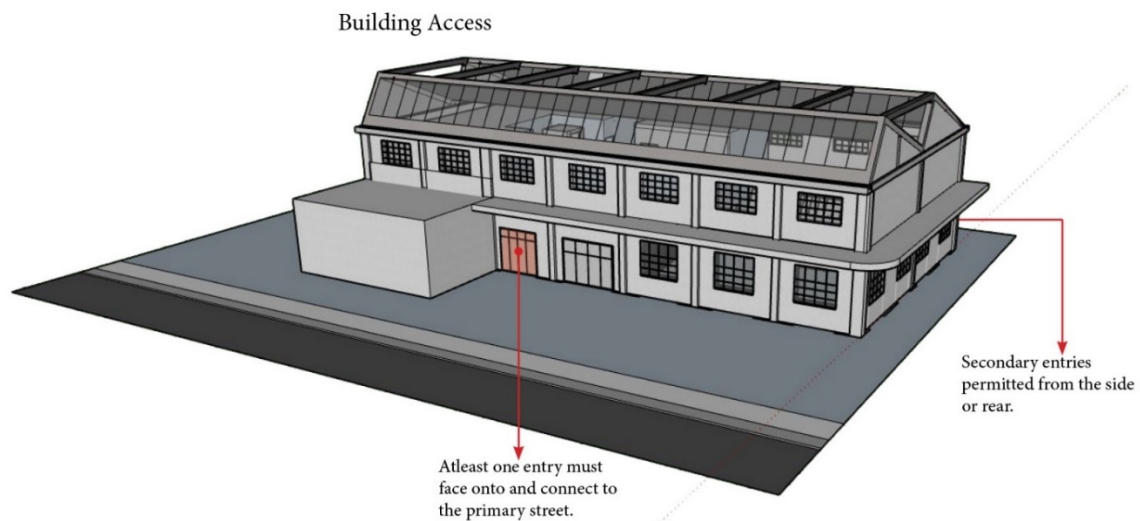
- 2) Primary Facade Ground Floor Articulation - Ground floors shall be differentiated from the floors above by a horizontal expression line.

[FIGURE 112]



- f) Building Access. At least one entry must face onto and connect to the primary street. Secondary entries permitted from the side or rear.

[FIGURE 113]



- g) Service. Services, utility hookups, loading docks and trash/recycling containers shall not be located on the front of the building, and must be screened if visible from the street.

1246.05 EXAMPLE BUILDING TYPES

The following sections illustrate how different types of buildings can meet the intent of the districts in Chapters 1243-1245 and the Architectural Standards of Section 1246.04

1246.05.01 DETACHED HOUSE

[FIGURE 114]

Illustrative examples of the intent of this building



a) Description

A Detached House is a dwelling unit typically occupied by a single-family household. Detached Houses include one-, one-and-a-half, and two-story dwellings. In the DT-1 district, Detached Houses may have been converted to offices. The design and character of a detached house in a given location should be consistent with and reinforce the character of the surrounding neighborhood.

b) Applicability

A Detached House is the suggested building type in all residential districts and applicable to most road types. While compatible as “grandfathered” in historic structures, new Detached Houses within higher density residential districts (R-MX and MFR), DT-1, and fronting Arterial, Suburban, and Activity corridors are not generally encouraged.

See also Section 1244.02 - General Development Requirements for Dwelling Units.

1246.05.02 ATTACHED RESIDENTIAL

[FIGURE 115]



a) Description

Attached residential building types may take the form of small apartment buildings or duplexes integrated into an urban neighborhood, or townhouses. Attached residential buildings should be designed to complement the size, scale, character, and architecture of the surrounding residential district. Attached residential buildings may be designed as side-by-side and/or stacked units and provide a dedicated point of entry for each residential unit or common entry.

b) Applicability

Attached residential buildings are applicable in higher density residential and mixed-use districts that serve as a transition between commercial or mixed-use districts and residential neighborhoods: R-MX, R-AR, MFR, S-C, MX-C, MX-1, DT-1, DT-2.

See also Section 1244.02 - General Development Requirements for Dwelling Units.

1246.05.03 URBAN MIXED-USE

[FIGURE 116]



Illustrative example of the intent of this building

a) Description

The purpose and intent of the Urban Mixed-Use building type is to provide a high character pedestrian scaled building that is flexible and mixed in its uses. Typically, ground floor uses include retail, entertainment, dining, and professional services with high transparency window areas creating a connection between the sidewalk and building interiors. Upper floor uses typically includes a mixture of residential and office space. The building form and mass is intended to reinforce pedestrian comfort, walkability, and activity. Larger buildings shall be broken up into multiple store-fronts each with their own entries.

b) Applicability

Urban mixed-use buildings are a key building type for urban zones that provide pedestrian scaled buildings oriented on the street. They are less likely to be appropriate along local streets.

1246.05.04 TOWER & PODIUM

[FIGURE 117]



Illustrative example of the intent of this building

a) Description

Tower & Podium buildings are buildings that consist of a large footprint base, typically 2-3 stories tall, and one or more towers that project upwards from a portion of this base. Tower & Podium type buildings are often used for hotel convention centers, hospitals, and other institutional or commercial activities. The base (podium) levels of the Tower & Podium buildings are intended to be pedestrian oriented facades that encourage an active street frontage.

b) Applicability

Tower & Podium buildings are applicable to the most dense commercial districts (Downtown Core) as well as designated institutional districts (INST-1 and INST-2).

1246.05.05 COMMERCIAL FLEX

[FIGURE 118]



Illustrative example of the intent of this building

a) Description

Commercial Flex buildings provide opportunities for diverse buildings types - to accommodate a diverse range of uses - in medium density urban environments while retaining a building facade that supports the downtown character. Commercial Flex buildings are 1-3 floors in height and may include high bay spaces to accommodate light industrial or other non-storefront oriented commercial uses. Building facades are oriented towards the street and designed in a pedestrian friendly manner with adequate window transparency and articulation.

b) Applicability

Commercial Flex buildings are suggested in the Urban Flex (DT-2) and Urban Industrial (IND-3) districts.

1246.05.06 PARKING STRUCTURE

[FIGURE 119]



Illustrative example of the intent of this building

a) Description

Parking Structures provide multiple levels of vehicle parking in higher density locations. Parking Structures are designed to fit the architectural character and context of the urban environment. Open air openings into the parking area and other horizontal or vertical elements should provide an attractive facade that reinforces the pedestrian experience. Parking structures are encouraged to be lined on the exterior by residential, office, and retail, and are required to have the first floors occupied for the first 20 feet by commercial uses along Activity Corridors.

b) Applicability

Parking garages are applicable in higher density districts where there is not sufficient space or desire for surface parking lots.

1246.05.07 SUBURBAN COMMERCIAL

[FIGURE 120]



Illustrative example of the intent of this building

a) Description

Suburban Commercial buildings are designed to balance the needs of automobile access to commercial uses (stores, retail, etc.) while still retraining a strong design character and relationship to the street environment that is welcoming to pedestrians and creates an effective transition to non-commercial areas. Commercial buildings are typically 1-2 floors in height, and can accommodate big-box style commercial uses if needed. Individual storefronts within a building should be clearly defined and distinct and sidewalks connect front entrances to the public sidewalk. Suburban commercial buildings can incorporate a mixture of non-residential uses.

b) Applicability

Suburban commercial buildings are the primary building type for the Suburban Corridor district (SC) and are used along Arterial, Suburban, and Prime Connector streets. This type of building is not intended for Activity Corridors, Neighborhood Connectors, or Local Streets.

1246.05.08 SUBURBAN OFFICE / RESEARCH

[FIGURE 121]



Illustrative example of the intent of this building

a) Description

Suburban Office/Research buildings are typically multi-story buildings with a primary entrance into a lobby space for accessing office, research, or institutional type uses. Buildings can be designed for a single tenant or for multiple different tenants to provide a mixture of uses within the building.

b) Applicability

Suburban commercial buildings are a common building type for the Suburban Corridor district (SC) and can be used along a variety of roadway types. They can be used to transition away from more intense commercial activity towards neighborhood residential areas.

1246.05.09 MOTOR VEHICLE SERVICE STATIONS

[FIGURE 122]



Illustrative example of the intent of this building

a) Description

Traditional suburban-style gas station design places the filling pumps and canopy structure in the front or front corner of the lot and the shop at the rear of the lot, which breaks the street edge experience and disconnects the storefront from the sidewalk. New gas stations should adopt a “gas backwards” approach along urban corridors (MX-1, -2, -3, DT-2 where permitted), where filling pumps and canopy are placed to the side or rear of the lot and the shop building occupies the front or front corner of the lot. Traditional configurations are acceptable in S-C and MX-C districts as long as the building form and conditional use standards are met. In both urban and suburban districts, the building should be designed to fit within the district’s context and aesthetics.

b) Applicability

Motor vehicle service stations are permitted with conditions in commercial mixed-use districts as described in Section 1245.03. They are less desirable for use along Activity Corridors and Local Streets.

CHAPTER 1250 GENERAL PROVISIONS**1250.01 SCOPE OF APPLICATION**

The standards and regulations listed in this Chapter shall apply to all uses, buildings and structures within all zoning except where it is specified to be district- or use-specific.

1250.02 USE-RELATED REGULATIONS**1250.02.01 USES**

Determination of "Similar Uses": Since every type of potential use cannot be addressed in the Zoning Ordinance, the Zoning Administrator shall be authorized to permit "similar uses" which closely resemble the uses listed for a given zoning district. In making this determination, the Zoning Administrator shall use criteria including, but not limited to the nature of the use, scale, aesthetics, traffic generated, parking, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare, provided that the proposed use would not constitute a violation of any other Federal, State or local law or regulation. Once a proposed similar use is permitted, the proposed use shall comply with all standards and conditions that apply to that zoning district.

1250.02.02 HOME OCCUPATIONS

A home occupation which meets all of the following conditions shall be permitted as an accessory use to any single family residential use or residential unit in a duplex:

- a) No person, other than a member of the family residing in the dwelling unit, shall engage in the home occupation and no more than one primary caregiver, as that term is defined in the Michigan Medical Marihuana Act, being MCL 333.26421 et seq., as amended, shall engage in the activities of a primary caregiver on any lot.
- b) The use of the dwelling unit as a home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- c) Not more than 20 percent of the gross floor area of the dwelling unit is used in any way for the home occupation.
- d) No change occurs in the outside appearance of the dwelling.
- e) No signs shall be posted on the lot advertising any home occupation.
- f) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.
- g) No parking or outdoor storage of vehicles, goods, materials, or equipment that is directly related to the home occupation and not customarily associated with a residential use.
- h) No equipment is used, except equipment which is normally used for purely domestic or household purposes. Equipment not normally used for purely domestic or household purposes or any portion of the dwelling unit where energy use and heat generation resulting from the growth of marihuana exceeds levels reasonably attributable to residential uses are permitted if the Board of Zoning Appeals approves such use. The Board shall approve of such use if it is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the lot seeking Board approval and that any energy use and heat generation resulting from the growth of marihuana exceeding levels reasonably attributable to residential uses has been approved by the Fire Marshal or his or her designee and the Building Safety Office.
- i) No activity related to the occupation occurring on the premises including clients, customers, or pickup and delivery vehicles shall adversely impact the surrounding neighborhood or the right of surrounding residents to quiet enjoyment of their property, including but not limited to, the

creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference detectable beyond the property line; or have any pickup, delivery, or other trip by motor vehicle related to the home occupation before 7:00 a.m. or after 7:00 p.m. and not more than a total of five (5) pickups, deliveries or customer/client visits each day during the permitted time.

- j) For purposes of this subsection, any term defined by 21 USC 860(e) shall have the meaning given to it by 21 USC 860(e). No person who engages in the activities of a primary caregiver as a home occupation shall engage in the transfer, distribution, or administration to any patient:

- 1) Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a playground; a church or other structure in which religious services are conducted; a facility at which substance abuse prevention services or substance abuse treatment and rehabilitation services, as those terms are defined in part 61 of PA 368 OF 1978, being MCL 333.6101 et seq., are offered; or
- 2) Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.

- k) All marihuana plants shall be kept in an enclosed, locked facility, as that term is defined in the Michigan Medical Marihuana Act.

- l) This section shall apply to every person engaging in the activities of a primary caregiver as a home occupation, regardless of whether or not the activities commenced prior to the enactment of this section.

1250.02.03 TEMPORARY BUILDINGS, STRUCTURES, USES AND EVENTS

- a) Temporary Construction Buildings and Storage Trailers. Temporary construction buildings, structures, uses and storage trailers may be permitted, after review and approval of the building official, subject to the following conditions:

1) Temporary Construction Buildings

- (a) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.
- (b) No temporary building or structure shall be used as a dwelling unit.

2) Temporary Trailers

- (a) Enclosed trailers may be used for the temporary storage of materials only in commercial and Industrial zoning districts and when such materials are in the process of being received or shipped.
- (b) The trailer(s) shall not be used for permanent storage of materials.
- (c) Each trailer shall be equipped with a current trailer license as issued by a state and be in proper operating condition to be used upon the streets and roadways of this state.
- (d) The use of trailer(s) for temporary storage shall be limited to three trailers for the permitted principal use.

- b) Temporary Outdoor Uses, Activities and Special Events

- 1) Temporary outdoor uses and activities, such as but not limited to art shows, sidewalk sales, carnivals, auto shows, and boat shows, may be approved for a period not to exceed 10

- consecutive days; provided, the proposed use or event is found to be: temporary in character; not detrimental to adjacent property; not disturbing to the public peace; and will not create undue traffic congestion or hazards. Temporary events, accessory to and on the same lot as a principal permitted use, may be approved by the building official. Any temporary event that is conducted on public right-of-way or city owned property shall require city council approval.
- 2) Tent sales in a parking lot for individual businesses shall be permitted in all commercial and industrial zoning districts as an accessory use to a primary permitted use. All merchandise sold shall be that of the regular retail use in the principal building of the site. Each business shall be limited to one tent sale per calendar year for a maximum of 10 consecutive days. The area occupied by the tent sale shall not exceed 10% of the floor area of the permanent retail space of the business and the longest dimension of the tent shall not exceed the width of the permanent retail space of the business. Tent sales shall be located in a manner that does not conflict with site circulation for vehicles or pedestrians. A site plan shall be provided for administrative approval by the building official showing the location of the proposed tent, existing structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity
- c) Residential Temporary Uses and Structures
- 1) A temporary structure or a temporary use which meets all of the following conditions shall be permitted in a residential district:
- (a) Temporary structures are permitted for storage purposes only and must be placed in a side or rear yard or on an approved driveway.
 - (b) In the case of a temporary use, the Planning Division shall review a request in accordance with the standards outlined in Section 1262.02(f)(1) to (9) and shall approve the request, deny it, or approve it with conditions.
 - (c) Temporary structures and uses may be permitted for a period not to exceed two weeks, and upon request may be extended twice for a period not to exceed two weeks for each extension.
- 2) The temporary use of a permanent structure as a real estate office for the purpose of marketing new residential development which meets all of the following conditions shall be permitted in a residential district:
- (a) The temporary use of the permanent structure is located within the residential development.
 - (b) The temporary use of the permanent structure shall be removed after three years, or after 90 percent of the residential development is sold, whichever comes first.

1 1250.02.04 (RESERVED)

2 1250.02.05 KEEPING OF ANIMALS

3 a) Definitions, as used in this section:

4 WILD ANIMAL: Any animal not domesticated by humans or any animal which a person is prohibited from
5 possessing by law. Wild animals shall include, but shall not be limited to, the families of the following:
6 alligator, deer, opossum, badger, wild dog, dog-wolf, coyote, weasel, bear, raccoon, skunk, wild cat, lemur,
7 marten, poisonous spider, poisonous lizard, snake, and primate (excluding humans).

8 LIVESTOCK: Horses, cattle, sheep, goats, poultry, pigs and other useful animals normally kept or raised on a
9 farm, including pygmy goats and potbelly pigs.

10 b) Household pets.

11 1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals
12 generally regarded as commonly housed inside human dwellings as household pets, is
13 permitted as an accessory use in any zoning district.

14 2) No more than three dogs, four months of age and older, shall be kept or housed in or at one
15 dwelling unit.

16 c) Wild animals. The keeping of wild animals, as defined in this ordinance, shall be prohibited in any
17 residential zoning district.

18 d) Livestock. No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of
19 except as provided for below:

20 1) No more than five (5) hens may be kept on any one- or two-family residential property, and
21 no roosters, ducks, peacocks, turkeys or emus shall be allowed;

22 2) Hens must be kept in an enclosure so constructed or repaired as to keep the hens confined
23 on the owner's property, and to prevent rats, mice, or other rodents from being harbored
24 underneath, or within the walls of the enclosure;

25 3) A covered enclosure or fenced enclosure shall not be located closer than 10 feet from the
26 property line of any adjacent property, nor closer than 40 feet from any residential
27 structure on an adjacent property, unless the adjacent property owner consents in writing
28 to the Zoning Administrator;

29 4) All feed and other items associated with the keeping of hens that are likely to attract or to
30 become infested with or infected by rats, mice, or other rodents, shall be protected so as to
31 prevent rats, mice, or other rodents from gaining access to or coming into contact with
32 them.

33 1250.02.06 RESTRICTIONS ON DEMOLITION AND REUSE OF LOTS

34 No permit for demolition of a primary structure may be issued if the intended use is for non-required
35 parking or if the property on which the structure is located is zoned for nonresidential purposes and the
36 intended use is for open space, unless the request satisfies one of the following:

37 a) The structure is being demolished to accommodate construction of a development plan approved
38 by the City. A demolition permit being authorized under this condition shall not be issued until a
39 site plan has been submitted to the City for review and approval in accordance with the
40 requirements of Chapter 1260.

41 b) A special land use permit for parking has been approved by the Lansing City Council.

c) The owner of the property can demonstrate, to the satisfaction of the Director of the Economic Development & Planning Department that:

- 1) Demolition of the structure will not disrupt the established land use/development pattern in the area in which it is located.
- 2) Redevelopment or reuse of the site will have no negative impacts on the adjoining property owners.
- 3) Redevelopment or reuse of the site will be consistent with the land use pattern being advanced in the Comprehensive Plan.
- 4) The additional parking is necessary to accommodate the parking needs of the use that it is intended to serve during a typical day and no other options for providing said parking are reasonably available.
- 5) The structure proposed for demolition is deemed to be a threat to the health, safety and welfare of the community by the City of Lansing Building Safety Office, Code Compliance Office, or Fire Department.

1250.02.07 VEHICLE PARKING, SERVICE, AND STORAGE

a) All Districts:

- 1) Commercial vehicles used as signs are prohibited. No commercial vehicle may be parked for a time period exceeding 48 hours for the intended purpose, as determined by the Zoning Administrator, of advertising a product or serving as a business sign.
- 2) All vehicles must be incidental to the primary use.
- 3) An accessory use on a lot shall not include the storage of junk or junk vehicles, or trash.

b) Residential Districts:

- 1) The parking or storage of the following shall not be permitted in a residential district except within a completely enclosed building, or except as permitted and regulated by section 1250.02.08:
 - (a) A vehicle with three or more axles, with or without a trailer;
 - (b) A bus/motor coach, box truck, semi-tractor/trailer, construction vehicle, farm vehicle or equipment including, but not limited to, a trailer, backhoe or dump truck,
 - (c) A vehicle with a gross weight exceeding 10,000 pounds; and
 - (d) A vehicle which exceeds 12 feet in height or 35 feet in length.
 - (e) A mobile dwelling unit that is not located in a designated and approved mobile home or recreational vehicle park.
- 2) The parking of essential public service vehicles (e.g., ambulance) where the vehicle is operated by the homeowner or the occupant of the dwelling is exempt from these provisions.
- 3) The parking of one (1) flat-bed tow truck or wrecker may be parked on an approved driveway within a side or rear yard where it is obscured from view of adjoining residential properties by a six (6) foot high opaque fence or dense plant materials.
- 4) The parking of one (1) utility trailer on an approved driveway is permitted on each single or two-family residential lot. Additional utility trailers must be parked in a completely enclosed structure. Utility trailers shall not be considered a "vehicle" subject to the restriction of item 8) listed herein.

- 1 5) An accessory structure shall not be used to service or repair a motor vehicle owned by a
2 person other than a person residing on the premises on which the accessory structure is
3 located.
- 4 6) An accessory use on a residential lot shall not include motor vehicle repair, except repair to
5 a vehicle owned by a person residing on the premises so long as the repair is completed
6 within a 24-hour period and is limited to:
 - 7 (a) Changing oil or other fluids;
 - 8 (b) Minor tune-up;
 - 9 (c) Tire rotation; and
 - 10 (d) Changing brake pads if the vehicle is supported in a safe manner.
- 11 7) No accessory structure may be a public garage.
- 12 8) An accessory use of a lot may include the parking of up to four operable vehicles or one
13 operable vehicle for each licensed driver residing in the dwelling whichever is greater.
- 14 9) The outdoor storage of vehicles, goods, materials, or equipment that is not directly related
15 to or customarily associated with a residential use shall be prohibited.

16 1250.02.08 PARKING AND STORAGE OF RECREATIONAL VEHICLE AND EQUIPMENT IN RESIDENTIAL
17 DISTRICTS

18 The following standards shall apply in all residential districts:

- 19 a) Recreational vehicles shall not be connected to sanitary facilities, shall not be occupied or inhabited,
20 and shall be locked at all times.
- 21 b) Recreational vehicles and recreational equipment greater than eight (8) feet in width or 25 feet in
22 length must be parked on a paved surface or approved driveway in the side or rear yard and must
23 be set back at least three (3) feet from the side and rear property lines.
- 24 c) No more than two recreational vehicles or recreational equipment or a combination thereof, shall
25 be stored on a residential lot.
- 26 d) One recreational vehicle or recreational equipment, not exceeding 25 feet in length, may be parked
27 or stored on an approved driveway within the front or side yard of a residential lot.
- 28 e) Regardless of size, one recreational vehicle may be temporarily parked anywhere on a paved
29 surface or on an approved driveway within a residential lot for up to 72 hours within a seven (7)
30 day time period for the purpose of loading and unloading or for normal maintenance and cleaning.
- 31 f) Recreational vehicles and equipment may not be stored or parked on a residential lot for the
32 purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or
33 equipment.

34 1250.02.09 RESTAURANTS AND TAVERNS WITH OUTDOOR SEATING.

35 Outdoor seating areas on private property accessory to a restaurant or bar are permitted only after
36 approval by the Zoning Administrator of a plan, and subject to the following requirements:

- 37 a) The seating area shall be delineated with permanently or semi-permanently affixed railings or
38 ornamental walls that are a minimum of three (3) feet tall.
- 39 b) Pedestrian circulation and access to the building entrance shall not be impaired. Access to the
40 outdoor seating shall be provided only through doors leading into the building.
- 41 c) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash
42 containment and removal must be submitted.

d) Additional signage shall not be permitted.

e) Requests for outdoor seating shall include submission to the Zoning Administrator of a plan that demonstrates compliance with the above requirements.

1250.02.10 MEDICAL MARIHUANA (RESERVED)

1250.02.11 ADULT BUSINESSES

a) Intent. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones.

b) Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT BOOKSTORE. An establishment which excludes minors, as defined in M.C.L.A. 722.51 et seq., and has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/ or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35 percent of the floor area of the establishment.

ADULT BUSINESS. Adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section, which meets one or more of the criteria defined in ADULT BUSINESS, SIGNIFICANT PORTION.

ADULT BUSINESS, SIGNIFICANT PORTION. A business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:

1. Thirty-five (35) percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.
2. Thirty-five (35) percent or more of the usable floor area of the building, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined herein.
3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

ADULT PERSONAL SERVICE BUSINESS. A business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

ADULT MOTION PICTURE THEATER. An establishment, in a completely enclosed building or room, which excludes minors, with a capacity for more than or persons as defined in M.C.L.A. 722.51 et seq., and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television, satellite transmissions or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to

specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

ADULT MINI-MOTION-PICTURE THEATER. As defined above with a capacity for 50 or fewer persons.

ADULT CABARET. An establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas, as defined herein.

ADULT NOVELTIES. Objects, items, and/or devices offered for sale which are designed for sexual stimulation or which simulate human genitals.

BUTTOCK. Includes the perineum and anus of any person.

MASSAGE PARLOR. An enterprise of a nonmedical nature specializing in the manipulation of body tissues for remedial or hygienic purposes, as by rubbing, stroking, or kneading with the hand or instrument.

MASSAGE. Offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

NUDE MODELING STUDIO. A place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.

OFFERED FOR SALE. Offered in exchange for money, a membership fee or any other valuable consideration.

SPECIFIED ANATOMICAL AREAS:

- i. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
- ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region or buttock or female breast.

SODOMY. Sexual bestiality.

SEXUAL INTERCOURSE. Genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body, or of any object into the genital or anal openings of another's body.

c) Location of Uses.

Any existing building or land, or new building hereafter erected, converted or structurally altered, used for an adult business, shall meet all of the following conditions:

1. No adult business, as defined herein, shall be permitted within a 1,000 foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
2. No adult business, as defined herein, shall be permitted within a 300 foot radius of any residentially used or zoned land as depicted on the official Zoning Map and defined in this Zoning Code. Measurement of the 300 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
3. No adult business, as defined herein, shall be permitted within a 300 foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or other place of public congregation. Measurement of the 300 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

- 1 4. No adult business, as defined herein, shall be permitted within the Capitol Center District, as
2 defined in [Section 1442.23\(b\)](#) of the Building and Housing Code.

3 d) Miscellaneous Requirements.

- 4 1. No person shall reside in or permit any person to reside in the premises of an adult
5 business.
6 2. The provisions of this section regarding massage parlors shall not apply to hospitals,
7 sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon,
8 chiropractor, osteopath, psychologist, clinical social worker or family counselor who is
9 licensed to practice his or her respective profession in the State of Michigan, or who is
10 permitted to practice temporarily under the auspices of an associate or an establishment
11 duly licensed in the State of Michigan, clergymen, certified members of the American
12 Massage and Therapy Association and certified members of the International
13 Myomassethics Federation who have a current massage therapist license through the
14 Lansing City Clerk.

15 1250.02.12 MOBILE FOOD VENDING

- 16 a) MOBILE FOOD VENDING MEANS ANY PUSHED, TOWED, OR MOTORIZED CART OR VEHICLE
17 DESIGNED AND EQUIPPED TO PREPARE OR SERVE, AND SELL FOOD OR DRINK PREPARED ON-
18 SITE OR BEFOREHAND, TO THE GENERAL PUBLIC, WHETHER CONSUMED ON-SITE OR
19 ELSEWHERE.
20 b) ALL MOBILE FOOD VENDING BUSINESSES ARE REQUIRED TO BE LICENSED WITH THE CITY
21 CLERK'S OFFICE PER [CHAPTER 844](#) OF THE CODE OF ORDINANCES, AS AMENDED.
22 c) NO MOBILE FOOD VENDING SHALL BE PERMITTED WITHIN THE DT-3 DISTRICT EXCEPT AS PART
23 OF A TEMPORARY SPECIAL EVENT LASTING NO MORE THAN 24 HOURS.
24 d) MOBILE FOOD VENDING VEHICLES AND ANY MATERIALS ASSOCIATED THEREWITH, INCLUDING,
25 BUT NOT LIMITED TO TRASH RECEPTACLES AND SEATING AREAS, SHALL NOT OCCUPY OR
26 OBSTRUCT ANY SIDEWALK, ALLEY, MANEUVERING AISLE, FIRE LANE, DRIVEWAY, OR ENTRANCE
27 TO A PERMANENT STRUCTURE ON OR ADJACENT TO THE PROPERTY UPON WHICH IT IS
28 LOCATED.
29 e) MOBILE FOOD VENDING VEHICLES SHALL NOT OCCUPY ANY ON-STREET PARKING SPACE, ON-
30 STREET SHOULDER AREA OR PUBLIC RIGHT-OF-WAY, OR ANY CORNER CLEARANCE AREA AT A
31 STREET INTERSECTION OR DRIVEWAY AS DEFINED IN SECTION 1250.03.03.
32 f) TRASH CONTAINER(S) FOR PUBLIC USE SHALL BE PROVIDED AND ALL WASTE SHALL BE
33 DISPOSED OF BY THE VENDOR TO PREVENT UNSANITARY OR UNSIGHTLY CONDITIONS.
34 VENDORS ARE RESPONSIBLE FOR THE PROPER DISPOSAL OF ALL GREY WATER, GREASE, AND
35 OTHER FOOD WASTE, WHICH SHALL NOT BE DUMPED OR DISPOSED OF ON OR INTO PUBLIC
36 PROPERTY INCLUDING BUT NOT LIMITED TO STORM DRAINS AND SURFACE DISCHARGE.
37 g) NO POWER CABLE SHALL EXTEND ON OR ACROSS ANY PARKING LOT, DRIVEWAY OR SIDEWALK
38 EXCEPT IN A SAFE, CONCEALED MANNER DESIGNED TO PREVENT TRIPPING.
39 h) NO PERSON WHO OPERATES ANY MOBILE FOOD VENDING VEHICLE SHALL:
40 1. BLOCK ANY OF THE MINIMUM REQUIRED PARKING SPACES FOR ANY ON-SITE OR ADJACENT
41 BUSINESS;
42 2. PROVIDE AMPLIFIED MUSIC, ANNOUNCEMENTS, OR SOLICITATIONS; OR
43 3. PLACE SIGNS/BANNERS IN OR ALONGSIDE THE PUBLIC RIGHT-OF-WAY OR ACROSS
44 ROADWAYS. SIGNS MUST BE PERMANENTLY AFFIXED TO OR PAINTED ON THE MOBILE FOOD
45 VEHICLE OR MOBILE VENDING CART.

i) CO-LOCATION:

- 1) NO MORE THAN TWO (2) MOBILE FOOD VENDING VEHICLES SHALL CO-LOCATE ON ONE PARCEL EXCEPT DURING TEMPORARY SPECIAL EVENTS.
- 2) MORE THAN TWO (2) MOBILE FOOD VENDING VEHICLES MAY CO-LOCATE ON ONE PARCEL WITH THE FOLLOWING CONDITIONS SUBJECT TO THE SITE PLAN REVIEW REQUIREMENTS OF SECTION 1260.03 AND 1260.04 OR A PLOT PLAN ACCEPTED BY THE ZONING ADMINISTRATOR:
 - (a) MOBILE FOOD VENDING VEHICLES SHALL COMPLY WITH ALL PROVISIONS OF SECTION 1250.02.12 a) THROUGH h);
 - (b) THE SITE SHALL FOLLOW THE APPLICABLE LANDSCAPING REQUIREMENTS OF SECTION 1252.06 AND 1252.07;
 - (c) AT LEAST ONE TRASH RECEPTACLE PER MOBILE FOOD VENDING VEHICLE SHALL BE PROVIDED SOMEWHERE ON THE SITE; AND
 - (d) AT LEAST ONE OUTDOOR SEATING AREA PER MOBILE FOOD VENDING VEHICLE SHALL BE PROVIDED SOMEWHERE ON THE SITE.

1250.03 SUPPLEMENTAL DIMENSIONAL REGULATIONS

1250.03.01 PROJECTIONS INTO YARDS

Certain architectural features may project into the required yards as follows:

a) Permitted Projections into Required Yards

Table 1250.03.01 Permitted Projections into Required Yards			
Projection	Front Yard	Rear Yard	Side Yard
Air conditioning equipment shelters	Not permitted	Permitted up to 3 feet from any side or rear lot line	
Arbors and trellises	Permitted up to 4 feet from any lot line		
Awnings and canopies	3 ft.	5 ft.	0 ft.
Bay windows	3ft.	5 ft.	0 ft.
Eaves, overhanging	3ft.	5 ft.	3 ft.
Flagpoles	Permitted up to 4 feet from any lot line		
Gutters	3 ft.	5 ft.	1 ft.
Light standard, ornamental	Permitted in any yard		
Mechanical equipment such as HVAC	Not permitted	3 ft.	5 ft.
Paved terraces	Permitted up to 3 feet from any lot line		
Unroofed porches*	7 ft.	7 ft.	1 ft.
Stoops*	3 ft.		
Stairways, open unroofed	3 ft.	5 ft.	1 ft.
Steps	3 ft.	5 ft.	1 ft.
Wall-mounted solar energy systems	Not permitted	5 ft.	3 ft.

Wheelchair ramp (Side or Rear yard preferred)	Up to 5 ft. from sidewalk	Permitted up to 3 feet from any side or rear lot line
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* See additional regulations in this ordinance.

1250.03.02 SUPPLEMENTARY HEIGHT REGULATIONS

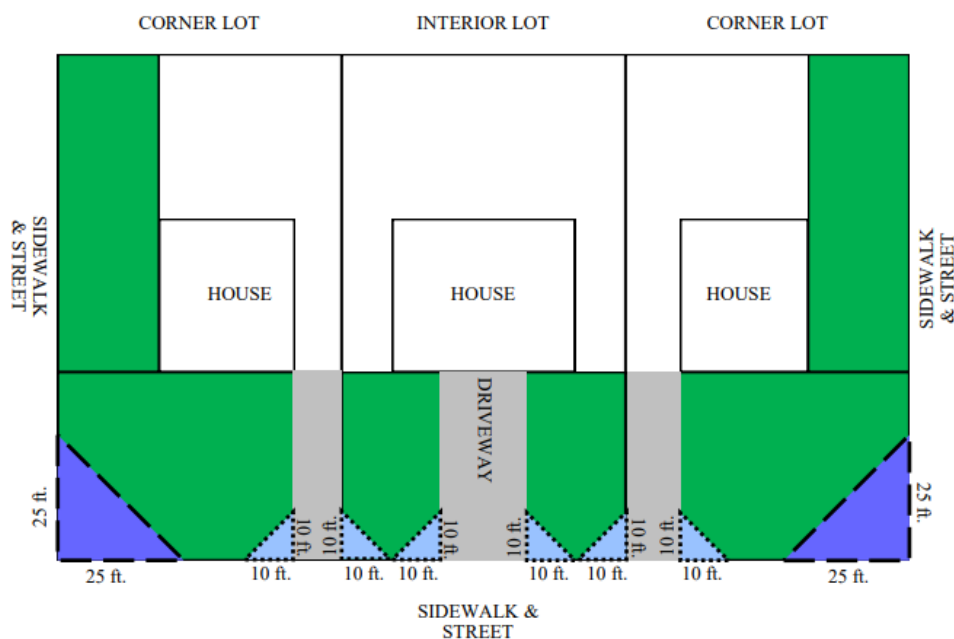
The following structural appurtenances may be permitted to exceed the height limitations for the authorized use, as follows:

- a) Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the allowable height limit.
- b) Roof-mounted solar energy systems on a building or accessory structure may exceed the allowable height limit of the district by up to eighteen (18) inches.

1250.03.03 SIGHT VISIBILITY AT CORNERS AND DRIVEWAYS

- a) Corner Clearance at Street Intersections. No fence, wall, shrubbery, sign or other obstruction to vision above a height of three feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 10 feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in question, a 10-foot setback shall be required between the property line and the driveway or alley.
- b) Visibility at Driveways. No fence or hedge shall materially obstruct the vision of motorists entering any street or other public way open to vehicular traffic from a driveway adjacent thereto. The area of a lot to which this applies is the area within a triangle joining the point of the intersection of the lot line and the side edge of the driveway, a point on the driveway edge line 10 feet from such intersection (away from the right-of-way) and a point on the lot line 10 feet from such intersection (away from the driveway).

[FIGURE 123]



1 1250.04 SITE DEVELOPMENT REGULATIONS

2 1250.04.01 ACCESSORY BUILDINGS AND STRUCTURES, AND ATTACHED GARAGES

3 a) In General, Applies to All Districts

- 4 1) Accessory buildings and structures are permitted only in connection with and incidental to
5 a principal building or use permitted within the zoning district in which it is located.
- 6 2) No accessory building or structure shall be occupied or utilized unless the principal
7 structure to which it is accessory is occupied or utilized.
- 8 3) An accessory building or structure must be located in the same zoning district as the
9 principal building or structure on a lot.
- 10 4) Where the accessory building or structure is structurally attached to a principal building or
11 structure, it shall be subject to all the regulations of this chapter applicable to principal
12 buildings and structures except as otherwise noted in this section.
- 13 5) Accessory buildings and structures shall not be occupied for dwelling purposes.
- 14 6) Detached accessory structures shall not be permitted in a front yard and shall be set back at
15 least three (3) feet from side or rear lot line. Detached accessory structures that are 1,000
16 square feet or more in area shall be set back not less than six (6) feet from any side or rear
17 lot line. If an accessory structure is attached to a structure containing the principal use, it
18 shall meet all dimensional requirements imposed upon the structure containing the
19 principal use, except as provided in this section.
- 20 7) The maximum building height of any detached accessory building shall be 15 feet, as
21 defined in Chapter 1240.
- 22 8) The design and building materials of any accessory building shall be consistent with the
23 character of the principal building on the property.
- 24 9) The floor area of an accessory building shall not exceed the ground floor area of the
25 principal building.
- 26 10) Accessory structures for an approved nonresidential use shall comply with the setback
27 requirements for the principal structures and shall provide landscaping, screening and
28 buffering in accordance with Chapter 1252.
- 29 11) Shipping containers, and box and semi-truck trailers are only permitted as a temporary
30 structure, subject to the provisions of section 1250.02.03 c) 1).

31 b) Applies to Residential Districts

- 32 1) Single family residential lots shall have no more than one (1) storage shed and one (1)
33 garage or detached carport. Residential lots that contain a legally conforming duplex may
34 have one (1) accessory structure, which may be a garage, carport or storage building, for
35 each unit. Multiple family residential lots may have one accessory building, which may be a
36 garage, carport or storage building, for each legally conforming, multiple family residential
37 building on the property.
- 38 2) The maximum floor area of an accessory structure, for each unit in a duplex, shall be 600
39 square feet on a lot less than 10,000 square feet in size and 720 square feet on a lot greater
40 than 10,000 square feet in size.
- 41 3) The following size limitations shall apply to buildings that are accessory to a single family
42 residential dwelling:

Table 1250.04.01 Accessory Structure Size Maximums

Lot Size (square feet)	Max. Sq. Footage of Detached Accessory Garages	Maximum Sq. Footage of all Accessory Bldgs.	Maximum Sq. Footage of Attached Garages
Less than 5,000	600	800	600
5,000 – 7,800	720	1,000	800
7,801 – 10,800	770	1,050	800
10,801 – 21,780	840	1,200	1,000
21,781 – 43,560	1,000	1,200	1,000
Greater than 43,560	1,200	1,400	1,200

- 4) Accessory buildings and structures combined shall cover no more than 35% of a rear yard.
- 5) The floor area of additions and structures attached to the private garage, including, but not limited to, covered patios, decks, storage areas and carports, shall be included in calculating the total allowable floor area of that garage.
- 6) The floor area of a garage or carport space in a Planned Unit Development shall not exceed 770 square feet, per unit.
- 7) On through lots, an accessory structure located behind the principal structure shall conform to the front yard setback of the district in which it is located.
- 8) Uncovered and unenclosed decks, patios, terraces and porches elevated six (6) inches or more above grade in any residential district shall be set back a minimum of three (3) feet from any side lot line and may project up to seven (7) feet into the required front and rear yard setbacks.
- 9) An accessory structure shall not involve the operation of a business.
- 10) Ground mounted solar energy systems shall be screened from adjoining residential uses by landscaping, tree coverage, opaque fencing, or any combination thereof.
- 11) All exterior electrical lines associated with ground-mounted solar energy systems shall be buried below the surface of the ground.
- 12) Photovoltaic panels, devices and support structures of ground-mounted solar energy systems shall be restricted to a maximum height of six (6) feet when orientated at a maximum tilt as measured from the existing grade.

1250.04.02 MECHANICAL EQUIPMENT

- a) Ground- and building-mounted mechanical equipment including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing and tanks are subject to the following regulations:
 - 1) Mechanical equipment and utilities located on or around any non-residential or multiple-family building shall be screened from public view. Such screening shall be of a height sufficient to screen the equipment.
 - 2) Alternatives for screening materials for ground-mounted mechanical and utilities shall include a solid wall, fence, evergreen plantings, berms and/or other decorative features compatible with the principal building. In a non-residential zoning district, ground-mounted mechanical equipment shall not be located within 20 feet of any residential district.
- b) Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface, and shall occupy no more than 15% of the total roof area.

- c) All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment and the screening shall be integrated into the architectural design of the building meeting the standards noted in Chapter 1246 Architectural Standards. Screening is not required if such equipment is not visible when standing at grade level not less than 200 feet from the front entrance of the building. Where adjacent to any residential district, all roof-mounted mechanical units must be setback a minimum of 20 feet from the side of the building facing the residential district and screened using solid architectural materials that meet the standards noted in Chapter 1246 Architectural Standards and that provide sound attenuation.

1250.04.03 EXTERIOR LIGHTING

a) Definitions:

CANOPY STRUCTURE: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

FLOOD OR SPOT LIGHT: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

GLARE: Direct light emitted by a lamp, luminous tube lighting or other light source.

LAMP: The component of the luminaire that produces the actual light including luminous tube lighting.

LIGHT FIXTURE: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

LIGHT POLLUTION: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

LIGHT TRESPASS: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LUMINAIRE: The complete lighting system including the lamp and light fixture.

LUMINOUS TUBE LIGHTING: Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

OUTDOOR LIGHT FIXTURES: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement

SHIELDED FIXTURE: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this article.

- b) Lighting standards. Unless otherwise exempted by this Section, all lighting must comply with the following standards:

1) Freestanding pole lighting.

(a) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."

(b) The intensity of light shall not exceed 5 footcandles within any site. For sites abutting a residential district or use, the intensity of light cannot exceed 0.5

footcandles at the property line. A maximum of 10 footcandles is permitted within a site for gasoline stations and automobile dealerships as long as the light intensity does not exceed the allowable intensities at the property line.

(c) The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.

(d) The maximum height of parking lot light fixtures shall be 20 feet, except that the Zoning Administrator may permit a maximum height of 30 feet within commercial, mixed use, industrial, research and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.

2) Building-mounted lighting.

(a) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."

(b) The intensity of light shall not exceed 5 footcandles within any site. For sites abutting a residential district or use, the intensity of light cannot exceed 0.5 footcandles at the property line. A maximum of 10 footcandles is permitted within a site for gasoline stations and automobile dealerships as long as the light intensity does not exceed the allowable intensities at the property line.

(c) The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

(d) Luminous-tube and exposed-bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Zoning Administrator may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

3) Window lighting.

(a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.

(b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Section 220-78, Signs.

c) Exemptions.

The following are exempt from the lighting requirements of this article, except that the Zoning Administrator may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

1) Sports field lighting, in use no later than 11:00 p.m. Other sports field lighting may be approved by the Zoning Administrator after a determination that compliance with the standards in this Section have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.

2) Swimming pools.

- 3) Holiday decorations.
- 4) Window displays without glare.
- 5) Shielded pedestrian walkway lighting.
- 6) Residential lighting with no off-site glare.
- 7) Street lights.

1250.04.04 WASTE RECEPTACLES AND ENCLOSURES

- a) Waste receptacles may be permitted as accessory to any use except single or 2-family residential uses, subject to the following conditions:

- 1) Waste receptacles must be clearly accessible to servicing vehicles.
- 2) A concrete pad, at least two feet greater than the dimension of the waste receptacle on all sides, shall be provided.
- 3) Waste receptacles shall be screened on all sides. Such screening shall be constructed of an earth mound, brick or decorative concrete block or an opaque wood or vinyl fence with a minimum height of six feet or one foot above the height of the enclosed dumpster, whichever is greater.
- 4) Access gates must provide screening and may be of wood construction or chain-link with screen slats.
- 5) Waste receptacles and their screening enclosures shall be located as far from residential districts/uses as practical.
- 6) Waste receptacles and their screening enclosures shall be located in such a manner as to minimize impacts on adjacent properties by not obstructing or impeding views from windows, doorways, or outdoor gathering areas.
- 7) Stormwater runoff near waste receptacles shall be directed away from storm drains
- 8) The location of waste receptacles shall be indicated on the site plans and the location and screening shall be subject to approval of the Zoning Administrator.
- 9) Detail drawings or a note shall be provided on the plan to assure that the above requirements are met.

- b) The requirements of 1250.04.04 a) shall not apply to portable trash containers intended for curbside pick-up.

1250.04.05 COLLECTION BINS

- a) Purpose. The purpose of this section is to regulate collection bins in the City of so that they remain clean, safe and do not create hazards to pedestrians or to vehicular traffic.

- b) Definitions. As used in this Section, unless otherwise provided:

COLLECTION BIN means any container, receptacle, or similar device that is located on any parcel or lot of record within the City and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

CODE COMPLIANCE OFFICE means the Code Compliance Supervisor or his or her authorized representative.

COLLECTION BIN OPERATOR means a person who owns, operates, supervises or otherwise is in control of collection bins to solicit collections of salvageable personal property.

1 PROPERTY OWNER means any person, agent, firm or corporation having a legal or equitable interest in the
2 property; or recorded in the official records of the State, county or municipality as holding title to the
3 property.

4 PUBLIC SERVICE DEPARTMENT means the Director of Public Service or his or her authorized
5 representative.

6 c) Permit required.

7 No person or entity shall cause or permit the installation or placement of a collection bin upon any
8 real property located within the City of Lansing, whether public or private, without first obtaining
9 an annual permit from the City Clerk.

10 d) Permit application.

11 An application for a collection bin permit, as required by this Section shall be made to the City Clerk
12 upon forms provided by the City. Such application shall be filed with the City Clerk not less than 30
13 days prior to date that the collection bin is placed on real property. One annual permit is required
14 for each collection bin. The application shall contain the following information:

- 15 1) An affidavit and acknowledgment from the property owner, giving written permission to
16 place a collection bin on the property owner's real property, as well as an acknowledgment
17 of receipt of a copy of this chapter, and a signed statement agreeing to obey all of its
18 requirements.
- 19 2) A site plan indicating the placement of the collection bin, in compliance with the
20 requirements of this Section.
- 21 3) The name, address, telephone number and e-mail address of the applicant, property owner
22 and collection bin operator.
- 23 4) The name, address, telephone number and e-mail address of the agent or person who will
24 be available during regular business hours and will be responsible for compliance.
- 25 5) A photograph of the collection bin to be installed.
- 26 6) The number to a 24-hour hotline for overflow events.
- 27 7) A nonrefundable fee determined by resolution as set by City Council.
- 28 8) A copy of the license and registration from the State of Michigan under the Michigan
29 Consumer Protection Act and the Charitable Organizations Solicitations Act if statutorily
30 required.
- 31 9) In order to bring existing collection bins into compliance with this section, collection bin
32 operators, of existing collection bins, shall have 30 days from the adoption of this chapter to
33 submit a permit application to the City Clerk.

34 e) Permit form, effective periods and renewal.

35 The City Clerk shall issue a permit for compliant collection bins that conform to the following:

- 36 1) A collection bin permit is valid for a one-year period. The renewal application must be filed
37 not later than 30 days before the current permit expires.
- 38 2) If the permit expires and the permit is not renewed, the collection bin must be removed
39 from the real property within a maximum of ten (10) days after expiration of the permit.

40 f) Permitted locations.

- 41 1) Collection bins are allowed in all commercial and industrial districts.

- 1 2) Collection bins shall not be located within 1,000 feet from another collection bin as
2 measured along a straight line from one box to the other.

3 g) Standards for bin and surrounding area.

4 Collection bins shall conform to the following standards:

- 5 1) Collection bins shall be maintained in good condition and appearance with no structural
6 damage, holes or visible rust and shall be free of graffiti.
- 7 2) Collection bins are required to be placed on a paved or concrete surface. Collection bins
8 must be level and stable.
- 9 3) Collection bins shall be locked and be equipped with a secure safety chute so contents
10 cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- 11 4) The collection bins shall be emptied with such frequency and regularity as to ensure that it
12 does not overflow and materials do not accumulate outside the collection bin.
- 13 5) The collection bin operator and property owner shall maintain, or cause to be maintained,
14 the area surrounding the bins free from any overflow collection items, furniture, rubbish,
15 debris, hazardous materials, and noxious odors. To extent provided by law, the collection
16 bin operator and/or property owner shall be jointly and severally responsible for the City's
17 cost to abate any nuisance.
- 18 6) Collection bins shall be located on a parcel where there is a functioning and permitted use.
19 Collection bins shall not be permitted:
- 20 (a) On any land used or zoned residential;
- 21 (b) On any unimproved parcel;
- 22 (c) Where the principal use of the land has been closed or unoccupied for more than 30
23 days.
- 24 7) One collection bin on a single lot of record is allowed.
- 25 8) The total size of a collection bin is limited to a maximum dimension of 5' × 5' × 7'.
- 26 9) Collection bins shall not cause a visual obstruction, as determined by the Transportation
27 Engineer, City Engineer or Director of Public Service Department, to vehicular or pedestrian
28 traffic.
- 29 10) No collection bin shall be placed closer than ten feet from:
- 30 (a) A public or private sidewalk except that this provision does not apply to a private
31 sidewalk as long as the sidewalk maintains a five-foot clearance;
- 32 (b) A public right-of-way;
- 33 (c) A driveway; or
- 34 (d) A side or rear property line of adjacent property used for purposes.
- 35 11) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap
36 parking space, or block a building entrance or exit.
- 37 12) Collection bins shall be made of durable metal or UV resistant molded hard plastic or
38 fiberglass material that is fire resistant or fire proof.

39 h) Identification of collection bins.

- 40 1) Collection bins shall have signage on each bin that identifies the name, mailing address,
41 email address, website and phone number of the collection bin operator. The collection bin
42 signage may include a company logo. Total sign area on the collection bin signage may not

- 1 exceed 6 square feet per side. The font size used on the sign shall not be less than 1 inch in
2 height.
- 3 2) The collection bin must prominently display at all times a readable permit identification
4 sticker provided by the City.
- 5 i) Permit revocation, removal of collection bins and liability.
- 6 1) If the Public Service Department and/or Code Compliance Office determines that a
7 collection bin has been placed or is being maintained in violation of this chapter, a
8 correction notice shall be sent by regular United States Mail to the collection bin operator
9 and property owner of the real property on which the collection bin has been placed, as
10 shown on the most recent permit application. In the event there is not on file a permit
11 application made for the collection bin within 24 months immediately preceding the date of
12 violation, the correction notice shall be sent to the real property tax payer of record in the
13 Assessor's Office. The correction notice shall describe the offending condition and the
14 actions necessary to correct the condition. The correction notice shall provide that the
15 offending condition be corrected or abated within 7 calendar days after mailing.
- 16 2) If the offending condition is not corrected or abated within this 7 calendar days after
17 mailing, the City or the City's contractor shall clean-up the collection bin area.
- 18 3) All costs incurred by the City or the City's contractor associated with the correction or
19 abatement of a collection bin shall be the responsibility of the property owner and
20 collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of
21 costs to the property owner, the City may place a lien upon such real property enforceable
22 as a tax lien in the manner prescribed by the general laws of this State against the property
23 and collected as in the case of general property tax. If the same is not paid prior to the
24 preparation of the next assessment roll of the City, the amount shall be assessed as a special
25 tax against such premises on the next assessment roll and collected thereunder.
- 26 4) The City Clerk shall have the right to revoke any permit issued hereunder if:
- 27 (a) Offending conditions cited in a correction notice are not corrected or abated within
28 seven days after mailing;
- 29 (b) Placement or conditions of the bin or surrounding area violate any applicable State
30 or Federal law;
- 31 (c) Any governmental authority or agency determines that the collection bin has
32 violated the Michigan Consumer Protection Act and/or the Charitable Organizations
33 and Solicitations Act or other statute enacted to regulate or govern collection bins.
- 34 5) Upon revocation of permit issued pursuant to this chapter, the collection bin shall be
35 removed from the real property within ten calendar days and, if not so removed within the
36 time period, the City or the City's contractor may remove, store or dispose of the collection
37 bin.
- 38 6) All costs incurred by the City or the City's contractor associated with removal, storage or
39 disposal of a collection bin shall be the responsibility of the property owner and collection
40 bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to
41 the property owner, the City may place a lien upon such real property enforceable as a tax
42 lien in the manner prescribed by the general laws of this State against the property and
43 collected as in the case of general property tax. If the same is not paid prior to the
44 preparation of the next assessment roll of the City, the amount shall be assessed as a special
45 tax against such premises on the next assessment roll and collected thereunder.

7) If a collection bin permit is revoked, the collection bin operator shall not be eligible for a new permit for 1 year from the date of revocation.

j) Appeal to City Council.

Any person aggrieved by the decision rendered by the City Clerk in granting or denying an application for a permit under this article or in revoking a permit issued under this article may appeal that decision to the City Council. The Public Service Department shall make written findings of fact in support of any license revocation. The appeal shall be made by filing a written request with the City Clerk setting forth the grounds for the appeal not later than ten days after receiving notice of the revocation by the City Clerk. In the event that the written request is filed with the City Clerk, Council shall hold a public hearing on the revocation, and shall have the power to reverse, affirm or modify the decision of the City Clerk. Council shall, in its determination, make written findings of fact supporting its decision. The determination by Council shall be final, subject to appeal to a court of competent jurisdiction.

k) Penalty and remedies.

- 1) In addition to revocation of permit pursuant to this Section any person violating the provisions of this article is guilty of a municipal civil infraction.
- 2) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this chapter, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
- 3) Nothing in this chapter shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this chapter.
- 4) The collection bin operator and real property owner shall be jointly and severally liable for each violation and for payment of any fines and costs.

1250.04.06 FENCES AND HEDGES

a) Purpose; application.

In order to protect the use and enjoyment of properties by providing for the passage of air and light; to protect the public welfare and safety by providing for the safe movement of motor vehicles and pedestrians; and to facilitate efficient police and fire-fighting services, no person shall erect, construct, modify, maintain, plant or grow any fence, hedge, tree, shrub, plant or vine or cause or permit the same to be done in violation of this chapter.

b) Definitions.

As used in this chapter:

SAFETY HAZARD. Any fence which is not in conformity with this section.

c) Limitations.

1) Front Yard.

- (a) No fence or hedge shall exceed a height of three feet within a front yard.
- (b) In front yard corner lots, an unobstructed clear vision corner shall be maintained as specified in 1250.03.03.
- (c) For driveways not on a corner, a clear vision area shall be maintained as specified in Section 1250.03.03 b).

(d) A fence within the front yard may be erected or maintained to a height above three feet, but not to exceed a height of four feet, if the fence meets all of the following requirements:

(1) The fence consists of at least 50 percent of open spaces uniformly distributed along its surface above a height of three feet.

(2) Vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular traffic on adjacent streets or public ways or of pedestrian traffic on adjacent sidewalks.

(e) Chain-link, wire, cyclone or similar fences are prohibited in front yards in all non-industrial zoning districts.

(f) A hedge within a front yard may be planted, grown or maintained to a height above three feet if the hedge meets all of the following requirements:

(1) The property owner prepares and submits to the Zoning Administrator a written plan which complies with the requirements for landscaping, screening and buffering plans as set forth in this Section.

(2) The abutting road is not a Local Street as defined the Comprehensive Plan, or the abutting property is used for industrial purposes.

(3) The hedge does not obstruct the vision of motorists and complies with paragraphs "1) b)" and "1) c)" hereof.

(4) All abutting property owners submit a written statement that they do not object to the plan.

(5) The plan is approved by the Zoning Administrator.

2) Side and Rear Yard

(a) No fence or hedge within a side yard or rear yard shall exceed 6 feet in height but may be permitted to a maximum height of 8 feet, if all of the following requirements can be met:

(1) The property is zoned for commercial or industrial land use, or in the case of properties zoned for residential or office uses, the abutting property is zoned for commercial or industrial land use.

(2) The topography of the subject property is generally one or more feet lower than the abutting property, or the health or safety of the owner or occupant of the subject property is endangered by uses of the abutting property.

(3) The fence is approved by the Zoning Administrator.

3) Grade level

(a) The grade shall not be increased or altered for the purpose of constructing the fence at a higher level than the natural grade level at the fence line.

(b) The fence may be erected at a continuous even level where the grade at the fence line is uneven, as long as it follows the average natural grade upon which it is being erected.

d) Materials.

- 1) Fences shall be constructed of one or more of the following materials: Chain-link, wood, brick, poured concrete, wrought-iron, vinyl or similar material that is approved by the Zoning Administrator.
 - 2) Barbed wire on fences may be utilized only upon the written request of the applicant and written approval by the Zoning Administrator. Approval of such request shall be based on demonstrated need, safety and reasonableness. Under no circumstances will any fence six (6) feet in height or less, or within 30 feet from a neighboring parcel of land which is being used residentially, be permitted to use barbed wire. Barbed wire shall not extend more than 3 vertical feet above the top of the fence.
 - 3) No fence shall contain razor wire, concertina wire or similar type of wire, or carry any electrical current.
 - 4) Berms. If earth berms are to be constructed, they shall have a maximum slope of 3:1 and shall be sodded or seeded or utilize other ground cover. Berm height, width, location and materials must be approved by the Department.
- e) Swimming pool fences.
- 1) Except as otherwise provided in this chapter, every swimming pool with a depth of 24 inches at any point and/or a volume of 150 cubic feet or more must be maintained within an adequate enclosure surrounding the pool area that complies with the following provisions:
 - (a) The pool enclosure shall extend not less than four feet above the ground. All enclosures shall be self-closing and self-latching with latches placed at least four feet above the ground. No opening in a pool enclosure fence or gate shall be designed or maintained so as to permit access to the pool except under the supervision of the pool owner or by his permission.
 - (b) Pool enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the fence. Pool enclosure fences shall be designed to withstand substantial (200 pounds per square foot) concentrated horizontal loads at any point in the fence.
- f) Unsafe or dangerous fences; failure to maintain.
- 1) No owner, occupant or agent in charge shall keep or maintain any fence which is unsafe or dangerous. A fence shall be deemed unsafe or dangerous whenever:
 - (a) Any portion has been damaged by wind, flood, fire or other cause in such a manner that structural strength or stability is appreciably less than it was previous to such event;
 - (b) Any portion of any structural member of the fence is likely to fall, to become detached or dislodged or to collapse and thereby injure persons or damage property.
- g) Repair or removal; remedies of city.
- The Department of Economic Development and Planning may order repaired or removed any fence which is hazardous to the health or safety of the community. Sections 1250.04.06 (c) and (f) shall be utilized as the basis for making such decision. Upon finding a fence which is a health or safety hazard, the Department shall adhere to the following process:

- 1) The Department, upon finding a fence that is a health or safety hazard, shall notify the property owner of the problem in writing by mail or, if possible, in person. The property owner shall be given ten working days to resolve the identified problem.
- 2) If the health or safety hazard still exists after ten working days, the Department shall post the fence as being a health or safety hazard. A certified letter, return receipt requested, shall also be sent to the property owner notifying the owner of the health or safety hazard and of the actions necessary to correct the hazard and what the City will do if it is not corrected by a certain date. The owner shall be given 30 days to resolve the identified problem.
- 3) The Department shall re-inspect the property after 30 days. If the identified problem still exists, the Department shall have the fence, or that portion of the fence causing the problem, repaired or removed with the cost of such repair or removal being attached to the tax rolls for the property.

h) Nonconforming fences.

Existing fences or sections thereof that do not comply with the provisions of this ordinance may be replaced or reconstructed, as long as not more than 50 percent of the nonconforming fence or sections thereof are replaced or reconstructed over the life of the original fence. Nothing herein is intended to prohibit general maintenance and minor repairs necessary to ensure that the fence is not a threat to the safety of persons or property.

i) Conflict of laws.

All ordinances or parts of ordinances in these Codified Ordinances which require fences that are inconsistent with this chapter shall remain effective and nothing in this chapter shall be construed to limit the authority or power granted elsewhere in these Codified Ordinances to any City department, board or commission to require fences in appropriate circumstances which deviate from the requirements of this chapter.

1 1250.05 ANTENNA, COMMUNICATIONS, AND ENERGY STRUCTURES

2 1250.05.01 RECEPTION ANTENNA FACILITIES

- 3 a) In all single-family zoning districts, the installation and/or use of a reception antenna facility having
4 a diameter in excess of three (3) feet shall be permitted only as an accessory use and only as
5 authorized in this section.
- 6 b) A ground-mounted reception antenna facility shall be located in the rear yard only and shall be
7 located no closer than six (6) feet from a side or rear lot line.
- 8 c) A roof-mounted reception antenna facility shall be located on that portion of the roof adjacent to
9 the rear yard of the property and a structure-mounted facility shall be located in the rear yard only.
- 10 d) Excluded from the regulations of this section are conventional VHF and UHF television.

11 1250.05.02 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

12 a) Purpose.

13 The purpose of this section is to establish general guidelines for the siting of wireless
14 communications towers and antennas. The goals of this ordinance [chapter] are to: [1] protect
15 residential areas, property values, and land uses from potential adverse impacts of towers and
16 antennas; [2] strongly encourage the location of towers in nonresidential areas; [3] minimize the
17 total number of towers throughout the community; strongly encourage the appropriate placement
18 of new and existing towers [4] strongly encourage the joint use of new and existing tower sites as a
19 primary option rather than construction of additional single-use towers; [5] strongly encourage
20 users of towers and antennas to locate them, to the extent possible, in areas where the adverse
21 impact on the community is minimal; [6] strongly encourage users of towers and antennas to
22 configure them in a way that minimizes displeasing aesthetics of the towers and antennas through
23 careful design, siting, landscape screening, and innovative camouflaging techniques; [7] enhance the
24 ability of the providers of telecommunications services to provide such services to the community
25 quickly, effectively, and efficiently; [8] consider, to the extent permitted by law, the public health
26 and safety impacts of communication towers; and [9] avoid potential damage to adjacent properties
27 from tower failure through engineering, design, and careful siting of tower structures. In
28 furtherance of these goals, the city shall give due consideration to the city's comprehensive plan,
29 zoning map, existing land uses, and environmentally sensitive areas in approving sites for the
30 location of towers and antennas.

31 b) Definitions.

32 For the purposes of this chapter, the following words and phrases shall have the meanings set forth
33 below:

34 ALTERNATIVE TOWER STRUCTURE. Clock towers, bell steeples, light poles and similar alternative-design
35 mounting structures that camouflage or conceal the presence of antennas or towers.

36 ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and
37 used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio
38 frequencies (excluding radar signals), wireless telecommunications signals or other communication
39 signals.

40 FAA. The Federal Aviation Administration.

41 FCC. The Federal Communications Commission.

42 HEIGHT. When referring to a tower or other structure, the distance measured from the finished grade of
43 the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

1 PREEXISTING TOWERS AND PREEXISTING ANTENNAS. Any tower or antenna for which a building permit
2 or special land use permit has been properly issued prior to the effective date of this ordinance, including
3 permitted towers or antennas that have not yet been constructed so long as such approval is current and
4 not expired.

5 TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or
6 more antennas for telephone, radio and similar communication purposes, including self-supporting lattice
7 towers, guyed towers, or monopole towers. The term includes radio and television transmission towers,
8 microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and
9 the like. The term includes the structure and any support thereto.

10 c) Applicability.

- 11 1) New towers and antennas. All new towers or antennas in the city shall be subject to these
12 regulations, except as provided in subsections 1250.05.02 c) 2) through 1250.05.02 c) 4),
13 inclusive.
- 14 2) Amateur radio station/receive only antennas. This chapter shall not govern any tower, or
15 the installation of any antenna, that is under 70 feet in height and is owned and operated by
16 a federally-licensed amateur radio station operator or is used exclusively for those antennas
17 defined in Code of Federal Regulations 1.4000.
- 18 3) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be
19 required to meet the requirements of this section, other than the requirements of
20 subsections 1250.05.02 d) 6) and 1250.05.02 d) 7).
- 21 4) AM array. For purposes of implementing this chapter, an AM array, consisting of one or
22 more tower units and supporting ground system which functions as one am broadcasting
23 antenna, shall be considered one tower. Measurements for setbacks and separation
24 distances shall be measured from the outer perimeter of the towers included in the AM
25 array. Additional tower units may be added within the perimeter of the AM array by right.

26 d) General requirements.

- 27 1) Principal or accessory use. Antennas and towers may be considered either principal or
28 accessory uses. A different existing use of an existing structure on the same lot shall not
29 preclude the installation of an antenna or tower on such lot.
- 30 2) Lot size. For purposes of determining whether the installation of a tower or antenna
31 complies with district development regulations, including but not limited to setback
32 requirements, lot-coverage requirements, and other such requirements, the dimensions of
33 the entire lot shall control, even though the antennas and/or towers may be located on
34 leased parcels within such lot.
- 35 3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the
36 zoning administrator an inventory of its existing towers, antennas, or sites approved for
37 towers or antennas, that are either within the jurisdiction of the City or within one mile of
38 the border thereof, including specific information about the location, height, and design of
39 each tower. Information submitted to the zoning administrator shall be considered public
40 information. The zoning administrator may share such information with the public and
41 other applicants applying for special land use permits under this ordinance or other
42 organizations seeking to locate antennas within the jurisdiction of the City, provided,
43 however that the zoning administrator is not, by sharing such information, in any way
44 representing or warranting that such sites are available or suitable.
- 45 4) Aesthetics. Towers and antennas shall meet the following requirements:

- (a) Except as otherwise required for an alternative tower structure, towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting may be provided on an alternative tower structure to enhance its camouflaging or concealing effect. All lighting must be approved by the City.
- 6) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- 7) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- 8) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- 9) Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- 10) Public notice. For purposes of this chapter, any special land use request, variance request, or appeal of a special land use shall require public notice to the Lansing PD neighborhood watch coordinators, and all neighborhood associations, property owners, neighborhood associations, neighborhood watches, and all property owners and occupants of properties that are located within 1,000 feet of the parcel that is the subject of the request, in addition to any notice otherwise required by the Zoning Code.
- 11) Signs. No signs shall be allowed on an antenna or tower.

12) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 1250.05.02 h).

13) Multiple antenna/tower plan. The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

14) Height. No tower shall exceed 120 feet, unless a variance is approved by the Board of Zoning Appeals.

e) Permitted use.

The following use is deemed to be a permitted use and shall not require a special land use permit: antennas or towers located on property owned, leased, or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the Council.

f) Administratively approved uses.

1) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(a) The zoning administrator may administratively approve the uses listed in this section.

(b) Each applicant for administrative approval shall apply to the zoning administrator providing the information set forth in subsections 1250.05.02 g)2)(a) and 1250.05.02 g)2)(c) of this section and a refundable fee as established by resolution of council to reimburse the city for the costs and expenses incurred in reviewing the application. No application for an administratively approved use shall be considered by the zoning administrator until all conditions required in the resolution of council shall have been met.

(c) The zoning administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.

(d) In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 1250.05.02 g)2)(d) or separation distances between towers in section 1250.05.02 g)2)(e) by up to 50 percent .

(e) In connection with any such administrative approval, the zoning administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(f) If an administrative approval is denied, the applicant shall file an application for a special land use permit pursuant to section 1250.05.02 g) prior to filing any appeal that may be available under the Zoning Code.

2) List of administratively approved uses. The following uses may be approved by the zoning administrator after conducting an administrative review:

(a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any heavy industrial zoning district, provided that there is no residential property adjacent to the district.

(b) Locating antennas on existing structures or towers consistent with the terms of subsections (1) and (2) below.

(1) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the zoning administrator as an accessory use to any commercial mixed-use or residential multi-family structure of eight (8) or more dwelling units, provided:

- i. The antenna does not extend more than 30 feet above the highest point of the structure;
- ii. The antenna complies with all applicable FCC and FAA regulations; and
- iii. The antenna complies with all applicable building codes.

(2) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning administrator and, to minimize the displeasing aesthetics associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

- i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning administrator allows reconstruction as a monopole.
- ii. Height:
 1. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 2. The height change referred to in subsection 1. above may only occur one time per communication tower.
 3. The additional height referred to in subsection 1. above shall not require an additional distance separation as set forth in Section 1250.05.02 g). The tower's premodification height shall be used to calculate such distance separations.
- iii. Onsite location.
 1. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
 2. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 3. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 1250.05.02 g)2)(e). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 1250.05.02 g)2)(e).

following information with the application or, with respect to other information deemed by the zoning administrator to be necessary to assess compliance with this chapter pursuant to subsection 1. below, as soon as reasonably practicable as determined by the zoning administrator:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection 1250.05.02 g)2)(e), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
- (2) Legal description of the parent tract and leased parcel (if applicable).
- (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 1250.05.02 d)3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (5) A landscape plan showing specific landscape materials.
- (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with subsections 1250.05.02 d)3), 4)—7), 11), and 12), 1250.05.02 g)2)(d),
- (8) 1250.05.02 g)2)(e) and all applicable federal, state or local laws.
- (9) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (10) Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question.
- (11) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower, including specifics as to why such towers, structures or alternative technologies are not suitable or feasible in lieu of a tower.
- (12) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(b) Factors considered in granting special land use permits for towers. In addition to any standards for consideration of special land use permit applications pursuant to Chapter 1262, Special Land Use Permits, of the Zoning Code, the Council may

consider the following factors and any other factors allowed by law in determining whether to issue a special land use permit, although the Council may waive or reduce the burden on the applicant of one or more of these criteria if the Council concludes that the goals of this chapter are better served thereby:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures and residential district boundaries;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress;
- (8) Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question; and
- (9) Availability of suitable existing towers, other structures, or alternative technologies not requiring construction of a new tower, as discussed in subsection 1250.05.02 g)2)(c) of this chapter.

(c) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(d) Setbacks. The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Council may reduce the standard setback requirements if the goals of this chapter would be better served thereby:

(1) Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(e) Separation. The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the Council may reduce the standard separation requirements if the goals of this chapter would be better served thereby:

(1) Separation from off-site uses/designated areas.

i. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/ or designated areas as specified in Table 1250.05.02A.

ii. Separation requirements for towers shall comply with the minimum standards established in Table 1250.05.02A.

Table 1250.05.02A

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	100 feet or 150% height of tower ² , whichever is greater
Vacant single-family, or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	100 feet or 150% height of tower, whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower, whichever is greater
Existing multi-family residential units greater than two (2)	100 feet or 100% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

Footnotes:

1. Includes modular homes and mobile homes used for living purposes.
2. Separation measured from base of tower to closest building setback line.
3. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

(2) Separation distances between towers.

- i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1250.05.02B.

Table 1250.05.02B				
Existing Towers – Types	Lattice	Guyed	Monopole 75' in height or greater	Monopole less than 75' in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in height or greater	1,500	1,500	1,500	750
Monopole less than 75' in height	750	750	750	750

- (f) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the council may waive such requirements, as it deems appropriate.
- (g) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the Council may waive such requirements if the goals of this chapter would be better served thereby:
- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced, deferred, or waived.
 - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer; in these cases, landscaping may be deferred during the time period that the natural growth provides a sufficient buffer.

h) Building or other equipment storage.

1) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (a) The cabinet or structure shall not contain more than 36 square feet of gross floor area or be more than seven feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 36 square feet of gross floor area or seven feet in height, shall be located on the ground and shall not be located on the roof of the structure.
- (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five percent of the gross roof area.
- (c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

2) Antennas mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(a) In all residential districts, the equipment cabinet or structure may be located:

- (1) In a front or side yard provided the cabinet or structure is no greater than six feet in height or 12 square feet of gross ground area, including foundation pad and the cabinet/ structure is located a minimum of ten feet from all lot lines, and the cabinet/structure is screened by an evergreen hedge with a height of at least 36 inches.
- (2) In a rear yard, provided the cabinet or structure is no greater than seven feet in height or 36 square feet in gross ground area, including foundation pad. The cabinet/ structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(b) In industrial and commercial mixed-use districts, the equipment cabinet or structure shall be no greater than seven feet in height or 42 square feet in gross ground area, including foundation pad. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

3) Antennas located on towers. The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

4) Modification of building size requirements. The requirements of subsections 1250.05.02 h)1) through 1250.05.02 h)3) may be modified by the council to encourage collocation.

i) Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90-day period shall be grounds for the city to remove, or

cause the removal of, the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

j) Nonconforming uses.

- 1) Not expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance [chapter] shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

1250.05.03 WIND ENERGY CONVERSION SYSTEMS (WECS)

a) Intent and Purpose

The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:

- 1) To promote the safe, effective, and efficient use of wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.
- 2) To lessen potential adverse impacts wind energy systems may have on residential areas through careful design, siting, noise limitations, and other techniques.
- 3) To avoid potential damage to adjacent properties from turbine failure through engineering and proper siting of turbine structures.

b) Definitions

COMMERCIAL WIND ENERGY CONVERSION SYSTEM. Any WECS that is designed and built to provide electricity to the electric utility power grid as an ongoing commercial enterprise or for commercial profit.

DECIBEL. The unit of measure used to express the magnitude of sound pressure and sound intensity.

ROOF-MOUNTED WIND ENERGY CONVERSION SYSTEM. A single wind energy conversion system that is mounted to the roof of any structure.

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

TEMPORARY METEOROLOGICAL TOWERS (TMT). A tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment and which is to remain in place for no more than 18 months.

WIND ENERGY CONVERSION SYSTEM (WECS). Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy.

c) Permitted Uses

- 1) Permitted Accessory Use. Each parcel of property may contain one of the following which shall be considered lawful accessory uses in all zoning districts:
 - (a) One TMT, up to the maximum allowable height of the zoning district in which it is located.
 - (b) One WECS, up to the maximum allowable height of the zoning district in which it is located.

(c) One Roof-Mounted WECS, per building, with may extend no more than ten (10) feet above the area of the roof structure to which it is attached.

- 2) Special Land Use. All Commercial WECS's regardless of height, a WECS's or TMT's that exceeds the maximum height allowed within the zoning district in which it is located, up to a maximum height of 150 feet, buildings with more than one roof mounted WECS and parcels of land with more than 1 freestanding WECS shall be permitted as a special land use in all industrial zoning districts, and shall be subject to the provisions of Section 1262, Special Land Use Permits.

d) Application

Application Process: The following information shall be provided with all applications for WECS's and TMT's

- 1) Applicant Information. Name, address and contact information.
- 2) Legal Description. A legal description of the property on which the system would be located.
- 3) Plot Plan and Documentation. The Plot Plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed wind energy system. The plot plan shall include:
 - (a) The project area boundaries.
 - (b) The location, height and dimensions of all existing and proposed and fencing.
 - (c) Distance of proposed structure from all property lines and structures.
 - (d) The location and dimensions of all temporary and permanent access roads.
 - (e) All new infrastructure above ground related to the project.
 - (f) The location of all overhead utility wires.
- 4) Additional Documentation.
 - (a) Insurance: Proof of the applicant's appropriate liability insurance.
 - (b) Sound Pressure Level: Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.
 - (c) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
 - (d) Grant of Authority: The applicant shall provide evidence of ownership of the land which the WECS or TMT is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner s written authorization for the applicant to construct the structure.

e) Standards and Requirements

All WECS's and TMT's shall comply with the following standards and requirements:

- 1) Property setbacks.
 - (a) The distance between a freestanding WECS or TMT and the nearest property line shall be at least the 1.5 times the height of the tower.
 - (b) No part of a freestanding WECS or TMT, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

2) Height.

- (a) Freestanding WECS's and TMT's shall have a height not greater than 150 feet.
- (b) Roof-Mounted WECS's shall not exceed a height of ten (10) feet above the uppermost peak of the roof to which it is attached.
- (c) For freestanding WECS's and TMT's, the height shall be measured from the existing grade to the tip of the turbine blade at its highest point.
- (d) The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

3) Location & Other Required Setbacks.

- (a) No freestanding WECS or TMT shall be located within a front yard of any residential, commercial or office zoning district.
- (b) Roof-mounted wind energy systems shall be setback from the building edge a distance equal to 1/2 the diameter of its rotor and blades.
- (c) The distance between a WECS or TMT and any road or public right-of-way shall be at least 1.5 times the height of the WECS or TMT.
- (d) Distance Between - The distance between a freestanding and any other freestanding WECS shall be at least 1.5 times the height of the taller of the two WECS's.

4) Noise.

- (a) Audible noise or the sound pressure level of a WECS or TMT shall not exceed 55 decibels at any property line.
- (b) No WECS or TMT shall create, regardless of decibel levels, any ticking, humming, or other sound which annoys.
- (c) Noise and sound pressure levels may be temporarily exceeded short-term events such as utility outages and/or severe wind storms.

5) Lighting. WECS and TMT shall not be artificially lighted unless required by the FAA or other applicable authority. Where FAA lighting is required, minimum FAA lighting standards shall not be exceeded. All FAA lighting shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.

6) Shadow Flicker. No WECS or TMT shall cause shadow flicker upon any building on a neighboring property.

7) Vibrations. No WECS or TMT shall produce vibrations through the ground that are humanly perceptible beyond the parcel on which it is located.

8) Construction Codes, Towers & Interconnections Standards.

- (a) WECS and TMT shall comply with all applicable State construction codes and local building permit requirements.
- (b) WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), The Michigan Tall Structures Act (PA 259 of 1959), and any other applicable State or Federal laws or regulations.
- (c) A WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements.

9) Safety.

- (a) Design Safety Certification. The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer, or certified installer/technician. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.
- (b) Controls and Brakes. Every WECS or TMT shall be equipped with manual and automatic controls/braking systems to limit rotation speeds to the designed limits of the WECS or TMT. The applicant's professional engineer, installer or technician must certify that the rotor and overspeed controls conform to applicable design standards. No changes or alterations from the certified design shall be permitted unless accompanied by a professional engineer's, installer or technician's statement of certification approved by the City.
- (c) Lightning. Every WECS or TMT shall have lightning protection.
- (d) Guy Wires. If a TMT is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors. All permanent WECS must be of a freestanding monopole design and guy wires shall not be used.
- (e) Grade Clearance. The minimum vertical blade tip clearance from grade shall be 20 feet for any WECS or TMT employing a horizontal axis rotor.
- (f) Ice Throw. Every WECS or TMT shall be designed so that ice throw or ice shedding does not cross the property lines of the site or impinge on any right-of-way or overhead utility line.
- (g) Interference. Every WECS or TMT shall be designed and operated to minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwave or television signals.
- (h) Climb Prevention. Every freestanding WECS or TMT must be protected by anti-climbing devices such as:
- (1) Fences with locking portals at least eight (8) feet high;
 - (2) Anti-climbing devices twelve (12) feet from base of pole; and
 - (3) Anchor points for TMT guy wires shall be enclosed by a fence at least six (6) feet in height or shall be located within the confines of a yard that is completely surrounded by a fence at least six (6) feet in height.
- i. Warnings. A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6) inch letters with $\frac{3}{4}$ -inch stroke. Such signs shall be located at all points of site ingress and egress. In addition to warning signs and signs required by law, every Commercial shall be equipped with a sign containing owner identification and contact information. No other signs or are permitted.

f) Appearance

All WECS's and TMT's shall comply with the following standards and requirements:

- 1) All permanent freestanding WECS's must be of monopole design and guy wires shall not be used.
- 2) Color. Towers and blades shall be painted a non-reflective neutral color approved by the City or as otherwise required by law.
- 3) Visual Appearance; Power lines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

g) Abandonment and Removal

The following regulations shall apply to all WECS's and TMT's:

- 1) A WECS or TMT that has not been in operation for 12 consecutive months shall be deemed to have been abandoned. The Zoning Administrator shall issue a notice of abandonment to the owner of a WECS or TMT, giving the owner 30 days to respond. If the owner provides information demonstrating that the system has not been abandoned and is still in compliance with all requirements of this ordinance and the Building Code, the notice of abandonment shall be withdrawn. If the tower is determined to be abandoned, the owner shall be given 60 days to remove the WECS or TMT. If the owner fails to comply, the Zoning Administrator shall have the WECS or TMT removed at the owner's expense.
- 2) The city may require that a tower be removed in accordance with the above standards if any portion of the system becomes a nuisance, is damaged or is in any way deemed to be detrimental to the public health, safety and welfare as determined by the City Building Inspector.

h) Insurance and Maintenance

The following requirements shall apply to all WECS's and TMT's

- 1) Liability Insurance. The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the City pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be established as a condition of special land use permit approval. The City and land owner shall be named as additional insured. Certificates of insurance shall be provided to the City annually.
- 2) Annual Inspection; Maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards. Every Commercial WECS must be inspected annually by a professional engineer or authorized installer/technician to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the City.

1 1250.06 FLOODPLAIN REGULATION

2 a) Intent. It is the intent of this Ordinance to protect human life, health, and property from flood
3 conditions, to preserve the ability of floodplains to carry and discharge a base flood, and to
4 significantly reduce potential hazards as a result of flood conditions within the City of Lansing.
5 Further, it is the purpose of this Ordinance to comply with the statutory and regulatory
6 requirements of the National Flood Insurance Program.

7 b) Definitions.

8 AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one percent
9 or greater chance of flooding in any given year.

10 BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year; also
11 known as the 100-year flood.

12 DEVELOPMENT. Any man made modification to unimproved or improved real estate, including but not
13 limited to: buildings, pools, decks or other structures, mining, dredging, filling, grading, paving, excavation,
14 or drilling operations or storage of equipment or materials.

15 ENCROACHMENT. Development or a structure which is located within the area of special flood hazard.

16 FLOOD or FLOODING:

17 a) A general and temporary condition of partial or complete inundation of normally dry land areas
18 from: [1] the overflow of inland or tidal waters, [2] the unusual and rapid accumulation or runoff of
19 surface waters from any source, [3] mudflows; and

20 b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of
21 erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels
22 or suddenly caused by an unusually high water level in a natural body of water, accompanied by a
23 severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge,
24 or by some similarly unusual and unforeseeable event which results in flooding, as defined in the
25 Section.

26 FLOOD DAMAGE. Any damage to persons, materials, supplies, property or real estate caused by and as a
27 direct result of flooding and /or the influence of flood conditions.

28 FLOODPLAIN. Any land area susceptible to being inundated by water from any source (see definition of
29 flooding).

30 FLOODPLAIN and FLOODWAY BOUNDARIES. The boundaries of the floodplain and floodway that coincide
31 with the boundaries of the areas indicated as such in the most current report entitled "Ingham County,
32 Michigan (All Jurisdictions)" dated 8/16/11 and the Flood Insurance Rate Map (FIRMS) panel number(s) of
33 26065C; 0013D, 0014D, 0018D, 0020D, 0108D, 0126D, 0127D, 0128D, 0129D, 0131D, 0132D, 0133D,
34 0134D, 0136D, 0137D, 0139D, 0141D, 0142D, 0143D, 0144D, 0151D, 0153D, 0154D, 0161D, 0162D, and
35 0170D, dated 8/16/11.

36 FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency
37 Management Agency has delineated both the areas of special flood hazards and the risk premium zones
38 applicable to the community.

39 FLOODWAY OR REGULATORY FLOODWAY. The designated area of a river or other watercourse and the
40 adjacent land areas that must be reserved from development or construction activity in order to discharge
41 the base flood without cumulatively increasing the water surface elevation beyond these areas.

1 NEW CONSTRUCTION. Structures and/or development for which the “start of construction” commenced on
2 or after the effective date of this ordinance, and includes any subsequent improvements to structures.

3 ORDINARY HIGH WATER MARK. A point that represents the maximum rise of a body of water in non-flood
4 conditions.

5 STRUCTURE. A walled and/or roofed building that is principally above ground.

6 SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, addition, or other improvement of a structure,
7 the cost of which equals or exceeds 50 percent of the market value of the structure either,

- 8 1. Before the improvement or repair is started; or
- 9 2. If the structure has been damaged and is being restored, before the damage occurred.

10 For the purposes of this definition, “substantial improvement” is considered to occur when the first
11 alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that
12 alteration affects the external dimensions of the structure. The term does not, however, include either:

- 13 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or
14 safety code specifications which are the minimum necessary to assure safe conditions; or
- 15 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of
16 Historic Places.

17 WATERCOURSE. Any natural or artificial drainage way wherein waters flow either continuously or
18 intermittently, including any adjacent areas subject to flooding. Watercourses include both natural and
19 manmade open ditches, streams, enclosed storm drains, lakes, and ponds.

20 c) General Standards for Flood Hazard Reduction

21 All new construction and substantial improvements within an area of special flood hazard, shall be
22 constructed by methods and practices that minimize flood damage including, but not limited to:

- 23 1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the
24 structure;
- 25 2) Be constructed with materials and utility equipment resistant to flood damage;
- 26 3) All new and replacement water supply systems shall not allow infiltration of flood waters
27 into the systems;
- 28 4) All public utilities and facilities shall be designed, constructed and located to minimize or
29 eliminate flood damage.
- 30 5) Drainage and on-site stormwater management shall be provided to reduce damage to
31 structures created by flood hazards.

32 d) Specific Base Flood Elevation Standards

- 33 1) On the basis of the most recent available base flood elevation data the following standards
34 shall apply in the area of special flood hazard:

35 (a) All new construction and substantial improvements of residential structures shall
36 have the lowest floor, including basement, elevated to a minimum of one (1) foot
37 above the base flood level.

38 (b) All new construction and substantial improvements of structures shall have either:

- 39 (1) The lowest floor, including basement, elevated to a minimum of one (1) foot
40 above the base flood elevation; or

(2) Be constructed such that below base flood elevation, together with attendant utility and sanitary facilities:

- i. The structure is watertight, with walls impermeable to the passage of water; and
- ii. Is constructed with structural components having the ability to neutralize hydrostatic and hydrodynamic loads; and
- iii. The effects of buoyancy must be resisted.

A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted to the Building Safety Office, and shall indicate the elevation to which the structure is flood proofed.

- 2) The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

e) Construction.

- 1) Any use permitted by right or by special conditions for the zoning district applicable to the land in question, as governed by this Zoning Ordinance, shall be permitted in a designated floodplain, subject to compliance with all rules and regulations of the Federal Emergency Management Agency's National Flood Insurance Program and all applicable requirements of the City and the State Department of Natural Resources / Environment, Great Lakes, and Energy.
- 2) Where topographical data, engineering studies or other studies are needed to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by a registered professional engineer, architect or land surveyor.
- 3) No construction shall be allowed within a 100 year floodplain without obtaining the necessary permits from all City, State and Federal authorities.
- 4) Encroachments, new construction, substantial improvements and development shall be prohibited within the floodway. Exception to this prohibition shall only be made upon certification by a registered professional engineer and the Michigan Department of Environment, Great Lakes, and Energy that the proposed development will not result in any increases in the base flood elevation during a base flood discharge.
- 5) Dumping or backfilling with any material or excavation in any manner is prohibited, unless:
 - (a) Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved, will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.
 - (b) No significantly measurable reduction in the flow or capacity of the floodplain thereby results.
 - (c) Adequate site plans and engineering drawings shall be submitted to effectively show the final results of all dumping, backfilling or excavation.
 - (d) Alteration of any floodplain area shall be subject to approval by the State of Michigan Department of Natural Resources/Environment, Great Lakes, and Energy.

6) The construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances and the storage of materials or equipment is prohibited in a floodplain, unless such elements would not cause any significant obstruction to the flood or reduction in the impoundment capacity of the floodplain and would not suffer flood damage.

f) Special Permit Required. A special permit is required for use of the floodplain on parcels of one-half acre or more in size. Such requests shall be made in writing, to the Planning Office and shall be submitted to the Planning Office for recommendation, to the Public Service Department for its technical report, and to the Building Safety Office for compliance with all applicable building codes relative to construction in a 100 year floodplain, before final action is taken by the City Council.

g) Nonliability of City. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon National and State regulations and standards. Larger floods and increased flood elevations may occur on occasions. Approval of the use of land, construction and/or development under this Ordinance shall not be considered a guarantee or warranty of safety or damage from flood events. This Ordinance does not imply that areas outside the area of special flood hazard will be free from flood damage, nor does this Ordinance create liability on the part of the City of Lansing or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1250.07 VESTED RIGHTS

a) Nothing in this chapter shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, Zone District, neighborhood classification or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety, and welfare.

CHAPTER 1252 LANDSCAPING**1252.01 APPLICABILITY**

- a) Landscaping for all districts in the city shall comply with the standards of this section.
- b) An approved landscape, screening and buffering plan that meets the requirements of this Section is required prior to approval of a site plan for activities listed in Section 1260.02, Uses Subject to Review.

1252.02 PLANTING PLAN SPECIFICATIONS

- a) A planting plan shall be provided to include the following:
 - 1) Minimum scale of one inch equals 50 feet.
 - 2) Existing and proposed contours with contour interval not to exceed two feet.
 - 3) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.
 - 4) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
 - 5) Significant construction details to resolve specific site conditions, e.g., green infrastructure, tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 - 6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
 - 7) A tree survey identifying the location and species of existing trees twelve (12) inches or greater in caliper, measured at 12 inches off the ground, and identifying which trees are to be preserved. The Zoning Administrator may require an evaluation of the quality of the trees for purposes of determining which trees should be removed or preserved.
- b) The requirements of an approved landscape, screening and buffering plan shall remain in force, unless written revision is approved by the Zoning Ordinance.
- c) The landscaping shown on the approved landscape, screening and buffering plan shall be maintained according to Section 1252.09. Any plants in the approved plan that die shall be replaced within a reasonable time, but in no case shall such time exceed 4 months. The replacement plants shall meet the purpose of the original specifications of an approved landscape, screening and buffering plan.

1252.03 PLANT MATERIAL SIZES AND SPACING

- a) Trees and woody shrubs shall not be placed closer than 3 feet to the fence line or property line as measured from the center of root ball. Branches of trees may extend over property line but shrubs must be properly trimmed at the property line. Adjacent property owners reserve the right to trim branches of vegetation extending onto their property.
- b) Evergreen trees shall have a minimum starting size of at least 5 feet in height.
- c) Deciduous trees shall have a minimum starting size of at least 2 caliper inches.
- d) Shrubs shall have a minimum starting size of at least 24 inches in height and spread and spaced a distance apart equal to or less than 75% of the shrub's mature spread diameter.

1252.04 SPECIES

- a) Mixing of Species. The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged in all landscaped area.
- b) The use of native vegetation species with deep roots in rain gardens, bioswales, buffer areas, and other forms of naturalized landscaping to accomplish the goal of stormwater retention and filtration is encouraged.
- c) Prohibited Species. Species deemed invasive by the State of Michigan or Michigan State University will be heavily disfavored during Landscape Plan review. Such invasive species may be rejected in the discretion of the Zoning Administrator.

1252.05 INTERIOR SITE LANDSCAPING

- a) A landscape planting bed is that area comprised of trees, evergreen shrubs, living plant ground covers, perennials/annuals, or a combination thereof, which may be delineated by wood chips, mulch, decorative pavers, and/or rocks.
- b) The public right-of-way, which is that area between the back of the curb of the roadway and the public sidewalk or lot line, for all residentially zoned or used property, must be landscaped with living grass lawn.
- c) Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with living grass lawn, living plant ground covers, perennial / shrub beds, or a combination thereof.
- d) Ground covers other than living plants (e.g. stone chips, rocks, mulch) must be arranged in a deliberate manner and may not exceed more than 25% of the site landscape area. All ground covers must be controlled on site and not allowed to freely migrate or spill onto the public sidewalk, public rights-of-way, or into storm drains.

1252.06 NON-RESIDENTIAL RIGHT OF WAY AND FRONT SETBACK PLANTING

- a) Street yard landscaping within the public rights-of-way
 - 1) Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way with permission from the City Forester and the City Engineer, or their assigns.
 - 2) Rights-of-way yards abutting Activity Corridor street types may incorporate decorative paving and streetscape elements if such elements are existing on adjoining parcels. Plant material shall be located in tree wells, bioswales, and above ground planters, and shall be approved by the Department of Public Service.
- b) Between sidewalk and parking
 - 1) There shall be a landscaping setback area of eight (8) feet between the edge of sidewalk and parking lot edge, which shall consist of grass lawn and landscape planting beds.
 - 2) Landscape planting beds shall be a minimum of 25% of the landscape setback area.
 - 3) Setback areas greater than 20 feet in depth must plant at least one (1) deciduous tree for every 30 feet of frontage or part thereof and a minimum of one (1) shrub shall be planted for each ten (10) linear feet of frontage, or portion thereof.
 - 4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

- 1 5) Landscape planting beds shall be a minimum of 50% of the front, side, and rear landscaping
2 setback areas for all Special Land Use 'Off-Street Parking Surface Lots' in addition to trees
3 required in 1252.07 b) and 1252.07 c).

4 c) Between sidewalk and building

- 5 1) Non-residential setback landscaping between the edge of sidewalk and building face shall
6 consist of lawn, landscape planting beds, and paved pedestrian areas.

- 7 2) Landscape planting beds shall be a minimum of 25% of the landscape setback area. This
8 may be reduced to 0% in areas where the public sidewalk is immediately adjacent to the
9 building face.

- 10 3) Setback areas greater than 20 feet in depth must plant at least one (1) deciduous tree for
11 every 30 feet of frontage or part thereof and a minimum of one (1) shrub shall be planted
12 for each ten (10) linear feet of frontage, or portion thereof.

- 13 d) These landscape requirements are in addition to other screening or buffer requirements as
14 indicated in the applicable zoning district section.

15 1252.07 PARKING LOT LANDSCAPING

16 Parking lot landscaping shall be arranged in a manner that improves the safety of pedestrian and vehicular
17 traffic, guides traffic movement, improves the environment and improves the appearance of the parking
18 area and site. Parking lot landscaping shall be provided in accordance with the following standards:

- 19 a) There shall be a minimum five (5) foot landscaping setback area between the parking lot and the
20 side and rear property lines, unless the parking lot is shared by or a part of the circulation network
21 between adjoining properties.
- 22 b) In all Industrial Districts, one (1) tree for each 6,000 square feet of the total of the paved driveway
23 and parking lot surface is required.
- 24 c) In all other districts, one (1) tree shall be required for each 4,000 square feet of paved driveway and
25 parking lot surface, provided that no fewer than two (2) trees are provided.
- 26 d) All of the required parking lot trees and landscape areas shall be placed within landscape islands
27 inside of the parking lot or the area within ten (10) feet surrounding the parking lot.
- 28 e) For all parking lots greater than 40,000 square feet, at least 50% of all required parking lot trees
29 shall be placed within landscape islands inside of the parking lot.
- 30 f) Each tree shall be provided with an open land area of not less than 150 square feet to provide area
31 for infiltration and with a minimum diameter of 6 feet at the trunk of the tree for protection. If a
32 sprinkled irrigation system is provided, the open land areas can be reduced to no less than 75
33 square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable
34 device that incorporate curb cuts or other openings, and grading to capture stormwater.
- 35 g) All parking lots within 10 feet of a residentially zoned or used property shall be screened by a
36 buffer containing evergreen shrubs & trees, screen fence or screen wall (75% or more opaque and
37 six (6) feet in height), or any combination thereof that forms a continuous visual buffer at the
38 property line.
- 39 h) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire
40 hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of
41 ingress or egress.

1252.08 BUFFERING AND SCREENING

- a) A landscaped buffer shall be provided between the subject property and all adjacent residentially zoned or used properties if the subject building(s) of the site plan is within 25 feet of the adjoining property line and if existing landscaping, tree cover, or fencing/screening does not exist.
- b) At least 1 tree for each 30 linear feet, or fraction of buffer area shall be provided.
- c) Landscape buffers shall consist of evergreen shrubs, evergreen trees, fencing/screen walls (75% or more opaque), or any combination thereof that forms a continuous visual buffer.
- d) At least 40% of the overall adjoining property line must be covered by plant materials at the time of planting.
- e) The Zoning Administrator may allow a consistent 75% or more opaque, six (6) feet tall screen wall or fence for the entire length of the adjoining property line to provide buffering that meets the intent of this section. If a screen wall or fence is used for all of the buffer area, the overall landscape buffer width may be eliminated except for the trees required in section 1252.08 b).
- f) Where a screen wall or fence is not otherwise required, the Zoning Administrator may require an opaque screening within the buffer area, to block views and contain materials. Screening shall be provided in the form of a six (6) foot tall ornamental fence or wall, capable of keeping paper and other debris from blowing off the premises.

1252.09 MAINTENANCE

- a) Plant materials, including lawn, shall be kept trimmed and maintained so as to promote proper growth and a neat and orderly appearance.
- b) Trees and shrubs shall be trimmed to avoid conflicts with pedestrian use of the sidewalk.
- c) Landscaping at corner properties shall be planted to provide the clear vision required in Section 1250.03.03. Landscaping in the clear vision triangle shall not contain obstructions greater than 36" in height.
- d) Weeds shall be kept under control.
- e) Buffer strips shall be properly maintained according to the types of materials utilized. Cover materials shall be maintained in a manner as specified at the time of the plan's approval.
- f) Landscape/buffer areas shall be kept free from refuse and debris.
- g) No buildings or parking or storage of materials or vehicles shall be allowed in any designated buffer strips, unless approved by the Zoning Administrator.

1252.10 WAIVERS & IMPLEMENTATION

- a) If the Zoning Administrator, upon inspection, determines that suitable landscaping, screening and buffering on a site already exists or that such landscaping, screening and buffering should not be required, then the provisions requiring landscaping, screening and buffering may be waived in whole or in part. However, such waiver shall not apply to the maintenance portion of this chapter.
- b) Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
 - 1) Existing natural vegetation;
 - 2) Topography;
 - 3) Existing wetland, floodplain and poor soils areas;
 - 4) Existing and proposed building placement;

- 5) Building heights;
- 6) Adjacent land uses;
- 7) Distance between land uses;
- 8) Dimensional conditions unique to the parcel;
- 9) Traffic sight distances;
- 10) Traffic operational characteristics on and off site;
- 11) Visual, noise and air pollution levels;
- 12) Presence of utility easements and adjacent utility corridors
- 13) Health, safety and welfare of the City;

- c) The Zoning Administrator may consider fewer plantings than otherwise required if larger plantings are proposed.
- d) If, in the determination of the Zoning Administrator, the weather makes it impossible or impractical to implement or maintain the landscape, screening and buffering plan prior to issuance of a certificate of occupancy or approval of the completed building or site improvements, the Zoning Administrator may grant an extension of up to 6 months to fully implement the landscape plan. Failure to implement the landscape plan shall be considered a violation of this Zoning Ordinance and subject to the enforcement procedures contained herein.

CHAPTER 1254 PARKING**1254.01 OFF-STREET PARKING****1254.01.01 PARKING REQUIREMENTS IN GENERAL**

- a) Purpose. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure adequate parking is provided, provide uncongested access for emergency vehicles, limit interference with the pedestrian realm and, where appropriate, protect surrounding uses from undesirable impacts of traffic and parking. Site access standards are intended to reduce the potential for crashes and congestion through a reduction of conflict points associated with traffic movements at other access points or street intersections. The standards of this section apply at the time of erection, enlargement or change in use, of any principal building or structure.
- b) Compliance required. In each zoning district the off-street parking requirements for the storage or parking of a motor vehicle for the use of occupants, employees or patrons, in a structure which is erected, constructed, substituted, resumed or extended after the effective date of this Zoning Code (Ordinance 1273, passed March 8, 2021), shall be as prescribed in this chapter. The determination of the required number of off-street parking spaces and the regulation of such spaces shall be as described in this chapter.
- c) Ownership of Parking Lot. All off-street parking shall be under the direct control, either by ownership, lease, or other legally binding agreement, of the beneficial user of the property. If the off-street parking is controlled by lease and the lease is discontinued, it shall be the obligation of the beneficial user of the property served to provide replacement parking that meets the requirements of this chapter.
- d) Storage. Off-street parking areas shall not be used for the storage of vehicles, trailers, new or used merchandise, supplies, equipment, storage containers, junk, junk vehicles, or construction materials not associated with a valid building permit, unless otherwise permitted by the zoning district in which the property is located.
- e) Off-street parking areas shall not be used for automobile repair or for any other types of repair, assembly, or material processing activities unless otherwise permitted by the zoning district in which the property is located.
- f) Pedestrian Safety. Off-street parking areas shall have dedicated pedestrian walkways connecting the parking lot and subject building(s). Off-street parking areas and parking surface lots greater than 50,000 sq. ft. shall have dedicated interior pedestrian walkways demarcated by raised sidewalk, decorative paving, striping, or other similar method to meet the intent of this provision.

1254.01.02 LOCATION; EXPANSION; ENCROACHMENTS.

Except as provided in subsections a) to c) hereof, all required off-street parking for a principal use, conditional use, special land use or nonconforming use shall be located on the same lot on which such principal use, conditional use, special land use or nonconforming use is located. Permitted locations for off-street parking are marked with an "X" in the following table and also described by district in Chapters 1243-45.

Table 1254.01.02: Permissible Off-Street Parking Lot Locations			
District	Front	Side	Rear
R-1		X	X
R-2		X	X
R-3		X	X
R-4		X	X
R-5		X	X
R-6A		X	X
R-6B		X	X
MFR		X	X
R-MX		X	X
R-AR		X	X
SC	1 double-loaded bay	X	X
MXC		X	X
Arterial	1 double-loaded bay	X	X
Suburban	1 double loaded bay	X	X
MX-1			
Arterial	1 single-loaded bay	X	X
Suburban	1 single-loaded bay	X	X
Prime Connector			X
Neighborhood Connector		X	X
MX-2		X	X
MX-3	Only when corner lot on secondary streets	X	X
DT-1		X	X
DT-2	1 Single-loaded bay	X	X
DT-3		X	X
IND-1	1 Single-loaded bay	X	X
IND-2		X	X
IND-3		X	X
INST-1 All streets types except Activity	Limited to four (4) rows	X	X
Activity		X	X
INST-2		X	X

- 1
- 2 a) The off-street parking for a lot which is zoned IND-1, IND-2, INST-1, or INST-2 may be located on a
- 3 separate lot, if the following 3 conditions are met:
- 4 1) The lot does not contain a cabaret, as defined by [Section 808.01](#).
- 5 2) The separate lot is zoned IND-1 or IND-2, or INST-1 or INST-2.
- 6 3) The separate lot is not more than 5,280 feet, measured from the closest point on the closest
- 7 lot line of the separate lot to the closest point on the closest lot line of the lot served,
- 8 provided that if said parking is more than 1,000 feet from the Principal Use then a shuttle
- 9 service shall be provided.
- 10 b) Off-street parking for nonresidential uses on a lot which is zoned a Commercial Mixed-Use District
- 11 may be located on a separate lot if the following 3 conditions are met:
- 12 1) The lot does not contain a cabaret, as defined by [Section 808.01](#).
- 13 2) The separate lot is zoned a Commercial Mixed-Use District.
- 14 3) The separate lot is not more than 300 feet, as measured from the closest point on the closest
- 15 lot line of the separate lot to the closest point on the closest lot line of the lot served.
- 16 c) Valet parking, approved as noted in Section 1254.01.04 may be on another lot.

17 1254.01.03 PARKING REQUIRED

- 18 a) Factors for Calculation of Parking:
- 19 1) Gross Floor Area. Where floor area is the unit for determining the required number of off-
- 20 street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless
- 21 otherwise noted.
- 22 2) Usable Floor Area. Where the floor area measurement is specified as usable floor area,
- 23 parking requirements shall apply to all internal building areas excluding the floor area used
- 24 for incidental service, storage, mechanical equipment rooms, heating/cooling systems and
- 25 similar uses, and other areas not intended for use by the general public. Where these areas
- 26 are not yet defined, usable floor area shall be considered to be seventy-five percent (75%)
- 27 of the gross floor area.
- 28 3) Bench Seating. In calculating bench seating for places of assembly, each twenty-four (24)
- 29 inches of benches, pews or other such seating shall be counted as one seat.
- 30 4) Employees. Where the number of spaces required is based on the number of employees,
- 31 calculations shall be based upon the maximum number of employees likely to be on the
- 32 premises during the peak shift.
- 33 5) Fractional Requirements. When units of measurements determining the number of required
- 34 parking or loading spaces result in a fractional space, any fraction up to and including One-
- 35 half shall be disregarded and fractions over one-half shall require one additional parking
- 36 space.
- 37 6) Similar uses. If a use is not specifically described in Table 1254.01.03, the minimum number
- 38 of spaces for the use shall be determined by the Zoning Administrator by requiring the
- 39 minimum number of spaces for a use which is listed and is similar to the use in question.

b) Table 1254.01.03 Parking Requirements

Vehicle parking spaces shall be provided in accordance with the following table. The required parking shall include barrier free parking as required per 1254.01.05, bike parking per 1254.02.02 and loading/unloading zones per 1254.01.17.

Table 1254.01.03 Parking Requirements	
Use	Minimum Number of Parking Spaces
Single-Family detached dwellings	Two (2) spaces for each dwelling unit. One (1) parking space may be in a private garage on the property. Parking spaces may be on an approved driveway but only the part of the driveway outside of the public street right-of-way may be included.
Two-Family dwellings	
Multiple-Family dwellings	One (1) space per each efficiency. One and a half (1.5) spaces per 1 bedroom dwelling unit. Two (2) spaces per each unit with 2 or more bedroom.
Mobile Home Park	Two (2) spaces per lot, at least one (1) space of which to be provided on the lot. To provide the balance of this requirement, parking may be provided within 300 feet of all lots it is intended to serve. All parking areas shall be clearly defined and hard surfaced.
Bed and Breakfast Inn	Two (2) spaces for the permanent residents plus one (1) space for each room rented.
Human Care Facilities	
Child Care Facility	One (1) space for each employee and one (1) space for each 10 children, plus three (3) passenger vehicle spaces for loading and unloading children.
Group Day Care and Foster Care Group Home	One (1) employee parking space, plus three (3) passenger vehicle spaces for loading and unloading children, either on-site or in legal parking areas along the street adjacent to the house.
Housing for the elderly	Senior independent units: one (1) space per unit plus point twenty five (0.25) spaces per unit for visitor parking. Senior "interim care" and "intermediate care" units retirement villages: point five (0.5) spaces per unit or 2 beds, point twenty five (0.25) spaces per unit for visitor/employee parking. Point five (0.5) spaces per unit for visitor/employee parking.
Institutional, Recreational, and Public Gathering Venues	
Places of public assembly or worship	One (1) space per 3 seats or 6 feet of bench seating. Calculations shall be based on the occupancy for all assembly areas combined.
Hospital	Two (2) spaces per each inpatient room or exam or outpatient procedure/operating room procedure. One (1) space per laboratory or recovery room plus, One (1) space for each patient or procedure room for employee parking plus, Parking for any medical offices is in addition to the above.
Museum or Library	One (1) parking space per 250 square feet plus separate parking for school or charter buses.

Elementary and Middle Schools	One (1) space for each teacher or administrator or staff person plus separate loading /unloading areas for buses. Adequate and distinct parking and drop-off/ pick-up zones for parents shall be provided for any auditorium or athletic fields, as required for "places of public assembly".
High Schools, Colleges, and Universities	One (1) space for each 1 teacher or administrator or staff person plus, One (1) space for each 5 students. For High Schools: Separate areas for any bus drop-off and pick-up zones. Additional parking shall be provided for any auditorium or athletic fields as noted under "Places of Public Assembly" provided the Zoning Administrator may reduce that additional parking if activities are during the school day (such as a cafeteria) or will occur during non-school times when adequate parking is available.
Bowling Alley	Five (5) for each bowling lane, plus parking required by this section for any bar, restaurant or assembly space attached to a bowling alley.
Dance hall, pool or billiard parlor, roller or ice skating rink, fitness center or gym, exhibition hall or assembly hall without fixed seats	One (1) space for each 3 persons allowed within the maximum occupancy load as established by the local, County or State fire, building or health codes.
Golf Course (except a miniature or par 3 course)	Six (6) spaces for each hole and one (1) for each employee.
Miniature or par 3 golf course	Three (3) spaces for each hole and one (1) for each employee.
Park, open space, plaza (public or private)	As determined by the Zoning Administration consideration of types of activities, facilities, and potential for walking and bicycling visits.
Community or Senior Centers	One (1) space per each 200 square feet, provided the Zoning Administrator may modify the requirements based on the types of activities provided, level of programming, and potential for trips to be via transit, walking, biking, or shared ride.
Offices	
Professional & Business Offices (non-medical)	One (1) space per 300 square feet. For any building or percentage of building used for medical or clinic, additional parking shall be required for that use, as noted above.
Clinic / Medical Office	One (1) space for every 200 square feet.
Bank	One (1) space for every 250 square feet of gross floor area plus, Three (3) parking or stacking spaces for each ATM machine plus, Three (3) stacking spaces for each drive-in window.
General Retail Uses	
Retail Use	Up to 300,000 square feet of shopping area: One (1) space per 250 square feet plus parking required for any areas used as a grocery or sit-down type restaurant. For part of building over 300,000 square feet: One (1) space per 300 square feet providing a parking management system is in place for employee parking for peak holiday shopping days. Parking for a theater shall be calculated separately.
Shopping Center (which may include a grocery and restaurants)	One (1) space per 200 square feet for up to 100,000 square feet, then One (1) space per 250 square feet for the remainder of the building(s).
Grocery store, liquor or beverage store	One (1) space per 200 square feet.

Showroom or repair shop for the display or repair of goods such as bathroom and kitchen fixtures, shoes, plumbing and heating/cooling equipment, machinery, and similar goods	Four (4) spaces for each establishment plus, One (1) space for every 800 square feet of usable floor area.
Outdoor sales facility (not including specific types such as vehicle sales addressed separately)	One (1) space for every 500 square feet of lot area used for retail sales or retail use.
Food and Beverage Sales	
Restaurant (general sit-down types, not including restaurant categories with specific uses below)	One (1) space per 125 square feet of usable floor area.
Coffee, tea, and beverages (may include bakery items)	One (1) space per 100 square feet of usable floor area plus, At least 10 stacking spaces for any drive through.
Carry-out restaurant (with no or limited seating for eating on premises)	Six (6) space per station or counter service plus, one (1) space for each employee (minimum of 3)
Drive-in restaurant	One (1) space for each customer order station. Parking for employees (minimum of 6). Parking required for any indoor seating.
Bars, taverns, brewpubs, etc.	One (1) space per each 60 square feet of usable floor area or one (1) space per 2 seats, whichever is greater.
Commercial Services	
Animal Hospital or Kennel	One (1) space per 500 square feet.
Dry Cleaners	One (1) space per 100 square feet of area open to the public (minimum of 2). Employee parking (minimum of 2).
Personal Service use	Two (2) spaces for each chair, booth, or bed.
Lodging Facility	One (1) space per room plus additional meeting rooms, banquet facilities and restaurants as determined by the Zoning Administrator.
Nursery, Greenhouse, commercial	One (1) space per 500 square feet.
Funeral Home	One (1) space for each 50 square feet of assembly, parlor, or chapel room floor area.
Laundromat or coin-operated dry cleaner	One (1) space for each 3 washing or dry cleaning machines.
Studio (dance, health, music, or other similar places of instruction)	One (1) space for every 40 square feet of usable floor area.
Self-Storage rental	One (1) space for each employee, plus one space for each 50 storage rental units.
Auto-Related Uses	
Motor Vehicle Service Station	One (1) space at each fueling station; plus at least three (3) spaces for employees; plus one (1) space per each tow truck; plus one (1) space for each 500 square feet devoted to sales of automotive goods or convenience items.
Motor Vehicle Repair Station	One (1) space for each 250 square feet; plus one (1) space for each service bay.
Vehicle Sale, Vehicle leasing	One (1) space for each 300 square feet of usable floor space in the sale room. Two (2) for each auto service stall in the service area.

	Spaces shall be distinct from, and shall not include, spaces for display or storage of vehicles for sale or lease.
Auto Wash	One (1) space for each employee; plus five (5) stacking spaces for the storage of waiting vehicles; plus four (4) waiting spaces per wash rack for self-serve auto washes.
Industrial	
Whole-sale and Warehouse activities	Five (5) spaces; plus one (1) space per employee at peak shift; Or one (1) space for each 1,500 square feet, whichever is greater.
Manufacturing, processing, and other types of industrial use	One (1) space per 400 square feet; Or one (1) spaces per employee at peak shift, whichever is greater; Plus one (1) space for each corporate vehicle.

- c) Limits on Excessive Parking. In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Zoning Administrator. In granting such additional space, the Zoning Administrator shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. Except in industrial districts or an institutional use, the spaces exceeding the 20% minimum must be made available for public parking.

1254.01.04 FACTORS TO PERMIT A REDUCTION FROM THE AMOUNT OF PARKING REQUIRED

- a) Shared Parking on the Same Lot. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, based on the Table 1254.01.03. However, the Zoning Administrator may permit a reduction for shared parking between two or more uses where the applicant can document that the amount of parking provided will meet the peak needs of the uses collectively as noted in 1254.01.04 d) below.
- b) Shared Parking on Adjacent Lots. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by the Zoning Administrator by up to 25%, provided a parking study is provided as noted in 1254.01.04 d) below and a signed agreement is provided by the property owners in a form acceptable to the City Attorney.
- c) Parking Reductions. The Zoning Administrator may permit a reduction of required parking by up to 20% provided that a parking study is provided as noted in 1254.01.04 d) below.
- 1) Owner provides a parking study as noted in d) below that demonstrates the amount of parking provided will be sufficient for the nature of the use as determined by the City Transportation Engineer. Such parking study shall be based upon publications of research and/or actual parking counts for the particular use. In such case, the city may require the owner provide a program to provide the amount of required parking if the actual parking needed exceeds the parking provided.
 - 2) Owner demonstrates that there is shared parking available, either in a municipal lot, parking structure, or shared with another property. For shared use of a private lot, the owner shall demonstrate that there will be sufficient parking available for all users during the time of peak shared demand.
 - 3) Owner provides incentives for employees to use public transit, bicycle or live within walking distance of the use. In such case the applicant shall provide information on the program that demonstrates effectiveness to the city. This could include priority on-site bicycle parking, stipends for use of transit, employee reward programs for non-single

- 1 occupant vehicle commutes or similar incentives. The accepted parking reduction program
2 would be a condition of zoning approval.
- 3 4) The amount of required parking may be reduced if a shared car or program is provided. The
4 amount of the reduction shall be determined by the Zoning Administrator, with input from
5 the Transportation Engineer, in consideration of the number of shared vehicles provided
6 and the level of availability.
- 7 d) Parking Study. A parking study to support a parking reduction shall be prepared by a qualified
8 professional based on methodologies of recognized parking organizations such as the Urban Land
9 Institute or the Institute of Transportation Engineers.
- 10 e) Valet Parking. The Zoning Administrator may allow a reduction in on-site parking required for valet
11 parking provided the valet parking area is under the same ownership as the Principal Use or is
12 leased and that a shared parking agreement has been approved by the City Attorney. Such parking
13 agreement shall be considered as part of the permitted use such that, if the parking agreement is no
14 longer valid, the city may restrict the use to the scale of parking available.
- 15 f) Exceptions in the DT-3, MX-C, & MX-3 Districts:
- 16 1) Properties located within the DT-3 district are exempt from the requirements of Section
17 1254.01.03.
- 18 2) Properties zoned MX-C, located on the north side of the 900 block and east ½ of the 1000
19 block of W. Saginaw Street, are exempt from the requirements of Section 1254.01.03, except
20 that at least one (1) off-street parking space shall be required for each residential unit. The
21 required parking spaces must be located within 300 feet of the property they serve and may
22 be located on city-owned off-street parking lots and private parking lots where a permit has
23 been issued or an agreement has been established allowing use of the parking spaces on a
24 24 hour basis.
- 25 3) Commercially zoned properties in the MX-3 districts are exempt from the requirements of
26 Section 1254.01.03, with the following exceptions:
- 27 (a) Properties in the MX-3 district on S. Cedar Street must provide parking in
28 accordance with Section 1254.01.03.
- 29 (b) Properties in the MX-3 district that have frontage on E. Michigan Avenue or adjoin
30 properties that have frontage on E. Michigan Avenue, except those located in the
31 2000 block on both the north and south sides of the street, must provide at least
32 20% of the on-street parking required by Section 1254.01.03.
- 33 (c) At least one (1) off-street street parking space shall be required for each residential
34 unit in the MX-3 district.
- 35 (d) All required parking spaces in the MX-3 districts must be located within 300 feet of
36 the property they serve and may be located on city-owned off-street parking lots
37 and private parking lots where a permit has been issued or an agreement has been
38 established allowing use of the parking spaces on a 24 hour basis.

39 1254.01.05 BARRIER FREE PARKING REQUIREMENTS

- 40 a) Barrier Free Parking. Within each parking lot, signed and marked barrier free spaces shall be in
41 accordance with the Michigan Department of Labor, Construction Code Commission - Barrier Free
42 Design Division.

1254.01.06 STORAGE OF MERCHANDISE AND VEHICLES.

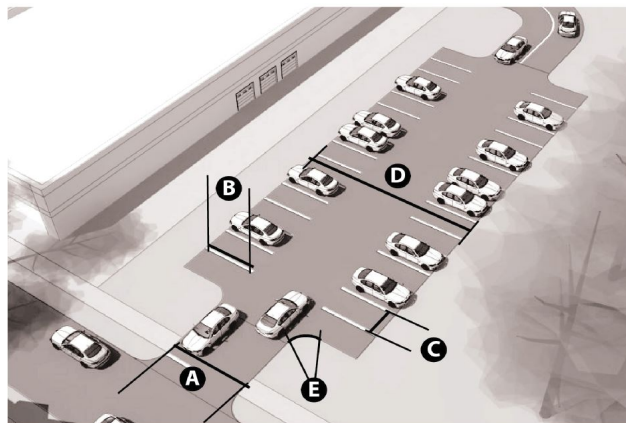
- a) The storage of merchandise, equipment, and motor vehicles for sale is prohibited in an off-street parking area, if such storage reduces the number of off-street parking spaces available below the number required by Section 1254.01.03.
- b) No motor vehicle that is inoperable, stripped, dismantled, or in a state of disassembly or disrepair shall be kept on any exterior premises, except as permitted and as regulated by the zoning district of the property upon which such vehicle is located.

1254.01.07 PARKING SPACE DIMENSIONS

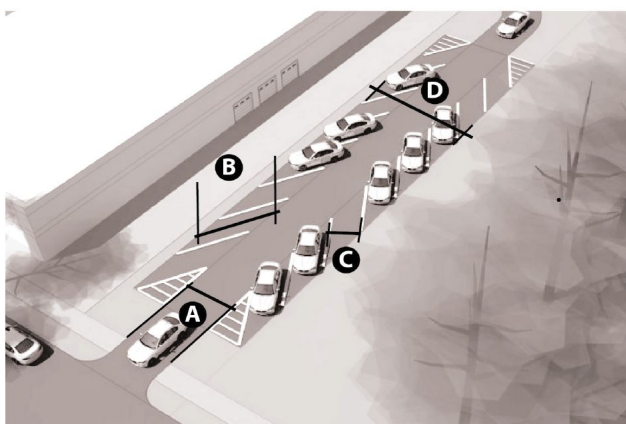
- a) Except for single-family or two-family dwellings, required off-street parking shall be designed pursuant to this section.
- b) Dimensions. All parking spaces and maneuvering aisles shall be designed and marked with minimum dimensions described:

[FIGURE 123]

1) Perpendicular (90-degree) Parking		
A. Aisle Width	Two-way	24 ft.
	One-way	18 ft.
B. Stall Depth		18 ft. min.
C. Stall Width		9 ft.
D. Overall Width (double-loaded bay)	Two-way	60 ft.
	One-way	54 ft.
E. Corner Radius		5 ft.

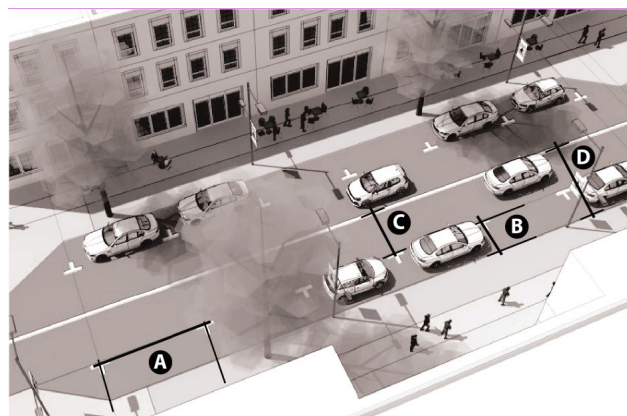


2) Angled (45, 60, 75-degree) Parking		
A. Aisle Width	Two-way	20 ft.
	One-way	15 ft.
B. Stall Depth		18 ft. min.
C. Stall Width		9 ft.
D. Overall Width (double-loaded bay)	Varies depending on the angle of the parking and one-way or two-way traffic	



3) Parallel Parking

A. Stall Length	20 ft. min
B. Stall Width	7 ft. min, 8 ft. typical
C. Aisle Width	10 ft. min. 12 ft. max
D. Overall Width (single-loaded bay)	18 ft. min.



- 4) Space length may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall have a minimum width of seven feet where abutting a parking area.

c) Islands

- 1) Mid-bay islands: minimum of 9' wide
- 2) Between facing bays: minimum of 6' wide
- 3) End-cap islands: minimum of 6' wide

- d) If requested by an applicant, the width of a parking space and any dimension described in b) above may be varied by the Transportation Engineer, based upon all of the following criteria:

- 1) The size of vehicles which use the lot;
- 2) The turnover rate;
- 3) The shape of the lot;
- 4) Sound traffic flow principles;
- 5) The use of the lot; and
- 6) Adequacy of signs that provide information or restrict parking in certain spaces.

1254.01.08 SURFACING

- a) Except as provided for in subsections b) and c) hereof, off-street parking and loading areas, including access drives, shall be hard-surfaced with either solid cement or asphalt.
- b) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.
- c) A lot used temporarily for off-street parking may be surfaced with gravel, so long as the temporary use does not extend for more than two years, and so long as the surface is maintained in a dust-controlled condition.

1254.01.09 GRADING AND DRAINAGE

- a) The City Engineer shall approve the grading of required off-street parking areas, based upon the design standards promulgated by the American Association of State and Highway Transportation Officials.

- b) The City Engineer shall approve drainage of required off-street parking areas, if the drainage may adequately be served by an existing storm sewage system.

1254.01.10 SIGNS, STRIPING, AND MAINTENANCE

- a) The City may require the installation of pavement markings and signs to direct circulation, provide information, and identify restrictions on use of parking spaces and loading areas.
- b) Except for one-family or two-family dwellings parking spaces shall be striped and such striping shall be maintained.
- c) Maintenance of Parking Lot.
- 1) Off-street parking and loading facilities shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such facilities except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.
- 2) Off-street parking and loading facilities must be maintained in a proper state of repair and free from hazardous conditions

1254.01.11 INGRESS AND EGRESS

- a) The number and location of points of ingress and egress to off-street parking areas developed after the effective date of this Zoning Code (Ordinance 1273, passed March 8, 2021) shall be approved by the Transportation Engineer.
- b) The number of access points shall be the minimum necessary to provide reasonable access as determined by the City Transportation Engineer.
- c) To reduce conflicts which can contribute to congestion and crash potential, access shall be located as far from signalized intersections as is practical.
- d) Access shall be located to minimize conflicts with through traffic, pedestrians, bicyclists and movements into access points adjacent to the property or across the street. To confirm this, a site plan shall include driveways across from the property frontage and adjacent access points.
- e) The City Transportation Engineer may require redesign, relocation, easements for a shared access system or restrict some movements at an access point to provide safe and efficient operations.
- f) Each ingress and egress to and from any off-street parking area located in an area zoned for other than single-family residential use shall be at least five (5) feet from any adjacent property located in any Single-Family Residential District.
- g) All parking spaces shall be provided adequate access by means of maneuvering lanes. Backing directly into a street is prohibited.

1254.01.12 UNOBSTRUCTED ACCESS

- a) Except as provided in subsection b) or c) hereof, each required off-street parking space shall be arranged in a way which provides for unobstructed access to a public right-of-way. Unobstructed access shall not be construed to prohibit security devices.
- b) In the case of a lot used as a single-family dwelling, one (1) of the two off-street parking spaces required by Table 1254.01.03 may be obstructed from access to a public right-of-way by another parking space, if all of the following conditions are met:
- 1) The obstructed space is located on an approved driveway.
- 2) The obstructed space is not in the front yard.
- 3) The driveway is surfaced pursuant to the requirements of Section 1254.01.09.
- 4) The unobstructed space is directly behind the obstructed space.

c) In the case of a lot used as a two-family dwelling, two of the four off-street parking spaces required by Table 1254.01.03 may be obstructed from access to a public right-of-way by another parking space, if all of the following conditions are met:

- 1) The obstructed space is located behind the front line of the dwelling.
- 2) The obstructed space is not in the front yard.
- 3) The driveway is surfaced pursuant to the requirements of Section 1254.01.09.
- 4) The unobstructed space is directly behind the obstructed space.

d) No sidewalks, driveways, maneuvering aisles, fire lanes, or building accesses shall be obstructed by the parking, storage, or display of vehicles, merchandise, equipment, supplies, or any other items.

1254.01.13 LIGHTING.

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

1254.01.14 VEHICLE STOPS

a) A vehicle stop shall be provided for any parking space if the space abuts a public right-of-way, sidewalk, or landscaping or screening required by Chapter 1252, and shall either be one of the following or be approved by the Transportation Engineer:

- 1) A concrete curb;
- 2) A concrete, or similar durable material, stop properly anchored; or
- 3) A steel or concrete post at least 3 feet in height.

1254.01.15 CHANGES TO A PARKING LOT

- a) An area designated as required off-street parking may be changed to another use or encroached upon, so long as the minimum requirements of Table 1254.01.03 continue to be met.
- b) Changes to parking areas other than for single family detached homes or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, such as a reconfiguration, as determined by the Zoning Administrator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two (2) foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this Article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.
- c) Reduction prohibited. A substitution, alteration or deletion of any off-street parking shall not have the effect of reducing the off-street parking below the number required in Table 1254.01.03.

1254.01.16 LOADING

When on premise space for standing, loading, and unloading vehicles is necessary for uses involving the receipt or distribution of goods, the following provisions shall apply:

- a) Traffic Flow. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- b) Alleys. Where an alley exists at the rear of the building, the loading area may be computed from the centerline of the alley.

- c) Location. Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- d) Screening. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.
- e) Not Included with Parking. Required loading areas shall not be included in calculations for off-street parking space requirements.
- f) Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five-hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The Zoning Administrator may modify this requirement for uses that will involve smaller delivery trucks such as offices.
- g) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.

1254.01.17 FRONT YARD PARKING

a) Prohibitions; Exceptions.

- 1) In Residential districts no person shall park or place a motor vehicle, trailer, watercraft, or recreational vehicle or equipment, in a front yard. However, this section shall not apply:
 - (a) To vehicles parked or placed in a lawfully established driveway;
 - (b) While engaged in actual loading or unloading;
 - (c) Where permitted pursuant to any other provision of these Codified Ordinances;
 - (d) Where prior to the effective date of this ordinance, parking areas were lawfully established in front yards by variance or in accordance with the ordinance that was in effect at the time that the parking area was established.

b) Driveways

- 1) A driveway may not exceed 12 feet in width or the width of the opening to the garage to which it provides access within the front yard of a single or two-family residential lot. A driveway may not exceed 12 feet in width for a residential lot where the driveway is not required to provide two-way vehicular access to a parking lot that lawfully contains more than four (4) parking spaces in the side or rear yard.
- 2) Each residentially zoned or used parcel is permitted one driveway. A second driveway may be permitted after review and approval by the Zoning Administrator and the Department of Public Services. A second driveway may only be permitted on corner lots that have at least 100 feet of frontage on one of the two streets, on through lots, or to eliminate a shared driveway provided that the existing driveway continues to serve the adjacent parcel of land. Approval of a second driveway may only be granted if it is necessary in order to accommodate parking for the allowable number of vehicles on the site.

1 1254.02 BICYCLE PARKING

2 1254.02.01 DEFINITIONS.

3 For purposes of this chapter:

4 APBP GUIDELINES. The 2nd edition of the bicycle parking guidelines issued by the Association of
5 Pedestrian and Bicycle Professionals.

6 BICYCLE LOCKER. A locked compartment for the storage of a single bicycle.

7 BICYCLE PARKING SPACE. A secure structure designed and available exclusively for the storage of a
8 bicycle.

9 BICYCLE ROOM. A room with controlled access for users of bicycles to be stored in the room.

10 EXEMPT PROPERTY. Is property:

- 11 a) For which the Zoning Administrator, per Section 1254.01.04 f), reduces or eliminates the off-street
12 parking requirements of Table 1254.01.03; and
13 b) For which the property owner does not actually provide off-street parking.

14 Non-exempt property in a DT-3 or MX-3 district is property:

- 15 a) For which the Zoning Administrator, per Section 1254.01.04 f), reduces or eliminates the off-street
16 parking requirements of Table 1254.01.03; and
17 b) For which the property owner does actually provide off-street parking.

18 LONG-TERM BICYCLE PARKING SPACE. Bicycle parking that is covered and enclosed on all four sides.

19 SHORT-TERM BICYCLE PARKING SPACE. Any bicycle parking space that is not a long-term bicycle parking
20 space.

21 1254.02.02 REQUIRED BICYCLE PARKING SPACES.

22 Bicycle parking spaces shall be provided for the benefit of any structure identified in Section 1254.02.04 or
23 Section 1254.02.05 if, after the effective date of this chapter:

- 24 a) A site plan for the property on which the structure is located must be submitted to the Planning
25 Office;
26 b) The property on which the structure is located is rezoned to a district other than a Residential
27 District; or
28 c) A special land use permit is granted for the property on which the structure is located.

29 1254.02.03 BICYCLE PARKING GUIDELINES.

- 30 a) To the extent feasible and unless otherwise provided by this chapter or the City of Lansing Bicycle
31 Parking Guidelines promulgated by the Zoning Administrator, property owners are encouraged to
32 conform to the APBP Guidelines, copies of which are available in the Planning Office and the City
33 Clerk's Office.
34 b) During the operating hours of the structure identified in Sections 1254.02.04 and 1254.02.05,
35 bicycle parking spaces required by this chapter shall be lighted at an illumination level of at least .4
36 footcandles.
37 c) Bicycle parking spaces shall be located within 100 feet of an entrance to the structure or inside the
38 structure.
39 d) Bicycle parking spaces shall be adequately maintained and kept free of mud, debris, ice, and snow.

- e) Each short-term bicycle parking space provided pursuant to the provisions of this chapter shall support a bicycle in an upright position; allow both the bicycle frame and the front wheel to be locked; be securely anchored; have a hard surface, such as asphalt, concrete, or brick pavers, with dimensions of at least 6 feet by two feet; be constructed of materials that resist cutting, rusting, bending, and deformation; and be installed in accordance with the City of Lansing Bicycle Parking Guidelines promulgated by the Zoning Administrator based on the APBP Guidelines, maintenance of uniformity among Michigan communities, and other best practices.
- f) Long-term bicycle parking spaces provided pursuant to the provisions of this chapter shall be provided in [1] bicycle lockers that ensure adequate clearance for simultaneous users; [2] bicycle racks in locked cages; or [3] bicycle rooms.

1254.02.04 SHORT-TERM BICYCLE PARKING REQUIREMENTS BASED ON LAND USE.

- a) For purposes of this section:
- 1) Every 24 inches of bench seating shall be counted as 1 seat.
 - 2) Numbers resulting from the prescribed formulas shall be rounded up from $\frac{1}{2}$ to the next whole number in calculating the number of required bicycle parking spaces.
- b) Short-term bicycle parking is not required on exempt property. On non-exempt property in a DT-3 or MX-3 district the property owner shall provide a number of short-term bicycle parking spaces that is at least 5 percent of the number of off-street parking spaces actually provided.
- c) Except as otherwise provided in subsection b), property owners shall provide the following number of short-term bicycle parking spaces for the benefit of the corresponding specified structures:

Table 1254.02.04 Short-Term Bicycle Required Parking Spaces	
Structure	Required Number of Bicycle Parking Spaces
Multi-family Residential	2 for every 10 dwelling units
Churches and other Places of Worship	2 for every 50 seats in the main unit of worship
Lodging	2 for every 50 units
Athletic Clubs and Fitness Centers	2 for every 5,000 square feet of usable floor area, with a maximum of 30
Libraries and Museums	
Planned Developments and Shopping Centers	
Retail Stores not Otherwise Identified	
Banks and Financial Institutions	
Offices of Medical Professionals, Health Clinics, and Medical Centers	
Gas Stations	
Sports Arenas and Stadiums	2 for every 250 seats, with a maximum of 30
Theaters and Auditoriums	2 for every 100 seats, with a maximum of 30
Eating and Drinking Establishments	2 for every 24 seats
Commercial Property not otherwise identified	2 for every 5,000 square feet of usable floor area, with a minimum of 2
Industrial, Manufacturing, Wholesale, and Research Establishments	2 for every 20,000 square feet of usable floor area, with a minimum of 2
Commercial Off-Street Parking Facilities	2 for every 20 vehicle parking spaces, with a maximum of 30
Consumer Repair Service Establishments	2 for every 3,000 square feet of usable floor area, with a minimum of 2 and a maximum of 30
Cemeteries, Mausoleums, and Parks	2 for every 20,000 square feet of land, with a maximum of 10

1 1254.02.05 LONG-TERM BICYCLE PARKING REQUIREMENTS BASED ON EMPLOYMENT AND TRANSIT.

- 2 a) For purposes of this section, numbers resulting from the prescribed formulas shall be rounded up
3 from $\frac{1}{2}$ to the next whole number in calculating the number of required long-term bicycle parking
4 spaces.
- 5 b) Except as otherwise provided in subsection c), in addition to any requirements imposed by Section
6 1254.02.04:
- 7 1) Property owners are not required to provide long-term bicycle parking spaces for the
8 benefit of structures other than bus stations in which no more than 40 employees work at
9 any given time.
- 10 2) Property owners shall provide two bicycle parking spaces for every 40 employees that work
11 in a structure other than a bus station at any given time.
- 12 3) Property owners shall provide two bicycle parking spaces for every bus bay in a bus station.
- 13 c) Long-term bicycle parking is not required on exempt property. On non-exempt property in a DT-3
14 or MX-3 district, in addition to any requirements imposed by Section 1254.02.04, the property
15 owner shall provide a number of long-term bicycle parking spaces that is at least five (5) percent of
16 the number of off-street parking spaces actually provided.

17 1254.02.06 OFFSET OF REQUIRED OFF-STREET PARKING SPACES.

18 The number of off-street parking spaces required by section 1254.01 will be reduced by 1 space, with a
19 maximum reduction of 20 percent of the number of off-street parking spaces required by Table 1254.01.03,
20 for each of the following:

- 21 a) Every 6 bicycle parking spaces provided in excess of those required by this chapter;
- 22 b) Every 6 short-term bicycle parking spaces covered by a permanent structure approved by the
23 Zoning Administrator.

CHAPTER 1260 SITE PLAN REVIEW**1260.01 INTENT**

It is the intent of this article to require site plan review and approval prior to issuance of a zoning compliance permit for certain buildings, structures and uses to ensure that the arrangement, location, design and materials within a site are consistent with the character of the city and the goals and design guidelines in the Design Lansing Comprehensive Plan, the regulations in this Zoning Ordinance, and compliance with other City Ordinances related to development. In particular, the standards herein are intended to minimize negative impacts on natural resources, utility systems, public service delivery, traffic operations, pedestrian and bicyclist safety, adjacent neighborhood or district character, and the character of future development.

It is further the intent of this article to bring existing sites that do not conform with current standards of this chapter into greater conformity when uses change or an exterior renovation or expansion is proposed.

1260.02 USES SUBJECT TO REVIEW

- a) Except for individual single or two-family principal or accessory structures, a site plan shall be submitted to the Planning Office for all of the following activities:

- 1) Construction of a new building or building addition that is 1,000 square feet or greater in area;
- 2) Structural alteration of an existing structure or a change of use when the effect of the alteration or change is to increase the intensity of the land use;
- 3) Excavation or filling of ground within the boundaries of the 100-year base floodplain;
- 4) The installation of 1,000 square feet or more of new impervious surface;
- 5) A manufactured housing community;
- 6) An activity which relocates a structure from one lot to another lot or within the same lot; and
- 7) Mass grading of topography and/or grading that alters the existing site drainage patterns.

- b) The Planning Office may waive the requirement of site plan review when the Planning Office and all other City departments that are charged with reviewing site plans, including the Board of Water & Light, are in agreement that there is no reasonable need for site plan review under the circumstances involved.

1260.03 STANDARDS FOR APPROVAL

The Zoning Administrator may deny, approve, or approve with conditions the plan based on the following design standards that apply in addition to the applicable use and dimensional regulations:

- a) Site Design Characteristics. All elements of the plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; pedestrian circulation and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- b) Building Design. The building design shall relate to the surrounding area in regard to texture, scale, mass, and proportion. The quality of building design and construction materials shall be in accordance with the requirements of Chapter 1246 – ARCHITECTURAL STANDARDS. Buildings shall be designed to take advantage of natural heating, cooling, and buffering opportunities and incorporate energy efficient fixtures.

- c) Change of Use and Redevelopment. For changes of use and site alterations or building expansions, the Zoning Administrator shall determine the extent of improvement required in relation to the extent of change proposed. In particular the Zoning Administrator may require changes to improve public safety; closure or redesign of driveways; redesign or resurfacing of parking and loading areas; installation of curbing; replacement or additions to landscaping or screening; upgrades to lighting; relocation and enclosure of waste receptacles; and upgrades to the building exterior.
- d) Preservation or Conservation of Significant Natural Features. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Views of the river shall be preserved and protected. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- e) Preservation of Capital Views. The design shall be considerate of existing public views of Michigan's State Capitol.
- f) Streets. All streets shall be developed in accordance with the City of Lansing engineering standards. All streets shall be designed to accommodate multiple modes of transportation (autos, trucks, transit pedestrians and bicyclists). Street connections shall be provided where necessary to enhance vehicular, pedestrian and bicycle connectivity to surrounding neighborhoods.
- g) Access, Driveways and Circulation. Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided and shall meet the following criteria:
- 1) Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - 2) The number of access points shall be the minimum necessary to provide reasonable access to the property.
 - 3) Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly to avoid conflicts with traffic operations at street intersections and associated with left turns into and from the site. The city may require closure or relocation or redesign of access points, or a redesign of on-site parking and circulation, to improve operations and safety.
 - 4) For uses having frontage and/or access on a major street, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Chapter 1254 – Parking. The city may require shared access with adjacent parcels with a shared access agreement, especially where safe access spacing from intersections or other driveways cannot be provided on a site.
 - 5) All driveways shall meet the design and construction standards of the city or the MDOT for access along state routes.
- h) Emergency Vehicle Access. Site circulation, parking lot design, and buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the fire department and police department.
- i) Sidewalks, Pedestrian and Bicycle Circulation. Safe pedestrian circulation and access to building entrances shall be provided. Conflicts between pedestrian pathways and traffic circulation shall be minimized to the extent practical. In locations where transit is available, convenient pedestrian access shall be provided from the building entrance to the transit stop. Pedestrian circulation shall be as provided in 1250.04.06 Pedestrian and Bicycle Oriented Design Features.
- j) Parking. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Chapter 1254 parking. Parking lots shall be designed to minimize the amount of impermeable surface. Bicycle parking shall be provided as required in Section 1254.02.

- k) Loading. All loading and unloading areas and outside storage areas, including waste receptacles, shall be accessed and screened in accordance with Section 1254.01.17 Loading.
- l) Waste Receptacles. Waste receptacles shall be provided as required in 1250.04.04 Waste Receptacles and Enclosures.
- m) Lighting. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets in accordance with Section 1250.04.03 Exterior Lighting.
- n) Mechanical Equipment and Utilities. Mechanical equipment and utilities, including roof-, building- and ground-mounted, shall be screened in accordance with the requirements of Section 1250.04.02 Mechanical Equipment.
- o) Landscaping. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Chapter 1252 – Landscaping. Potable water consumption for irrigation shall be minimized to the extent practical through utilization of plant species that minimizes the need for irrigation, irrigation efficiency, use of captured rainwater or use of recycled wastewater.
- p) Utilities and Storm Water Management. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and storm water management facilities shall be reviewed and approved by the city engineer. Low impact stormwater management techniques shall be used wherever possible such as pervious pavement, bio-swales, rain gardens and green roofs.
- q) Noise. The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts and to comply with the city's noise ordinance.
- r) Other Agency Reviews. The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Board of Water & Light, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.

1260.04 SUBMITTAL REQUIREMENTS

A site plan shall be dated, submitted in electronic format, drawn to a scale of not less than one inch equals 50 feet, if the subject property is less than three acres, and one inch equals 100 feet, if three acres or more. The site plan shall contain all of the following information, provided that the Zoning Administrator may waive certain submittal requirements for a reoccupancy or minor change on an existing site where it is determined such information is not necessary to determine compliance with this Ordinance:

- a) The names, addresses, telephone number and email address of the applicant, owner and the architect, engineer, or other design professional who prepared the plan;
- b) The parcel numbers, addresses and legal descriptions of all parcels that are related to the project for which site plan approval is being sought;
- c) Location map and north arrow;
- d) Existing and proposed lot lines, acreage and dimensions of the site including width, length and frontage;
- e) Locations and dimensions for all existing and proposed easements, sidewalks, fire lanes, streets/alley right-of-ways;
- f) Location of existing access points (driveways) adjacent to, and across the street from, the site including the spacing from the proposed access points;

- g) Location and dimensions (width, radii, grades) of proposed access points and existing or proposed acceleration/deceleration tapers or lanes along or adjacent to the site;
- h) Location of all existing and proposed buildings;
- i) Required and proposed setbacks for all buildings and parking lots;
- j) The height of all proposed buildings and structures;
- k) The location and dimensions of all bicycle parking spaces, vehicular parking spaces/aisles, loading and unloading areas and driveways on or within 120 feet of the site;
- l) Number of required and proposed vehicular and bicycle parking spaces;
- m) The location of all existing and proposed right-of-way trees and a landscaping, screening and buffering plan that demonstrates compliance with the requirements of Chapter 1252 – Landscaping;
- n) The location and enclosure details for all waste receptacles;
- o) A photometric plan and a detail of the proposed exterior lighting poles/fixtures;
- p) Existing and proposed land elevations and/or contours to appropriately illustrate the direction of drainage flow;
- q) The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways, floodplains, and wetlands;
- r) A soil erosion and sedimentation control plan unless no earth changes are proposed as part of the site plan (an associated permit may also be required consistent with the requirements of City of Lansing Ordinance 1218.06.);
- s) Where required consistent with City of Lansing Ordinance 1219.04, a proposed, post-construction storm water management plan consistent with the requirements of Chapter 1219 of the City Code, including design of storm sewers, stormwater outlets, and stormwater retention or detention ponds;
- t) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan;
- u) Location of any on-site wastewater treatment and disposal systems;
- v) Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes;
- w) Inventory of hazardous substances (including include CAS numbers) to be stored, used or generated on-site, presented in a format acceptable to the City Fire Marshal;
- x) Descriptions of type of operations proposed for the project and drawings show size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials;
- y) Description and location for any existing or proposed above ground and below ground storage tanks; and
- z) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.

1260.05 COMPLIANCE AND CONSTRUCTION WITH APPROVED SITE PLAN

- a) Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan including any approved revisions, amendments or modifications made thereto. Failure to conform to the approved site plan shall constitute a violation of this Chapter. In order to assure compliance with the approved site plan, a completion bond equivalent to the value of the site

1 work shall be submitted to the Planning Office prior to commencement of construction. If
2 construction and development does not conform to the approved plan, the approval thereof shall be
3 revoked by the zoning administrator by written notice of such revocation. Upon revocation of such
4 approval, all further construction activities shall cease upon the site, other than for the purpose of
5 correcting the violation. If necessary based upon continued non-compliance, the City may also elect
6 to invoke the provisions of the completion bond for the purposes of mobilizing forces to correct any
7 non-compliant aspects of the development. The completion bond shall be released by the Planning
8 Office upon confirmation that the development is compliant with the approved site plan including
9 any approved revisions, amendments or modifications made thereto.

- 10 b) For all approved site plans, as-built drawings for all site work and utility construction shall be
11 submitted to the Public Service Department within fourteen (14) days of completion of
12 construction.
- 13 c) No certificate of occupancy for any development on a site subject to the requirements of this
14 chapter shall be issued until all components of the approved site plan are completed and in place.
- 15 d) The approval of any site plan under this provision shall expire one year after the date of such
16 approval, unless actual construction and development have been commenced in accordance with
17 said site plan prior thereto. If such construction and development is commenced within said one
18 year period, then such approval shall continue for a period of two years from the date thereof;
19 provided, however, that should a lapse of more than six months in continuous substantial
20 construction and development not occur, said approval shall expire.

CHAPTER 1262 SPECIAL LAND USE PERMITS**1262.01 COMPLIANCE REQUIRED**

Special land uses shall be permitted as provided in this Zoning Code if the requirements of this chapter are met.

1262.02 APPLICATIONS; REVIEW PROCEDURES

- a) An application for a special land use permit may be made by an applicant on forms provided by the Planning Division. The application shall be filed with the City Clerk and shall be accompanied by the fees established by Council and the documents required by Chapter 1260.
- b) The City Clerk shall refer the application described in subsection a) hereof to the Planning Board for consideration and recommendation to Council.
- c) The Board, upon receipt of an application from the City Clerk, shall publish one notice in a newspaper of general circulation in the City that a request for a special land use approval has been received. The Board shall also send a notice by first class mail to all persons to whom real property is assessed, according to the records maintained in the office of the City Assessor, within 300 feet of the boundary of the lot. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- d) The notice described in subsection c) hereof shall be given not less than ten days and not more than 15 days before the public hearing described in subsection f) hereof.
- e) The notice shall:
 - 1) Describe the nature of the special land use request;
 - 2) Indicate the lot which is the subject of the special land use request;
 - 3) State when and where the special land use request will be considered;
 - 4) Indicate when and where written comments concerning the request will be received; and
 - 5) Indicate that a public hearing will be held by the Board on the special land use request and give the date, time and location of the public hearing described in subsection f) hereof.
- f) The Board shall hold a public hearing for the purpose of considering the special land use request and recommend to Council whether it should approve, approve with conditions or deny the special land use. In making its recommendation, the Board shall consider each of the following standards:
 - 1) If the special land use is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area;
 - 2) If the special land use changes the essential character of the surrounding area;
 - 3) If the special land use interferes with the general enjoyment of adjacent property;
 - 4) If the special land use represents an improvement to the use or character of property under consideration and the surrounding area in general and also is in keeping with the natural environment of the lot;
 - 5) If the special land use is not hazardous to adjacent property, or does not involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare;
 - 6) If the special land use is adequately served by essential public facilities and services, or it is demonstrated that the person responsible for the proposed special land use is able to

- continually provide adequately for the services and facilities deemed essential to the special land use under consideration;
- 7) If the special land use does not place demands on public services and facilities in excess of current capacity;
- 8) If the special land use is consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan; and
- 9) If the special land use meets the dimensional requirements of the district in which the property is located.
- g) The Board shall state to Council, in writing, its recommendations as to each special land use request and the reasons for its recommendation.
- h) Council, upon receiving the recommendation from the Board, shall hold a public hearing for the purpose of a de novo review of the recommendation of the Board and deciding whether to concur in such recommendation.
- i) A notice that a request for special land use approval has been received by Council and that a public hearing will be held, shall be published in a newspaper of general circulation in the City. Notice shall also be sent by first class mail to those persons described in subsection c) hereof.
- j) The notice described in subsection i) hereof shall meet all of the requirements described in subsections d) and e) hereof.
- k) Council may deny, approve or approve with conditions a request for special land use approval, based upon the standards described in subsection f) hereof. If conditions are imposed, they shall meet the requirements of Section 1262.03. The decision of Council shall be reduced to writing. The writing shall state Council's decision and shall specify the basis for the decision and conditions imposed upon the special land use, if any.

1262.03 CONDITIONS ON SPECIAL LAND USES

- a) Council may impose conditions on its grant of a special land use to achieve any of the following findings:
- 1) Compatibility of the special land use with existing adjacent land uses;
 - 2) Protection of the natural environment and natural resources;
 - 3) Energy conservation;
 - 4) Accommodation of increased public service needs likely to result from the special land use;
 - 5) Protection of the health, safety, and welfare of the property owner and the community;
 - 6) Accommodation of considerations listed in section 1262.02 f).
- b) A new building or building addition, that is 1,000 square feet or more in area, and on a parcel of land for which a special land use permit has been granted on or after the effective date of this ordinance, shall require an amendment to the special land use permit after review and approval by the City Council in accordance with the following procedure:
- 1) Within five (5) days upon receipt of a site plan for a new building or building addition 1,000 square feet or greater in area, the planning office shall refer the matter to the City Council which shall schedule a public hearing on amending the special land use permit. Notification of the public hearing, in accordance with requirements of section 1262.02 e) shall be sent by first class mail to the following, not less than seven days prior to the hearing:
 - (a) All property owners within 500 feet of the subject property;

- 1 (b) The applicable neighborhood watch officer, if any; and
2 (c) The applicable neighborhood association, if any.
- 3 2) Following the public hearing, the Council shall review the site plan for compliance with the
4 criteria contained in this chapter for evaluating special land use permits and shall deny,
5 approve or approve with conditions the amendment to the original special land use permit.
- 6 3) The Council shall complete its review and render its decision within 60 days from the date
7 that the site plan was referred by the planning office. Failure to act shall be deemed
8 approval of the amended special land use permit.
- 9 c) Conditions of approval, if any, shall be recorded in the written decision described in section
10 1262.02 k) and shall remain unchanged, except upon the mutual consent of the applicant and
11 Council.

CHAPTER 1264 PLANNED UNIT DEVELOPMENTS**1264.01 APPLICABILITY**

The Planned Unit Development (PUD) process is an option for properties within all zoning districts, and is mandatory for some larger parcels, or groups of parcels, as designated on the Form-Based Code zoning map.

1264.02 INTENT

- a) The intent of this article is to offer an alternative to conventional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.
- b) The PUD zoning standards are provided as a design option to:
 - 1) Encourage innovation in land development in terms of variety, design, layout and type of structures constructed;
 - 2) Accommodate development on sites that exhibit difficult development constraints;
 - 3) Encourage redevelopment of brownfield or greyfield sites as mixed-use neighborhoods;
 - 4) Encourage the adaptive reuse of historic buildings;
 - 5) Provide the opportunity to mix compatible uses, or residential types;
 - 6) Preserve and protect significant natural features, open space and cultural/historic resources;
 - 7) Ensure that new developments are consistent with the historic character of the community;
 - 8) Promote efficient provision of public services and utilities;
 - 9) Minimize adverse traffic impacts;
 - 10) Encourage development of convenient recreational facilities; and
 - 11) Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
- c) For properties approved for PUD designation, these PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this chapter on the basis of the total PUD plan, subject to the approval of the PUD by the Planning Board in accordance with the requirements set forth herein. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this section.

1264.03 ELIGIBILITY CRITERIA

The following criteria shall apply to all planned unit developments (PUDs):

- a) Unified Control. The planned unit development shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.
- b) Recognizable Benefit.
 - 1) The applicant shall demonstrate to the Planning Board that the PUD provides at least three (3) of the following site design elements that could not be attained through a project designed under conventional zoning:
 - (a) Mixed-use development with residential, and nonresidential uses or a variety of housing types;

- (b) Redevelopment of brownfield or greyfield sites;
 - (c) Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
 - (d) High quality architectural design beyond the site plan requirements of this chapter;
 - (e) Extensive landscaping beyond the site plan requirements of this chapter;
 - (f) Preservation, enhancement or restoration of natural resources (trees, slopes, nonregulated wetland areas, views to the river);
 - (g) Preservation or restoration of historic resources;
 - (h) Provision of open space or public plazas or features;
 - (i) Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g., topography, shape etc.);
 - (j) Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
 - (k) Shared vehicular access between properties or uses;
 - (l) Mitigation to offset impacts on public facilities (such as road improvements); or
 - (m) Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
- 2) In granting the relaxation of any district standard for a PUD, the Planning Board may require the applicant to demonstrate through bona fide documentation that the project will not be detrimental to the public health, safety or welfare of the future occupants of the PUD, the surrounding neighborhood, or the city as a whole. Such documentation may include, but is not limited to, traffic impacts studies, environmental impact studies, market needs assessments, infrastructure impact studies and any other such reports or studies.
- c) Compatibility with Adjacent Uses. The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD unless designed to prevent any negative impacts on adjoining residential uses.
- d) Master Plan. The proposed PUD shall be consistent with the City of Lansing Comprehensive Plan.

1264.04 PERMITTED USES

The uses permitted in the PUD shall be consistent with and in accordance with the uses permitted by right or by special land uses in the underlying zoning district. Other uses, however, may be permitted upon a finding by the Planning Board that such uses will be appropriate and compatible with the uses proposed for the development and with surrounding uses. The Planning Board may permit additional uses to create an integrated, mixed-use development based upon the recommendations of the City of Lansing Master Plan. Approval of a PUD shall include the specific identification of the uses permitted within the PUD, and only those uses so approved shall be permitted.

1 1264.05 HEIGHT, AREA AND BULK REGULATIONS

2 The height, bulk and area conditions set forth in the underlying district requirements shall be used as
3 guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent
4 with the intent of the PUD, the Planning Board may permit specific departures from the requirements of
5 this chapter. Any regulatory modification shall be approved through a finding by the Planning Board that
6 the deviation shall result in a higher quality of development than would be possible using conventional
7 zoning standards.

- 8 a) Modifications to Dimensional Requirements. Where modification of the zoning ordinance standards
9 is requested, the applicant shall provide a table for each specific standard proposed to be modified.
10 Unless modifications are specifically requested and approved by the city, the site plan shall comply
11 with the appropriate requirements of the city.

12 1264.06 APPROVAL PROCEDURE

- 13 a) Overview of PUD Review and Approval Process. The PUD review and approval process includes the
14 following steps:

- 15 1) Preapplication conference with Planning Office on the PUD concept plan.
16 2) Planning Board review of PUD concept plan and scheduling of public hearing.
17 3) Planning Board public hearing and recommendation on PUD concept plan.
18 4) City council review and approval of PUD overlay zone, PUD concept plan and PUD
19 agreement.

- 20 b) Preapplication Conference with Planning Office.

- 21 1) Applicant Request. An optional pre-application conference with the Planning Office may be
22 requested by the applicant to discuss the appropriateness of a PUD and the concept plan to
23 solicit feedback and to receive requests for additional materials supporting the proposal.

- 24 c) Planning Office Review of PUD Concept Plan.

- 25 1) PUD Concept Plan. A concept plan for the PUD that contains all of the following information,
26 along with fees established by City Council, shall be submitted for Planning Office review:

- 27 (a) A conceptual plan for the development, drawn to an engineer's scale of not less than
28 one (1) inch = fifty (50) feet for property less than three (3) acres, or one (1) inch =
29 one hundred (100) feet for property three (3) acres or more in size, that includes all
30 of the following:

- 31 (1) Title block with sheet number/title; name, address and telephone number of
32 the applicant and firm or individual who prepared the plans; and date(s) of
33 submission and any revisions;
34 (2) Scale and north-point;
35 (3) Location map drawn to a separate scale;
36 (4) Legal description of property;
37 (5) Zoning classification of site and all abutting parcels;
38 (6) Net acreage (minus rights-of-way) and total acreage;
39 (7) Existing lot lines, building lines, structures, parking areas and other
40 improvements on the site and within one hundred (100) feet of the site;

- (8) Proposed lot lines, lot dimensions, property lines, setback dimensions and other improvements;
 - (9) Location and height of all proposed buildings or structures;
 - (10) Location of existing and proposed roads, driveways, parking lots, sidewalks and pathways on or within two hundred fifty (250) feet of site;
 - (11) Proposed off-street parking lots and number of spaces;
 - (12) Conceptual landscape plan;
 - (13) The general location of existing plant material;
 - (14) Location of existing drainage courses, floodplains, rivers and EGLE regulated wetlands;
 - (15) Location of existing and proposed sanitary sewers;
 - (16) Location of existing and proposed water mains;
 - (17) Stormwater retention and detention pond locations and existing, or proposed storm sewers;
 - (18) Number and location of residential units;
 - (19) Density calculations by type of residential unit; and
 - (20) Location and size of recreation and open space areas.
 - (b) Documentation indicating how the criteria for eligibility for a PUD have been met.
 - (c) A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article; this table shall clearly identify the allowed regulation in comparison to the requested deviation.
 - (d) The manner of the ownership and dedication, and any mechanism to protect and maintain any areas designated as common areas or open space.
 - (e) Any additional information requested by the Planning Board to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
- 2) Planning Board Public Hearing. A public hearing for the Planning Board to review the requested PUD concept Plan shall be scheduled in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
- 3) Planning Board Review, Decision, and Recommendation.
- (a) PUD Concept Plan. The Planning Board shall review the PUD concept plan in consideration of public hearing comments, technical reviews from city staff, correspondence from applicable review agencies and compliance with the standards of this article and other applicable standards and requirements of this chapter. The Planning Board shall recommend approval, approval with conditions or denial of the PUD request to the City Council. The recommendation shall be based on the following:
 - (1) Whether the proposal provides the recognizable benefits intended in this Chapter;
 - (2) Promotes the land use goals and objectives of the City or the master plan;
 - (3) Whether all applicable provisions of this article and this chapter are met;

- (4) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, stormwater, solid waste, water supply needs and traffic generated by the proposed project; and
- (5) Whether the project successfully provides a transition between higher and lower density uses and/or between nonresidential and residential.
- 4) Draft PUD Agreement. The applicant shall submit a draft PUD agreement for review and approval by the City Council after review by the city attorney. The agreement shall provide:
- (a) A survey of the acreage comprising the proposed development.
 - (b) The manner of ownership of the developed land.
 - (c) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - (d) Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the city may require conveyances or other documents to be placed in escrow to accomplish this.
 - (e) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Council.
 - (f) The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the City Council.
 - (g) Provisions to ensure adequate protection of natural features.
 - (h) The PUD site plan shall be incorporated by reference and attached as an exhibit.
- d) City Council Review of PUD Overlay Zoning PUD Concept Plan and PUD Agreement.
- 1) Following receipt of a recommendation from the Planning Board on the PUD overlay zoning and PUD concept plan and draft PUD agreement; the City Council shall conduct a public hearing to review the concept plan and PUD agreement.
 - 2) Notice regarding this public hearing shall be given in accordance with Section 3-303 of the Lansing City Charter.
 - 3) After the public hearing, City Council shall either approve, deny, or approve with a list of conditions made part of the approval.
- e) Conditions. In accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the City of Lansing Comprehensive Plan. Conditions attached shall be included in the PUD agreement.
- f) Time Limits for PUD Concept Plan Approval. Approval of the PUD concept plan by the City Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval for the PUD or a phase of the PUD is not requested within this time period, the PUD concept plan

1 approval shall automatically become null and void and all rights thereunder shall terminate. The
2 Planning Board may for good cause extend the period up to an additional two (2) years, if requested
3 in writing by the applicant prior to the expiration date. Upon expiration of a PUD concept plan, the
4 City Council may direct the Planning Board to conduct a public hearing and make a
5 recommendation to remove the PUD overlay district.

6 g) Final Approval of Site Plan

- 7 1) Following City Council approval of the PUD concept plan, a final site plan for the PUD or
8 individual phases of the PUD shall be submitted in accordance with Chapter 1260, Site Plan
9 Review procedures.
- 10 2) All site plans subsequently submitted shall conform with the PUD concept plan, all
11 conditions attached to preliminary approval, the PUD agreement and the requirements of
12 this ordinance. Where the Planning Office determines that changes to the final site plan
13 significantly deviate from the PUD concept plan, the Planning Board Office shall refer the
14 PUD to the Planning Board to conduct another public hearing, review the plan as an
15 amended resubmission of the PUD concept plan under the requirements of this article, and
16 make a recommendation on the proposed changes to the City Council for approval, denial,
17 or approval with conditions.

CHAPTER 1270 NONCONFORMITIES**1270.01 PURPOSE AND INTENT**

- a) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures uses of land, and sites which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this Chapter to permit non-conforming lots, buildings, structures, uses, and sites to continue until they are removed, but not to encourage their continued use or survival.
- b) No Expansion of Nonconformities. Non-conforming lots, buildings, structures, uses, and sites are hereby declared to be incompatible with the zoning districts in which they are located. It is the intent of this Chapter that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the zoning district, except as may be provided for in this Chapter.
- c) Required upgrades to Nonconforming Sites. Similar to other types of non-conforming situations noted herein, there exist sites that were developed consistent with an approved site plan and other site regulated standards applicable at that time said use or site plan was approved, but that do not fully meet the requirements of this ordinance. Those site design features include parking space and aisle sizes, access, parking lot, landscaping/buffering, waste receptacle screening, lighting and similar standards. One purpose of this chapter is to define the extent to which a site plan must be upgraded to meet the current site plan related standards when changes or minor modifications to a conforming use and/or conforming building are proposed for a lot that does not fully meet the current standards. The intent is to require a level of upgrade that is reasonable to improve compliance given the nature of the existing nonconforming site features and extent of the changes proposed on the lot.
- d) Construction Prior to Effective Date of this Chapter. Nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Chapter, or an amendment thereto, and upon which actual building construction has been diligently conducted.

1270.02 NON-CONFORMING LOTS OF RECORD

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the requirements for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

1270.03 NON-CONFORMING BUILDINGS OR STRUCTURES

- a) Continuation of Non-conforming Buildings or Structures. Where a lawful building or structure exists prior to the effective date of this Chapter, or an amendment hereto, that does not comply with the requirements of this Chapter because of restrictions such as parking, lot area, coverage, width, height, or yards, that building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1) No such structure may be enlarged or altered in a way which increases its nonconformity.

- 1 2) Should such structure be destroyed by any means to an extent of more than 50% of its
2 replacement cost at time of destruction, it shall not be reconstructed except as may be
3 permitted by the Board of Zoning Appeals upon a finding that the repair and reconstruction
4 shall:
- 5 (a) Not have a substantial detrimental effect on the use and enjoyment of adjacent uses
6 or lots;
- 7 (b) Comply with any reasonable conditions imposed by the board of zoning appeals that
8 are necessary to ensure that the repair and reconstruction shall not prove
9 detrimental to adjacent properties, the neighborhood, or the community;
- 10 (c) The owner shall provide the necessary information to make a determination as to
11 whether or not repairs to the structure will exceed 50% of the replacement cost,
12 exclusive of the foundation.
- 13 3) Should a non-conforming building or structure be destroyed to an amount equal to or less
14 than fifty (50) percent of its estimated replacement cost, exclusive of the foundation, it may
15 be reconstructed in its previously non-conforming location.
- 16 4) An owner shall commence repair and reconstruction work within twelve (12) calendar
17 months of the Board of Zoning Appeals approval of the application. Upon request, the
18 Zoning Administrator may approve an administrative extension of up to an additional six
19 (6) calendar months where a property owner can demonstrate a good faith effort to start
20 work or demonstrate third-party delays beyond their control. Extensions beyond the six (6)
21 months must be approved by the Board of Zoning Appeals.

22 1270.04 NON-CONFORMING USES

- 23 a) Enlargement or Increase of Non-conforming Use. No non-conforming use shall be enlarged or
24 increased, nor extended to occupy a greater area of land than was occupied prior to the effective
25 date of this Chapter, or an amendment thereto, except as may be permitted by the Board of Zoning
26 Appeals in determining that the proposed enlargement, increase, or greater area shall:
- 27 1) Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
- 28 2) Comply with all parking, sign, or other applicable regulations for accessory uses for the area
29 affected by the proposed enlargement, increase, or greater area;
- 30 3) Comply with any reasonable conditions imposed by the Board of Zoning Appeals that are
31 necessary to ensure that the proposed enlargement, increase, or greater area shall not
32 prove detrimental to adjacent properties, the neighborhood, or the community.
- 33 b) Extension within a Building. Any non-conforming use may be extended throughout any parts of a
34 building which were manifestly arranged or designed for that use at the time of adoption or
35 amendment of this Chapter and would have been permitted by right, but the use shall not be
36 extended to occupy any land outside the building.
- 37 c) Reduction in Non-conforming Use. If any part of a non-conforming use is moved or reduced in size
38 by action of the owner, the part of the non-conforming use that is moved or reduced in size shall be
39 considered to be abandoned and any subsequent use shall conform to the requirements of this
40 Chapter.
- 41 d) Abandonment of a Non-conforming Use. If a non-conforming use is abandoned for any reason for a
42 period of more than twelve (12) calendar months, any subsequent use shall conform to the
43 requirements of this Chapter. Where nonconforming use status applies to a structure and premises

1 in combination, removal or destruction of the structure shall eliminate the nonconforming status of
2 the land.

- 3 e) Extensions. Upon request, the Zoning Administrator may approve an administrative extension of up
4 to an additional six (6) calendar months where a property owner can demonstrate a good faith
5 effort to sell or lease the premises to another, similar use prior to determining abandonment.
6 Requested extensions beyond the six (6) months must be approved by the Board of Zoning Appeals.

- 7 f) Change to Other Non-conforming Use. A non-conforming use may be changed to another non-
8 conforming use provided the Zoning Administrator makes all of the following determinations:

- 9 1) The proposed use shall be as compatible as, or more compatible with, the surrounding area
10 than the previous non-conforming use.
11 2) The proposed non-conforming use shall not be enlarged or increased, nor extended to
12 occupy a greater area of land than the previous non-conforming use, except as may
13 otherwise be permitted by this Article.
14 3) That appropriate conditions of approval and safeguards are provided that ensure
15 compliance with the intent and purpose of this Chapter.

16 1270.05 NON-CONFORMING SITES

17 This section applies when a change in use or a site plan is proposed on a site that does not conform with the
18 current ordinance standards,

- 19 a) New development or a replacement of the existing building(s). Where a new building is being
20 constructed, full compliance with the current ordinance standards shall be required.
21 b) Building Façade Renovations. Renovations to a building that does not include changes to the site,
22 shall not be required to be brought into compliance with the ordinance, except for conforming
23 features that impact safety such as building code compliance.
24 c) Change in use, expansion or reconstruction on part of the site. The Zoning Administrator may
25 review the extent of the non-compliance and may require full or partial compliance, or allow
26 certain non-conforming features to remain, based on the relationship to the extent of the change
27 proposed for the lot. In making such a determination, the Zoning Administrator may require an
28 upgrade to the site based upon the following standards.
29 1) Reasonable site improvements to be made in relation to the scale and construction cost of
30 the improvements
31 2) Improvements to the site are necessary to address safety-related site issues in accordance
32 with the building code, fire code and other safety regulations.
33 3) Existing parking and loading spaces do not meet the current requirements of Chapter 1254
34 – Parking. The Zoning Administrator may allow for continued use of parking and loading
35 spaces that do not meet the current required dimensions within all or a portion of the
36 existing parking area if the intensity of the use will not increase. The Zoning Administrator
37 may require improvements to the pavement and parking lot striping.
38 4) The closing, relocating, redesigning or reconfiguring of access points to allow shared access
39 with adjacent parcels for the purpose of reducing conflicts with traffic and non-motorized
40 travel along the public street. (For example, driveways closest to signalized intersections or
41 that have a poor offset spacing from driveways across the street may need to be closed,
42 relocated or restrict certain turning movements to improve traffic flow and reduce crash

- 1 potential). The Zoning Administrator may defer to the City Transportation Engineer for
2 required changes to access design. See Section 1254.01.12 - Ingress and Egress.
- 3 5) Improved landscaping, to the extent practical, is necessary to provide sufficient buffering
4 from less intensive adjacent uses, to improve the streetscape, mitigate the impact of non-
5 conforming buildings or structures, and reduce the flowrate and improve the quality of
6 stormwater runoff.
- 7 6) Conformance with the standards of section will result in reduced glare onto adjacent
8 residential or institutional properties and public rights-of-way.
- 9 7) Relocating and screening waste receptacles that are not fully conforming to current
10 placement and screening standards will reduce conflicts with vehicles, improve views from
11 the public street, and reduce impacts on adjacent residential property.

CHAPTER 1272 ADMINISTRATION, ENFORCEMENT AND PENALTY**1272.01 ENFORCEMENT BY PLANNING OFFICE, CODE COMPLIANCE OFFICE AND BUILDING SAFETY OFFICE; VIOLATIONS; REVIEWS**

- (a) The Planning Office, the Code Compliance Office and the Building Safety Office are hereby authorized and directed to enforce this Zoning Code, and for such purpose the authorized representatives of such Offices shall have the powers of a law enforcement officer. The Director of Economic Development and Planning, the Zoning Administrator, the Planning Manager and all code compliance officers are designated as the authorized City officials to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) as provided in Chapter 203 of these Codified Ordinances. As used in this section and throughout these Codified Ordinances, "Planning Office", "Code Compliance Office" and "Building Safety Office" means the Offices within the Department of Economic Development and Planning.
- (b) Whenever necessary to make an inspection to enforce any provision of this Zoning Code, or whenever the Planning Office, the Code Compliance Office and the Building Safety Office or their authorized representatives have reasonable cause to believe that there exists in any structure or upon any lot a violation of this Zoning Code, any authorized City representative may, if entry would not otherwise be lawful, enter the structure or upon the lot to inspect the same, after obtaining the consent of the owner or person having charge or control of the structure or lot, or after obtaining a warrant authorizing entry.
- (c) The Planning Office, the Code Compliance Office and the Building Safety Office and their authorized representatives charged with enforcement of this Zoning Code, acting in good faith and without malice in the discharge of their duties, shall be indemnified and held harmless by the City against any liability for any damage that may accrue to persons or property as the result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Planning Office, the Code Compliance Office and/or the Building Safety Office and/or any employee of the Planning Office, the Code Compliance Office or the Building Safety Office, because of such act or omission performed by the employee in the enforcement of any provision of this Zoning Code, shall be defended by legal counsel provided by the City.
- (d) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or lot, or cause or permit the same to be done, in violation of this Zoning Code.
- (e) Any building, structure or lot erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of this Zoning Code shall be a nuisance per se. The City may enjoin or abate any violation of any of the provisions of this Zoning Code by appropriate action.

1272.02 FEES

Fees required by this Zoning Code shall be set by resolution of Council.

1272.03 PENALTY; NOTICE TO ABATE VIOLATIONS; EQUITABLE REMEDIES

- a) Except as otherwise provided in this Zoning Code, whoever violates any of the provisions of this Zoning Code is responsible for a Municipal civil infraction and shall be subject to the civil fine provided in Section 203.06 of these Codified Ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Section 202.99(c)(2).

- 1 b) In all cases where penalties or forfeitures are provided for any act or omission, they shall be held to
- 2 apply to each and every such act or omission. Each and every day the violation exists shall be a
- 3 separate act or omission. In addition to the foregoing penalties, the City may enjoin or abate any
- 4 violation of any of the provisions of this Zoning Code by appropriate action.

CHAPTER 1274 BOARD OF ZONING APPEALS**1274.01 ESTABLISHMENT**

There is hereby established a Board of Zoning Appeals as provided in Section 5 of Public Act 207 of 1921, as amended, being M.C.L.A. 125.585.

1274.02 COMPOSITION; TERMS OF OFFICE; VACANCIES

- a) The Board of Zoning Appeals shall consist of nine members who are appointed by the Mayor with the advice and consent of Council. To be eligible for appointment, each person shall possess the qualifications required by the City Charter for holding office.
- b) After the effective date of this Zoning Code (Ordinance 1273, passed March 8, 2021), each subsequent appointment to the Board shall be for one, two or three years, respectively, so as to provide for the appointment of an equal number of members each year. Thereafter, each member shall be appointed for a full three-year term. The Planning Board shall annually appoint one of its members to the board of zoning appeals to serve as a voting member. The Chairperson of the Board of Zoning Appeals shall be elected annually by the membership of the Board.
- c) Members may be removed at the pleasure of the Mayor, with the advice and consent of Council. Appointments to fill vacancies shall be made upon the occurrence of the vacancy and each person so appointed shall take office immediately upon the confirmation of Council, to serve for the remainder of the unexpired term. If a vacancy is not filled within 60 days after the occurrence of the vacancy, Council shall appoint a committee of three of its members to act instead of the Mayor in the making of such appointment.

1274.03 POWERS AND DUTIES

- a) The Board of Zoning Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by, the Planning Office related to the Zoning Code.
- b) The Board of Zoning Appeals shall determine if a nonconformity may be restored or reconstructed pursuant to Section 1270.03 a)2).
- c) The duty to alter or change the Zoning Code or the Zoning Map is reserved to Council in the manner provided by law.
- d) The Board of Zoning Appeals shall hear and determine requests for variances in accordance with Section 1274.06.

1274.04 APPEAL PROCEDURES

- a) Either of the following may take an appeal to the Board of Zoning Appeals pursuant to the procedures described in this section:
 - 1) A person aggrieved by a Planning Office decision regarding this Zoning Code; or
 - 2) Any officer, department, board or bureau of the City aggrieved by a Planning Office decision regarding this Zoning Code.
- b) An applicant shall file with the Planning Office all of the following:
 - 1) A notice of appeal on forms provided by the Office. The notice of appeal shall specify the grounds for the appeal.
 - 2) A drawing which, by a decision of the Office, reasonably reflects the factors involved in the appeal.
- c) The Office shall, upon the proper filing of the notice of appeal, immediately transmit to the Board of Zoning Appeals all the papers constituting the record of the appeal.
- d) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Office certifies to the Board, after the notice of appeal is filed, that by reason of facts stated in an Office certification, a stay would, in the opinion of the Office, cause imminent peril to life or property. If

the Office so certifies, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by the Circuit Court by giving notice to the Office and showing due cause.

1274.05 HEARINGS

- a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal filed pursuant to Section 1274.04.
- b) The Board shall give notice of the appeal to the persons to whom real property within 300 feet of the lot in question is assessed, according to the records held in the office of the City Assessor. The board shall also give notice to the occupants of single-family and two-family dwellings within 300 feet of the lot. If the occupant's name is not known, the term "occupant" may be used.
- c) The notices described in subsection b) hereof shall be delivered personally or by mail at the address given in the last assessment roll.
- d) The Board shall decide an appeal within a reasonable time.
- e) At the hearing a party may appear in person, by agent or by attorney.
- f) The Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and shall make an order, requirement, decision or determination as in its opinion ought to be made on the lot, and to that end shall have all the powers of the officer or body from whom the appeal is taken.

1274.06 VARIANCES

- a) The Board of Zoning Appeals may authorize a variance described in subsection (b) hereof. For the purposes of this section, "variance" means a modification of the strict letter of this Zoning Code, granted when strict enforcement of this Zoning Code would cause practical difficulties or unnecessary hardship.
- b) The Board may grant variances for the following:
 - 1) Modification of the dimensional requirements as may be necessary to secure appropriate improvement of a lot, which lot is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification; and
 - 2) Modification of zoning requirements for additions or enlargements to existing structures, provided that all requirements for the particular use in the zoning district where such use is first permitted cannot be met without physical hardship pertaining to the shape of the lot and adjacent land uses or topography.
- c) When considering a variance described in subsection b) hereof, the Board shall consider the following criteria in determining if a practical difficulty or unnecessary hardship exists:
 - 1) If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.
 - 2) The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
 - 3) The hardship is not the result of his or her own actions.
 - 4) The hardship is peculiar to the lot of the applicant.
- d) The procedure for obtaining a variance in accordance with this section shall be the same as that outlined in Section 1274.04.
- e) In considering a proposed variance from this Zoning Code, the Board shall first, in each specific case, determine that practical difficulties or unnecessary hardships exist, according to the following standards:
 - 1) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.

- 2) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- 3) The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom, which nuisance might be noxious to the occupants of any other nearby permitted use, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- 4) The location and height of structures and joint driveways and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.

1274.07 VOTE REQUIRED

The concurring vote of a majority of the members serving on the Board of Zoning Appeals shall be necessary to reverse an order, requirement, decision or determination of the Planning Office or to decide in favor of the applicant a matter upon which it is required to pass under an ordinance, or to effect a variance of such ordinance.

1274.08 CONDITIONS FOR APPROVAL

The Board of Zoning Appeals, in acting favorably in connection with an appeal or variance, may attach any condition to its approval which it finds necessary to accomplish the reasonable application of the standards described in Section 1274.06 e).

1274.09 APPEALS TO CIRCUIT COURT

- a) The decision of the Board of Zoning Appeals shall be final. However, a person having an interest affected by this Zoning Code may appeal to the Circuit Court. Upon appeal, the Court shall review the record and decision of the Board to ensure that the decision:
 - 1) Complies with the Constitution and laws of the State;
 - 2) Is based upon proper procedure;
 - 3) Is supported by competent material and substantial evidence on the record; and
 - 4) Represents the reasonable exercise of discretion granted by law to the Board.
- b) If the Court finds that the record of the Board is inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board, the Court shall order further proceedings before the Board on conditions which the Court considers proper. The Board may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the Court.
- c) As a result of the review required by this section, the Court may affirm, reverse or modify the decision of the Board.

CHAPTER 1276 AMENDMENTS**1276.01 APPLICATION FOR AMENDMENT**

- a) An application to amend, supplement or change the regulations and boundaries of zoning districts may be made by any of the following persons:
- 1) A person having a legal or equitable interest in the property;
 - 2) The authorized representative of a person having a legal or equitable interest in the property; or
 - 3) Council.
- b) The application described in subsection a) hereof shall be made on forms provided by the Planning Office and shall be filed with the City Clerk and accompanied by the fees required by Council.
- c) Within one day after receipt of the application, the City Clerk shall refer the application to the Planning Board. Simultaneously, the City Clerk shall place the application on the agenda for the next Council meeting.
- d) After the City Clerk refers the application to the Board, the Board shall hold not less than one public hearing before submitting a final report to Council and shall provide notice of the public hearing as described in subsection e) hereof.
- e) Not less than 15 days' notice of the time and place of the public hearing described in this subsection shall first be published in an official paper or a paper of general circulation in the City. In addition, not less than 15 days' notice of the time and place of the public hearing shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected, if the public utility company or railroad registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained by the Planning Office. In addition, the Planning Office shall provide not less than 15 days' notice of a public hearing on a proposed amendment to a zoning district boundary to the owner of the property in question, as represented on the tax records held in the office of the City Assessor. A hearing shall be granted an interested person at the time and place specified on the notice.

1276.02 APPROVAL

- a) After the public hearing described in subsection 1276.01 d), the Board shall make its final report to Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Board to Council. Council shall hold at least one public hearing and shall provide notice of a public hearing as described in subsection 1276.01 e).
- b) Council shall not determine the boundaries of districts nor impose regulations until after the final report of the Board, nor shall this Zoning Code or the maps be amended after they are adopted in the first instance until the proposed amendment has been submitted to the Board and it has held at least one hearing and made a report. In either case, Council may adopt the ordinance and maps, with or without amendments, after receipt of the Board's report, or refer this Zoning Code and maps again to the Board for a further report.
- c) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to this Zoning Code which is the object of the petition shall be passed only by a two-thirds vote of Council. The protest petition shall be presented to Council before final legislative action on the amendment, and shall be signed by one of the following:
- 1) The owners of at least 20 percent of the area of land included in the proposed change; or
 - 2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

- 1 d) For purposes of subsection b) hereof, publicly owned land shall be excluded in calculating the 20
2 percent land area requirement.
- 3 e) Following the adoption of this Zoning Code and following the adoption of subsequent amendments
4 to this Zoning Code by Council, one notice of adoption shall be published by the City Clerk in a
5 newspaper of general circulation in the City within 15 days after adoption. The notice shall include
6 the following information:
- 7 1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning
8 ordinance regulating the development and use of land has been adopted by Council;"
 - 9 2) In the case of an amendment to an existing ordinance, either a summary of the regulatory
10 effect of the amendment, including the geographic area affected, or the text of the
11 amendment;
 - 12 3) The effective date of the ordinance; and
 - 13 4) The place and time where a copy of the ordinance may be purchased or inspected.

14 1276.03 CONDITIONAL REZONING

- 15 a) Intent. It is recognized that there are certain instances when it would be in the best interests of the
16 City, as well as advantageous to land owners seeking a change in zoning boundaries, if specific
17 conditions were to be proposed by the land owner as part of a request for a rezoning. It is the intent
18 of this section to provide a process consistent with MCL Section 125.3405 by which a land owner
19 seeking a rezoning may voluntarily propose conditions regarding the use and/or development of
20 land as part of the rezoning request.
- 21 b) Application and offer of conditions.
- 22 1) A land owner or a land owner's agent may voluntarily offer in writing conditions relating to
23 the use and/or development of land for which a rezoning is requested. This offer may be
24 made either at the time the application for rezoning is filed or at a later time during the
25 rezoning process.
 - 26 2) The required application and process for considering a rezoning request with conditions
27 shall be the same as that for considering rezoning requests made without any offer of
28 conditions, except as modified by the requirements of this section.
 - 29 3) The land owner's offer of conditions may not purport to authorize uses or developments not
30 permitted in the requested new zoning district.
 - 31 4) Any use or development proposed as part of an offer of conditions that would require a
32 special land use permit under the terms of this ordinance may only be commenced if a
33 special land use permit for such use or development is ultimately granted in accordance
34 with the provisions of this ordinance.
 - 35 5) Any use or development proposed as part of an offer of conditions that would require a
36 variance under the terms of this ordinance may only be commenced if a variance for such
37 use or development is ultimately granted by the zoning board of appeals in accordance with
38 the provisions of this ordinance.
 - 39 6) Any use or development proposed as part of an offer of conditions that would require site
40 plan approval under the terms of this ordinance may only be commenced if site plan
41 approval for such use or development is ultimately granted in accordance with the
42 provisions of this ordinance.
 - 43 7) The offer of conditions may be amended during the process of rezoning consideration
44 provided that any amended or additional conditions are offered voluntarily by the owner.
45 an owner may withdraw all or part of its offer of conditions any time prior to final rezoning
46 action of the City Council provided that, if such withdrawal occurs subsequent to the
47 Planning Board's public hearing on the original rezoning request, then the rezoning

- 1 application shall be referred to the Planning Board for a new public hearing with
2 appropriate notice and a new recommendation.
- 3 c) Planning Board review. The Planning Board, after public hearing and consideration of the factors
4 for rezoning set forth in this ordinance, may recommend approval, approval with recommended
5 changes or denial of the rezoning; provided, however, that any recommended changes to the offer
6 of conditions are acceptable to and thereafter offered by the land owner.
- 7 d) City Council review. After receipt of the Planning Board's recommendation, the City Council shall
8 deliberate upon the requested rezoning and may approve or deny the conditional rezoning request.
9 The City Council's deliberations shall include, but not be limited to a consideration of the factors for
10 rezoning set forth in this ordinance.
- 11 e) Approval.
- 12 1) If City Council finds the rezoning request and offer of conditions acceptable, the offered
13 conditions shall be incorporated into a formal written statement of conditions acceptable to
14 the land owner and conforming in form to the provisions of this ordinance. The statement of
15 conditions shall be incorporated by attachment or otherwise as an inseparable part of the
16 ordinance adopted by City Council to accomplish the requested rezoning.
- 17 2) The statement of conditions shall:
- 18 (a) Contain a legal description of the land to which it pertains.
- 19 (b) Contain a statement acknowledging that the statement of conditions runs with the
20 land and is binding upon successor owners of the land.
- 21 (c) Incorporate by attachment or reference any diagram, plans or other documents
22 submitted or approved by the land owner that are necessary to illustrate the
23 implementation of the statement of conditions. If any such documents are
24 incorporated by reference, the reference shall specify where the document may be
25 examined.
- 26 (d) Contain the notarized signatures of all of the land owners of the subject land
27 preceded by a statement attesting to the fact that they voluntarily offer and consent
28 to the provisions contained within the statement of conditions.
- 29 3) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning
30 classification along with a designation that the land was rezoned with a statement of
31 conditions. The City Clerk shall maintain a listing of all lands rezoned with a statement of
32 conditions.
- 33 4) The City Council shall have authority to require that the statement of conditions be
34 recorded with the register of deeds if it determines that, given the nature of the conditions,
35 the recording of such a document would be of material benefit to the City or to any
36 subsequent owner of the land.
- 37 5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to
38 all of the requirements regulating its use and development as contained in the statement of
39 conditions.
- 40 f) Compliance with conditions.
- 41 1) Any person who establishes a development or commences a use upon land that has been
42 rezoned with conditions shall continuously operate and maintain the development or use in
43 compliance with all of the conditions set forth in the statement of conditions. Any failure to
44 comply with a condition contained within the statement of conditions shall constitute a
45 violation of this zoning ordinance and be punishable accordingly. Additionally, any such
46 violation shall be deemed a nuisance per se and subject to judicial abatement as provided by
47 law.
- 48 2) No permit or approval shall be granted under this ordinance for any use or development
49 that is contrary to a statement of conditions.

- 1 g) Time period for establishing development or use. Unless another time period is specified in the
2 ordinance rezoning the subject land, the approved development and/or use of the land pursuant to
3 building and other required permits must be commenced upon the land within 18 months (or
4 shorter if specified) after the rezoning takes effect and thereafter proceed diligently to completion.
5 This time limitation may, upon written request, be extended by the City Council if: [1] It is
6 demonstrated to the City Council's satisfaction that there is a strong likelihood that the
7 development and/or use will commence within the period of extension and proceed diligently
8 thereafter to completion and [2] the City Council finds that there has not been a change in
9 circumstances that would render the zoning with statement of conditions incompatible with other
10 zones and uses in the surrounding area or otherwise renders it inconsistent with zoning policy.
- 11 h) Reversion of zoning. If approved development and/or use of the rezoned land does not occur within
12 the time frame specified under subsection g) above, then the land shall revert to its former zoning
13 classification as set forth in MCL § 125.3405.
- 14 i) Subsequent rezoning of land. When land that is rezoned with a statement of conditions is thereafter
15 rezoned to a different zoning classification or to the same zoning classification but with a different
16 or no statement of conditions, whether as a result of a reversion of zoning or otherwise, the
17 statement of conditions imposed under the former zoning classification shall cease to be in effect.
18 Upon the land owner's written request, the City Clerk shall record with the register of deeds a
19 notice that the statement of conditions is no longer in effect.
- 20 j) Amendment of conditions when extension requested. If a conditional zoning has been approved
21 and the applicant requests an extension of time for commencement of the development, the City
22 Council may add to, delete or modify the conditions in the previously approved statement of
23 conditions as part of its decision to grant the requested extension so long as the changes are
24 proposed by the developer.
- 25 k) City's right to rezone. Nothing in the statement of conditions nor in the provisions of this section
26 shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a
27 statement of conditions to another zoning classification. Any rezoning shall be conducted in
28 compliance with City Ordinances and City Charter.
- 29 l) Failure to offer conditions. The City shall not require a land owner to offer conditions as a
30 requirement for rezoning. The lack of an offer of conditions shall not affect a land owner's rights
31 under this ordinance.

32
33 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with
34 the provisions hereof are hereby repealed in their entirety and shall be null and void and of no effect.

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

38 Section 4. All applications for site plan approval or zoning classification amendment made prior to the
39 effective date of this ordinance will proceed under the existing zoning ordinance and map.

40 Section 5. This ordinance shall take effect on December 1, 2021, which is more than thirty days after
41 passage, and pursuant to Section 3-307 of the City Charter, this Chapter shall expire November 31, 2031



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WE MADE IT TO THE TOP 5!



**CITY OF LANSING
PUBLIC ACCURACY TEST
FOR THE TUESDAY, NOVEMBER 2, 2021 ELECTION**

Notice is hereby given that the public test of the program, which will be used for tabulating the results of the Election to be held Tuesday, November 2, 2021 in the City of Lansing, will be conducted at the Lansing City Clerk's Election Unit located at the South Washington Office Complex at 2500 South Washington Avenue on Tuesday, October 26, 2021 at 2:00 p.m.

The public accuracy test is conducted to determine that the program used to tabulate the results of the election counts the votes in the manner prescribed by law.

ABSENT VOTER BALLOTS

Any registered voter may request an Absent Voter Ballot. No reason required.

We must have a signed application to issue an Absent Voter Ballot. Applications are available at www.lansingvotes.com or by calling 517-483-4131.

The Lansing City Clerk's Office, 124 W. Michigan Ave., 9th Floor, will be open Monday thru Friday from 8 a.m. to 5 p.m. to register and issue absentee ballots to qualified electors.

The Lansing City Clerk's Election Unit, 2500 S. Washington Ave (rear entrance), will be open:

- Weekdays from 8 a.m. to 5 p.m.;
 - Wednesdays from 8 a.m. to 7 p.m.;
 - Saturday, October 30, 2021 from 11 a.m. to 4 p.m.;
 - Sunday, October 31, 2021 from 11 a.m. to 4 p.m.
- to register voters and to issue absentee ballots to qualified electors.

Monday, November 1, 2021 at 4:00 pm is the deadline to request an absentee ballot except for those who register to vote on Election Day. Ballots issued on Monday, November 1, 2021 must be requested and voted in person at the Lansing City Clerk's Office or the Lansing City Clerk's Election Unit.

Those registering to vote on Election Day, Tuesday, November 2, 2021 are eligible to receive an absent voter ballot at the Lansing City Clerk's Office or the Lansing City Clerk's Election Unit.

Chris Swope, MMC/MIPMC

Lansing City Clerk

Phone: 517-483-4131

Email: City.Clerk@lansingmi.gov

Website: www.lansingvotes.com

www.facebook.com/LansingClerkSwope

CP#21-237

**CHARTER TOWNSHIP OF LANSING
2022 BUDGET HEARING
FOR THE GENERAL FUND AND
SPECIAL FUND BUDGETS**

NOTICE IS HEREBY GIVEN that the Annual Budget Hearing for the 2022 General Fund Budget and for any Special Funds will be held on Tuesday, October 26, 2020 at 7:00 p.m.

The Property Tax Millage Rate of 8.2634 Mills which is proposed to be levied for 2022 General Fund as well as .4857 Mills for the repair and maintenance of sidewalks and roads will be the subject of this Budget Hearing and will support the proposed 2022 Budget.

This hearing will afford citizens the right to present oral and written comments and to ask questions on the proposed uses.

A copy of the 2022 proposed budgets will be available to the public for inspection during office hours from 8:00 a.m. until 5:00 p.m. Mondays thru Fridays in the office of the Township

NOTICE OF HEARING

**CHARTER TOWNSHIP OF LANSING
INGHAM COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
2021 POLICE AND FIRE PROTECTION SPECIAL ASSESSMENT DISTRICT**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the 2021 Police and Fire Protection Special Assessment District, and any other interested persons:

All lots and parcels of land within Lansing Township

PLEASE TAKE NOTICE that the Township Supervisor, or a designee thereof, has reported to the Township Board and filed in the office of the Township Clerk for public examination a special assessment roll related to all properties within the 2021 Police and Fire Protection Special Assessment District, and that are benefitted by the proposed police, fire, and emergency services improvement project generally described as follows:

one or more ambulances; fire engines/vehicles/apparatus; building/facility upgrades, improvements and/or repairs; computer hardware, software, and related technology and equipment; police patrol vehicles and related equipment; cameras, recording equipment, and related police and/or fire equipment; police and/or fire operating costs; and other police and/or fire equipment, apparatus, and operation costs (the "Project")

The special assessment roll has been prepared for the purpose of assessing the costs of Project within the 2021 Police and Fire Protection Special Assessment District, as more particularly shown on the plans and estimates of costs and expenses for the Project that are on file and available for public examination with the Township Clerk at the Township Administration Building, 3200 West Michigan Avenue, Lansing, Michigan. The total cost of

AFFIDAVIT OF PUBLICATION

I, Lee Purdy, am a resident of Lansing, County of Ingham, State of Michigan, and do hereby certify, swear or affirm, that I am competent to give the following declaration based on my personal knowledge, unless otherwise stated, and that the following facts are true and correct to the best of my knowledge: That the attached advertisement - CP#21-234 – Adopted Ordinance # 1294 - appeared Wednesday, October 20, 2021, and that City Pulse satisfies the requirements of 1963 PA 247 MCL 691.1051.b

WITNESS my signature this 20th day of October 2021



Signature of Declarer

State of Michigan
County of Ingham

This instrument was acknowledged before me on October 20, 2021

By Lee Purdy



Suzi Smith, Notary Public

My commission expires February 26, 2025

RESOLUTION #2021-204

BY THE COMMITTEE OF THE WHOLE
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, November 8, 2021, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, 124 W. Michigan Avenue, Lansing Michigan, for the purpose of:

Approving or opposing the adoption of a form-based code and zoning map that would repeal and replace the current zoning ordinance/map, being Part 12, Title 6 of the City of Lansing Codified Ordinances in its entirety, except for Chapter 1300 – Marihuana Operations.



Chris Swope

Lansing City Clerk

October 7, 2021

Members of the Lansing City Council
10th Floor City Hall
Lansing, MI 48933

Dear Councilmembers:

The Minutes from the Meetings of the following Boards, Commissions, and Authorities of the City of Lansing were placed on file in the City Clerk's Office and are available for review in the City Clerk's Office and at the following website:
<http://lansingmi.gov/AgendaCenter>

BOARD NAME

DATE OF MEETING

September Demolition Board	August 21, 201
September 2021 Board of Police Commissioners	August 21, 2021
SSCIA Corridor Improvement Authority Informational	August 23, 2021
September Demolition Board	August 23, 2021
HRCS Advisory Board	August 28, 2021
Board of Water and Light Board of Commissioners	July 27, 2021
Joint Retirement System Board	August 17, 2021

If my staff or I can provide further assistance or information relative to the filing of these minutes, please contact us at 483-4131.

Sincerely,

Chris Swope, MMC/MiPMC
Lansing City Clerk

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 □ 517-377-0068 FAX
www.lansingmi.gov/clerk □ city.clerk@lansingmi.gov

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Clerk Chris Swope submitted a recommended list of dates for the Lansing City Council meetings for 2022 to the Lansing City Council; and

WHEREAS, the Committee of the Whole will meet at 5:30 p.m. or at another time or date as determined by the Council President, before all Monday Council meetings listed below; and

WHEREAS, the Committee of the Whole will meet at 5:30 p.m. on Monday, January 3, 2022; and

WHEREAS, the Lansing City Charter requires the City Council to meet at least 26 times each year; and

WHEREAS, the Committee of the Whole has reviewed the City Clerk's recommendations for the meeting dates for 2022.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the Lansing City Council meeting dates for 2022 as follows:

Monday, January 3, 2022 – Annual Organizational - 1st meeting of year
Monday, January 10, 2022
Monday, January 24, 2022
Monday, February 7, 2022
Monday, February 21, 2022 – Board List - prior to first meeting in March
Monday, March 7, 2022
Monday, March 21, 2022 – Mayor's Budget - on or before 4th Monday in March
Monday, April 11, 2022
Monday, April 25, 2022 – Mayor's Board Appointments - prior to first meeting in May
Monday, May 2, 2022 – Budget Public Hearing
Monday, May 9, 2022
Monday, May 16, 2022 – Adopt Budget - not later than 3rd Monday in May
Monday, June 6, 2022 – Council Act on Appointments - at or before 1st meeting in June
Monday, June 20, 2022
Monday, July 11, 2022
Monday, July 18, 2022
Monday, August 8, 2022
Monday, August 22, 2022
Monday, September 12, 2022
Monday, September 19, 2022 – Budget Priorities - no later than October 1
Monday, October 10, 2022
Monday, October 17, 2022
Monday, November 7, 2022
Monday, November 14, 2022

Monday, December 5, 2022
Monday, December 12, 2022

All meetings will be on Monday at 7:00 p.m. in the Lansing City Council Chambers,
10th Floor City Hall.

BE IT FURTHER RESOLVED that the Council shall meet as a Committee of the Whole
on Monday, January 3, 2022, at 5:30 p.m.



For Immediate Release

October 4, 2021

Media Contacts:

Chris Swope: (517) 230-1566 cell

**Lansing City Election Commission to review
Clerk Swope's proposed Ward Reapportionment Map for City**

Lansing – Lansing City Clerk Chris Swope has submitted a reapportionment plan to the Election Commission that will move three neighborhoods to a different ward in order to put voters closer to a bigger polling place and to reduce the difference in the number of voters between the four wards of the City.

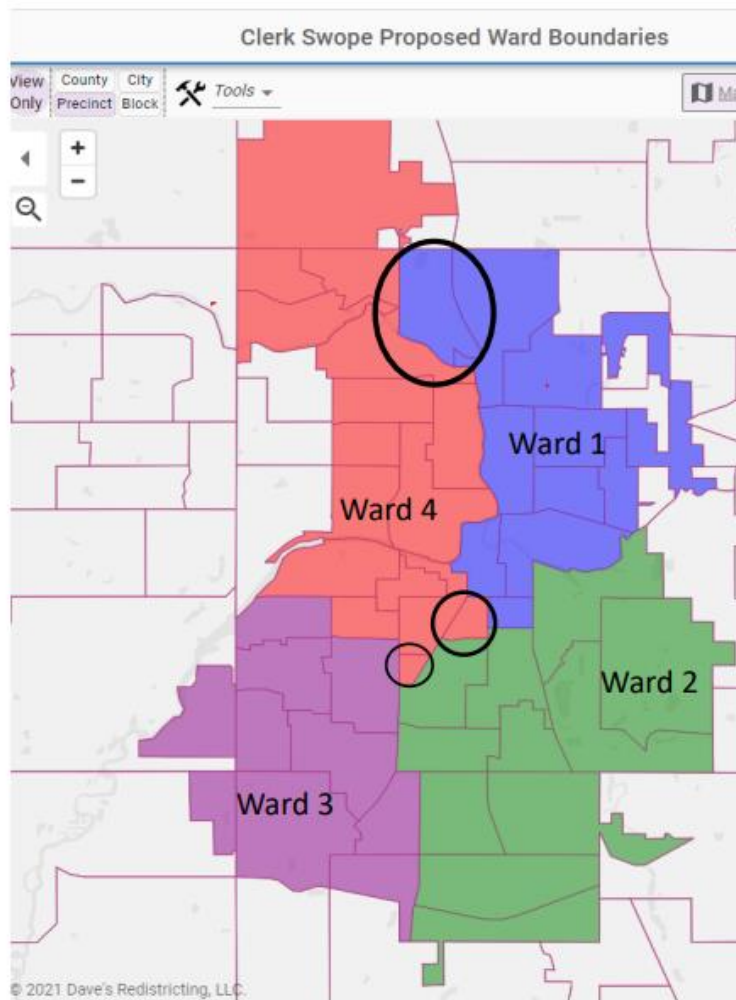
The public is welcome to come to the Election Commission Meeting on Tuesday at 10 a.m. at the Clerk's Election Unit, located at 2500 South Washington, to provide their input on the proposed map, which is available as part of the Election Commission packet online at <https://mi-lansing3.civicplus.pro/651/Election-Commission>.

Out of almost 119,000 residents in the City, less than 3000 would be impacted by these proposed changes, which also must be approved by City Council and would not go into effect until 2022.

"Due to the expanding population of voters in the Second Ward, I am glad that I am able to accommodate the request of the neighborhoods across the street and south of the South Washington Election Unit to utilize the precinct closest to them", said Chris Swope. "On the north side, voters who live in the neighborhood off Turner Street will be going to Gier Community Center, which has a gym that can accommodate more voters. I welcome public input on this map as it moves through the legislative process."

###

Note: Proposed Map is on the next page and online at <https://davesredistricting.org/join/af521761-680a-4804-af00-3cd26c1e9891>



Lansing City Ward Reapportionment Proposal

	Current for Nov. 2, 2021	Proposed for 2022	Adjustment if Approved
Ward 1 NE	26,491	26,918	427
Ward 2 SE	29,725	29,725	0
Ward 3 SW	28,514	28,110	-404
Ward 4 NW	27,900	27,877	-23
Total # of Voters	112,630		
Average # of Voters Per Ward	28,158		

Note: the Proposed Map would reduce the difference in # of voters between the Biggest Ward and Smallest Ward in proposed map by over 400 voters

Proposed Map is available at
<https://davesredistricting.org/join/af521761-680a-4804-af00-3cd26c1e9891>

RESOLUTION # _____

**BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING**

WHEREAS, the Home Rule City Act requires the City Council to apportion the wards following the official release of the decennial census results; and

WHEREAS, pursuant to the Home Rule City Act, the changes in ward boundaries by law will not take effect for any election occurring within four months of the official release of the census figures of each United States decennial census and therefore will not be in effect for the 2021 City Election; and

WHEREAS, Lansing City Clerk Chris Swope has submitted an apportionment plan for the City of Lansing that was approved by the Election Commission on October 5, 2021 pursuant to the City Charter; and

WHEREAS, this plan will move three geographic areas to a different ward in order to achieve a more equal population balance between the four wards; and

WHEREAS, less than 3000 City residents would be impacted by these changes, and

WHEREAS; the boundary changes would allow for most of the impacted voters to have a polling place closer to their homes; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following Ward boundary changes:

- The area beginning at the intersection of W. Sheridan Rd and Turner St., thence west to N. Martin Luther King Jr. Blvd., thence south to Grand River waterway, thence southeast to N. Grand River Ave., thence north W. North St., thence southeast to East North St., thence east to Turner Rd., thence north and northwest along Turner Rd. to the point of beginning shall be moved from Ward 4 to Ward 1.
- The area beginning at the intersection of E Mount Hope Ave. and S. Cedar St., thence west to S. Washington Ave., thence southwest to W. Greenlawn Ave. thence east continuing onto E. Greenlawn Ave to S. Cedar St, thence north to the point of beginning shall be moved from Ward 1 to Ward 4.
- The area beginning at the intersection of S. Washington Ave. and Dunlap St., thence west to S. Martin Luther King Jr. Blvd, thence south to W. Holmes Rd., thence east to S. Washington Ave, thence northeast to the point of beginning shall be moved from Ward 3 to Ward 4.

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, for the past twenty-five years, the Capital Area Response Effort (CARE) Programs has served the City of Lansing in ending intimate partner violence in Ingham County; and

WHEREAS, the CARE Program provides empathic listening to the victims; assesses a victim's risk of further injury or homicide; provides education on power and control dynamics; assists with personal safety planning; helps to arrange safe shelter; provides advocacy with legal and civil court proceedings; assists with Victims' Rights Compensation medical forms; provide free 911 phones; provides transportation to local community agencies; accesses other community resources available to victims; dispenses emergency personal need items; and

WHEREAS, drawing as necessary on community referrals, the CARE program acts as a post-arrest response team responding to victims of intimate partner violence in Lansing, East Lansing, Lansing and Meridian Townships and Michigan State University; and

WHEREAS, the CARE Program utilizes 3 full-time staff and approximately 30 volunteers (on-call 7-days a week from 0800 – 0100 hours) via Tri-county dispatch center; and

WHEREAS, the CARE Program also responds to victims of non-arrest intimate partner violence via phone contracts and/or of dispatched by local hospitals; and

WHEREAS, in partnership with Ending Violent Encounters (EVE, Inc.) and MSU Safe Place shelters, the CARE Program provides twenty hours volunteer training sessions, three times a year and 60 days probation period for CARE volunteers. Volunteer training is geared specifically to domestic violence laws, victim's rights, community resources, empathic listening, crisis intervention and safety planning; and

WHEREAS, via numerous agencies and organizations, the CARE Program also promotes better community awareness of intimate partner violence by providing community education and training; and

WHEREAS, the CARE Program is funded for 10/01/2021 – 09/30/2022 by a renewable pass through federal Domestic Violence Services (DVS) Grant of \$164,897; and

WHEREAS, there is no local match requirement.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City council approves acceptance of the DVS-CARE grant from the Michigan Department of Human Services in the amount of \$164,897 for the period October 1, 2021, through September 30, 2022.

Grant Agreement Between
Michigan Department of Health and Human Services
hereinafter referred to as the "Department"
and
Lansing City
124 W. Michigan Ave.
Lansing MI 48933 2500
Federal I.D.#: 38-6004628, DUNS#: 069835882
hereinafter referred to as the "Grantee"
for
Domestic Violence Services - 2022
Part 1

1. Period of Agreement:

This Agreement will commence on the date of the Grantee's signature or October 1, 2021, whichever is later, and continue through September 30, 2022. No activity will be performed and no costs to the state will be incurred prior to October 1, 2021 or the effective date of the Agreement, whichever is later. Throughout the Agreement, the date of the Grantee's signature or October 1, 2021, whichever is later, shall be referred to as the start date. This Agreement is in full force and effect for the period specified.

2. Program Budget and Agreement Amount:

A. Agreement Amount

The total amount of this Agreement is \$164,897.00. Under the terms of this Agreement, the Department will provide funding not to exceed \$164,897.00. The source of funding provided by the Department shall be followed as described in Attachment A of this Agreement, which is part of this Agreement.

B. Equipment Purchases and Title

Any Grantee equipment purchases supported in whole or in part through this Agreement must be listed in the supporting Equipment Inventory Schedule which should be attached to the Final Financial Status Report. Equipment means tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Title to items having a unit acquisition cost of less than \$5,000 shall vest with the Grantee upon acquisition. The Department reserves the right to retain or transfer the title to all items of equipment having a unit acquisition cost of \$5,000 or more, to the extent that the Department's proportionate interest in such equipment supports such retention or transfer of title.

C. Deviation Allowance

A deviation allowance modifying an established budget category by \$10,000 or 15%, whichever is greater, is permissible without prior written approval of the Department. Any modification or deviations in excess of this provision, including any adjustment to the total amount of this Agreement, must be made in writing and executed by all parties through an amendment to this Agreement before the modifications can be implemented. This deviation allowance does not authorize new categories, subcontracts, equipment items or positions not shown in the attached Program Budget Summary and supporting detail schedules.

3. Purpose:

The purpose of this Master Agreement is to provide funding for community health and human services.

4. Statement of Work:

The Grantee agrees to undertake, perform and complete the services described in the Attachments, which are part of this Agreement.

5. Financial Requirements:

The financial requirements shall be followed as described in Part 2 of this Agreement and Attachments, which are part of this Agreement.

6. Performance/Progress Report Requirements:

The progress reporting methods shall be followed as described in Part 2 and Attachments, which are part of this Agreement.

7. General Provisions:

The Grantee agrees to comply with the General Provisions outlined in Part 2 and Attachments as applicable, which are part of this Agreement.

8. Administration of the Agreement:

The persons acting for the Department in administering this Agreement (hereinafter referred to as the Contract Manager) is:

MDHHS Grants Division

Email: MDHHS-EGrAMS-HELP@michigan.gov

9. Grantee's Financial Contact for the Agreement:

The financial contact acting on behalf of the Grantee for this Agreement is:

Joe McClure

Financial Officer

Name

Title

joe.mcclure@lansingmi.gov

(517) 483-4808

E-Mail Address

Telephone No.

10. Special Conditions:

- A. This Agreement is valid upon approval and execution by the Department which may be contingent upon approval by the State Administrative Board and signature by the Grantee.
- B. This Agreement is conditionally approved subject to and contingent upon the availability of funds.
- C. Based on the availability of funding, the Department may specify the amount of funding the Grantee may expend during a specific time period within the Agreement Period.
- D. The Department will not assume any responsibility or liability for costs incurred by the Grantee prior to the start date of this Agreement.
- E. The Grantee is required by 2004 PA 533 to receive payments by electronic funds transfer.

11. Special Certification:

The individual or officer signing this Agreement certifies by their signature that they are authorized to sign this Agreement on behalf of the responsible governing board, official or Grantee.

12. Signature Section:

FOR the GRANTEE
Lansing City

Ellery Sosebee

Chief Operating Officer

Name

Title

Date

For the Michigan Department of Health and Human Services

Christine H. Sanches

09/20/2021

Christine H. Sanches, Director
Bureau of Grants and Purchasing

Date

Part 2
General Provisions

I. Responsibilities - Grantee

The Grantee, in accordance with the general purposes and objectives of this Agreement shall:

A. Publication Rights

1. Copyright materials only when the Grantee exclusively develops books, films or other such copyrightable materials through activities supported by this Agreement. The copyrighted materials cannot include recipient information or personal identification data. Grantee provides the Department a royalty-free, non-exclusive and irrevocable license to reproduce, publish and use such materials copyrighted by the Grantee and authorizes others to reproduce and use such materials.
2. Obtain prior written authorization from the Department's Office of Communications for any materials copyrighted by the Grantee or modifications bearing acknowledgment of the Department's name prior to reproduction and use of such materials. The state of Michigan may modify the material copyrighted by the Grantee and may combine it with other copyrightable intellectual property to form a derivative work. The state of Michigan will own and hold all copyright and other intellectual property rights in any such derivative work, excluding any rights or interest granted in this Agreement to the Grantee. If the Grantee ceases to conduct business for any reason or ceases to support the copyrightable materials developed under this Agreement, the state of Michigan has the right to convert its licenses into transferable licenses to the extent consistent with any applicable obligations the Grantee has.
3. Obtain written authorization, at least 14 days in advance, from the Department's Office of Communications and give recognition to the Department in any and all publications, papers and presentations arising from the Agreement activities.
4. Notify the Department's Bureau of Grants and Purchasing 30 days before applying to register a copyright with the U.S. Copyright Office. The Grantee must submit an annual report for all copyrighted materials developed by the Grantee through activities supported by this Agreement and must submit a final invention statement and certification within 60 days of the end of the Agreement period.
5. Not make any media releases related to this Agreement, without prior written authorization from the Department's Office of Communications.

B. Fees

1. Guarantee that any claims made to the Department under this Agreement shall not be financed by any sources other than the Department under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to budget the additional source of funds and reflect the source of funding on the Financial Status Report.
2. Make reasonable efforts to collect 1st and 3rd party fees, where applicable, and report those collections on the Financial Status Report. Any under recoveries of otherwise available fees resulting from failure to bill for eligible activities will be excluded from reimbursable expenditures.

C. Grant Program Operation

Provide the necessary administrative, professional and technical staff for operation of the grant program. The Grantee must obtain and maintain all necessary licenses, permits or other authorizations necessary for the performance of this Agreement.

Use an accounting system that can identify and account for the funds received from each separate grant, regardless of funding source, and assure that grant funds are not commingled.

D. Reporting

Utilize all report forms and reporting formats required by the Department at the start date of this Agreement and provide the Department with timely review and commentary on any new report forms and reporting formats proposed for issuance thereafter.

E. Record Maintenance/Retention

Maintain adequate program and fiscal records and files, including source documentation, to support program activities and all expenditures made under the terms of this Agreement, as required. The Grantee must assure that all terms of the Agreement will be appropriately adhered to and that records and detailed documentation for the grant project or grant program identified in this Agreement will be maintained for a period of not less than four years from the date of termination, the date of submission of the final expenditure report or until litigation and audit findings have been resolved. This section applies to the Grantee, any parent, affiliate, or subsidiary organization of the Grantee and any subcontractor that performs activities in connection with this Agreement.

F. Authorized Access

1. Permit within 10 calendar days of providing notification and at reasonable times, access by authorized representatives of the Department, Federal Grantor Agency, Inspector Generals, Comptroller General of the United States and State Auditor General, or any of their duly authorized representatives, to records, papers, files, documentation

and personnel related to this Agreement, to the extent authorized by applicable state or federal law, rule or regulation.

2. Acknowledge the rights of access in this section are not limited to the required retention period. The rights of access will last as long as the records are retained.
3. Cooperate and provide reasonable assistance to authorized representatives of the Department and others when those individuals have access to the Grantee's grant records.

G. Audits

This section only applies to Grantees designated as subrecipients by the Department (see Part 1, Section II.A.).

1. Required Audit or Audit Exemption Notice

Submit to the Department either a Single Audit, Financial Related Audit or Audit Exemption Notice as described below. A Financial Related Audit is applicable to for-profit Grantees that are designated as subrecipients. If submitting a Single Audit or Financial Related Audit, Grantees must also submit a corrective action plan prepared in accordance with 2 CFR 200.511(c) for any audit findings that impact the Department funded programs, and management letter (if issued) with a corrective action plan.

a. Single Audit

Grantees that are a state, local government or non-profit organization that expend \$750,000 or more in federal awards during the Grantee's fiscal year must submit a Single Audit to the Department, regardless of the amount of funding received from the Department. The Single Audit must comply with the requirements of 2 CFR 200 Subpart F. The Single Audit reporting package must include all components described in 2 CFR 200.512 (c).

b. Financial Related Audit

Grantees that are for-profit organizations that expend \$750,000 or more in federal awards during the Grantee's fiscal year must submit either a financial related audit prepared in accordance with Government Auditing Standards relating to all federal awards, or an audit that meets the requirements contained in 2 CFR 200 Subpart F, if required by the federal awarding agency.

c. Audit Exemption Notice

Grantees exempt from the Single Audit and Financial Related Audit requirements (a. and b. above) must submit an Audit Exemption Notice that certifies these exemptions. The template Audit Exemption Notice and further instructions are

available at State of Michigan - MDHHS by selecting Inside MDHHS – MDHHS Audit - Audit Reporting.

2. Financial Statement Audit

Grantees exempt from the Single Audit and Financial Related Audit requirements (that are required to submit an Audit Exemption Notice as described above) must submit to the Department a Financial Statement Audit prepared in accordance with generally accepted auditing standards if the audit includes disclosures that may negatively impact the Department funded programs including but not limited to fraud, going concern uncertainties, financial statement misstatements and violations of the Agreement requirements. If submitting a Financial Statement Audit, Grantees must also submit a corrective action plan for any audit findings that impact the Department funded programs.

3. Due Date and Where to Send

The required audit and any other required submissions (i.e., corrective action plan, and management letter with a corrective action plan), and/or Audit Exemption Notice must be submitted to the Department within nine months of the end of the Grantee's fiscal year by e-mail to MDHHS-AuditReports@michigan.gov. Single Audit reports must be submitted simultaneously to the Department and Federal Audit Clearinghouse, in accordance with 2 CFR 200.512(a). The required submissions must be assembled in PDF files and compatible with Adobe Acrobat (read only). The subject line must state the agency name and fiscal year end. The Department reserves the right to request a hard copy of the audit materials if for any reason the electronic submission process is not successful.

4. Penalty

a. Delinquent Single Audit or Financial Related Audit

If the Grantee does not submit the required Single Audit or Financial Related Audit, including any management letter and applicable corrective action plan(s) within nine months after the end of the Grantee's fiscal year, the Department may withhold from any payment from the Department to the Grantee an amount equal to five percent of the audit year's grant funding (not to exceed \$200,000) until the required filing is received by the Department. The Department may retain the amount withheld if the Grantee is more than 120 days delinquent in meeting the filing requirements. The Department may terminate any current grant agreements if the Grantee is more than 180 days delinquent in meeting the filing requirements.

b. Delinquent Audit Exemption Notice

Failure to submit the Audit Exemption Notice, when required, may result in withholding from any payment from Department to the Grantee an amount equal to one percent of the audit year's grant funding until the Audit Exemption Notice is received.

5. Other Audits

The Department or federal agencies may also conduct or arrange for agreed upon procedures or additional audits to meet their needs.

H. Subrecipient/Contractor Monitoring

When passing federal funds through to a subrecipient (if the Agreement does not prohibit the passing of federal funds through to a subrecipient), the Grantee must:

1. Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the information required by 2 CFR 200.332.
2. Ensure the subrecipient complies with all the requirements of this Agreement.
3. Evaluate each subrecipient's risk for noncompliance as required by 2 CFR 200.332(b).
4. Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations and the terms and conditions of the subawards; that subaward performance goals are achieved; and that all monitoring requirements of 2 CFR 200.332(d) are met including reviewing financial and programmatic reports, following up on corrective actions and issuing management decisions for audit findings.
5. Verify that every subrecipient is audited as required by 2 CFR 200 Subpart F.

Develop a subrecipient monitoring plan that addresses the above requirements and provides reasonable assurance that the subrecipient administers federal awards in compliance with laws, regulations and the provisions of this Agreement, and that performance goals are achieved. The subrecipient monitoring plan should include a risk-based assessment to determine the level of oversight and monitoring activities, such as reviewing financial and performance reports, performing site visits and maintaining regular contact with subrecipients.

Establish requirements to ensure compliance for for-profit subrecipients as required by 2 CFR 200.501(h), as applicable.

Ensure that transactions with subrecipients/contractors comply with laws, regulations and provisions of contracts or grant agreements in compliance with 2 CFR 200.501(h), as applicable.

I. Notification of Modifications

Provide timely notification to the Department, in writing, of any action by its governing board or any other funding source that would require or result in significant modification in the provision of activities, funding or compliance with operational procedures.

J. Software Compliance

Ensure software compliance and compatibility with the Department's data systems for activities provided under this Agreement, including but not limited to stored data, databases and interfaces for the production of work products and reports. All required data under this Agreement shall be provided in an accurate and timely manner without interruption, failure or errors due to the inaccuracy of the Grantee's business operations for processing data. All information systems, electronic or hard copy, that contain state or federal data must be protected from unauthorized access.

K. Human Subjects

Comply with Federal Policy for the Protection of Human Subjects, 45 CFR 46. The Grantee agrees that prior to the initiation of the research, the Grantee will submit Institutional Review Board (IRB) application material for all research involving human subjects, which is conducted in programs sponsored by the Department or in programs which receive funding from or through the state of Michigan, to the Department's IRB for review and approval, or the IRB application and approval materials for acceptance of the review of another IRB. All such research must be approved by a federally assured IRB, but the Department's IRB can only accept the review and approval of another institution's IRB under a formally approved interdepartmental agreement. The manner of the review will be agreed upon between the Department's IRB Chairperson and the Grantee's authorized official.

L. Mandatory Disclosures

1. Disclose to the Department in writing within 14 days of receiving notice of any litigation, investigation, arbitration or other proceeding (collectively, "Proceeding") involving Grantee, a subcontractor or an officer or director of Grantee or subcontractor that arises during the term of this Agreement including:
 - a. All violations of federal and state criminal law involving fraud, bribery, or gratuity violations potentially affecting the Agreement.
 - b. A criminal Proceeding;
 - c. A parole or probation Proceeding;
 - d. A Proceeding under the Sarbanes-Oxley Act;
 - e. A civil Proceeding involving:
 1. A claim that might reasonably be expected to

adversely affect Grantee's viability or financial stability;
or

2. A governmental or public entity's claim or written allegation of fraud; or

f. A Proceeding involving any license that Grantee is required to possess in order to perform under this Agreement.

2. Notify the Department, at least 90 calendar days before the effective date, of a change in Grantee's ownership or executive management.

M. Statement of Work Progress Reports

Submit quarterly Statement of Work progress reports to the Department via the <http://egram-mi.com/mdhhs> website by the 15th of the month following the end of the quarter and a final report no later than 15 days following the end of this Agreement.

N. Conflict of Interest and Code of Conduct Standards

1. Be subject to the provisions of 1968 PA 317, as amended, 1973 PA 196, as amended, and 2 CFR 200.318 (c)(1) and (2).

2. Uphold high ethical standards and be prohibited from the following:

a. Holding or acquiring an interest that would conflict with this Agreement;

b. Doing anything that creates an appearance of impropriety with respect to the award or performance of this Agreement;

c. Attempting to influence or appearing to influence any state employee by the direct or indirect offer of anything of value; or

d. Paying or agreeing to pay any person, other than employees and consultants working for Grantee, any consideration contingent upon the award of this Agreement.

3. Immediately notify the Department of any violation or potential violation of these standards. This section applies to Grantee, any parent, affiliate or subsidiary organization of Grantee, and any subcontractor that performs activities in connection with this Agreement.

O. Travel Costs

1. Be reimbursed for travel costs (including mileage, meals and lodging) budgeted and incurred related to activities provided under this Agreement.

2. If the Grantee has a documented policy related to travel reimbursement for employees and if the Grantee follows that documented policy, the Department will reimburse the Grantee for travel costs at the Grantee's documented reimbursement rate for employees. Otherwise, the state of Michigan travel reimbursement rate applies.

3. State of Michigan travel rates may be found at the following website:

https://www.michigan.gov/dtmb/0,5552,7-358-82548_13132---,00.html.

4. International travel must be preapproved by the Department and itemized in the budget.

P. Federal Funding Accountability and Transparency Act (FFATA)

1. Complete and upload the FFATA Executive Compensation report to the EGrAMS agency profile if:
 - a. The Grantee's federal revenue was 80% or more of the Grantee's annual gross revenue; AND
 - b. Grantee's gross revenue from federal awards was \$25,000,000 or more; AND
 - c. The public does not have access to the information about executive officers' compensation through periodic reports filed under Section 13(a) or 15 (d) of the Securities Exchange Act of 1934 or Section 6104 of the Internal Revenue Code of 1986.
2. The FFATA Executive Compensation report template can be found in EGrAMS documents.

Q. Insurance Requirements

1. Maintain at least a minimum of the insurances or governmental self-insurances listed below and be responsible for all deductibles. All required insurance or self-insurance must:
 - a. Protect the state of Michigan from claims that may arise out of, are alleged to arise out of, or result from Grantee's or a subcontractor's performance;
 - b. Be primary and non-contributing to any comparable liability insurance (including self-insurance) carried by the state; and
 - c. Be provided by a company with an A.M. Best rating of "A-" or better and a financial size of VII or better.
2. Insurance Types
 - a. Commercial General Liability Insurance or Governmental Self-Insurance: Except for Governmental Self-Insurance, policies must be endorsed to add "the state of Michigan, its departments, divisions, agencies, offices, commissions, officers, employees, and agents" as additional insureds using endorsement CG 20 10 11 85, or both CG 20 10 12 19 and CG 20 37 12 19.

If the Grantee will interact with children, schools, or the cognitively impaired, the Grantee must maintain appropriate insurance coverage related to sexual abuse and molestation liability.

- b. Workers' Compensation Insurance or Governmental Self-

Insurance: Coverage according to applicable laws governing work activities. Policies must include waiver of subrogation, except where waiver is prohibited by law.

- c. Employers Liability Insurance or Governmental Self-Insurance
 - d. Privacy and Security Liability (Cyber Liability) Insurance: cover information security and privacy liability, privacy notification costs, regulatory defense and penalties, and website media content liability.
- 3. Require that subcontractors maintain the required insurances contained in this Section.
 - 4. This Section is not intended to and is not to be construed in any manner as waiving, restricting or limiting the liability of the Grantee from any obligations under this Agreement.
 - 5. Each Party must promptly notify the other Party of any knowledge regarding an occurrence which the notifying Party reasonably believes may result in a claim against either Party. The Parties must cooperate with each other regarding such claim.

R. Fiscal Questionnaire

- 1. Complete and upload the yearly fiscal questionnaire to the EGrAMS agency profile within three months of the start of the agreement.
- 2. The fiscal questionnaire template can be found in EGrAMS documents.

S. Criminal Background Check

- 1. Conduct or cause to be conducted a search that reveals information similar or substantially similar to information found on an Internet Criminal History Access Tool (ICHAT) check and a national and state sex offender registry check for each new employee, employee, subcontractor, subcontractor employee, or volunteer who under this Agreement works directly with clients or has access to client information.
 - a. ICHAT: <http://apps.michigan.gov/ichat>
 - b. Michigan Public Sex Offender Registry: <http://www.mipsor.state.mi.us>
 - c. National Sex Offender Registry: <http://www.nsopw.gov>
- 2. Conduct or cause to be conducted a Central Registry (CR) check for each new employee, employee, subcontractor, subcontractor employee, or volunteer who under this Agreement works directly with children.
 - a. Central Registry: http://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119_50648_48330---,00.html
- 3. Require each new employee, employee, subcontractor, subcontractor employee or volunteer who, under this Agreement, works directly with

clients or who has access to client information to notify the Grantee in writing of criminal convictions (felony or misdemeanor), pending felony charges, or placement on the Central Registry as a perpetrator, at hire or within 10 days of the event after hiring.

4. Determine whether to prohibit any employee, subcontractor, subcontractor employee, or volunteer from performing work directly with clients or accessing client information related to clients under this Agreement, based on the results of a positive ICHAT response or reported criminal felony conviction or perpetrator identification.
5. Determine whether to prohibit any employee, subcontractor, subcontractor employee or volunteer from performing work directly with children under this Agreement, based on the results of a positive CR response or reported perpetrator identification.
6. Require any employee, subcontractor, subcontractor employee or volunteer who may have access to any databases of information maintained by the federal government that contain confidential or personal information, including but not limited to federal tax information, to have a fingerprint background check performed by the Michigan State Police.

II. Responsibilities - Department

The Department in accordance with the general purposes and objectives of this Agreement will:

A. Reimbursement

Provide reimbursement in accordance with the terms and conditions of this Agreement based upon appropriate reports, records and documentation maintained by the Grantee.

B. Report Forms

Provide any report forms and reporting formats required by the Department at the start date of this Agreement, and provide to the Grantee any new report forms and reporting formats proposed for issuance thereafter at least 30 days prior to their required usage in order to afford the Grantee an opportunity to review.

III. Assurances

The following assurances are hereby given to the Department:

A. Compliance with Applicable Laws

The Grantee will comply with applicable federal and state laws, guidelines, rules and regulations in carrying out the terms of this Agreement. The Grantee will also comply with all applicable general administrative requirements, such as 2 CFR 200, covering cost principles, grant/agreement principles and audits, in carrying out the terms of this Agreement. The Grantee will comply with all applicable requirements in the original grant awarded to the Department if the Grantee is a subgrantee. The Department may determine that the Grantee has

not complied with applicable federal or state laws, guidelines, rules and regulations in carrying out the terms of this Agreement and may then terminate this Agreement under Part 2, Section V.

B. Anti-Lobbying Act

The Grantee will comply with the Anti-Lobbying Act (31 U.S.C. 1352) as revised by the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), Federal Acquisition Regulations 52.203.11 and 52.203.12, and Section 503 of the Departments of Labor, Health & Human Services and Education, and Related Agencies section of the current FY Omnibus Consolidated Appropriations Act. Further, the Grantee shall require that the language of this assurance be included in the award documents of all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

C. Non-Discrimination

1. The Grantee must comply with the Department's non-discrimination statement: The Michigan Department of Health and Human Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, gender identification or expression, sexual orientation, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. The Grantee further agrees that every subcontract entered into for the performance of any contract or purchase order resulting therefrom, will contain a provision requiring non-discrimination in employment, activity delivery and access, as herein specified, binding upon each subcontractor. This covenant is required pursuant to the Elliot-Larsen Civil Rights Act (1976 PA 453, as amended; MCL 37.2101 et seq.) and the Persons with Disabilities Civil Rights Act (1976 PA 220, as amended; MCL 37.1101 et seq.), and any breach thereof may be regarded as a material breach of this Agreement.
2. The Grantee will comply with all federal and state statutes relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination based on race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, 1685-1686), which prohibits discrimination based on sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination based on disabilities;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C.

- 6101-6107), which prohibits discrimination based on age;
- e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination based on drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination based on alcohol abuse or alcoholism;
 - g. Sections 523 and 527 of the Public Health Service Act of 1944 (42 U.S.C. 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and,
 - i. The requirements of any other nondiscrimination statute(s) which may apply to the application.
3. Additionally, assurance is given to the Department that proactive efforts will be made to identify and encourage the participation of minority-owned and women- owned businesses, and businesses owned by persons with disabilities in contract solicitations. The Grantee shall include language in all contracts awarded under this Agreement which (1) prohibits discrimination against minority-owned and women-owned businesses and businesses owned by persons with disabilities in subcontracting; and (2) makes discrimination a material breach of contract.

D. Debarment and Suspension

The Grantee will comply with federal regulation 2 CFR 180 and certifies to the best of its knowledge and belief that it, its employees and its subcontractors:

- 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or contractor;
- 2. Have not within a five-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) or private transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
- 3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the

offenses enumerated in section 2;

4. Have not within a five-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default; and
5. Have not committed an act of so serious or compelling a nature that it affects the Grantee's present responsibilities.

E. Federal Requirement: Pro-Children Act

1. The Grantee will comply with the Pro-Children Act of 1994 (P.L. 103-227; 20 U.S.C. 6081, et seq.), which requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by and used routinely or regularly for the provision of health, day care, early childhood development activities, education or library activities to children under the age of 18, if the activities are funded by federal programs either directly or through state or local governments, by federal grant, contract, loan or loan guarantee. The law also applies to children's activities that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's activities provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; activity providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where Women, Infants, and Children (WIC) coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. The Grantee also assures that this language will be included in any subawards which contain provisions for children's activities.
2. The Grantee also assures, in addition to compliance with P.L. 103-227, any activity funded in whole or in part through this Agreement will be delivered in a smoke-free facility or environment. Smoking shall not be permitted anywhere in the facility, or those parts of the facility under the control of the Grantee. If activities are delivered in facilities or areas that are not under the control of the Grantee (e.g., a mall, restaurant or private work site), the activities shall be smoke-free.

F. Hatch Act and Intergovernmental Personnel Act

The Grantee will comply with the Hatch Act (5 U.S.C. 1501-1508, 5 U.S.C. 7321-7326), and the Intergovernmental Personnel Act of 1970 (P.L. 91-648) as amended by Title VI of the Civil Service Reform Act of 1978 (P.L. 95-454). Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

G. Employee Whistleblower Protections

The Grantee will comply with 41 U.S.C. 4712 and shall insert this clause in all subcontracts.

H. Clean Air Act and Federal Water Pollution Control Act

The Grantee will comply with the Clean Air Act (42 U.S.C. 7401-7671(q)) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended.

- a. This Agreement and anyone working on this Agreement will be subject to the Clean Air Act and Federal Water Pollution Control Act and must comply with all applicable standards, orders or regulations issued pursuant to these Acts. Violations must be reported to the Department.

I. Victims of Trafficking and Violence Protection Act

The Grantee will comply with the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), as amended.

- a) This Agreement and anyone working on this Agreement will be subject to P.L. 106-386 and must comply with all applicable standards, orders or regulations issued pursuant to this Act. Violations must be reported to the Department.

J. Procurement of Recovered Materials

The Grantee will comply with section 6002 of the Solid Waste Disposal Act of 1965 (P.L. 89-272), as amended.

- a) This Agreement and anyone working on this Agreement will be subject to section 6002 of P.L. 89-272, as amended, and must comply with all applicable standards, orders or regulations issued pursuant to this act. Violations must be reported to the Department.

K. Subcontracts

For any subcontracted activity or product, the Grantee will ensure:

1. That a written subcontract is executed by all affected parties prior to the initiation of any new subcontract activity or delivery of any subcontracted product. Exceptions to this policy may be granted by the Department if the Grantee asks the Department in writing within 30 days of execution of the Agreement.
2. That any executed subcontract to this Agreement shall require the subcontractor to comply with all applicable terms and conditions of this Agreement. In the event of a conflict between this Agreement and the provisions of the subcontract, the provisions of this Agreement shall prevail.

A conflict between this Agreement and a subcontract, however, shall not be deemed to exist where the subcontract:

- a. Contains additional non-conflicting provisions not set forth in this Agreement

- b. Restates provisions of this Agreement to afford the Grantee the same or substantially the same rights and privileges as the Department; or
 - c. Requires the subcontractor to perform duties and/or activities in less time than that afforded the Grantee in this Agreement.
3. That the subcontract does not affect the Grantee's accountability to the Department for the subcontracted activity.
4. That any billing or request for reimbursement for subcontract costs is supported by a valid subcontract and adequate source documentation on costs and activities.
5. That the Grantee will submit a copy of the executed subcontract if requested by the Department.

L. Procurement

Grantee will ensure that all purchase transactions, whether negotiated or advertised, shall be conducted openly and competitively in accordance with the principles and requirements of 2 CFR 200. Funding from this Agreement shall not be used for the purchase of foreign goods or activities. Records shall be sufficient to document the significant history of all purchases and shall be maintained for a minimum of four years after the end of the Agreement period.

M. Health Insurance Portability and Accountability Act

To the extent that the Health Insurance Portability and Accountability Act (HIPAA) is applicable to the Grantee under this Agreement, the Grantee assures that it is in compliance with requirements of HIPAA including the following:

1. The Grantee must not share any protected health information provided by the Department that is covered by HIPAA except as permitted or required by applicable law; or to a subcontractor as appropriate under this Agreement.
2. The Grantee will ensure that any subcontractor will have the same obligations as the Grantee not to share any protected health data and information from the Department that falls under HIPAA requirements in the terms and conditions of the subcontract.
3. The Grantee must only use the protected health data and information for the purposes of this Agreement.
4. The Grantee must have written policies and procedures addressing the use of protected health data and information that falls under the HIPAA requirements. The policies and procedures must meet all applicable federal and state requirements including the HIPAA regulations. These policies and procedures must include restricting access to the protected health data and information by the Grantee's employees.
5. The Grantee must have a policy and procedure to immediately report to the Department any suspected or confirmed unauthorized use or

disclosure of protected health information that falls under the HIPAA requirements of which the Grantee becomes aware. The Grantee will work with the Department to mitigate the breach and will provide assurances to the Department of corrective actions to prevent further unauthorized uses or disclosures. The Department may demand specific corrective actions and assurances and the Grantee must provide the same to the Department.

6. Failure to comply with any of these contractual requirements may result in the termination of this Agreement in accordance with Part 2, Section V.
7. In accordance with HIPAA requirements, the Grantee is liable for any claim, loss or damage relating to unauthorized use or disclosure of protected health data and information, including without limitation the Department's costs in responding to a breach, received by the Grantee from the Department or any other source.
8. The Grantee will enter into a business associate agreement should the Department determine such an agreement is required under HIPAA.

N. Website Incorporation

The Department is not bound by any content on Grantee's website or other internet communication platforms or technologies, unless expressly incorporated directly into this Agreement. The Department is not bound by any end user license agreement or terms of use unless specifically incorporated in this Agreement or any other agreement signed by the Department. The Grantee may not refer to the Department on the Grantee's website or other internet communication platforms or technologies without the prior written approval of the Department.

O. Survival

The provisions of this Agreement that impose continuing obligations will survive the expiration or termination of this Agreement.

P. Non-Disclosure of Confidential Information

1. The Grantee agrees that it will use confidential information solely for the purpose of this Agreement. The Grantee agrees to hold all confidential information in strict confidence and not to copy, reproduce, sell, transfer or otherwise dispose of, give or disclose such confidential information to third parties other than employees, agents, or subcontractors of a party who have a need to know in connection with this Agreement or to use such confidential information for any purpose whatsoever other than the performance of this Agreement. The Grantee must take all reasonable precautions to safeguard the confidential information. These precautions must be at least as great as the precautions the Grantee takes to protect its own confidential or proprietary information.

2. Meaning of Confidential Information

For the purpose of this Agreement the term “Confidential Information” means all information and documentation that:

- a. Has been marked “confidential” or with words or similar meaning, at the time of disclosure by such party;
 - b. If disclosed orally or not marked “confidential” or with words of similar meaning, was subsequently summarized in writing by the disclosing party and marked “confidential” or with words of similar meaning;
 - c. Should reasonably be recognized as confidential information of the disclosing party;
 - d. Is unpublished or not available to the general public; or
 - e. Is designated by law as confidential.
3. The term “confidential information” does not include any information or documentation that was:
- a. Subject to disclosure under the Michigan Freedom of Information Act (FOIA);
 - b. Already in the possession of the receiving party without an obligation of confidentiality;
 - c. Developed independently by the receiving party, as demonstrated by the receiving party, without violating the disclosing party’s proprietary rights;
 - d. Obtained from a source other than the disclosing party without an obligation of confidentiality; or
 - e. Publicly available when received or thereafter became publicly available (other than through an unauthorized disclosure by, through or on behalf of, the receiving party)
4. The Grantee must notify the Department within one business day after discovering any unauthorized use or disclosure of Confidential Information. The Grantee will cooperate with the Department in every way possible to regain possession of the Confidential Information and prevent further unauthorized use or disclosure.

Q. Cap on Salaries

None of the funds awarded to the Grantee through this Agreement shall be used to pay, either through a grant or other external mechanism, the salary of an individual at a rate in excess of Executive Level II. The current rates of pay for the Executive Schedule are located on the United States Office of Personnel Management web site, <http://www.opm.gov>, by navigating to Policy — Pay & Leave — Salaries & Wages. The salary rate limitation does not restrict the salary that a Grantee may pay an individual under its employment; rather, it merely limits the portion of that salary that may be paid with funds from this Agreement.

IV. Financial Requirements

A. Operating Advance

An operating advance may be requested by the Grantee to assist with program operations. The request should be addressed to the Contract Manager identified in Part 1, Section VIII. The operating advance will be administered as follows:

1. The operating advance amount requested must be reasonable in relation to factors including but not limited to program requirements, the period of the Agreement, and the financial obligation. In no case may the advance exceed the amount required for 60 days of operating expenses. Operating advances will be monitored and adjusted by the Department relative to the Agreement amount.
2. The operating advance must be recorded as an account payable liability to the Department in the Grantee's financial records. The operating advance payable liability must remain in the Grantee's financial records until fully recovered by the Department.
3. The reimbursement for actual expenditures by the Department should be used by the Grantee to replenish the operating advance used for program operations.
4. The operating advance must be returned to the Department within 30 days of the end date of this Agreement unless the Grantee has a recurring agreement with the Department. Subsequent Department agreements may not be executed if an outstanding operational advance has not been repaid.

The Department may obtain the Michigan Department of Treasury's assistance in collecting outstanding operating advances. The Department will comply with the Michigan Department of Treasury's Due Process procedures prior to forwarding claims to Treasury. Specific Due Process procedures include the following:

- a. An offer from the Department of a hearing to dispute the debt, identifying the time, place and date of such hearing.
 - b. A hearing by an impartial official.
 - c. An opportunity for the Grantee to examine the Department's associated records.
 - d. An opportunity for the Grantee to present evidence in person or in writing.
 - e. A hearing official with full authority to correct errors and decide not to forward debt to Treasury.
 - f. Grantee representation by an attorney and presentation of witnesses if necessary.
5. If the Grantee has a recurring agreement with the Department, the

Department requires an annual confirmation of the outstanding operating advance. At the end of either the Agreement period or Department's fiscal year, whichever is first, the Grantee must respond to the Department's request for confirmation of the operating advance. Failure to respond to the confirmation request may result in the Department recovering all or part of an outstanding operating advance.

B. Reimbursement Method

The Grantee will be paid for allowable expenditures incurred by the Grantee, submitted for reimbursement on the Financial Status Reports (FSRs) and approved by the Department. Reimbursement from the Department is based on the understanding that Department funds will be paid up to the total Department allocation as agreed to in the approved budget. Department funds are the first source after the application of fees and earmarked sources unless a specific local match condition exists.

C. Financial Status Report Submission

The Grantee shall electronically prepare and submit FSRs to the Department via the EGrAMS website <http://egram-mi.com/mdhhs>.

FSRs must be submitted on a monthly basis, no later than 30 days after the close of each calendar month. The monthly FSRs must reflect total actual program expenditures, up to the total agreement amount. Failure to meet financial reporting responsibilities as identified in this Agreement may result in withholding future payments.

The grantee representative who submits the FSR is certifying to the best of their knowledge and belief that the report is true, complete and accurate and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of this Agreement. The individual submitting the FSR should be aware that any false, fictitious or fraudulent information, or the omission of any material facts, may subject them to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.

The instructions for completing the FSR form are available on the EGrAMS website <http://egram-mi.com/mdhhs>. Send FSR questions to FSRMDHHS@michigan.gov.

D. Reimbursement Mechanism

All Grantees must register using the on-line vendor self-service site to receive all state of Michigan payments as Electronic Funds Transfers (EFT)/Direct Deposits, as mandated by MCL 18.1283a. Vendor registration information is available through the Department of Technology Management and Budget's website: <https://www.michigan.gov/sigmavss>.

E. Final Obligations and Financial Status Reporting Requirements

1. Obligation Report

The Obligation Report, based on annual guidelines, must be submitted by the due date established by and using the format provided by the Department's Expenditures Operations Division. The Grantee must provide an estimate of unbilled expenditures for the entire Agreement period. The information on the report will be used to record the Department's year-end accounts payable and receivable for this Agreement.

2. Department-wide Payment Suspension

A temporary payment suspension is in effect on agreements during the Department's year-end closing period. The Department will notify the Grantee of the date by which FSRs should be submitted to ensure payment prior to the payment suspension period.

3. Final FSRs

Final FSRs are due 30 days following the end of the Agreement period. The final FSR must be clearly marked "Final." Final FSRs not received by the due date may result in the loss of funding requested on the Obligation Report and may result in a potential reduction in a subsequent year Agreement amount.

F. Unobligated Funds

Any unobligated balance of funds held by the Grantee at the end of the Agreement period will be returned to the Department within 30 days of the end of the Agreement or treated in accordance with instructions provided by the Department.

G. Indirect Costs

The Grantee may use an approved federal or state indirect rate in their budget calculations and financial status reporting. If the Grantee does not have an existing approved federal or state indirect rate, they may use a 10% de minimis rate in accordance with 2 CFR 200 to recover their indirect costs. Governmental Grantees with an existing cost allocation plan may budget accordingly in lieu of an indirect cost rate. Non-governmental Grantees may use a cost allocation plan only if the plan was in place prior to December 26, 2014.

V. Agreement Termination

This Agreement may be terminated without further liability or penalty to the Department for any of the following reasons:

- A. By either party by giving 30 days written notice to the other party stating the reasons for termination and the effective date.
- B. By either party with 30 days written notice upon the failure of either party to carry out the terms and conditions of this Agreement, provided the alleged

defaulting party is given notice of the alleged breach and fails to cure the default within the 30-day period.

- C. Immediately if the Grantee or an official of the Grantee or an owner is convicted of any activity referenced in Part 2 Section III. D. of this Agreement during the term of this Agreement or any extension thereof.

VI. Stop Work Order

The Department may suspend any or all activities under this Agreement at any time. The Department will provide the Grantee with a written stop work order detailing the suspension. Grantee must comply with the stop work order upon receipt. The Department will not pay for activities, Grantee's incurred expenses or financial losses, or any additional compensation during a stop work period.

VII. Final Reporting Upon Termination

Should this Agreement be terminated by either party, within 30 days after the termination, the Grantee shall provide the Department with all financial, performance and other reports required as a condition of this Agreement. The Department will make payments to the Grantee for allowable reimbursable costs not covered by previous payments or other state or federal programs. The Grantee shall immediately refund to the Department any funds not authorized for use and any payments or funds advanced to the Grantee in excess of allowable reimbursable expenditures.

VIII. Severability

If any part of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, that part will be deemed deleted from this Agreement and the severed part will be replaced by agreed upon language that achieves the same or similar objectives. The remaining parts of the Agreement will continue in full force and effect.

IX. Waiver

Failure by the Department to enforce any provision of this Agreement will not constitute a waiver of the Department's right to enforce any other provision of this Agreement.

X. Amendments

Any changes to this Agreement will be valid only if made in writing and executed by all parties through an amendment to this Agreement. Any change proposed by the Grantee which would affect the Department funding of any project must be submitted in writing to the Department immediately upon determining the need for such change. The Department has sole discretion to approve or deny the amendment request. The Grantee shall, upon request of the Department and receipt of a proposed amendment, amend this Agreement.

XI. Liability

The Grantee assumes all liability to third parties, loss, or damage because of claims, demands, costs, or judgments arising out of activities, such as but not limited to direct activity delivery, to be carried out by the Grantee in the performance of this Agreement, under the following conditions:

- A. The liability, loss, or damage is caused by, or arises out of, the actions of or failure to act on the part of the Grantee, any of its subcontractors, or anyone directly or indirectly employed by the Grantee.
- B. Nothing herein shall be construed as a waiver of any governmental immunity that has been provided to the Grantee or its employees by statute or court decisions.

The Department is not liable for consequential, incidental, indirect or special damages, regardless of the nature of the action.

XII. State of Michigan Agreement

This is a state of Michigan Agreement and must be exclusively governed by the laws and construed by the laws of Michigan, excluding Michigan's choice-of-law principle. All claims related to or arising out of this Agreement, or its breach, whether sounding in contract, tort, or otherwise, must likewise be governed exclusively by the laws of Michigan, excluding Michigan's choice-of-law principles. Any dispute because of this Agreement shall be resolved in the state of Michigan.

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
ATTACHMENT A - Domestic Violence Services - 2022
CONTRACT MANAGEMENT SECTION
Lansing City

Attachment	Contract No.	Institution No.	Project Title				Contractor/ Subrecipient	State Amount	Federal Portion
	CFDA No.	CFDA Title	Award No.	Award Title	Federal Agency	Federal Award Identification No. (FAIN)	FAIN Award Date	PPC Code	Award Amount
	E20223166-00		Domestic Violence Specialized Services				Subrecipient	164,897	164,897
	16.575	Crime Victim Assistance	400005 (19)	Crime Victims Assistance	Department of Justice	2019V2GX0036	09/24/2019		164,897
Total Master Agreement Department Amount :									164,897
Total Master Agreement Federal Amount :									164,897

Project Contracts

[- SDVS-LN - Domestic Violence Specialized Services](#)

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
PROJECT LISTING - Domestic Violence Services - 2022
CONTRACT MANAGEMENT SECTION
Lansing City

Attach No	Institution No	Contract No	State Amount	Local Amount	Total Project Amount	Project Title	Start Date	End Date	Project Manager	Phone#	Email Address	Principle Investigator
		E20223166-00	164,897.00	0.00	164,897.00	Domestic Violence Specialized Services	10/01/2021	09/30/2022	Loryn Shafer	(517) 241-5241	shaferl1@michigan.gov	

Total: 164,897 0 164,897

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, In August 2021, the Lansing Police Department (LPD) submitted a grant application to the Michigan Office of Highway Safety Planning (OHSP) for overtime funding to be utilized for a high visibility traffic enforcement program designed to reduce pedestrian and bicyclist fatalities and suspected serious injuries by educating and enforcing traffic safety laws designed to keep pedestrians and bicyclists safe; and

WHEREAS, the city of Lansing had a total of 55 pedestrian fatalities and serious injuries and 23 bicyclist fatalities and serious injuries during a 5-year period (2015-2019); and

WHEREAS, the Lansing Police Department was informed on September 24, 2021, that its application was selected to receive grant funding; and

WHEREAS, the total grant amount is \$12,809; and

WHEREAS, twenty percent (\$2,562) of the \$12,809 grant consists of local match; and

WHEREAS, the grant period is October 1, 2021 through September 30, 2022.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the Office of High Safety Planning grant for the period October 1, 2021 through September 30, 2022 in the amount of \$12,809, of which 20% is local match.

**Michigan State Police
Office of Highway Safety Planning**

7150 Harris Drive
P.O.Box 30634
Dimondale, Michigan 48821
(517) 284-3332

* * * * *

HIGHWAY SAFETY GRANT APPLICATION

1. PROJECT TITLE FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing	
2. APPLICANT Lansing Police Department	
3. ADDRESS OF APPLICANT 120 W. Michigan , Lansing, Michigan 48933	
7. FEDERAL IDENTIFICATION NO. 38-6004628	8. ANTICIPATED ACTIVITY START-UP DATE 10/1/2021

HIGHWAY SAFETY GRANT APPLICATION
Statement of the Problem and Background Information
FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

The city of Lansing had a total of 55 pedestrian fatalities and serious injuries and 23 bicyclist fatalities and serious injuries during a 5-year period (2015-2019).

Law enforcement officers will implement a high visibility traffic enforcement program designed to protect pedestrians and bicyclists to educate community members about illegal/dangerous walking, cycling, and driving behaviors and enforce these traffic laws .

Several local law enforcement agencies have been part of this effort since FY 18 to fund overtime enforcement mobilizations on laws applicable to pedestrian and bicyclist safety. To supplement enforcement, OHSP has recommended training opportunities and public education resources to these agencies for a comprehensive project. Designated enforcement mobilization weeks along with elective days based on each agency's data-driven strategic plan have been used to report results to local news media.

HIGHWAY SAFETY GRANT APPLICATION

Goals and Activities: 1

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

*** Goal(s):**

Reduce pedestrian and bicyclist fatalities and suspected serious injuries by educating and enforcing traffic safety laws designed to keep pedestrians and bicyclists safe by September 30, 2022.

*** Activity:**

1: Plan and execute a minimum of two patrols during the overtime enforcement effort focused on keeping pedestrians safe from October 24-30, 2021.

2: Plan and execute a minimum of two patrols during the overtime enforcement effort focused on keeping bicyclists safe from August 7-13, 2022.

3: Plan and execute additional overtime enforcement on traffic laws designed to protect pedestrians and bicyclists that align with local crash data September 30, 2022.

4: Promote and publicize all enforcement efforts by utilizing public education materials and media events or releases provided/facilitated by the OHSP by September 30, 2022.

*** Date of Anticipated Activity Accomplishment:**

9/30/2022

HIGHWAY SAFETY GRANT APPLICATION

Acceptance of Audit Requirements

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

NOTE: The Audit Period is the organization's fiscal or calendar year to be audited. If your audit requirement period exceeds 365 days, sections 1.b. and 2.b. must be utilized to complete the audit requirement dates.

My reporting entity* receives less than \$750,000 a year.

The following information on the next organization-wide audit(s) which will include this agency:

1.a. Audit Period 1: Beginning 7/1/2021 Ending 6/30/2022

2.a. Audit or written certification will be submitted to MSP by: 3/31/2023

1.b. Audit Period 2: Beginning 7/1/2022 Ending 6/30/2023

2.b. Audit or written certification will be submitted to MSP by: 3/31/2024

This project is federally funded and therefore is subject to the Single Audit Act of 1984 (P.L. 98-502).

Effective July 1, 1996, if your agency receives \$750,000 or more in federal financial assistance a year, the grantee shall agree to have an audit conducted in compliance with OMB Circulars A-128 or A-133 if required. If a compliance audit is not required, at the end of each audit period we will certify in writing that we have not expended the amount of federal funds that would require a compliance audit (\$750,000). If required, we will forward a copy of the completed audit(s), *including the management letter covering the entire grant period to:*

ATTN: Matt Opsommer

Michigan State Police Headquarters, 3rd Floor

7150 Harris Drive, Dimondale, MI 48821

NOTE: The audit or written certification must be submitted to OHSP ***no later than the ninth month after the end of the audit period.***

Additionally, we have or will notify our auditor of the above audit requirements prior to performance of the audit for the period listed above. We will also ensure that, if required, the entire grant period will be covered by a compliance audit which in some cases will mean more than one audit must be submitted. We will advise the auditor to cite specifically that the audit was done in accordance with OMB Circulars A-128 or A-133. Any information regarding the OMB Circular audit requirements will be furnished by OHSP.

*** NOTE:** The reporting entity is the government unit responsible for the overall administration of the grant, not just your agency. Failure to complete this section may result in your grant award being delayed or cancelled.

HIGHWAY SAFETY GRANT APPLICATION**Sub-Recipient Informational Form****FY 2022****Project Title:** FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing**Applicant:** Lansing Police Department

* Sub-Recipient DUNS Number (Format: xx-xxx-xxxx):	06-983-5882
* Does your agency or institution receive less than \$25,000 of federal funding from the Office of Highway Safety Planning?	Yes [] No [✓]
In the preceding fiscal year, did your agency or institution receive 80 percent or more of its annual gross revenues in federal award?	Yes [] No [✓]
In the preceding fiscal year, did your agency's or institution's annual gross revenues equal or exceed \$25,000,000 in federal awards?	Yes [] No [✓]

HIGHWAY SAFETY GRANT APPLICATION

Local Contribution

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Local Contribution:

A minimum 20% local match for the entire project will be met through personnel costs: Officer overtime time wages and fringe benefits for related enforcement in the amount of \$2,562.

HIGHWAY SAFETY GRANT APPLICATION

Project Continuation

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

*** Project Continuation:**

Project continuation is contingent on NHTSA funding

HIGHWAY SAFETY GRANT APPLICATION

Salaries, Wages and Fringe Benefits

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Are there Fringe Benefits expenses associated with this budget item? ☐ Yes ☐ No

* Provide a specific description of this budget item: Federal/State Local Match Total

Enter the number of hours and hourly rate associated with this budget item.

* Number of hours (base):

* Hourly Rate:

* Enter Fringe Benefits associated with this budget item. Federal/State Local Match Total

* **Fringe Benefits.** Check all that apply.

FICA: ☐ Rate:

Retirement: ☐ Rate:

Workers Compensation: ☐ Rate:

Unemployment Insurance: ☐ Rate:

Insurances: ☐ Rate:

Other: ☐ Rate:

Describe:

Overall Rate: %

Explanation (required if Overall Rate is greater than 40%):

Total Salaries, Wages and Fringe Benefits

HIGHWAY SAFETY GRANT APPLICATION
Overtime Salaries, Wages and Fringe Benefits: Lansing PD Officer 1
FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Are there Overtime Fringe Benefits expenses associated with this budget item? ☐ Yes ☒ No

* Provide a specific description of this budget item:	Federal/State	Local Match	Total
Lansing PD Officer 1	\$10,247	\$2,562	\$12,809

Enter the number of hours and hourly rate associated with this budget item.

* Number of hours (base): 192.00

* Overtime Hourly Rate: \$53.37

HIGHWAY SAFETY GRANT APPLICATION

Contractual Services

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Provide a specific description of this budget item:	Federal/State	Local Match	Total
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* Is there an existing contract in place? Yes No

If no, please explain why there is no contract in place:

If yes, please attach a copy of the actual contract:

Title:

Document Source:

HIGHWAY SAFETY GRANT APPLICATION

Travel

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Provide a specific description of this budget item:	Federal/State	Local Match	Total
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* Does this include Out-of-State travel?

Yes No

Nature of travel *(required for Out-of-state travel only)*:

Transportation:

Number of Nights:

Cost of Lodging:

Number of Meals:

Cost of Meal:

HIGHWAY SAFETY GRANT APPLICATION

Supplies/Operating

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Provide a specific description of this budget item:	Federal/State	Local Match	Total
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* Unit Price:

* Quantity:

Comments:

HIGHWAY SAFETY GRANT APPLICATION

Equipment

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* Provide a specific description of this budget item:	Federal/State	Local Match	Total
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* Unit Price:

* Quantity:

Comments:

HIGHWAY SAFETY GRANT APPLICATION

Budget Summary

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

FEIN	Starting Date	Ending Date	Fiscal Year
38-6004628	10/1/2021	9/30/2022	2022

Budget Summary			
Line Item Titles	Federal/State	Local Match	TOTAL
Salary and Wages	\$0	\$0	\$0
Salary Fringe Benefits	\$0	\$0	\$0
Overtime Wages	\$10,247	\$2,562	\$12,809
Overtime Fringe Benefits	\$0	\$0	\$0
Contractual Services	\$0	\$0	\$0
Travel	\$0	\$0	\$0
Supplies/Operating	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
SUBTOTAL	\$10,247	\$2,562	\$12,809
Indirect Cost Rate %	\$0		\$0
* Override indirect amount \$0			
TOTAL	\$10,247	\$2,562	\$12,809

* For multiple indirect cost rates, check override box and enter the total indirect cost. Please attach documentation of your calculations.

Budget Category Cost Totals			
Function Titles	Federal/State	Local Match	TOTAL
Personnel Costs	\$10,247	\$2,562	\$12,809
Contractual Services	\$0	\$0	\$0
Operating Costs	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Indirect	\$0		\$0
TOTAL	\$10,247	\$2,562	\$12,809

Approved Indirect Cost Rate (if applicable)

HIGHWAY SAFETY GRANT APPLICATION

Multi-Agency Project

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

The undersigned individuals authorized to represent the participating agencies in this grant project have reviewed the OHSP Grant Management Requirements (found in the Forms Menu, titled Grant Management Requirements) and agree to comply with all conditions and requirements set forth.

* **Name**

* **Title**

* **Agency**

* **Address**

* **City**

* **State**

* **Zip Code** -

* **Email**

* **Telephone**

Fax

* **Sub-Recipient DUNS Number:**

Attach signed Grant Management Requirements

Title:

Document Source:

HIGHWAY SAFETY GRANT APPLICATION
Strategic Plan: Ped-Bike Enforcement Strategic Plan
FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

* **Document Name:** Ped-Bike Enforcement Strategic Plan

* **Agencies Involved**

* **Date**

* **Enforcement Type**

* **Total Hours**

Other:

Title:

Document Source:

https://msp.intelligrants.com/_Upload/148730_960243-FY22Ped-BikeEnforcementStrategicPlan.xls
x

**MICHIGAN OFFICE OF HIGHWAY SAFETY PLANNING
FY2022 GRANT MANAGEMENT REQUIREMENTS (GMRs)**

1. All correspondence to the Office of Highway Safety Planning (OHSP) regarding this project shall include the project number, example: OP-22-01.
2. Each grant is required to have, at a minimum, three separate individuals: one serving as an authorizing official, one as a project director, and one as a financial officer. A change in project director, agency contact, financial officer, authorizing official, addresses, email, or telephone numbers requires written notification to the OHSP. The project director is responsible for also making these changes to the web-based grant application.
3. The OHSP is required by the National Highway Traffic Safety Administration (NHTSA) to evaluate and document the risk for each entity applying for federal grant funds prior to making an award. The grantee (and all sub-recipients and contractors) must register or annually update their registration in the online System for Award Management (SAM) at <https://www.sam.gov> to be eligible for federal and state grants. The OHSP will verify, within the SAM, there are no outstanding issues or concerns. Grantees must update their FY2022 web-based grant application with their new Unique Entity Identifier (UEI).
4. The OHSP may conduct a monitoring review of highway safety grants in accordance with Title 2 CFR 200, NHTSA regulations, and these GMRs to determine adherence to project objectives, to review financial procedures, and to ensure compliance with grant requirements. All grantees (and all sub-recipients and contractors) are expected to cooperate with all reasonable requests for information as part of the monitoring review process.
5. A subrecipient must take reasonable measures to safeguard protected, personally identifiable information. This information and other information is based on what the NHTSA or the OHSP designate as sensitive or that the subrecipient considers sensitive consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality as prescribed under 2 CFR Part 200.303.
6. All published reports generated from this project must include the following disclosure statement:

This report was prepared in cooperation with the Michigan Office of Highway Safety Planning and U.S. Department of Transportation, National Highway Traffic Safety Administration. The opinions, findings, and conclusions expressed in this publication are those of the author(s) and are not necessarily those of the Michigan Office of Highway Safety Planning or the U.S. Department of Transportation, National Highway Traffic Safety Administration.

**NONDISCRIMINATION
(applies to sub-recipients as well as States)**

The State highway safety agency will comply with all Federal statutes and implement regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

1. **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21.
2. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act** of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
3. **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex).
4. **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27.
5. **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of

age).

6. The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not).

7. Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38.

8. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and

9. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100).

The State highway safety agency—

- a. Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted.
- b. Will administer the program in a manner that reasonably ensures that any of its sub-recipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance.
- c. Agrees to comply (and require any of its sub-recipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority.
- d. Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance.
- e. Insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time.
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 herein.
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT, or NHTSA.
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or

NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- e. To insert this clause, including paragraphs a through e, in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.***

POLITICAL ACTIVITY (HATCH ACT)

(applies to sub-recipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to sub-recipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING(applies to sub-recipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION(applies to sub-recipients as well as States)

Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 2 CFR Part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-Procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend participants or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency.

- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property.
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was established. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1300. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1300.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>)
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly

enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to sub-recipients as well as States)

The State and each sub-recipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or sub-recipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to sub-recipients as well as States)

The State and each sub-recipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives as www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

PUBLIC INFORMATION AND EDUCATION REQUIREMENTS

1. All original electronic files including designs, concepts, photographs, video, and audio financed with grant funds shall be delivered

to the OHSP by an agreed upon due date between the OHSP and the grantee (and all sub-recipients and contractors). The items will remain the property of the OHSP and shall not be subject to copyright protection by the vendor or their agents . Items will be submitted to the OHSP immediately after production of the item . The **OHSP will hold the final grant reimbursement until all the above items have been submitted.** The grantee (and all sub-recipients and contractors) shall not enter into an agreement that includes any time limits on rights for music, talent, artwork, or photographs. The grantee (and all sub-recipients and contractors) shall inform all vendors, subcontractors, or their agents of this requirement before authorizing work to be performed.

2. All printed public information and education materials and videos are required to contain logos as designated by the OHSP , which are available in electronic formats upon request. See printing requirements below for more details. Audio materials must include an OHSP tag line, (see State of Michigan Printing Requirements #3 below). All materials, including audio and video materials and scripts must be submitted for review and approval by the OHSP prior to production .

3. All businesses performing printing services must meet one of the following conditions: (a) bear the label of the branch of the allied printing trades council of the locality in which it is printed; (b) have on file with the secretary of state, a sworn statement indicating that employees producing the printing are receiving the prevailing wage rate in the locality in which the work is performed; or (c) have a collective bargaining agreement in effect formed by an organization that is not in any way influenced or controlled by management .
(Per State of Michigan Procurement Policy Manual-Revised 6/12/18-Section: 1.3.13- State Printing Act.)

4. All videos, print photography, or graphics shall depict drivers and passengers to be properly restrained by seat belts or child passenger safety devices unless the lack of restraints is for demonstration or educational purposes.

5. Messaging costs which are of a public relations nature and designed in-whole or in-part to promote either an individual or an agency is prohibited and not eligible for reimbursement.

6. Materials compliance with American Disabilities Act:

- a. Closed Captioning: All DVDs must be closed captioned. This includes online videos.
- b. Printed publications must be available in audio files via the Michigan Braille and Talking Book Library .

7. Social Media Use and Approval: The creation of social media accounts such as Facebook and Twitter with federally funded grants and projects require prior approval from the OHSP before release to the public .

8. The purchase of program advertising space by grantees on TV , radio, magazines, newspapers, billboards, etc., may be approved on a case-by-case basis.

9. The following items require the prior approval of the OHSP program coordinator :

- a. flyers, posters, brochures
- b. training curriculum, excluding those developed by nationally approved agencies (i.e., NHTSA, IACP, etc.)
- c. annual reports
- d. newsletters

10. Funding requirement statement: The following byline shall be placed on all printed public information and education materials:

"This material was developed through a project funded by the Michigan Office of Highway Safety Planning and the U .S. Department of Transportation."

11. The State of Michigan prohibits use of the OHSP and/or MSP logos on non-State of Michigan websites.

COPIES

1. The OHSP will require one electronic copy of any publication produced with traffic safety grant funds if print copies are not available or if the items are not distributed statewide, and it is not available online. The copy can be submitted via email, CD, or flash drive.

2. The OHSP will require one copy of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. This copy is distributed throughout the state of Michigan's library system:

- a. annual reports

- b. manuals, handbooks, and training materials
- c. news releases
- d. statistics

3. The OHSP will require two of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. These copies are housed as part of the state of Michigan's library system:

- a. posters
- b. brochures
- c. flyers

4. If the publication is available on a publicly accessible website, no printed copy is required. However, an email which includes a link to the document must be provided to the OHSP. The State of Michigan's library system will then include it in its digital archive.

PROGRAM REQUIREMENTS

1. Progress reports are required to be submitted throughout the grant period. The due dates for these reports are specified in the grant approval letter and must be submitted in the web-based grant application system. Reports shall describe activities undertaken to accomplish each project goal, reason for non-activity if necessary, activities planned for the next quarter, and obstacles encountered or anticipated. Progress reports must be submitted and approved for the OHSP to process financial reimbursement. For traffic safety enforcement projects, enforcement reports must be submitted to the OHSP to process and approve financial reimbursement.

2. The final progress report is due on the date stated in the grant approval letter and shall include a summary of all activities and accomplishments for the entire grant period. Include the following information in the project summary:

- a. A list of significant accomplishments or activities of this project that addressed the project objectives .
- b. If no activity took place, a report must be submitted stating as such and reasons why.

3. Out-of-state travel requires prior written approval by the OHSP Division Director. **The OHSP Grantee Out-of-State Travel Request form, and appropriate support documentation, shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e., travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to the OHSP approval.

4. If a project revision is required, the grantee shall contact the OHSP program coordinator for prior approval.

5. Grantees must have written, and established policies and procedures listed below, where applicable, as required by Title 2 Code of Federal Regulations 200 and were outlined elsewhere in these requirements.

Shall meet the standards outlined in:

- a. Procurement 2 CFR 200.318 and 2 CFR 200.320
- b. Salary and Wages – 2 CFR 200.430
- c. Fringe Benefits – 2 CFR 200.431
- d. Travel – 2 CFR 200.474
- e. Internal Controls – 2 CFR 200.303
- e. Contracting 2 CFR 200.320 and 2 CFR 200.323
- f. Indirect Costs 2 CFR 200.414
- g. Conflict of Interest 2 CFR 200.112
- h. Accounting/Finance 2 CFR 200.302, and 2 CFR 200.400

6. For Overtime Traffic Enforcement Grants Only:

- a. The grantee (and all sub-recipients and contractors) shall verify all officers working the OHSP federally funded overtime have completed an SFST refresher course every three years. This does not apply to administrative staff hours billed to the grant.
- b. All law enforcement officers participating in an OHSP grant-funded traffic enforcement detail shall wear a properly fastened seat belt in accordance with state law. Officers found in violation of this requirement while working a grant-funded detail may be ineligible for funding reimbursement from the OHSP.

- c. Law enforcement agencies are encouraged to have a written vehicle pursuit policy in place.
- d. Only Michigan Commission on Law Enforcement Standards certified police officers shall be used on enforcement projects .
- e. Grant funds **CANNOT** be used for activities such as response to calls for service, traffic control, property inspections, motorcades, or dignitary protection. The OHSP grant funds can only be used for activities approved in the grant .
- f. Emergency response: A law enforcement emergency is defined as an imminent threat to life or property . If a law enforcement emergency occurs during a grant-funded detail and response is required by an officer(s) working that detail:
 - i. The officer is allowed up to one hour of grant-time to respond and return to the traffic enforcement patrol .
 - the agency must incur the costs (i.e. the grant cannot be charged) beyond an hour or for additional emergencies that arise during the detail.
 - response to non-emergency calls while on grant time must be charged to the agency
 - ii. All emergency responses must be documented with a brief description on the officer daily .
- g. Traffic enforcement shifts shall be scheduled for a minimum of two consecutive hours .
- h. Traffic enforcement efforts shall be publicized by supporting media events as requested by the OHSP .
 - the grantee (and all sub-recipients and contractors) shall assist the OHSP with media events that will be conducted locally.
 - banners or other signage provided by the OHSP shall be displayed during the enforcement period .
- i. The grantee recipient (and all sub-recipients and contractors) and the chief or sheriff or post commander from each participating agency is required to sign the OHSP GMRs Acknowledgement and Agreement form signifying receipt of the GMRs and their agreement to comply with them as part of the online grant application process.
- j. The grantee (and all sub-recipients and contractors) must keep track of funds spent. In some cases, multiple funding sources are assigned to law enforcement grants. In these situations, the grantee must assign, document, and monitor expenditures to each designated funding source separately. Separate accounts should be established for each funding source. Each grant and federal funding sources may not be used interchangeably. In the event the grantee overspends, the difference will need to be covered by the grantee . Additional funding will not be provided to support overspending of any federal program.
- k. A daily activity log with a listing of activities performed must be completed for all time requested for reimbursement . It must include the following information in the body of the document to be acceptable documentation:
 - The start time of the grant-funded enforcement detail.
 - A brief description of every stop.
 - The end time of the grant-funded detail.
 - All grant time must be accounted for. **Time must be documented at a minimum of every hour, regardless of whether a traffic stop is made.** This includes time spent on traffic stops, arrest, transporting and lodging of arrested subjects, report writing, serving as "zone spotters".
- l. Total personnel hours billed to the grant reported on the enforcement reports must match the hours requested for reimbursement on the financial report.

The time on the daily must match the hours requested for reimbursement and supervisor approval must be documented electronically or in writing. If supervisors' approval is given by means other than a signature on the daily, explanation of the approval process must be provided at the OHSP's request and kept as grant documentation records.

GENERAL FINANCIAL REQUIREMENTS

Compliance with the Federal Funding Accountability and Transparency Act (FFATA) of 2006.

Signed into law on September 26, 2006, the Federal Funding Accountability Act provides the public with a single, searchable database of federal awards and sub-awards. The MSP is responsible for reporting data into the FFATA database for each NHTSA sub-recipient award that equals or exceeds \$25,000. The FFATA reporting procedure also requires for each sub-recipient agency to maintain current registration in the federal SAM at <https://www.sam.gov/> and obtain a Data Universal Numbering System (DUNS) number. Applicants are responsible for reporting their SAM registration and DUNS number to the MSP upon request to ensure timely and accurate award reporting. Grantees will also be required to update their grant applications with their new Unique Entity Identifier (UEI) in FY2022.

1. Only program activities and expenses detailed in the approved grant budget and incurred during the grant period are eligible for reimbursement. Expenses incurred that are not detailed in the approved grant budget or outside of the grant period will not be reimbursed. **Costs cannot EXCEED the approved grant award.**
2. Goods purchased through the grant shall be received in acceptable condition. If goods are not received in acceptable condition within thirty (30) days prior to the grant ending date, the grantee shall contact the OHSP program coordinator.
3. The grantee (and all sub-recipients and contractors) shall use generally accepted accounting principles.
4. Costs charged to this grant cannot be charged to any other program. Law enforcement agencies receiving funding for overtime traffic enforcement cannot offer comp time in lieu of overtime pay.
5. All costs shall be actual and supported by source documentation. Financial reimbursement will be delayed until all backup documentation is received by the OHSP. A document entitled "Acceptable Backup Documentation for Federal Cost Claims" is available from the OHSP to assist with identifying adequate backup documentation.
6. A separate account or fund must be established for this project. A separate account is required to be maintained by all agencies receiving grant funds from the OHSP regardless of the dollar amount. In addition, the grantee (and all sub-recipients and contractors) receiving funds from the OHSP for multiple grant projects must have a separate account for each grant project and funding type. It is the responsibility of the lead agency to ensure all sub-agencies meet this requirement. The general ledgers of the sub-agencies are not required to be submitted with requests for payment unless specifically requested by the OHSP.
7. Costs reported on the final Financial Status Report (FSR) must match the agency's separate account or fund that has been established for this project inside the agencies accounting system.
 - Financial documents must be sufficient to permit the preparation of reports required by general and program -specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.
8. Comingling of funds on either a program-by-program or project-by-project basis is prohibited. The sub-grantee's accounting system must maintain a clear audit trail for each source of funding for each fiscal budget period and include the following:
 - a. Separate accountability of receipts, expenditures, disbursements and balances.
 - b. Itemized records supporting all grant receipts, expenditures, and match contributions in sufficient detail to show exact nature of activity.
 - c. Data and information for each expenditure and match contribution with proper reference to be a supporting voucher or bill properly approved.
 - d. Maintenance of payroll authorization and vouchers.
 - e. Maintenance of records supporting charges of fringe benefits.
 - f. Maintenance of inventory records for equipment purchased, rented, and donated.
 - g. Maintenance of billing records for consumable supplies (i.e., paper, printing) purchased.
 - h. Provisions for payment by check.
 - i. Maintenance of travel records (i.e., mileage logs, parking, hotels, meal receipts).
 - j. Lease agreements, contracted services, and equipment purchases that adhere to established procurement processes.

9. Costs must be net all applicable credits such as purchase discounts, rebates or adjustments of overpayments, or erroneous charges.

10. The following deviations from the approved budget require **PRIOR approval from the OHSP**: Once approved, appropriate revisions will need to be made to the grant agreement.

- a. A specific item of cost not included in the approved budget.
- b. An increase in the number of a specific item over and above the total authorized.
- c. A transfer between major budget categories in excess of 10 percent of the budget category title being increased. (Personnel Costs, Contractual Services, Operating Costs, Equipment, and Indirect – not the individual budget line-item titles.)

11. Procurement Methods:

a. Competition: The grantee shall conduct all procurement and contractual transactions, without regard to dollar value, to provide maximum, open, and free competition. Maximum, open, and free competition shall be assured through the distribution of an adequate number of proposal solicitations.

b. Small Purchase Procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$25,000 in total. If small purchase procedures are used, price or rate quotations must be obtained from at least three (3) Buy America Act qualified sources.

c. The grantee shall follow their competitive bid process providing it is at least as restrictive as the process required by the Title 2 Code of Federal Regulations 200.320, the State of Michigan and complies with the Buy America Act. (A copy of the State of Michigan procurement policy is available upon request.) The grantee (and all sub-recipients and contractors) agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the maximum opportunity to participate in the performance of contracts and subcontracts financed, in whole or in part, with funds provided under this agreement. The grantee must document multiple bids were sought in a competitive bidding process. When two or more responses were not received, the grantee shall indicate the selected bid was the only response.

d. No employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract or bid supported by Federal funds if a conflict of interest, real or apparent, would be involved.

e. A copy of the subrecipient's established procurement procedures must be readily available for audit purposes upon request from the OHSP. Records must sufficiently detail the procurement history for all purchases and should detail the rationale for the method of procurement and selection of contract type, written selection procedures, documented reasons for rejections, and the basis for the contract price.

12. Documentation for costs shall be maintained for three years following final reimbursement.

13. Any program income received shall be used exclusively to further traffic safety project activities. Program income is defined as gross income earned by the prospective primary participant from grant supported activities. Some examples are proceeds from the sale of items purchased or developed with grant funds, or revenue received from attendees at trainings or conferences paid for with grant funds. Program income must be netted against costs incurred within the grant or returned to the OHSP, unless prior permission is obtained from the OHSP to use the funds for other traffic safety projects. Contact the OHSP for further information.

14. **General Cost of Business (formerly referred to as Supplanting)**: The replacement of routine and/or existing expenditures with the use of state or federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of a state or local agency or other grantee is general cost of business and is not allowable.

The grantee (and all sub-recipients and contractors) shall not use grant funds to replace state or local funds, or other resources that would otherwise have been made available for this program. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within 30 days. If the vacancy is not filled within 30 days, the grantee (and all sub-recipients and

contractors) must stop charging the grant for the new position. Upon filling the vacancy, the grantee (and all sub-recipients and contractors) may resume charging the grant position.

The Financial Officer or Authorizing Official's straight time costs may not be funded under this grant.

15. All other Financial management requirements as listed in Title 2 Code of Federal Regulations 200.302 (Financial Management).

COST REIMBURSEMENT

1. All OHSP projects are based on the cost reimbursement concept; i.e., state, local, or private funds shall be expended before reimbursement is provided.

2. Reimbursement is based on submission and approval of progress, enforcement, and financial reports. All requested information should be submitted electronically through the web-based application whenever possible. Otherwise backup information may be submitted via US mail, by fax, or by email. A financial report submitted to the OHSP by the grantee shall contain the following to be considered complete:

a. Electronic signatures for the agency's Financial Officer, Project Director, Authorizing Official, or employee(s)/contractor(s)/officer(s).

b. A copy of a report for the current period generated by the grantee's official accounting system which shows a description of the item and the actual amount spent. Some examples of acceptable reports include a detailed general ledger, a transaction ledger, a payroll journal, or a detailed budget/expenditure report. The report must match the amount being requested for reimbursement.

c. For enforcement grants: Officer names, dates, and amounts paid for each agency participating in grant funded patrols.

d. For non-enforcement grants with personnel costs: Activity logs as described in "Personnel Costs" under "Budget Cost Category Requirements."

e. Copies of invoices must be included.

f. Additional documentation as requested by the OHSP.

3. Financial reports are due, at a minimum, on a **quarterly** basis. Financial report due dates are specified in the grant approval letter. Financial reports must be submitted even when the project experiences no costs. In this case, a "zero" Financial report shall be submitted. The submission of financial reports is mandatory, and non-compliance can result in termination of the grant. Financial reports will be considered delinquent if not submitted by the due dates specified in the grant approval letter.

4. The Project Director shall ensure that financial reports are submitted in compliance with reporting deadlines. If the financial report is submitted electronically without backup documentation, the financial report is not considered submitted and the grantee will receive a delinquent letter stating the same.

5. A delay in submitting support documentation may result in the suspension of all grant activity .

6. Failure to submit cost statements with adequate supporting documentation prior to the fiscal year close out deadline will result in non-reimbursement of those costs. Costs from one fiscal year cannot be paid in a subsequent fiscal year.

AUDIT REQUIREMENTS

This section applies to Grantees designated as subrecipients by the OHSP.

1. Required Audit or Audit Exemption Notice

Grantees must submit to the OHSP either a Single Audit, Financial Related Audit, or Audit Exemption Notice as described below. A Financial Related Audit is applicable to for-profit Grantees that are designated as subrecipients. If submitting a

Single Audit or Financial Related Audit. Grantees must also submit a corrective action plan prepared in accordance with Title 2 Code of Federal Regulations Section 200.511 (c) for any audit findings that impact the OHSP-funded programs, and management letter (if issued) with a corrective action plan.

a. Single Audit

Grantees that are a state, local government, or non-profit organization that expend \$750,000 or more in federal awards during the Grantee's fiscal year, must submit a Single Audit to the OHSP, regardless of the amount of funding received from the OHSP. The Single Audit must comply with the requirements of Title 2 Code of Federal Regulations, Subpart F. The Single Audit reporting package must include all components described in Title 2 Code of Federal Regulations, Section 200.512(c).

b. Financial Related Aid

Grantees that are for-profit organizations that expend \$750,000 or more in federal awards during the Grantee's fiscal year must submit either a financial related audit prepared in accordance with Government Auditing Standards relating to all federal awards; or an audit that meets the requirements contained in Title 2 Code of Federal Regulations, Subpart F, if required by the federal awarding agency.

c. Audit Exemption Notice

Grantees exempt from the Single Audit and Financial Related Audit requirements (a. and b. above) must submit an Audit Exemption Notice that certified these exemptions.

2. Financial Statement Audit

Grantees exempt from the Single Audit and Financial Related Audit requirements (that are required to submit an Audit Exemption Notice as described above) must also submit to the OHSP a Financial Statement Audit prepared in accordance with generally accepted auditing standards if the audit includes disclosures that may negatively impact the OHSP-funded programs including, but not limited to fraud, going concern uncertainties, financial statement misstatements, and violations of contract and grant provisions. If submitting a Financial Statement Audit, Grantees must also submit a corrective action plan for any audit findings that impact the OHSP-funded programs.

3. Other Audits

The OHSP or federal agencies may also conduct or arrange for "agreed upon procedures" or additional audits to meet their needs.

BUDGET COST CATEGORY REQUIREMENTS

(PLEASE REFER TO THE FOLLOWING FOR SPECIFIC REQUIREMENTS OF BUDGET COST CATEGORIES. ONLY REQUIREMENTS FOR COST CATEGORIES CONTAINED WITHIN YOUR APPROVED GRANT BUDGET APPLY.)

PERSONNEL COSTS

1. Includes itemized monthly or hourly salary rate. Fringe benefits are included under personnel costs.
2. Payments for salaries and wages shall be supported by a time and attendance report, based on an after-the-fact distribution of time, which shows details of the activities performed. All time and attendance reports must be signed by the employee and supervisor. Electronic signatures are accepted.
3. Federal guidelines prohibit using federal grant funds to pay for routine and/or existing state or local expenditures.
4. If the grant contains personnel services as part of the award, a job description for each position listed in the budget must be available to the OHSP upon request.

For enforcement grants (and all sub-recipients and contractors) - See program requirements Section 5.

For non-enforcement grants – The grantee (and all sub-recipients and contractors) must maintain activity logs which document the actual amount of time spent on the grant project and describe the nature of the activities performed. If the grant is funded from multiple sources, the logs must show the activity by fund source. This documentation must be submitted with the financial

reimbursement request.

5. Reimbursement for wages and fringe benefits shall be based on actual costs NOT budgeted rates . Only those fringe benefit costs that increase because of hours worked on this project can be claimed for reimbursement. For overtime wages, those costs typically include FICA, workers comp, and retirement, but if any of these costs are structured so that they do not increase with overtime, they cannot be reimbursed. For straight-time grant-funded positions, all fringe benefits associated with the position may be claimed to the extent that the position has been approved for reimbursement (e.g., if 50% of the position is grant funded, 50% of the fringes benefits can be claimed.) Fringe benefit rates must be reasonable and in accordance with federal cost principles.

6. The rate of pay for grant-funded enforcement shall be determined according to the grantee's (and all sub-recipients and contractors) policy, contract, or employment agreement. Overtime rates must be applied consistently to all activities of an agency – higher rates may not be established just for federal grants.

7. Agencies shall comply with all state labor laws.

CONTRACTUAL SERVICES

The Grantee will follow Title 2 Code of Federal Regulations part 200.318, 200.321, 200.323, 200.326, 200.330, and Appendix II to Part 200.

Contractual services are services of individual consultants or consulting firms engaged in performing special services pertinent to highway safety. Contracts are allowable when necessary, to achieve the goals of the grant agreement. Costs are allowable for products, highway safety consultants, personal services, and/or individuals for support services, provided applicable state and local procurement procedures are followed and documentation is available that describes the official contract and procurement practices . Contracts and procurements must include “special provisions” as provided by the OHSP. The grantee is responsible for verifying contractor eligibility by checking the national List of Parties Excluded from Federal Procurement and Non-Procurement Programs list available at www.govinfo.gov or adding a self-certification clause or condition to the contract.

All grantees (and all sub-recipients and contractors) awarding contracts or sub-contracts shall comply with the terms and conditions of Title 49 Code of Federal Regulations, Part 18-Uniform Administrative Requirements for Grant and Cooperative Agreements to State and Local Governments, §18.36 Procurement. A signed copy of the contract, including the fully listed federal certifications and assurances, shall be submitted to the OHSP upon completion and is required for processing and approval of financial reimbursement requests.

The grantee is responsible for managing all contracts issued using the OHSP grant funds including :

- Ensuring the contractor complies with all contract provisions.
- Ensuring services are performed according to the quality, quantity, objectives, timeframes, and manner specified in the contract.
- Ensuring that all work is completed and accepted before the contract expires.
- Assessing and requesting amendments, renewals or new contracts as required allowing sufficient time to process and execute these changes before the contract expires to prevent lapse in service.
- Ensuring that contracts are amended after any grant agreement revision that affects the contract terms .
- Reviewing and approving invoices for payment, ensuring payments are made in accordance with contract terms, all costs are budgeted and allowable, and work has been performed.
- Monitoring contract expenditures to ensure there are sufficient funds to pay for all services rendered as required by the contract.
- Verifying all requirements of the contract are fulfilled before submitting the final invoice .
- Ensuring that all Personnel Activity log requirements are met.

Special Provisions

The grantee must insert in all contracts and funding agreements the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations , as may be amended from time to time.

- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 herein.
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT, or NHTSA.
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. ***To insert this clause, including paragraphs a through e, in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.***

OPERATING COSTS

1. Only eligible operating costs specifically listed in the approved grant budget will be reimbursed. These are costs not covered under other budget categories, including services not requiring contractual agreements and minor equipment such as office supplies, printing, and educational materials.
2. Automotive expenses submitted shall be based on actual costs incurred. In most cases, this will be calculated by multiplying actual miles driven times a mileage rate. The rate will be determined when the grant is approved but will generally be the Internal Revenue Service (IRS) business mileage rate. With prior approval, reimbursement may be allowed based on the actual costs incurred for gasoline, maintenance, insurance, and other vehicle expenses.
3. Postage, telephone, and grant-related travel costs shall be documented by log or meter and submitted with the reimbursement request.

TRAVEL COSTS

Out-of-state travel funded by federal; grant funds requires prior written approval by the OHSP Division Director. A written request shall be submitted on the form provided. **Requests shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e., travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to OHSP approval.

Reimbursement:

The grantee will be reimbursed for travel cost (including mileage, meals, and lodging) budgeted and incurred related to services provided under this agreement. The Grantee will have established and follow documented Travel Policies.

1. Reimbursements for travel (meals, lodging, mileage, etc.) cannot exceed the lesser of the grantee's published travel rates or the allowable State of Michigan travel rates. Exceptions require OHSP approval during the grant application process. Grantees requesting an exception will attach their organization's travel policy when the first grant draft is submitted. The policy must be applicable to all organization travel. Policies will be reviewed by the OHSP fiscal manager for approval, and cannot exceed the current federal travel reimbursement rates.
2. State of Michigan travel rates may be found at the following website:
https://www.michigan.gov/dtmb/0,5552,7-358-82548_13132---,00.html

EQUIPMENT (INCLUDES SOFTWARE)

1. Only eligible equipment specifically listed in the equipment section of the approved grant budget will be reimbursed. Equipment costs shall be reimbursed according to the match requirements as specified in the approved grant budget.
2. Equipment purchases shall be initiated within the time period specified in the approved grant. "Initiated" means bids were solicited, accepted, and items have been ordered. If there is a reason a grantee is unable to meet this requirement, the OHSP program coordinator shall be contacted immediately.

3. Equipment purchased through this grant shall be used only for highway safety activities throughout its useful life, whether the project or program continues to be supported by the Federal award.
4. If the equipment is disposed of, or ceases to be used for highway safety activities, and the equipment is determined to have a Current Fair Market Value of \$5,000 or more, the OHSP reserves the right to retain or transfer title to all items. The OHSP may allow the holder of the equipment to retain title of the equipment and reimburse the federal or State share of the fair market value of such equipment. The Current Fair Market Value shall be determined as follows:
- a. Appraisal by an independent source with expertise in valuation of similar items is the preferred method of valuation for equipment.
 - b. For vehicles, Kelly Blue Book, National Automobile Dealer Association (NADA) Guides, or a similar third-party vehicle valuation service, may be used when valuing the condition of the vehicle.
 - c. If a fair market value based on appraisal or a third-party valuation service cannot be determined, the value may be based on IRS depreciation schedules. Only straight-line depreciation may be used.
5. Equipment with a cost of \$5,000 or more shall be tagged by the grantee for inventory control purposes. In addition, the OHSP Equipment Record System Form with all applicable information completed shall be submitted with the prospective participant's or sub-recipient's reimbursement request. The grantee (and all sub-recipients and contractors) shall complete an equipment inventory form sent to them by the OHSP each year that the value remains \$5,000 or more, and shall make the item available for physical review by the OHSP staff when requested.
6. All equipment purchases with NHTSA funds shall comply with the Buy America Act requirements before costs will be reimbursed. Please refer to section eleven under the heading Grant Management Requirements for specific terms of the Buy America Act.
7. Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

COLLECTION OF UNALLOWABLE COSTS

Payments made for costs determined to be unallowable by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements of this part, and Part 200.300 Statutory and national policy requirements through 200.309 Period of performance.

INDIRECT COSTS

Indirect costs cannot be specified in all situations because of the diverse characteristics and accounting practices of governmental units. Typical examples of indirect costs may include certain state/local central service costs, general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc. If the grantee or sub recipients does not have a federal cognizant agency, the OHSP will service in this capacity.

2 CFR provides guidance on indirect cost as follows:

Section 200.414 Indirect (F&A) Cost -(F): In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has not negotiated an indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs but may not be double charged

or inconsistently charged as both. **If chosen, this methodology once elected must be used consistently for all Federal awards** until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

CONFLICT OF INTEREST AND CODE OF CONDUCT STANDARDS

1. The Grantee is subject to the provisions of 1968 PA 317, as amended, 1973 PA 196, as amended, and Title 2 Code of Federal Regulations Section 200.318 (c) (1) and (2). 2 CFR 1201.112.
2. The Grantee must have established conflict of interest policies, in accordance with Title 2 Code of Federal Regulations Section 200.112.
3. The Grantee will uphold high ethical standards and is prohibited from:
 - a. Holding or acquiring an interest that would conflict with this Agreement .
 - b. Doing anything that creates an appearance of impropriety with respect to the award or performance of this Agreement .
 - c. Attempting to influence or appearing to influence any State employee by the direct or indirect offer of anything of value ; or
 - d. Paying or agreeing to pay any person, other than employees and consultants upon the award of this Agreement .

TERMINATION

The OHSP retains the right to terminate a grant for failure to meet the grant management requirements . When a grant is terminated by the OHSP, the grantee or sub-recipient shall not be eligible to seek grant funding for a period of two years. To obtain a grant after the two-year period, the grantee or sub-recipients will be required to submit written assurance that the identified deficiencies have been corrected. Additionally, the agency may be required to submit monthly financial reports to allow for increased financial monitoring.

NOTE: The Grant Project Director and Authorized Official have certified that they have read and with comply with these GMRs as part of the grant application approval process in the online grants system with the OHSP.

REFERENCES

Statute

Highway Safety Act of 1996: [U.S.C. Chapter 4](#)

Rules

The rules which govern the Highway Safety Grant Programs is available at: [Part 1300 - Uniform procedures for state highway safety grant programs](#)

Title 2: Grants and agreements Part 200 (2 CFR 200) [Uniform administrative requirements, cost principles, and audit requirements for federal awards](#)

[Federal Electronic Code of Regulations](#)

Other

[NHTSA allowable and unallowable costs](#)

[NHTSA Highway Safety Grants Program Resource Guide](#)

Project Director Agreement *(required to submit Draft Application):*

[✓] Click here to affirm that you have read and agree to comply with the Grant Management Requirements . *

Authorized Official Agreement *(required to submit Final Application):*

[✓] Click here to affirm that you have read and agree to comply with the Grant Management Requirements . *

HIGHWAY SAFETY GRANT APPLICATION

Certification

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

CERTIFICATION BY PROJECT DIRECTOR

I certify and agree that a grant received as a result of this application is subject to the general requirements governing Office of Highway Safety Planning projects and Grant Management Requirements, including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of Project Director as they relate to the terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that funds received through OHSP will not be used to supplant state or local funds.

NAME Mr. Randall Hon	TITLE Sergeant
ADDRESS 120 W Michigan Ave Lansing Michigan-48933	
AGENCY Lansing Police Department	PHONE NUMBER 517-898-5727
FAX NUMBER	EMAIL ADDRESS randall.hon@lansingmi.gov

AGENCY CONTACT PERSON (if different than grant Project Director)

NAME	TITLE
ADDRESS	
AGENCY	PHONE NUMBER
FAX NUMBER	EMAIL ADDRESS

HIGHWAY SAFETY GRANT APPLICATION

Certification

FY 2022

Project Title: FY22 Pedestrian & Bicycle Overtime Enforcement: Lansing

Applicant: Lansing Police Department

CERTIFICATION BY FINANCIAL OFFICER

I certify and agree that a grant received as a result of this application is subject to the general requirements governing Office of Highway Safety Planning projects and Grant Management Requirements, including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of Financial Officer as they relate to the fiscal terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that funds received through OHSP will not be used to supplant state or local funds.

NAME Joe McClure	TITLE Budget Control Supervisor
ADDRESS 120 E. Michigan Ave. Lansing Michigan-48933	
AGENCY Lansing Police Department	PHONE NUMBER 517-483-4808
FAX NUMBER	EMAIL ADDRESS joe.mcclure@lansingmi.gov

CERTIFICATION BY OFFICIAL AUTHORIZED TO SIGN

I certify and agree that a grant received as a result of this application is subject to the general requirements governing Office of Highway Safety Planning projects and Grant Management Requirements, including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant approval may result in the expenses being absorbed by the subgrantee; and, that funds received through OHSP will not be used to supplant state or local funds.

NAME Capt. Robert Backus	TITLE Captain
ADDRESS 120 W Michigan Lansing MI 48933 Lansing Michigan-48933	
AGENCY Lansing Police Department	PHONE NUMBER 517-483-6883
FAX NUMBER	EMAIL ADDRESS robert.backus@lansingmi.gov

Strategic Plan Template for FY22 Pedestrian & Bicycle Overtime Enforcement

*Document Name: FY22 Pedestrian and Bicycle Strategic Plan

Agencies Involved	Date	Enforcement Type	Enforcement Location
Lansing Police Department	10/27/2021	Other: Pedestrian and Bicycle	E Saginaw St & Fairview Ave
Lansing Police Department	10/28/2021	Other: Pedestrian and Bicycle	E Michigan Ave & N Grand Ave & S Grand Ave
Lansing Police Department	5/11/2022	Other: Pedestrian and Bicycle	E Michigan Ave & N Larch St & S Larch St
Lansing Police Department	5/12/2022	Other: Pedestrian and Bicycle	E Kalamazoo St & S Pennsylvania Ave
Lansing Police Department	6/1/2022	Other: Pedestrian and Bicycle	E Kalamazoo St & S Clemens Ave
Lansing Police Department	6/2/2022	Other: Pedestrian and Bicycle	S Cedar St & E Miller Rd
Lansing Police Department	7/13/2022	Other: Pedestrian and Bicycle	E Jolly Rd & S Cedar St
Lansing Police Department	7/14/2022	Other: Pedestrian and Bicycle	E Mount Hope Ave & S Washington Ave & W Mount Hope Ave
Lansing Police Department	8/3/2022	Other: Pedestrian and Bicycle	W Holmes Rd & S Martin Luther King Jr Blvd
Lansing Police Department	8/4/2022	Other: Pedestrian and Bicycle	E Kalamazoo St & S Pennsylvania Ave
Lansing Police Department	8/11/2022	Other: Pedestrian and Bicycle	W Holmes Rd & S Martin Luther King Jr Blvd
Lansing Police Department	8/12/2022	Other: Pedestrian and Bicycle	E Jolly Rd & S Cedar St
		Other: Pedestrian and Bicycle	
		Other: Pedestrian and Bicycle	

TOTAL OVERTIME ENFORCEMENT HOURS:

Justification of dates and locations selected:

Dates and locations were selected based on data from the State of Michigan's Traffic Crash Reporting System and Traffic Crash Facts for highest number of Ped/Bicycle Crashes. Data indicates that Wednesday, Thursday and Fri

Traffic Crash Facts for highest number of Ped/Bicycle Crashes. Data indicates that Wednesday, Thursday and Friday week were significantly higher than the rest of the week.

days of each

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the American Rescue Plan Act of 2021 (ARPA) was signed into law on March 11, 2021, establishing Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) by appropriating \$45,570,000,000 under to make payments to metropolitan cities; and

WHEREAS, under the formula established under ARPA, the City of Lansing was awarded \$49,924,664 to be paid in two separate tranches of \$24,924,664. The first of which was received by the City of Lansing on August 5, 2021 and the second of which will be available 12 months after the first payment; and

WHEREAS, Sections 602(c)(1) and 603(c)1 provide these funds may be used as follows:

- A. to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; and
- B. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work; and
- C. for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; and
- D. to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the Fiscal Year 2022 Budget adopted by City Council on May 16, 2021 anticipated the use of the first tranche, the vast majority of which to be spent on revenue loss between the general fund and parking fund;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the ARPA funds in the total amount of \$49,924,664 awarded between the two tranches of \$24,924,664;

BE IT FURTHER RESOLVED, the Lansing City Council approves the use of the first tranche of \$24,924,664 for public health and economic impacts; provision of government services to the extent of the reduction in revenue to the City due to COVID-19; premium pay; and necessary investments in water, sewer, or broadband infrastructure;

BE IT FURTHER RESOLVED, that prior to the expenditure or reimbursement of ARPA funds for any use, the Administration shall determine whether or not a given use is eligible pursuant to the legislation or official guidance from U.S. Treasury, and shall document

the basis for this determination along with the estimated expenditure and programmatic data required to fulfill the reporting requirements established by the legislation and U.S. Treasury.

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the funds.

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing was selected on August 26, 2021 to receive a Cities for Financial Empowerment Fund (CFE Fund) planning grant for “Local Consumer Protection Initiative” for \$10,000;

WHEREAS, the City of Lansing’s Office of Financial Empowerment, which is part of the Department of Neighborhoods & Citizen applied for a planning grant to develop a comprehensive Local Consumer Financial Protection Strategic Plan, and to participate in the CFE Fund’s national learning community;

WHEREAS, the CFE Fund grant was the result of a competitive proposal process, and the proposal was submitted by the Office of Financial Empowerment on July 7, 2021, approved on August 26, 2021, and will be received upon approval by Council and signed agreement;

WHEREAS, the award for \$10,000.00 does not require a local match;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the Cities for Financial Empowerment Fund grant in the total amount of \$10,000.00 for the grant period beginning at council approval for the City of Lansing.

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

**Department of Economic
Development and Planning**
Brian McGrain, Director



Andy Schor, Mayor

Development Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4040 – FAX: 517.483.6036
www.lansingmi.gov/development

MEMORANDUM

TO: Mayor Schor
FROM: Barb Kimmel
DATE: 9/28/2021
SUBJECT: Request placement on agenda

Please find the attached Grant Acceptance Form and draft Grant Acceptance Resolution for the proposed Neighborhood Stabilization Program Income grant from the Michigan State Housing Development Authority.

MSHDA has chosen to provide the City of Lansing with \$250,000 to utilize for exterior rehabilitation in the Churchill Downs Neighborhood. Approximately 8 homes will receive improvements funded by this grant, and eligible items include roofing, siding, windows, doors, front porch repairs, exterior paint and minor landscaping at the façade.

I request that this be placed on the council agenda for action.



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: 9.23.21

GRANT NAME: MSHDA NSP Program Income Grant

DEPARTMENT: Development Office

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Barbara Kimmel barb.kimmel@lansingmi.gov 517-483-4053

APPLICATION DATE: none

AWARD DATE: Sept. 14, 2021

GRANT CYCLE: 2 years and 6 months

Check One: ☐ Annual ☒ One-Time

FUND AMOUNT: \$250,000 (Breakdown below should total this amount)

GOODS & SERVICES	\$0
PERSONNEL	\$52500
CONSTRUCTION	<u>\$197,500</u>
LAND	\$0
OTHER (Training)	<u>\$0</u>

CITY MATCH (IF APPLICABLE): None required but approx.. \$60,000 in match anticipated in CDBG emergency repairs and Lead Safe Lansing funds.

GRANT PAYS FOR: Exterior rehabilitation items including new roofing, new siding and/or aluminum trim or exterior painting, new windows or window and screen repairs, new exterior doors or weatherstripping, new self-storing aluminum storm doors, new concrete or wood porches, new vinyl railings where required or repairs to existing if sound, minimal landscaping at façade to include perennial plants and grasses in mulched beds, stump and dead tree removal. Also covers the cost of program delivery through Capital Area Housing Partnership and administrative costs incurred by the Development Office.

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

Funds of approximately \$25,000 per dwelling will provide exterior repairs at approximately eight owner occupied single family homes with household income levels at or below 80% of Area Median Income within the Churchill Downs neighborhood. Exterior rehabilitation items including new roofing, new siding and/or aluminum trim or exterior painting, new windows or window and screen repairs, new exterior doors or weatherstripping, new self-storing aluminum storm doors, new concrete or wood porches, new vinyl railings where required or repairs to existing if sound, minimal landscaping at façade to include perennial plants and grasses in mulched beds, stump and dead tree removal. Also covers the cost of program delivery through Capital Area Housing Partnership and administrative costs incurred by the Development Office.

MSHDA requires participating homeowners agree to a 5 year mortgage and note for the value of the repairs that MSHDA is funding.

If emergency repairs are required using CDBG funds, participating homeowners must agree to a 10 mortgage and note.

Lead-based paint remediation utilizing Lead Safe Lansing funds requires a 3 year mortgage and note.

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing was chosen by the Michigan State Housing and Development Authority to be a location for a Neighborhood Stabilization Program Income Grant; and

WHEREAS, MSHDA has awarded \$250,000 in grant funds to be used to perform exterior code-related rehabilitation activities at approximately 8 owner occupied homes with household incomes at or below 80% of area median income in the Churchill Downs neighborhood such as roofing, siding, window replacement, porch replacement and repair, modest landscaping at the façade, and the removal of dead trees; and

WHEREAS, no City match is required; and

WHEREAS, the City will partner with Capital Area Housing Partnership to deliver the program to residents including income qualification, inspection, bidding, and project management; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves acceptance of the MSHDA NSP PI grant for completion of the activities funded by the grant; and

BE IT FINALLY RESOLVED, the Administration is authorized to accept the MSHDA MSP PI grant and create appropriate accounts necessary to take actions as may be required to implement the grant; and

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-20

FILE: Winterset Drive

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions along Winterset Drive has been made; and as a result of said investigation, it is hereby directed that:

On the east side of WINTERSET DRIVE the following regulations shall apply:

Parking shall be prohibited from Miller Road to 355 feet north of Miller Road;

Parking shall be prohibited from 185 feet south of Haverhill Drive to Haverhill Drive;

On the west side of WINTERSET DRIVE the following regulations shall apply:

Parking shall be prohibited from Haverhill Drive to 45 feet south of Haverhill Drive;

Parking shall be prohibited from 185 feet south of Haverhill Drive to 500 feet south of Haverhill Drive;

Parking shall be prohibited from 80 feet north of Miller Road to Miller Road;

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY: _____

DATE: _____

Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING: _____

SIGNED BY: _____

Date

Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-19

FILE: Haverhill Drive (page 1 of 2)

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions along Haverhill Drive has been made; and as a result of said investigation, it is hereby directed that:

On the south / east side of HAVERHILL DRIVE the following regulations shall apply:

Parking shall be prohibited from Haag Road to Winterset Drive;

Parking shall be prohibited from Winterset Drive to 90 feet north of Winterset Drive;

Parking shall be prohibited from 160 feet north of Winterset Drive to 375 feet north of Winterset Drive;

Parking shall be prohibited from 650 feet north of Winterset Drive to 930 feet north of Winterset Drive;

Parking shall be prohibited from 1060 feet north of Winterset Drive to 1145 feet north of Winterset Drive;

Parking shall be prohibited from 105 feet south of Ashley Drive to Ashley Drive;

On the west side of HAVERHILL DRIVE the following regulations shall apply:

Parking shall be prohibited from Ashley Drive to 435 feet south of Ashley Drive;

Parking shall be prohibited from 535 feet south of Ashley Drive to 650 feet south of Ashley Drive;

Parking shall be prohibited from 890 feet south of Ashley Drive to 1215 feet south of Ashley Drive;

Parking shall be prohibited from 1395 feet south of Ashley Drive to 135 feet east of Haag Road;

Parking shall be prohibited from 135 feet east of Haag Road to Haag Road;

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-19

FILE: Haverhill Drive (page 2 of 2)

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby
rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY: _____ DATE: _____
Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING: _____ SIGNED BY: _____
Date Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Non-Motorized Section of the Public Service Department received a parking prohibition request from Mary Howell Wall, Chief Operating Officer for Legacy LLC, on behalf of the Board of Directors and Members of Village Townhouses Cooperative, 5937 Haverhill Drive. This request was for parking to be prohibited along the north side of Haverhill Drive and along the west side of Winterset Drive to prevent congestion and potential safety issues in regards to emergency vehicle access to the community; and

WHEREAS, the Transportation and Non-Motorized Section reviewed this request and the roadway geometrics along both Haverhill Drive and Winterset Drive; and

WHEREAS, based on the request from Village Townhouses Cooperative and roadway geometrics the Transportation and Non-Motorized Section recommends that parking be prohibited along sections of the east and west sides of Haverhill Drive and along sections of the north and south sides of Winterset Drive to better meet the needs of residents and allow for unobstructed emergency vehicle access; and

WHEREAS, the minutes containing the Public Service Board's recommendation on this matter are on file with the City Clerk's office; and

WHEREAS, the Mayor concurs with the recommendation of the Public Service Board; and

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Public Service Board.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order Nos. 21-19 and 21-20, thereby authorizing the Transportation Engineer to regulate parking along Haverhill Drive and Winterset Drive;

BE IT FINALLY RESOLVED that Traffic Control Order Nos. 21-19 and 21-20 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

ENGINEERS REPORT #21-12

PARKING PROHIBITION REQUEST: LEGACY LLC / VILLAGE TOWNHOUSES
COOPERATIVE – HAVERHILL DRIVE AND WINTERSET DRIVE

The Transportation and Non-Motorized Section received a parking prohibition request from Mary Howell Wall, Chief Operating Officer for Legacy LLC, on behalf of the Board of Directors and Members of Village Townhouses Cooperative, 5937 Haverhill Drive. This request was for parking to be prohibited along the north side of Haverhill Drive and along the west side of Winterset Drive to prevent congestion and potential safety issues in regards to emergency vehicle access to the community.

Haverhill Drive is a residential street, approximately four blocks long and begins at Ashley Drive and ends at Haag Road. Haverhill Drive is approximately 30 feet wide with an asphalt surface, curb and overlaid gutter. Parking is currently unrestricted along the both sides of the street.

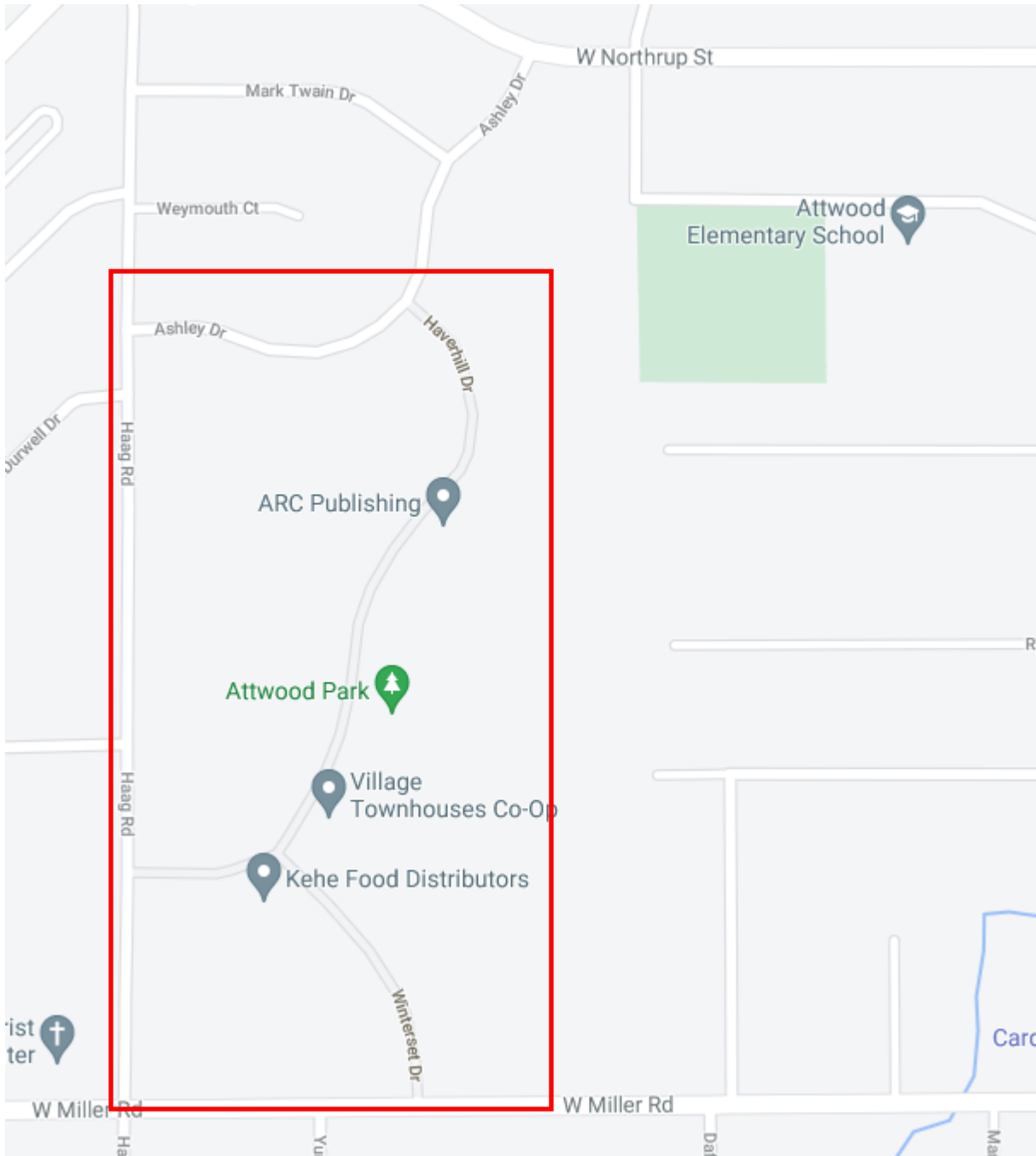
Winterset Drive is a residential street, approximately one block long and begins at Haverhill Drive and ends at Miller Road. Winterset Drive is approximately 30 feet wide with an asphalt surface, curb and overlaid gutter. Parking is currently unrestricted along the both sides of the street.

Based on the request from Village Townhouses Cooperative and roadway geometrics the Transportation and Non-Motorized Section recommends that parking be prohibited along sections of the east and west sides of Haverhill Drive and along sections of the north and south sides of Winterset Drive to better meet the needs of residents and allow for unobstructed emergency vehicle access (see attached graphic for more detail).

ENGINEERS REPORT #21-12

PARKING PROHIBITION REQUEST: LEGACY LLC / VILLAGE TOWNHOUSES
COOPERATIVE – HAVERHILL DRIVE AND WINTERSET DRIVE

LOCATION DIAGRAM



ENGINEERS REPORT #21-12

PARKING PROHIBITION REQUEST: LEGACY LLC / VILLAGE TOWNHOUSES
COOPERATIVE – HAVERHILL DRIVE AND WINTERSET DRIVE

Haverhill Drive – street view



Winterset Drive – street view



ENGINEERS REPORT #21-12

PARKING PROHIBITION REQUEST: LEGACY LLC / VILLAGE TOWNHOUSES
COOPERATIVE – HAVERHILL DRIVE AND WINTERSET DRIVE

Proposed Parking Regulations



BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Non-Motorized Section of the Public Service Department received a request to change the existing parking regulations along Taffy Parkway between Hughes Road and Haag Road; and

WHEREAS, the Transportation and Non-Motorized Section provided a parking petition to be signed by the occupants / owners of properties along Taffy Parkway between Hughes Road and Haag Road; and

WHEREAS, based on the parking petition being signed by a majority of occupants / owners of properties along Taffy Parkway between Hughes Road and Haag Road, the Transportation and Non-Motorized Section recommends that parking be prohibited along the west side of Taffy Parkway between Hughes Road and Haag Road; and

WHEREAS, the minutes containing the Public Service Board's recommendation on this matter are on file with the City Clerk's office; and

WHEREAS, the Mayor concurs with the recommendation of the Public Service Board; and

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Public Service Board.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 21-15, thereby authorizing the Transportation Engineer to regulate parking along Taffy Parkway between Hughes Road and Haag Road;

BE IT FINALLY RESOLVED that Traffic Control Order No. 21-15 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-15

FILE: Taffy Parkway

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions along Taffy Parkway between Hughes Road and Haag Road has been made; and as a result of said investigation, it is hereby directed that:

Parking shall be prohibited along the west side of TAFFY PARKWAY from Haag Road to Hughes Road;

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY:

DATE:

Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING:

SIGNED BY:

Date

Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

ENGINEERS REPORT #21-10

PARKING PROHIBITION REQUEST: TAFFY PARKWAY

The Transportation and Non-Motorized Section received a request from Valerie Marsh, a resident of 5735 Taffy Parkway, to prohibit parking along the west side of Taffy Parkway. Ms. Marsh stated vehicles that are parked along the west side of the street sometimes interfere with mailbox access and can make travel along the street difficult.

City of Lansing Public Service Department standards and procedures require a majority of residents (greater than 50%) along the section of street in question to be in favor of prohibiting parking for the restriction to be put into place. A petition was circulated by Ms. Marsh and signed by 60% of residents six out of the ten properties along Taffy Parkway.

Taffy Parkway is two blocks long and begins at Hughes Road and ends at Haag Road. Taffy Parkway is approximately 25 feet wide with a gravel / dirt surface and no curb and gutter. Parking is currently unrestricted along the both sides of the street.

The Transportation and Non-Motorized Section recommends that parking along the west side of Taffy Parkway from Hughes Road to Haag Road be prohibited to better meet the needs of residents / property owners.

ENGINEERS REPORT #21-10

PARKING PROHIBITION REQUEST: TAFFY PARKWAY

Taffy Parkway – street view



PETITION

To the Honorable Mayor and City Council of the City of Lansing:

We, the undersigned businesses, residents and taxpayers of the City of Lansing do hereby petition your honorable body;

**TO PROHIBIT PARKING ALONG THE WEST SIDE OF TAFFY PARKWAY
BETWEEN HUGHES ROAD AND HAAG ROAD.**

Signature

Name (print)

Address

Phone No.

Valerie Marsh Valerie Marsh 5735 Taffy Pkwy 517-507-9518

Raquel Garza Raquel Garza 5723 Taffy Pkwy 517-775-9746

Rachad Stevenson ~~Rachad Stevenson~~ 5717 Taffy Pkwy 517-977-8020

Jaclyn Stevenson Jaclyn Stevenson 5717 Taffy Pkwy 517-505-6446

Jennifer Hicks Jennifer Hicks 5633 Taffy Pkwy 517-977-2170

Julie T. Lubom 5621 Taffy 517-575-5868

Michelle He ~~Michelle He~~ 5701 Taffy Pkwy 517-368-2658

HAROLD ^{MARSH} 5735 Taffy Pkwy 517-230-9748

Jeffrey Mark Sealey Mark 5735 Taffy Parkway 517-348-3031

Bill J. Beck 5633 Taffy Pkwy

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Non-Motorized Section of the Public Service Department received a request to install a stop sign at the intersection of Lansing Avenue and Queen Street; and

WHEREAS, the Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Lansing Avenue and Queen Street; and

WHEREAS, based on this study the Transportation and Non-Motorized Section recommends that a yield sign be installed for eastbound traffic on Ontario Street at Lansing Avenue due to the safe approach speed and to assign right of way at this intersection; and

WHEREAS, the minutes containing the Public Service Board's recommendation on this matter are on file with the City Clerk's office; and

WHEREAS, the Mayor concurs with the recommendation of the Public Service Board; and

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Public Service Board.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 21-16, thereby authorizing the Transportation Engineer to regulate traffic at the intersection of Lansing Avenue and Queen Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 21-16 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

Approved by the Committee on Public Safety

on: _____

Approved for placement on the City Council Agenda:

James D. Smiertka
City Attorney

Date: _____

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-16

FILE: Lansing Avenue and Queen Street

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions at the intersection of Lansing Avenue and Queen Street has been made; and as a result of said investigation, it is hereby directed that:

All eastbound traffic on QUEEN STREET shall yield the right-of-way to northbound and southbound traffic on LANSING AVENUE;

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY: _____ DATE: _____
Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING: _____ SIGNED BY: _____
Date Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

ENGINEERS REPORT #21-04

TRAFFIC CONTROL REQUEST: LANSING AVENUE & QUEEN STREET

The Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Lansing Avenue and Queen Street. This study was conducted in response to a request submitted by Latisha King, a resident. Ms. King's contact information is as follows: (517) 377-5513 and latishaking226@gmail.com

The intersection of Lansing Avenue and Queen Street is a three-leg intersection. Lansing Avenue is five blocks long and begins at Willow Street and ends at a dead end north of Greenwood Avenue. Lansing Avenue is 30 feet wide with curb and gutter and a relatively flat grade at the intersection at Queen Street. Parking is unrestricted along both the east and west sides of the street near this intersection.

Queen Street is two blocks long and begins at Martin L. King Jr Boulevard and ends at Lansing Avenue. Queen Street is 26 feet wide with curb and gutter and a relatively flat grade at the intersection at Lansing Avenue. Parking is unrestricted along both the north and south sides of the street near this intersection.

A safe approach speed study was performed and revealed a safe approach speed of seventeen (17) miles per hour (MPH) due to the houses in the northwest and southwest quadrants of the intersection.

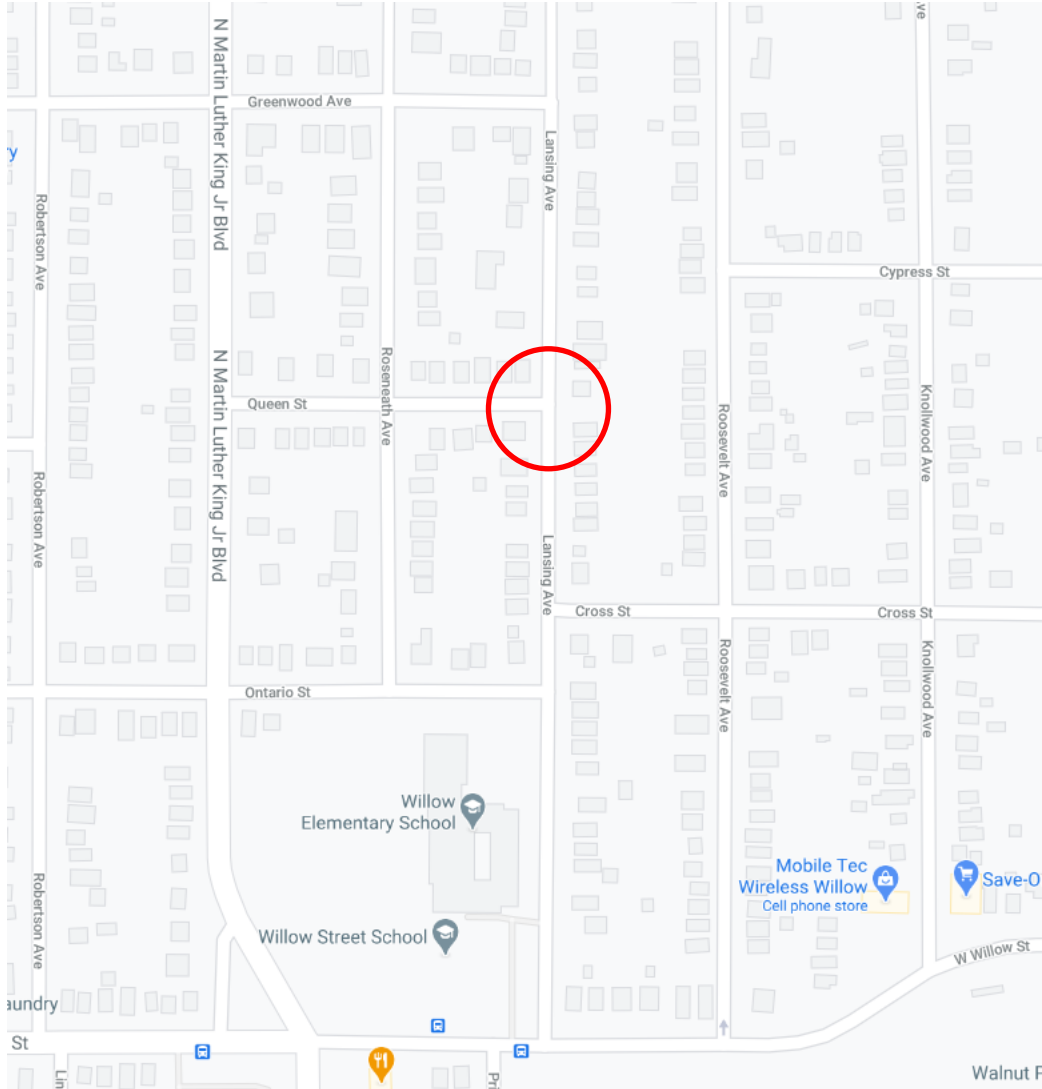
A review of the traffic crash records for this intersection indicates there has been one reported crash in the last five years from January 1, 2016 to December 31, 2020. This crash was an angle / sideswipe type of crash where one vehicle failed to yield the right of way at the intersection.

The Transportation and Non-Motorized Section recommends that a yield sign be installed for eastbound traffic on Ontario Street at Lansing Avenue due to the safe approach speed and to assign right of way at this intersection.

ENGINEERS REPORT #21-04

TRAFFIC CONTROL REQUEST: LANSING AVENUE & QUEEN STREET

LOCATION DIAGRAM



ENGINEERS REPORT #21-04

TRAFFIC CONTROL REQUEST: LANSING AVENUE & QUEEN STREET

Eastbound Queen Street at Lansing Avenue looking north



ENGINEERS REPORT #21-04

TRAFFIC CONTROL REQUEST: LANSING AVENUE & QUEEN STREET

Eastbound Queen Street at Lansing Avenue looking south



BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Non-Motorized Section of the Public Service Department received a request to install stop signs at the intersection of Magnolia Avenue and Marcus Street; and

WHEREAS, the Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Magnolia Avenue and Marcus Street; and

WHEREAS, based on this study the Transportation and Non-Motorized Section recommends that the existing yield signs on Marcus Street at Magnolia Avenue be upgraded to stop signs due to the safe approach speed at this intersection; and

WHEREAS, the minutes containing the Public Service Board's recommendation on this matter are on file with the City Clerk's office; and

WHEREAS, the Mayor concurs with the recommendation of the Public Service Board; and

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Public Service Board.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 21-18, thereby authorizing the Transportation Engineer to regulate traffic at the intersection of Magnolia Avenue and Marcus Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 21-18 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

Approved by the Committee on Public Safety

on: _____

Approved for placement on the City Council Agenda:

James D. Smiertka
City Attorney

Date: _____

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-18

FILE: Magnolia Avenue and Marcus Street

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions at the intersection of Magnolia Avenue and Marcus Street has been made; and as a result of said investigation, it is hereby directed that:

All eastbound and westbound traffic on MARCUS STREET shall be required to stop prior to entering the intersection at MAGNOLIA AVENUE;

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY: _____ DATE: _____
Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING: _____ SIGNED BY: _____
Date Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

ENGINEERS REPORT #21-08

TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

The Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Magnolia Avenue and Marcus Street. This study was conducted in response to a resident request by Susan Slovinski, contact information: (517) 372-6546

The intersection of Magnolia Avenue and Marcus Street is a four-leg intersection currently controlled by yield signs on Marcus Street at Magnolia Avenue. Magnolia Avenue is fifteen blocks long and begins at East Grand River Avenue and ends at a dead end south of Harton Street. Magnolia Avenue is 30 feet wide with curb and gutter and with a relatively flat grade at the intersection at Marcus Street. Parking is unrestricted along the west side and prohibited along the east side of the street near this intersection.

The eastern section of Marcus Street is six blocks long and begins at Clemens Avenue and ends at Mifflin Avenue. Marcus Street is 26 feet wide with curb and gutter and a relatively flat grade at the intersection at Magnolia Avenue. Parking is unrestricted along both the north and south sides of the street near this intersection.

A safe approach speed study was performed and revealed a safe approach speed of ten (10) miles per hour (MPH) due to the shrub and house in the northwest quadrant of the intersection.

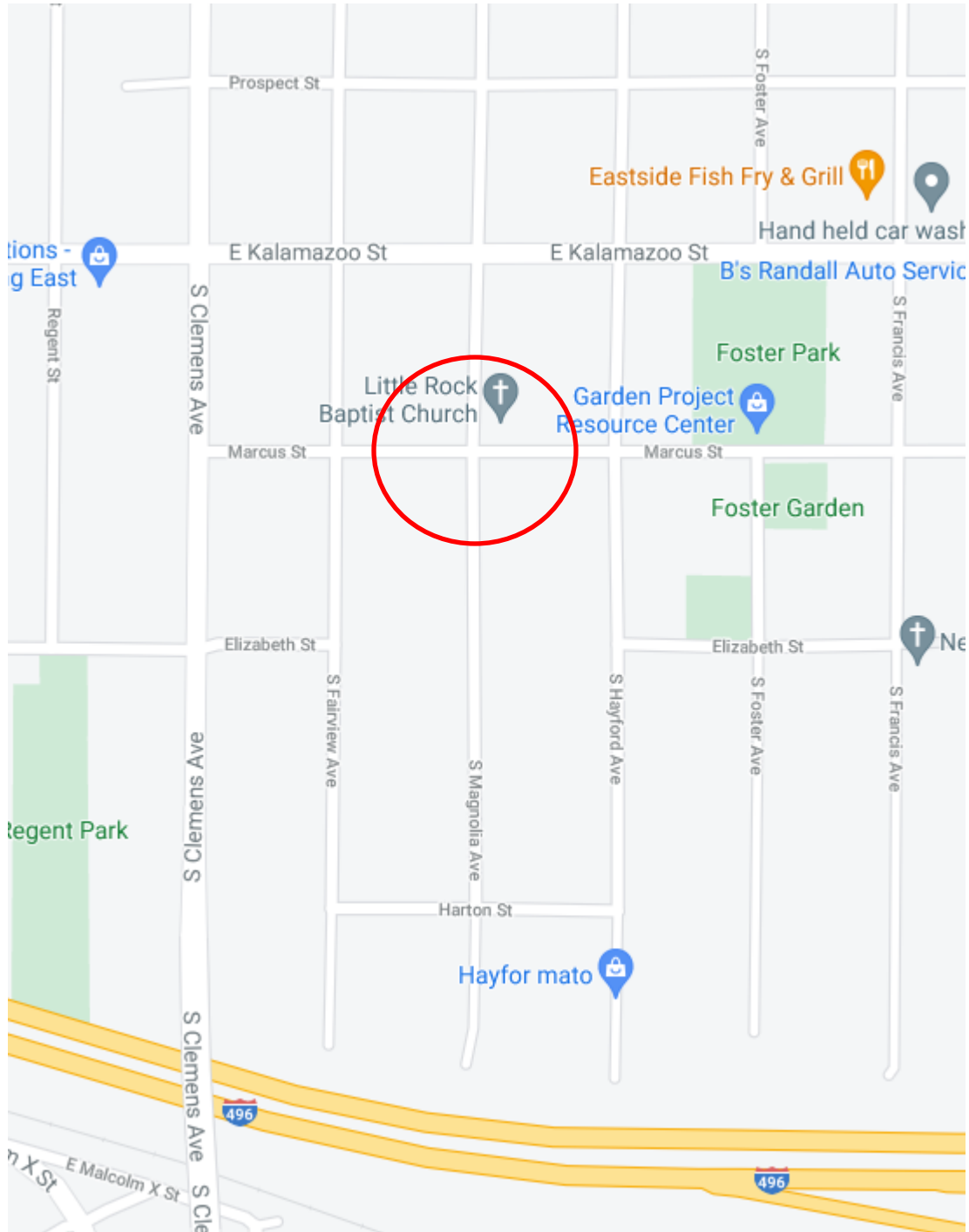
A review of the traffic crash records for this intersection indicates there has been one (1) reported crash in the last five years from January 1, 2016 to December 31, 2020. This crash was a right turn / sideswipe type with vehicles traveling in opposite directions at the intersection.

The Transportation and Non-Motorized Section recommends that the existing yield signs on Marcus Street at Magnolia Avenue be upgraded to stop signs due to the safe approach speed at this intersection.

ENGINEERS REPORT #21-08

TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

LOCATION DIAGRAM



ENGINEERS REPORT #21-08

TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

Eastbound Marcus Street at Magnolia Avenue looking north



Eastbound Marcus Street at Magnolia Avenue looking south



ENGINEERS REPORT #21-08

TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

Westbound Marcus Street at Magnolia Avenue looking north



Westbound Marcus Street at Magnolia Avenue looking south



ENGINEERS REPORT #21-08

TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

Northbound Magnolia Avenue at Marcus Street looking east



Northbound Magnolia Avenue at Marcus Street looking west



ENGINEERS REPORT #21-08

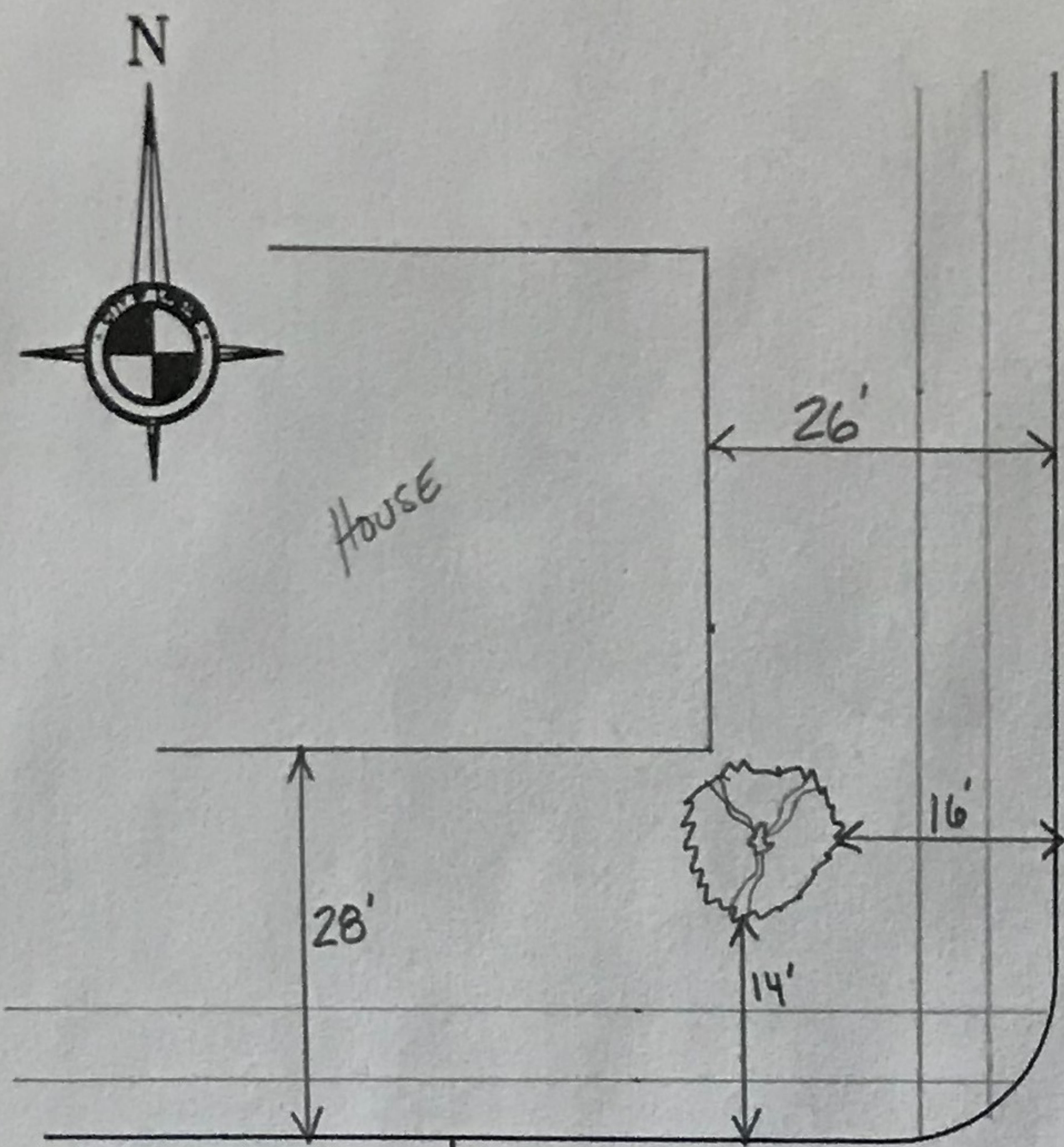
TRAFFIC CONTROL REQUEST: MAGNOLIA AVENUE AND MARCUS STREET

Southbound Magnolia Avenue at Marcus Street looking east

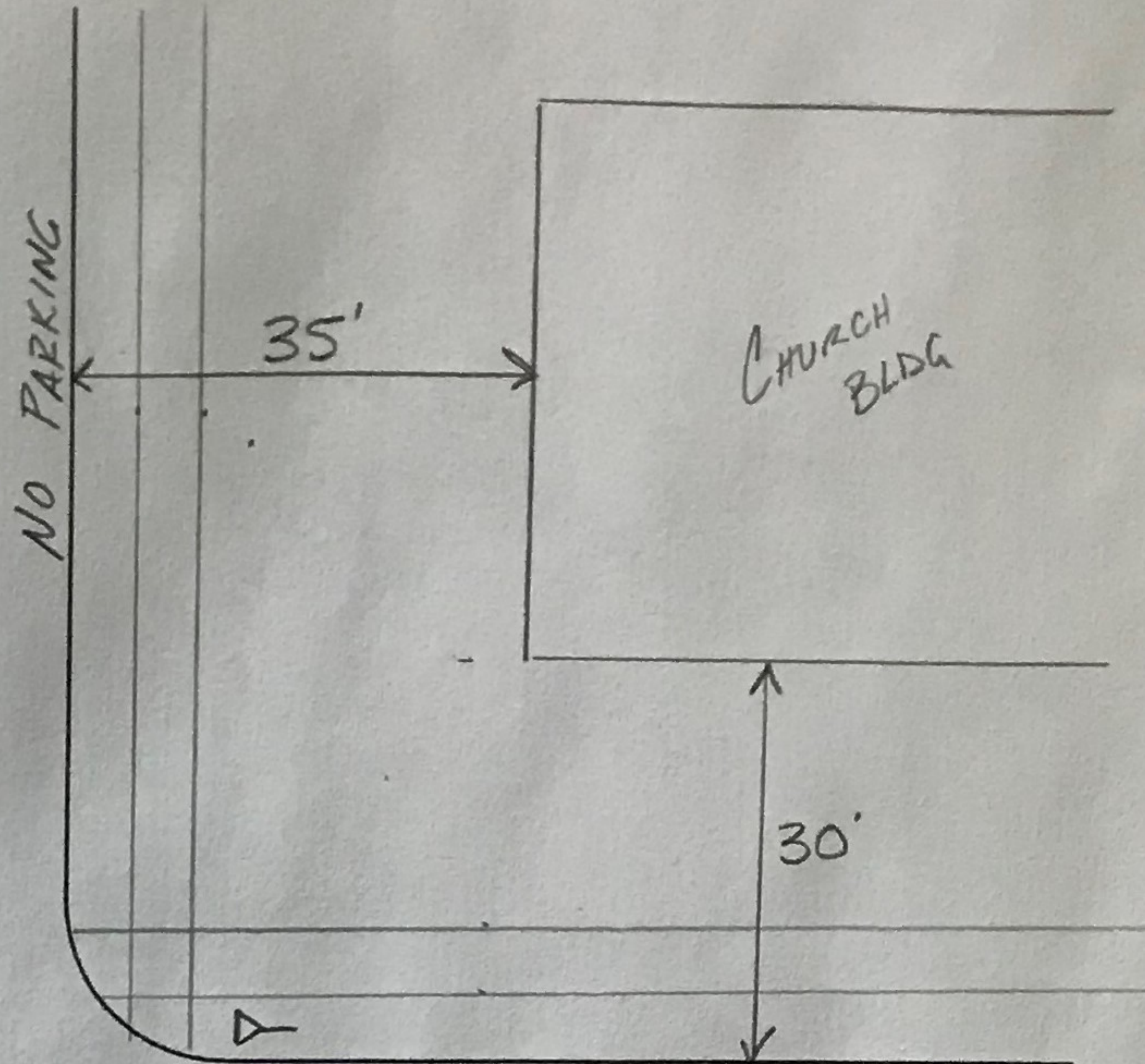


Southbound Magnolia Avenue at Marcus Street looking west

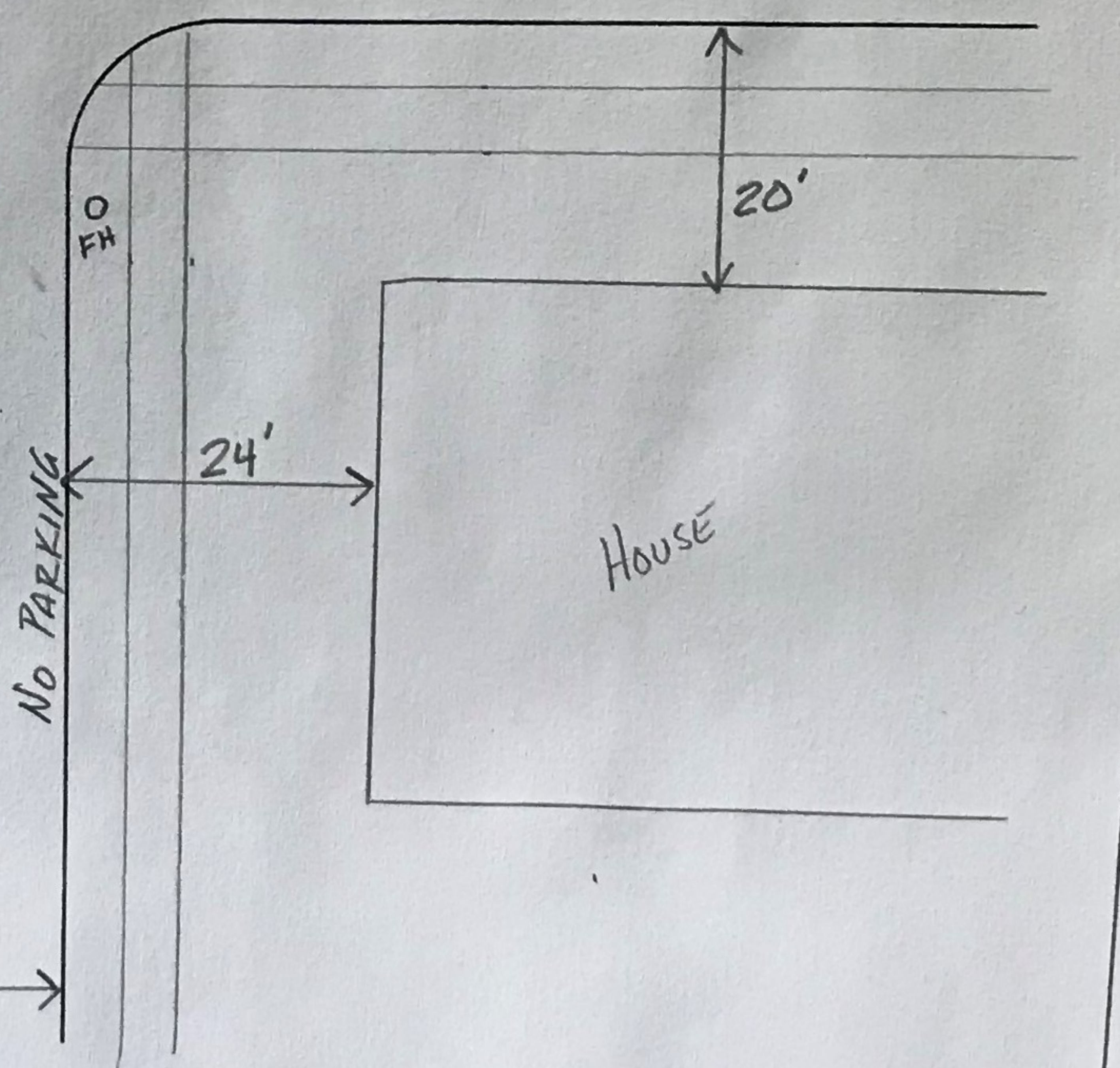
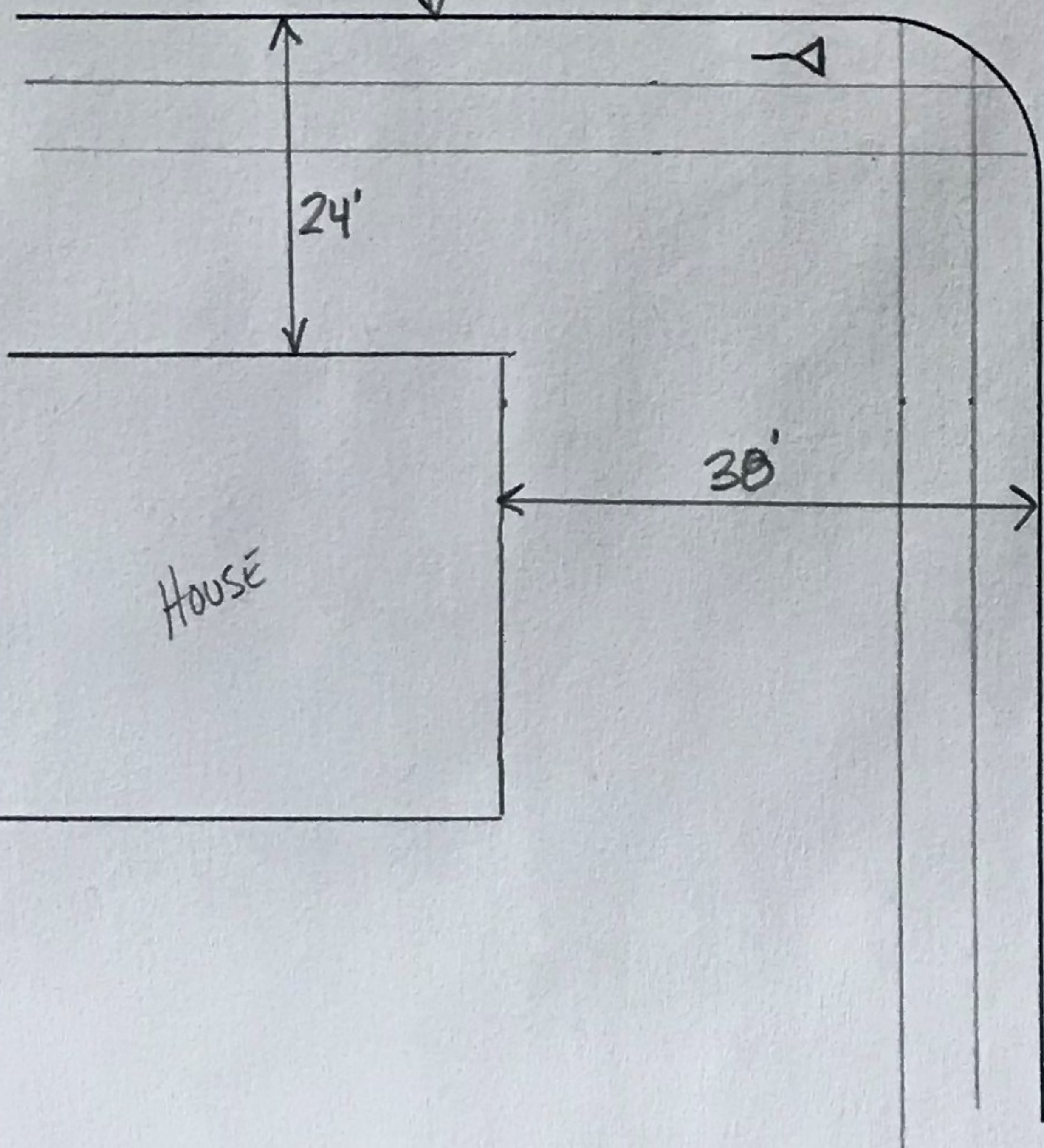




MAGNOLIA AVE



MARCUS ST



CRASH DATA

2020 - 0
2019 - 0
2018 - 1 (SIDESWIPE)
2017 - 0
2016 - 0

INTERSECTION: MAGNOLIA AVE + MARCUS ST

DATE: 6-1-21

SCALE: NTS

OF ACCIDENTS: 1 FROM: 2020 TO: 2016

ANALYST: A. MILLER

Major Street: MARCUS ST Minor Street: MAGNOLIA AVE

A - Vehicle Speed on Main Street in mph

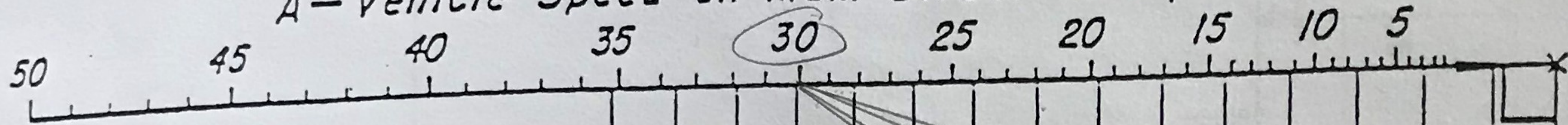
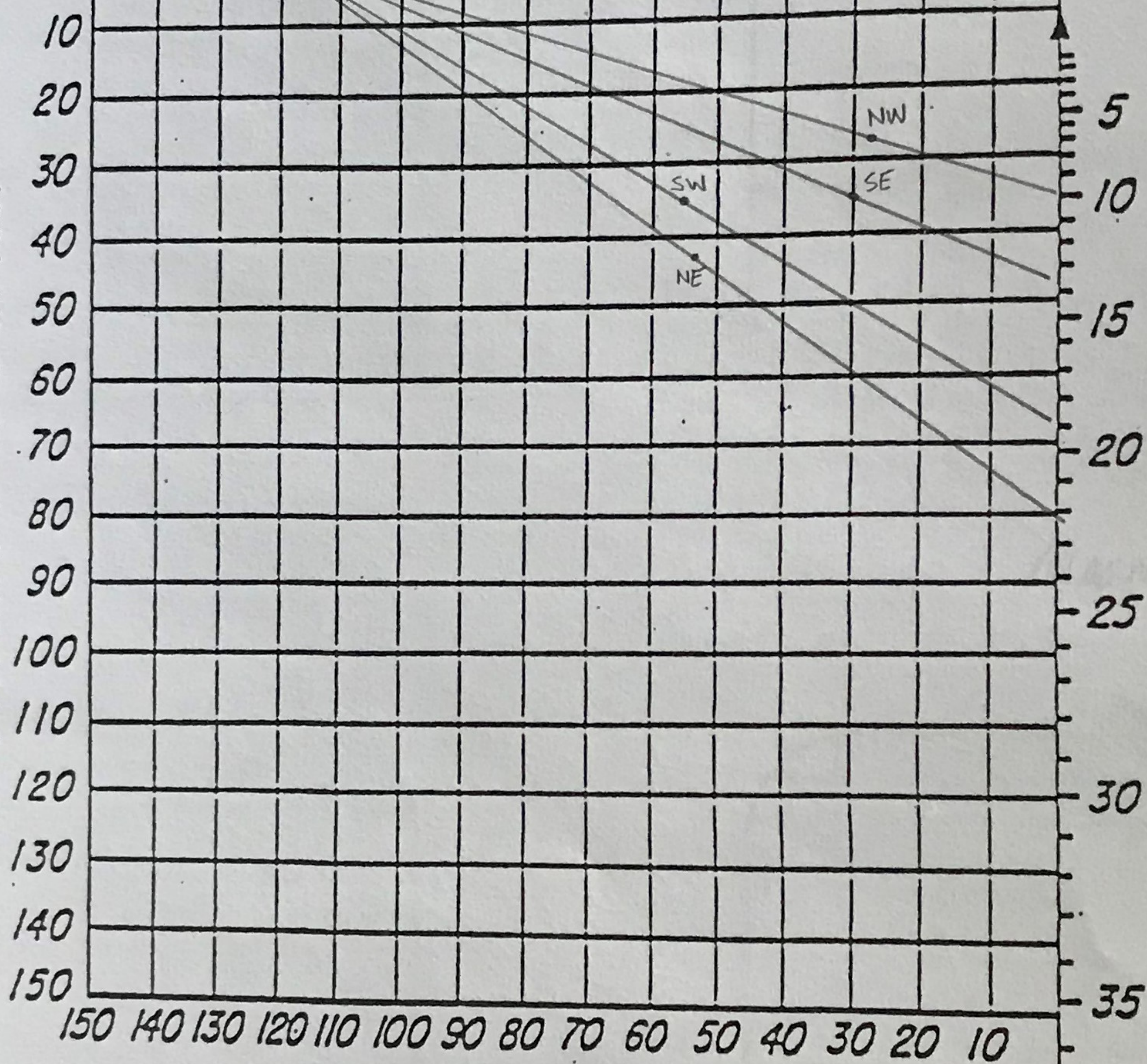


Chart based on AAA Method.

ASSUMPTIONS

1. Vehicles in most dangerous legal position.
2. Reaction time is 1 Sec.
3. Deceleration rate is 16 ft/sec/sec.
4. Drivers eye is 7 ft back of bumper.
5. Vehicle can stop 8 ft from point where paths cross.

Distance a or d in feet



Distance b or c in feet

B - Vehicle Speed on Minor Street in mph

Quadrant

<u>SW</u>	a'	<u>12</u>	a''	<u>24</u>	a	<u>36</u>
<u>SE</u>	b'	<u>18</u>	b''	<u>38</u>	b	<u>56</u>
	c'	<u>6</u>	c''	<u>24</u>	c	<u>30</u>
	d'	<u>14</u>	d''	<u>20</u>	d	<u>34</u>
<u>NE</u>	a'	<u>12</u>	a''	<u>30</u>	a	<u>42</u>
<u>NW</u>	b'	<u>18</u>	b''	<u>35</u>	b	<u>53</u>
	c'	<u>12</u>	c''	<u>16</u>	c	<u>28</u>
	d'	<u>14</u>	d''	<u>14</u>	d	<u>28</u>

Safe approach speed chart.

Analyst

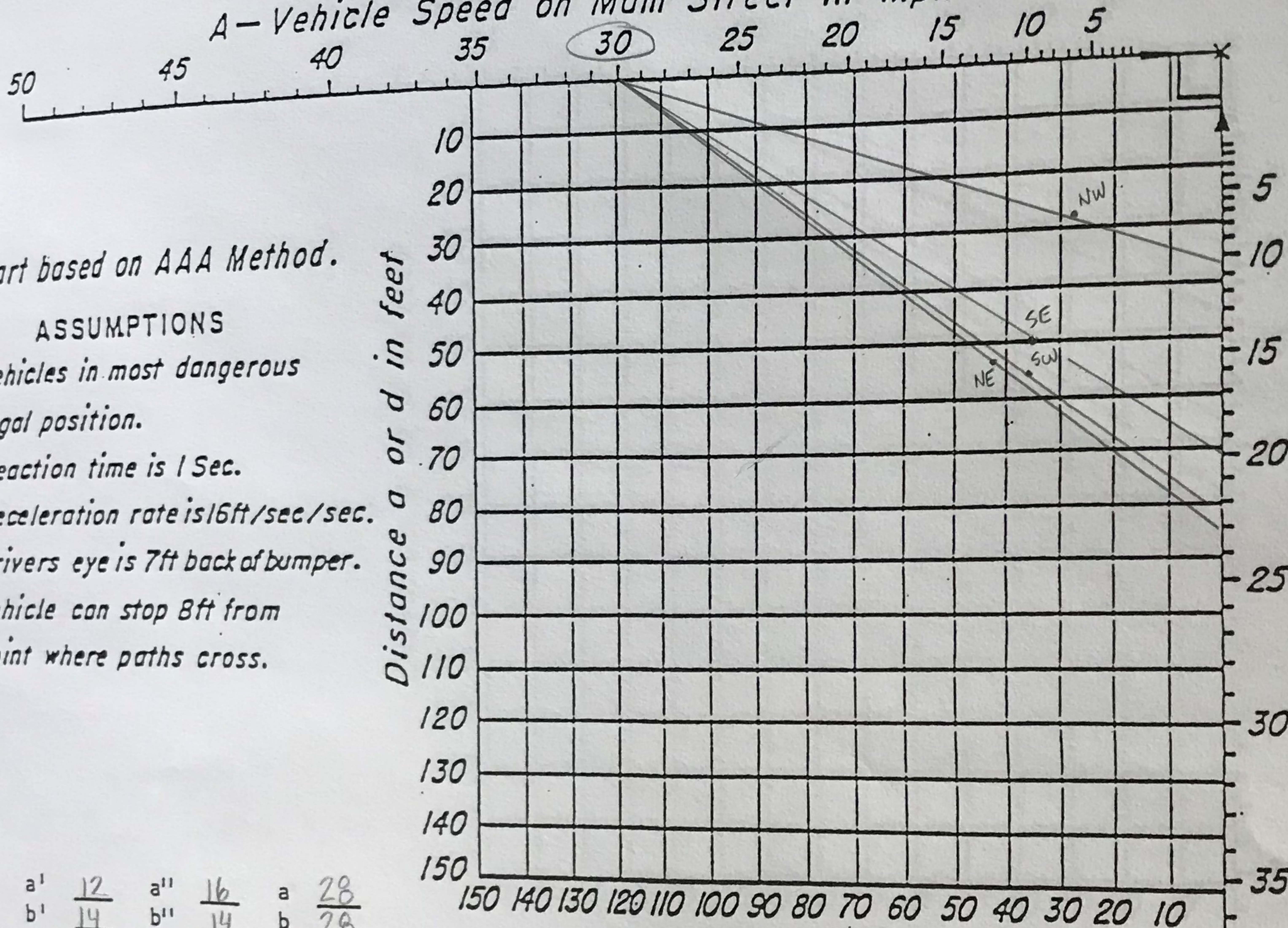
Date

A. MILLER

6-1-21

Major Street: MAGNOLIA AVE Minor Street: MARCUS ST

A - Vehicle Speed on Main Street in mph



Quadrant

<u>NW</u>	a'	<u>12</u>	a''	<u>16</u>	a	<u>28</u>
<u>SW</u>	b'	<u>14</u>	b''	<u>14</u>	b	<u>28</u>
	c'	<u>12</u>	c''	<u>24</u>	c	<u>36</u>
	d'	<u>18</u>	d''	<u>38</u>	d	<u>56</u>
<u>SE</u>	a'	<u>6</u>	a''	<u>24</u>	a	<u>30</u>
<u>NE</u>	b'	<u>14</u>	b''	<u>20</u>	b	<u>34</u>
	c'	<u>12</u>	c''	<u>30</u>	c	<u>42</u>
	d'	<u>18</u>	d''	<u>35</u>	d	<u>53</u>

Safe approach speed chart.

Analyst A. MILLER
Date 6-1-21







CRIMINALS
BEWARE!
Neighborhood Watch
In Operation
LANSING POLICE
DEPARTMENT
483-2600







LE FLOCH
METHODIST CHURCH

Marcus Ave 2100
Magnolia Ave 900





BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation and Non-Motorized Section of the Public Service Department received a request to install a stop sign at the intersection of Cross Street and Lansing Avenue; and

WHEREAS, the Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Cross Street and Lansing Avenue; and

WHEREAS, based on this study the Transportation and Non-Motorized Section recommends that a stop sign be installed for westbound traffic on Cross Street at Lansing Avenue due to the safe approach speed and to assign right of way at this intersection; and

WHEREAS, the minutes containing the Public Service Board's recommendation on this matter are on file with the City Clerk's office; and

WHEREAS, the Mayor concurs with the recommendation of the Public Service Board; and

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Public Service Board.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 21-17, thereby authorizing the Transportation Engineer to regulate traffic at the intersection of Cross Street and Lansing Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 21-17 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate signs are installed.

**CITY OF LANSING
TRAFFIC CONTROL ORDER**

ORDER NUMBER: 21-17

FILE: Cross Street and Lansing Avenue

In accordance with the Michigan Uniform Traffic Code R 28.1126 Rule 126, an investigation of the traffic conditions at the intersection of Cross Street and Lansing Avenue has been made; and as a result of said investigation, it is hereby directed that:

All westbound traffic on CROSS STREET shall be required to stop prior to entering the intersection at LANSING AVENUE;

Any conflicting traffic regulations on the following Traffic Control Order(s) is/are hereby rescinded: n/a

APPROVED BY THE CITY COUNCIL OF THE CITY OF LANSING ON: _____

ISSUED BY: _____ DATE: _____
Mitchell Whisler
Interim Transportation Engineer

RECEIVED FOR FILING: _____ SIGNED BY: _____
Date Chris Swope
City Clerk

DATE OF FILING WITH CITY CLERK: _____

ENGINEERS REPORT #21-05

TRAFFIC CONTROL REQUEST: LANSING AVENUE & CROSS STREET

The Transportation and Non-Motorized Section conducted an investigation to determine sight distance and traffic control requirements at the intersection of Lansing Avenue and Cross Street. This study was conducted in response to a request made by the resident at 1441 Lansing Avenue while taking measurements at the intersection of Lansing Avenue and Queen Street for another study.

The intersection of Lansing Avenue and Cross Street is an uncontrolled three-leg intersection. Lansing Avenue is five blocks long and begins at Willow Street and ends at a dead end north of Greenwood Avenue. Lansing Avenue is 30 feet wide with curb and gutter and with a relatively flat grade at the intersection at Cross Street. Parking is unrestricted along both the east and west sides of the street near this intersection.

Cross Street is four blocks long and begins at Lansing Avenue and ends at a dead end east of Emerson Street. Cross Street is 24 feet wide with curb and gutter and a relatively flat grade at the intersection at Lansing Avenue. Parking is unrestricted along both the north and south sides of the street near this intersection.

A safe approach speed study was performed and revealed a safe approach speed of nine (9) miles per hour (MPH) due to the elevated front yard / natural hill in the southeast quadrant of the intersection.

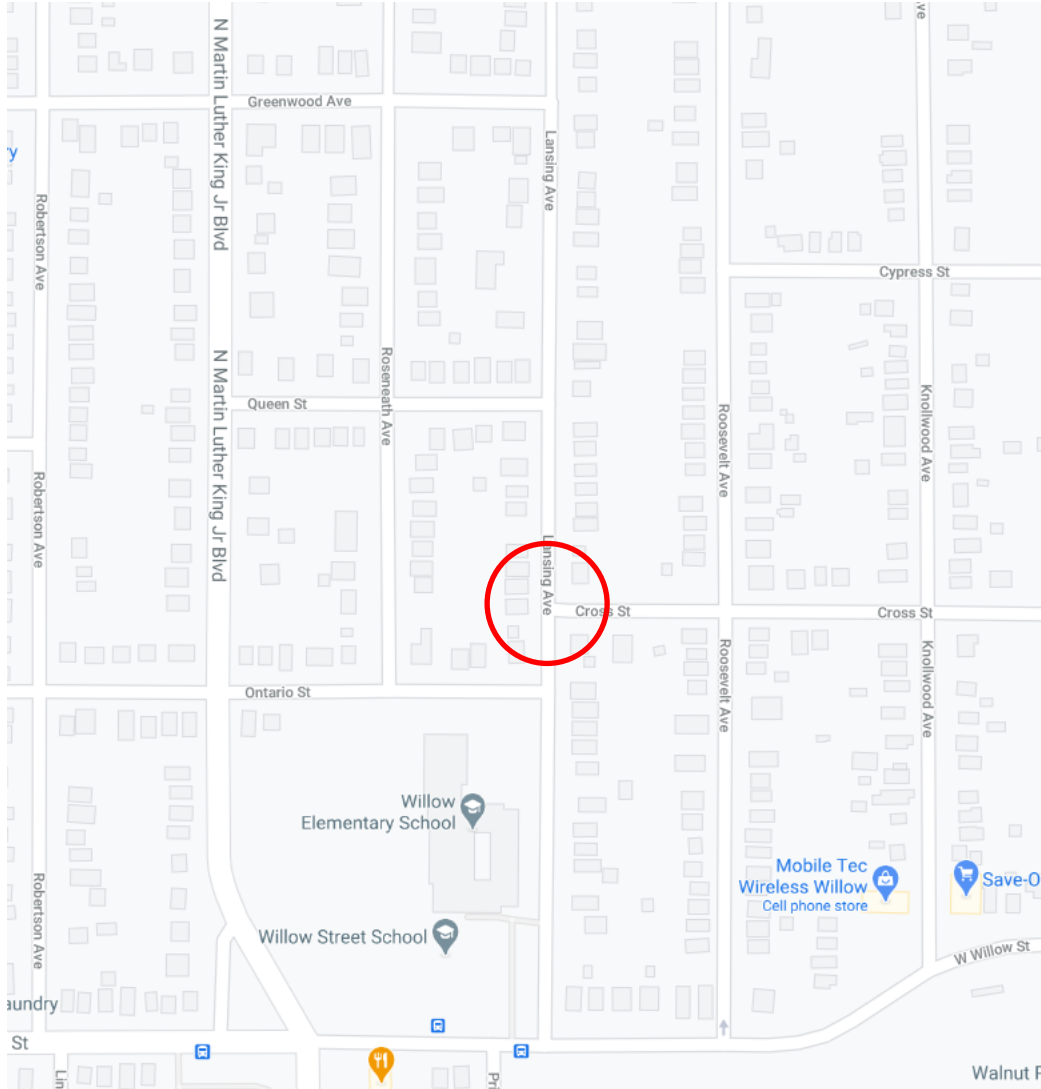
A review of the traffic crash records for this intersection indicates there have been two (2) reported crashes in the last five years from January 1, 2016 to December 31, 2020. These crashes both involved vehicles that failed to yield the right of way at the intersection.

The Transportation and Non-Motorized Section recommends that a stop sign be installed for westbound traffic on Cross Street at Lansing Avenue due to the safe approach speed and to assign right of way at this intersection.

ENGINEERS REPORT #21-05

TRAFFIC CONTROL REQUEST: LANSING AVENUE & CROSS STREET

LOCATION DIAGRAM



ENGINEERS REPORT #21-05

TRAFFIC CONTROL REQUEST: LANSING AVENUE & CROSS STREET

Westbound Cross Street at Lansing Avenue looking north



ENGINEERS REPORT #21-05

TRAFFIC CONTROL REQUEST: LANSING AVENUE & CROSS STREET

Westbound Cross Street at Lansing Avenue looking south



Lansing Transportation Division

Major Street: LANSING AVE Minor Street: CROSS ST

A - Vehicle Speed on Main Street in mph

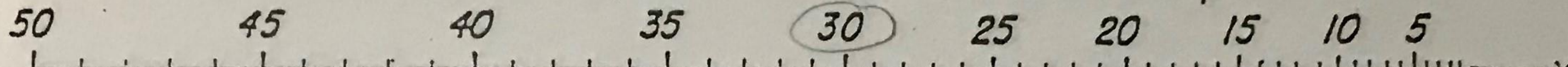
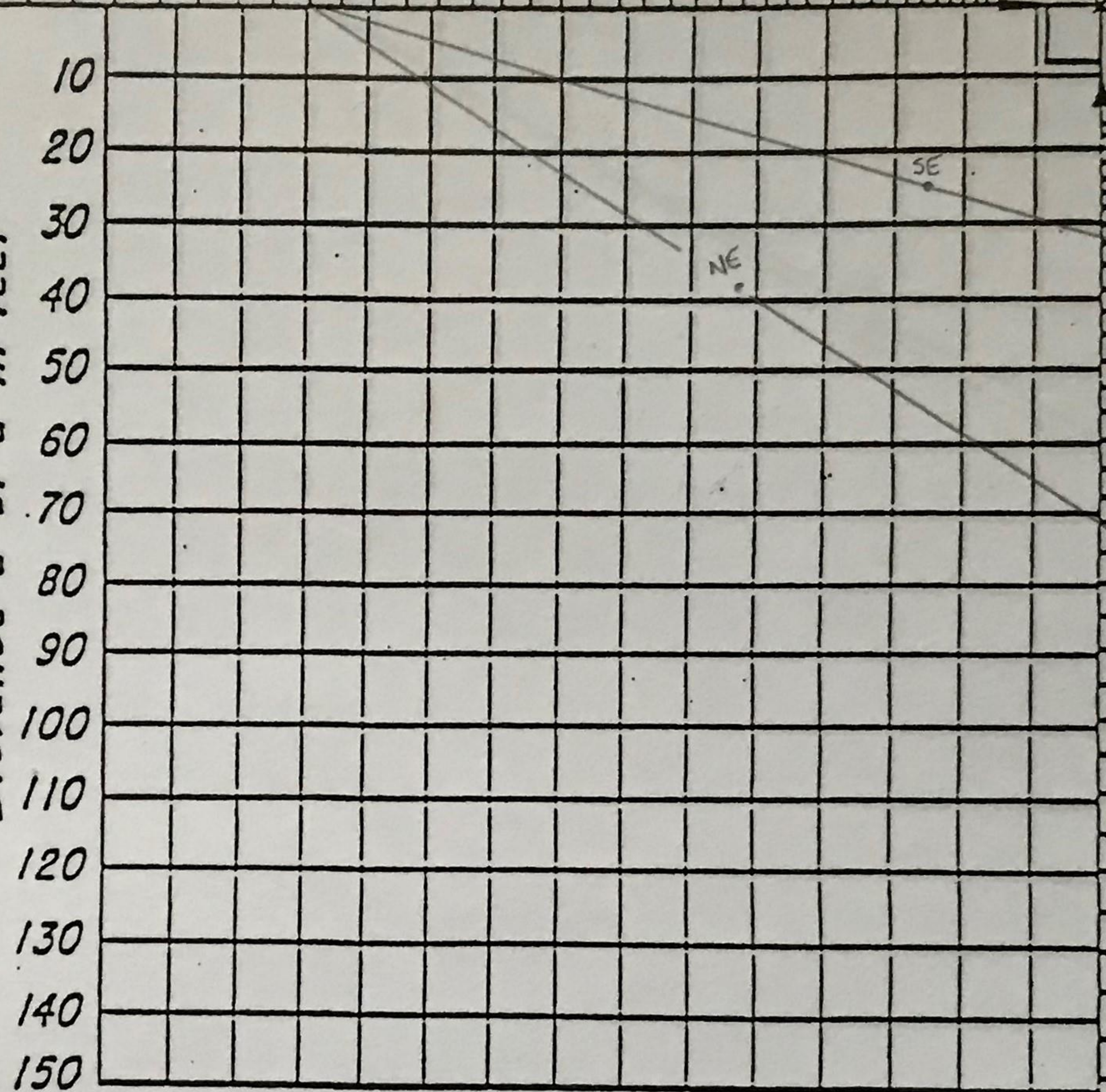


Chart based on AAA Method.

ASSUMPTIONS

1. Vehicles in most dangerous legal position.
2. Reaction time is 1 Sec.
3. Deceleration rate is 16 ft/sec/sec.
4. Drivers eye is 7 ft back of bumper.
5. Vehicle can stop 8 ft from point where paths cross.

Distance a or d in feet



Distance b or c in feet

Quadrant

<u>SE</u>	a'	<u>12</u>	a''	<u>14</u>	a	<u>26</u>
	b'	<u>12</u>	b''	<u>14</u>	b	<u>26</u>
<u>NE</u>	c'	<u>12</u>	c''	<u>40</u>	c	<u>52</u>
	d'	<u>12</u>	d''	<u>27</u>	d	<u>39</u>
—	a'	—	a''	—	a	—
—	b'	—	b''	—	b	—
—	c'	—	c''	—	c	—
—	d'	—	d''	—	d	—

B - Vehicle Speed on Minor Street in mph

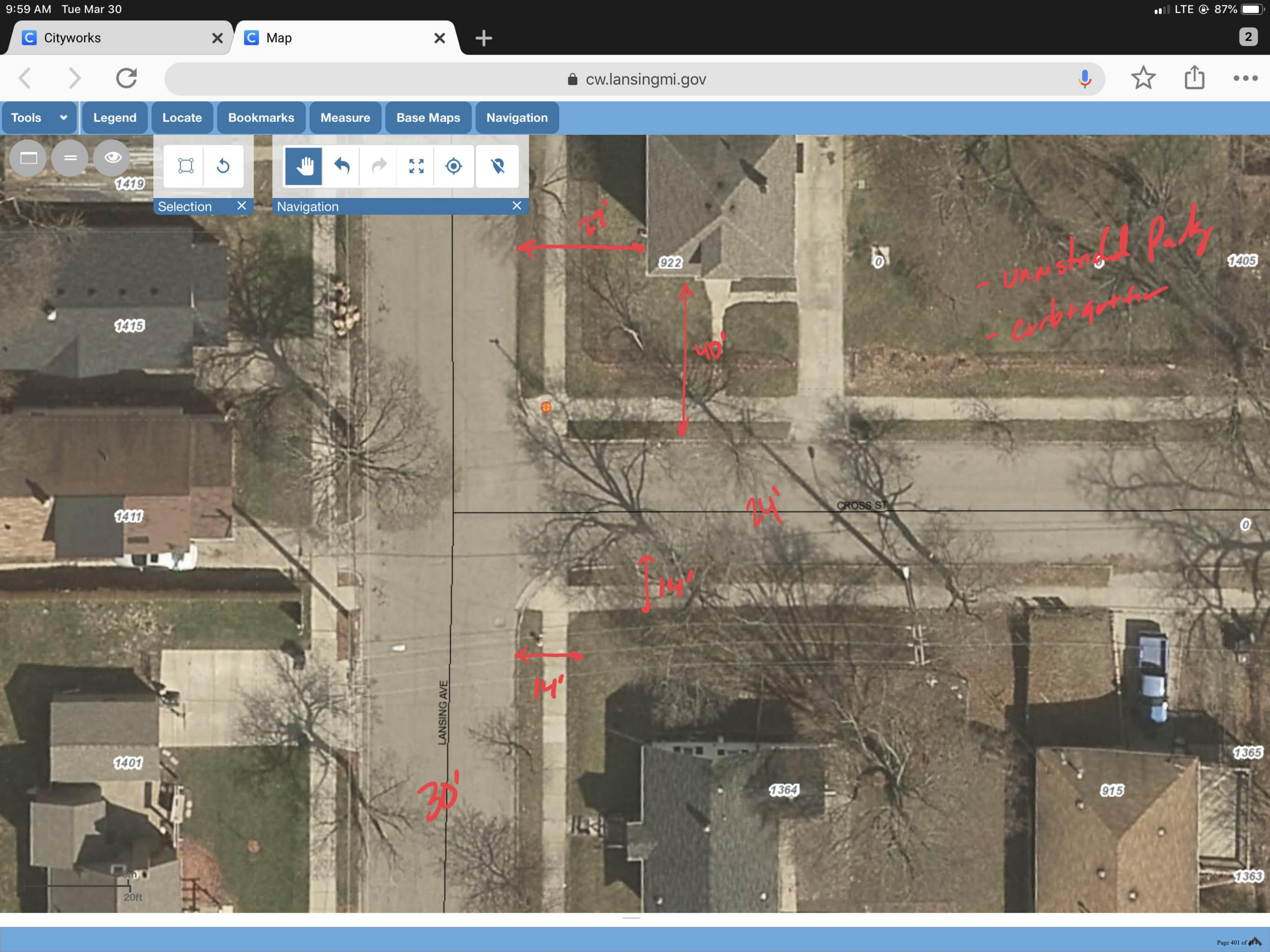
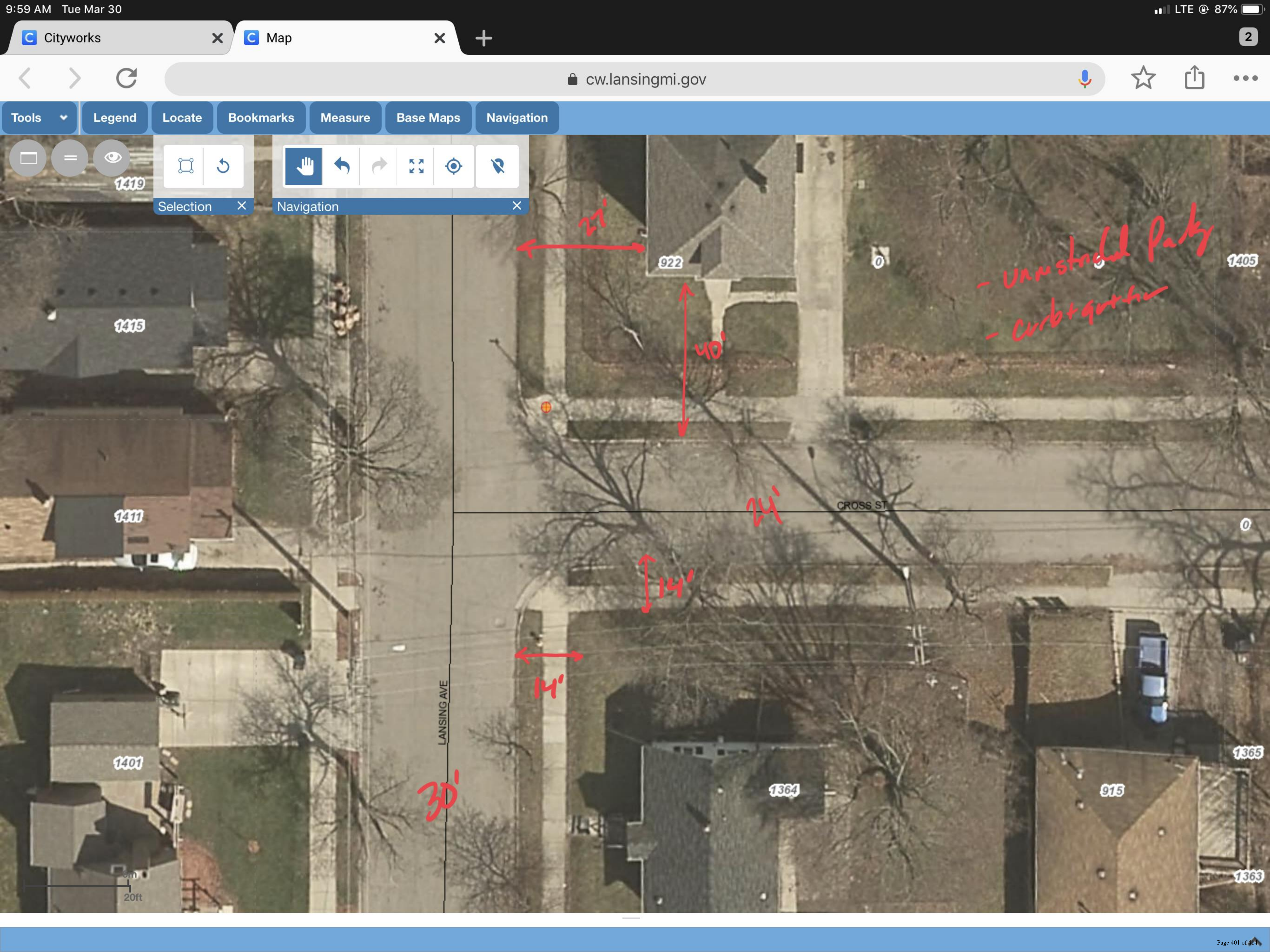
CRASH DATA

2020 - 2 (F.T.Y.)
2019 - 0
2018 - 0
2017 - 0
2016 - 0

Safe approach speed chart.

Analyst
Date

A. MILLER
4/5/21



RESOLUTION #
BY THE COMMITTEE OF WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Governor Gretchen Whitmer signed 2021 Public Act 87 effective September 29, 2021 to make, supplement, adjust, and consolidate appropriations for the fiscal years ending September 30, 2021 and September 30, 2022; and

WHEREAS, Sec. 1096(82) of 2021 Public Act 87 awards \$75,000 to a police department located in a city with a population greater than 100,000 and in a county with a population between 275,000 and 300,000 according to the 2010 federal decennial census to support the staffing of the cold case unit; and

WHEREAS, Sec. 1096(141) of 2021 Public Act 87 awards \$1,000,000 to a city with a population greater than 80,000 and in a county with a population between 280,800 and 280,900 according to the 2010 federal decennial census for public safety and other security measures around the Michigan Capitol Building; and

WHEREAS, City of Lansing incurs costs in planning, staffing, infrastructure, and other security measures while securing and promoting public safety during protests and special events at the Michigan Capitol Building; and

WHEREAS, more than 75 homicide cases remain unsolved more than one year after their occurrence within the City of Lansing, as reported between 1963 and 2018, and these funds will allow more resources to be dedicated toward resolving these cases;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the state appropriation in the amount of \$1,000,000 for the purchase and installation of security cameras, other public safety improvements, and ensuring public safety for protest activities in the City of Lansing.

BE IT FURTHER RESOLVED, the Lansing City Council approves acceptance of the state appropriation in the amount of \$75,000 for staffing its cold case unit.

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the funds.

BY THE COMMITTEE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the appointment of John Shaski as a member of the Saginaw Street Corridor of Improvement Authority for a term to expire June 30, 2025; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee _____ took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of John Shaski as a member of the Saginaw Street Corridor of Improvement Authority for a term to expire June 30, 2025.

BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Section 6-201.1 of the Lansing City Charter provides that “the Mayor shall have the overall responsibility for all the labor relations of the City”; and

WHEREAS, pursuant to this responsibility and the authority granted to the Mayor in Section 6-201.2 of the Charter to designate a chief labor negotiator, the Mayor has designated Elizabeth O’Leary as Chief Labor Negotiator for the City, subject to the advice and consent of City Council.

NOW THEREFORE BE IT RESOLVED, the City Council, having reviewed and considered the designation of Elizabeth O’Leary as Chief Labor Negotiator of the City of Lansing, hereby consents to such designation.



CITY OF LANSING
AFFIDAVIT OF DISCLOSURE

TO: CITY CLERK

DATE: 10/6/2021

I, Katrina Urista make the following disclosure under oath:
Name (please print)

PLEASE CHECK THE BOX AND FILL IN THE APPROPRIATE BLANKS FOR EACH OF THE FOLLOWING ITEMS

Yes No

1. ☒ ☐ I am an ☐ elected or ☐ appointed ☐ officer or ☒ employee of the City of Lansing holding the position of Contract Management Administrator in the Human Relations & Community Services (HRCS) Department.

☐ ☒ I am an immediate family member related to an elected or appointed officer or employee of the City of Lansing named _____, holding the position of _____ in the _____ Department

☐ ☒ I am a Business Associate of an elected or appointed officer or employee of the City of Lansing named _____ holding the position of _____ in the _____ Department.

2. ☐ ☒ I may derive income or benefit directly or indirectly from the bidding of, negotiation of, solicitation of or entry into a contract with the City or from any City action detailed below. (Charter 5-505.1)

☐ ☒ I may have a conflict between a personal interest and the public interest, the nature of which is disclosed below. (Charter 5-505.2)
[Chapter 290.04(I) of the Code of Ordinances]

☐ ☒ I may have a financial interest in a matter proposed to be acted upon by the City of Lansing as described below. [Chapter 290.04(I) of the Code of Ordinances]

☒ ☐ I make this disclosure because of a possible appearance that I may be in violation of or in conflict with the City of Lansing Ethics Ordinance as provided for in the Code of Ordinances and in the City Charter.

3. My City of Lansing position is:
☒ Full-time ☐ Part-time (less than 25 hours/wk) ☐ Unpaid

4. Name of the activity/business in question: State of Michigan grant - Covid Emergence Relief Assistance (CERA)

5. Do you have ownership or interest in the activity/business? Yes X No _____

Updated July 2019

6. Does this activity/business conduct business with the City of Lansing? Yes X No
If yes, please explain Funds from the CERA grant may be used to pay back rent from a property my husband and I own.

7. Does the activity/business depend on you being an employee of the City of Lansing?
Yes No X
If yes, please explain:

8. Who are the clients/customers of the activity/business?
Tenants/Renters with past due rent

9. Does this activity/business require your using equipment/facilities of the City of Lansing?
Yes No X
If yes, please explain:

10. Does the activity/business use any advertisements or circulars that reference your employment with the City of Lansing? Yes No X
If yes, please attach copies.

11. Explain what you will be doing in the activity/business:
My husband and I own a property within the City of Lansing (630 Cameo Street). The tenant (who is also my son and his family) applied for assistance from the CERA grant. As the landlord, the rent assistance would be used to pay back rent to my husband and me for this property.

12. Explain why you believe a conflict may/may not exist with this activity/business:
HRCS- City of Lansing acts as the fiduciary for some MSHDA - Ingham County Grants. The CERA grant is part of the portfolio of grants HRCS is responsible for. Although I don't directly handle the participants in the grant, I help oversee the grant.
This information was disclosed to Stephanie Oles from MSHDA. The MSHDA administration moved the application from Ingham County to Eaton County.

13. Is there any additional information that you believe would assist the Board of Ethics in its review of your business or personal activities for potential conflicts of interest? Yes No X
If so, please describe:

In providing this additional information, the Board of Ethics asks that you give special attention to the Conflicts of Interest section of the Charter found at 5-505.1 – 5-505.3. A copy is enclosed for your convenience.

I hereby certify that this disclosure is complete and accurate to the best of my knowledge, information and belief. The foregoing Affidavit of Disclosure was executed on this 6th day of October, 2021

Kathleen L. Z...

Signature of Filer

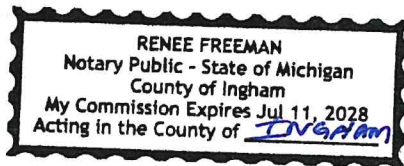
STATE OF MICHIGAN)
)ss.

COUNTY OF Ingham)

The foregoing instrument was acknowledged before me this 6th day of OCTOBER
2021 (year), by Renee Freeman (Notary Signature)

RENEE FREEMAN (Print Name)

Notary Public, INGHAM County,
Acting in INGHAM County,
My Commission Expires: 7-11-2028





Chris Swope
Lansing City Clerk

October 7, 2021

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

Dear President and Council Members:

Pursuant to Article 5, Chapter 2, Section 5-203.5 and Section 5-203.6 of the Lansing City Charter, on September 28, 2015 my office received and placed on file:

Fiscal Year 2021 Board of Water and Light Audited Financial Statements

This document is available for review at the office of the City Clerk or at <http://www.lansingmi.gov/clerk> under the heading of Documents Placed on File.

Sincerely,

Chris Swope, MMC/MiPMC
Lansing City Clerk



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

Electronic Delivery

October 11, 2021

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

RE: Annual Audit for Fiscal Year Ending June 30, 2021

Dear Mr. Swope:

Attached please find the Board of Water and Light's electronic consolidated Audited Financial Statements for the fiscal year ending June 30, 2021.

Respectfully submitted,

M. Denise Griffin
Corporate Secretary

PDF Attachment

Electronic Copy:

Andy Schor, Mayor City of Lansing
Dick Peffley, General Manager
Heather Shawa, Chief Financial Officer
Andy Schor, Mayor City of Lansing, MI
LBWL Commissioners
Lansing City Council President, Peter Spadafore, and Councilmembers
City of Lansing Internal Auditor C/O Sherrie Boak, City Council Office Manager

You will not be called to speak unless all required blanks on this form are completed.



Public Comment on City Government Matters Registration

*The City of Lansing welcomes and encourages public comment relating to City Government Related Matters. In order to facilitate public input, you **MUST** complete this card and submit it to the City Clerk or City Clerk Staff prior the close of registration as announced by the City Clerk.*

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on City Government Related Matters that concern them. A City Government Related Matter is an issue or topic relevant to the operation or governance of the City.*

Topic(s) to be addressed VOTER SUPPRESSION

Name (print) LARRY HUTCHINSON E-Mail (optional) HUTCHINSONFORCOUNCIL@gmail.com

Address (street, city, zip) 1710 N. CHESTNUT ST. LANSING, MICHIGAN 48906

Company or organization represented, etc. (if applicable) COMM. TO ELECT LARRY HUTCHINSON GOVERNOR OF MICHIGAN

Signature [Signature]

- Public speakers will be called by the City Clerk. When the City Clerk recognizes you, please proceed to the speaker's podium and speak directly and clearly into the microphone. Do not touch the microphone.
- Direct your comments to the Council President.
- No speaker called upon to speak shall by speech or conduct disturb, disrupt, delay, interfere with, or otherwise impede the orderly conduct of the Council meeting.
- No personal attacks or defamatory remarks towards any person will be permitted.
- Questions raised during public comment may or may not be answered by the President, another Council Member, the Mayor, or member of the City Staff during the meeting.
- Time limit to address the council on legislative matters is **3 Minutes***.
- Spokespersons for a group or shared viewpoint are encouraged; however, a speaker's time limit may not be increased through assignment of someone else's time or opportunity to speak.
- No registrations will be accepted after the deadline as announced by the City Clerk.
- If you wish to submit written materials, please provide them to the City Clerk or City Clerk staff along with this form.
- The City Council conducts its open meetings in an orderly manner in accordance with the Open Meetings Act. Council meetings will not be conducted as interactive forums or "town meetings."

Thank you for your involvement and interest in our City,
Chris Swope, Lansing City Clerk, MiPMC / MMC

* *The Presiding Officer may reduce the amount of time for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.*

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

(4)

You will not be called to speak unless all required blanks on this form are completed.



Public Comment on City Government Matters Registration

*The City of Lansing welcomes and encourages public comment relating to City Government Related Matters. In order to facilitate public input, you **MUST** complete this card and submit it to the City Clerk or City Clerk Staff prior the close of registration as announced by the City Clerk.*

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on City Government Related Matters that concern them. A **City Government Related Matter** is an issue or topic relevant to the operation or governance of the City.*

Topic(s) to be addressed Ward Boundries

Name (print) Nicklas Zande E-Mail (optional) nwzande@gmail.com

Address (street, city, zip) 411 West Willow Avenue 48910

Company or organization represented, etc. (if applicable) _____

Signature Nick Zande

- Public speakers will be called by the City Clerk. When the City Clerk recognizes you, please proceed to the speaker's podium and speak directly and clearly into the microphone. Do not touch the microphone.
- Direct your comments to the Council President.
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Thank you for your involvement and interest in our City,
Chris Swope, Lansing City Clerk, MiPMC / MMC

* *The Presiding Officer may reduce the amount of time for each speaker if he or she determines that the number of registered speakers is so numerous that the meeting cannot be timely concluded without a reduction in the time allocated for each speaker.*

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

(3)

You will not be called to speak unless all required blanks on this form are completed.



Public Comment on City Government Matters Registration

*The City of Lansing welcomes and encourages public comment relating to City Government Related Matters. In order to facilitate public input, you **MUST** complete this card and submit it to the City Clerk or City Clerk Staff prior the close of registration as announced by the City Clerk.*

Each member of the public who has registered to speak will have up to a total of three minutes to address Council on City Government Related Matters that concern them. A City Government Related Matter is an issue or topic relevant to the operation or governance of the City.*

Topic(s) to be addressed 3PM Deadline on Blue Bill Quarterly Payment

Name (print) Eric Crosley E-Mail (optional) rishabson@gmail.com

Address (street, city, zip) 228 S. Foster

Company or organization represented, etc. (if applicable) self

Signature Eric Crosley

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Topic(s) to be addressed Red Tag Marathon for Pandemic

Name (print) Belinda Fitzpatrick E-Mail (optional) _____

Address (street, city, zip) 224 S. Holmes St., Lansing MI
48912

Company or organization represented, etc. (if applicable) _____

Signature Belinda Fitzpatrick

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Topic(s) to be addressed Council Response to Constituent
Name (print) R Cole Bourde E-Mail (optional) rcbourde@gmail.com Inquiries
Address (street, city, zip) 321 N. Tenison Avenue

Company or organization represented, etc. (if applicable) _____

Signature R Cole Bourde

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