

AGENDA

Committee of the Whole AGENDA FOR OCTOBER 11, 2021 AT 5:30 PM



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

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

**Based on the recommendations from the Centers for Disease Control (CDC)
City Council President Spadafore is requesting members of the public, City Staff and Council Members
wear face coverings at meetings of the City Council and their Committees.**

Council Member Spadafore, Chairperson
Council Member Hussain, Vice Chairperson

- 1. Call to Order**
- 2. Roll Call**
- 3. Minutes**
 - A. September 20, 2021
- 4. Public Comment on Agenda Items (Up to 3 Minutes)**
- 5. Discussion/Action:**
 - B. RESOLUTION - Appointment; Matthew (Dusty) Horwitt; At Large Member Board of Water and Light; Term to Expire June 30, 2023
 - C. RESOLUTION - Setting a Public Hearing; Ordinance to Amend Part 12, Title 6 Form Based Zoning Code
 - D. ORDINANCE - Establish Arts and Culture Commission
 - E. RESOLUTION - Procedures for Hosting Virtual Meetings in accordance with Open Meetings Act (OMA)
- 6. Other**
- 7. Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



MINUTES

Committee of the Whole
Monday, September 20, 2021 @ 5:30 p.m.
South Washington Office Complex

CALL TO ORDER

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

PRESENT- via audio/video

Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley
Councilmember Kathie Dunbar
Councilmember Brandon Betz
Councilmember Jeremy Garza - excused
Councilmember Brian T. Jackson

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Jake Brower, Budget Director

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM SEPTEMBER 13, 2021 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment

No public comment at this time.

Discussion/Action

RESOLUTION – Budget Policies and Priorities FY2022/2023

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BUDGET POLICIES AND PRIORITIES FY 2022/2023.

MOTION BY COUNCIL MEMBER BETZ TO STRIKE #5 ON PAGE 2, PRIORITY FROM THE COMMITTEE ON DEVELOPMENT AND PLANNING ON ENDING THE LEAP SUBSIDY OF \$500,000. MOTION CARRIED 7-0.

Adjourn

The meeting adjourned at 5:34 pm

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

Approved by the Committee

From: noreply@civicplus.com
Sent: Monday, March 29, 2021 10:36 PM
To: Hetke, Veronica; Mayor Intern
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission or Committee.

Certain boards, commissions or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

(Section Break)

Date	3/29/2021
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First Name	Matthew
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Middle	Dustin
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Last Name	Horwitt
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Other name(s) by which you have been known, including maiden names	Dusty Horwitt
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Date of Birth	
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Address	500 E Michigan Ave. Apt. 213
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City	Lansing
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State	MI
Zip Code	48912
Email	dustyhorwitt@yahoo.com
Gender	
Find my ward:	Lansing Neighborhoods Ward Map
Ward	1
Precinct	6
Best phone number to contact you	5179771260
Last 4 digits of social security number	
In what year did you move to Lansing?	2020
Additional information regarding experience and credentials	In addition to my professional background in environmental issues, I am a certified Energy Master through the Virginia Cooperative Extension, meaning that I have completed energy efficiency training. The training involved weatherproofing homes to prevent air leaks, installing low-flow devices in showers, sinks, and toilets, and exchanging incandescent light bulbs for compact fluorescent bulbs. I moved to Lansing more than a year ago and became an elected statutory committee member for Ward 1 for the Ingham County Democratic Party.
Occupational Background	I have worked for approximately 15 years for environmental nonprofit organizations where I have focused on protecting people from greenhouse gas emissions and other pollution related to oil and gas drilling, metal mining, bioenergy, and nuclear waste. I also have experience as an attorney, reporter, and deputy press secretary on Capitol Hill. My experience includes being invited to testify about environmental issues multiple times before government panels including the U.S. House of Representatives Committee on Natural Resources, the U.S. Senate Committee on Energy and Natural Resources, and the New York City Council. In 2017, I wrote a chapter about hydraulic fracturing chemical disclosure for a scientific textbook published by Elsevier. I have been quoted and cited about environmental issues in multiple news outlets including the New York Times, Wall Street Journal, and Marketplace (NPR).

Educational Background	B.A. from Brown University in History with significant coursework in biology, geology, environmental studies J.D. from Georgetown University Law Center and member of the Virginia State Bar
Previous Appointments	none
Current Appointments	none
Please attach a resume if available	DustyHorwittResume.docx
First choice for board to serve on	Board of Water and Light
Second choice of a board to serve on	<i>Field not completed.</i>
Third choice of a board to serve on	<i>Field not completed.</i>
Fourth choice of a board to serve on	<i>Field not completed.</i>
Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission	I would like to serve on the Board of Commissioners of the Lansing Board of Water and Light to provide oversight and to help guide the BWL in its efforts to reduce pollution, particularly greenhouse gas emissions and water contaminants, while keeping utilities affordable for everyone. I would also like to contribute to the BWL's diversity, equity, and inclusion efforts. It is important that the board have a diverse membership in various respects. Currently, only one member of the board, a non-voting member, Douglas Jester, has a professional background in environmental protection. I would add to the board a voting voice with professional experience in environmental protection. As a result of my experience working for environmental nonprofit organizations, I have developed expertise in environmental issues that are highly relevant to the BWL's work including a knowledge of greenhouse gas emissions from various forms of electric power such as coal, natural gas, and bioenergy. I would like to ensure that the BWL is effectively reducing its emissions so that it can meet or exceed the Intergovernmental Panel on Climate Change's recommendations. The panel has found that to avert the worst impacts of climate change, we must reduce greenhouse gas emissions by 45 percent from 2010 levels by 2030 and must

reach net zero emissions by 2050. My relationships with scientists and engineers who have worked on climate and renewable energy issues would help inform and strengthen BWL's efforts to reduce greenhouse gas emissions.

My work protecting water resources from oil and gas drilling and metal mining impacts has given me familiarity with the effects of various toxic pollutants including per- and polyfluoroalkyl substances (PFAS). Michigan recently set drinking water standards for PFAS due to increasing public concern. I have also worked in the past with major water utilities including the Metropolitan Water District of Southern California, the Southern Nevada Water authority, and DC Water and appreciate that utilities like the BWL can play leading roles in environmental protection. I would be a voice for ensuring that the BWL is keeping Lansing's drinking water safe. My relationships with toxicologists and other health experts would help inform and support this mission.

Finally, I have experience working on racial justice issues in my hometown of Arlington, Virginia. My wife and I moved to Lansing just over a year ago. In Arlington, I have helped lead efforts to replace Confederate monuments and have educated the community about the history of racism and white supremacy through opinion pieces I wrote for the Washington Post among other forms of outreach. I also led an effort to rename Virginia's first racially integrated public school (my alma mater) after Dorothy Hamm, an African American civil rights activist who helped lead a lawsuit that integrated the school. I would like to continue to engage in this work on the board.

Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office

Field not completed.

Background Check Authorization

I agree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge

Dusty Horwitt

Date & Time

3/29/2021 10:30 PM

Email not displaying correctly? [View it in your browser.](#)

DUSTY HORWITT, J.D.

500 E Michigan Ave. • Apt. 213 • Lansing, MI 48912 • 517-977-1260 • dustyhorwitt@yahoo.com

ENVIRONMENTAL POLICY EXPERIENCE

Physicians for Social Responsibility, Washington, DC: Consultant, 8/20-present

- Wrote groundbreaking report on use in oil and gas wells of forever chemicals (PFAS); received coverage in *New York Times*, *Philadelphia Inquirer*, others; coordinated with activists, attorneys, chemists, government staff, to analyze chemical records and develop policy recommendations and advocacy strategies; secured funding for continuing investigation; working to protect Delaware River Basin from oil and gas wastewater imports

Partnership for Policy Integrity, Washington, DC: Senior Counsel, 1/15-7/20

Oil and Gas Program

- Led five-year project investigating secret and potentially toxic drilling and fracking chemicals under Freedom of Information Act; wrote reports; secured funding; hired interns
 - wrote *Ohio's Secret Fracking Chemical Injections*, an investigation of secret fracking chemical use in Ohio; collaborated with battalion chief of Youngstown Fire Department, state NAACP, and others to protect first responders and citizens from toxic pollution, covered by *Akron Beacon Journal*, *Columbus Dispatch*, *Newsweek*, others; Ohio Hazardous Materials/Weapons of Mass Destruction Technical Advisory Committee voted to send report to all hazmat response teams in Ohio's 88 counties
 - wrote *Keystone Secrets*, an investigation of secret fracking chemical use in Pennsylvania; activists used the report to persuade the Delaware River Basin Commission to ban fracking and related activities in the basin; covered by *WHYY*-radio, *Scranton Times-Tribune*, *StateImpact*, others
 - helped organize 100+ first responders, health professionals, and scientists to ask EPA to reveal secret drilling and fracking chemicals; covered by *Marketplace (NPR)*
 - wrote *Toxic Secrets*, a report on EPA's health reviews of drilling, fracking chemicals
- Wrote chapter on fracking chemical disclosure in *Environmental Issues Concerning Hydraulic Fracturing, Vol. 1* (2017), a textbook published by Elsevier
- Submitted testimony to EPA on agency's study of fracking and drinking water; EPA echoed testimony in removing draft conclusion that fracking was relatively harmless
- Wrote comments urging PA to avoid using natural gas to comply with Clean Power Plan

Bioenergy Program

- Authored petition to Securities and Exchange Commission urging better disclosure of climate impacts of biomass-based products; covered by *Wall Street Journal* among others
- Contributed to PFPI comments on multiple European Union climate change regulations
- Drafted letters and organized environmental groups in DC, MD, MA, OH and VA to urge EPA not to treat bioenergy as "carbon neutral" under Clean Power Plan
 - helped convince U.S. Sens. Edward Markey and Elizabeth Warren and U.S. Reps. Don Beyer and Gerald Connolly to send similar letters to EPA

Legal Counsel

- Wrote PFPI's policy on lobbying and political activity; secured media liability coverage

Earthworks, Washington, DC: Senior Analyst, 7/13-8/14

Oil and Gas Program

- Developed and implemented strategy that helped influence Obama administration to ban drilling and fracking in most of George Washington National Forest
 - placed stories about risks of drilling in *Washington Post*, *L.A. Times*, *WAMU*-radio (NPR)
 - persuaded government officials in DC area to oppose drilling in forest including DC Water, Alexandria's mayor, Arlington County Board, Falls Church City Council, and former Lt. Gov. Don Beyer (now U.S. Rep.)
 - worked with Sierra Club and others to host nine public forums; filed FOIA requests
- Authored major report on how lax regulations contributed to excessive flaring of natural gas in North Dakota and Texas; received coverage on North Dakota public radio
- Drafted detailed public comments on NY state energy plan highlighting risks of natural gas pipelines and compressor stations

Environmental Working Group (EWG), Washington, DC: Senior Counsel, 1/04-6/13

Natural Resources Program

- Developed and led organization's natural resources program focused on oil and gas drilling and metal mining; researched and wrote reports, designed legal, media, and outreach strategies, coordinated with conservation organizations, hunters, anglers and public officials
- Worked extensively with NY elected officials and conservation organizations to prevent unsafe shale gas drilling; designed Freedom of Information strategy that resulted in front-page story in the *Albany Times-Union* showing that regulators improperly shared draft regulations exclusively with the drilling industry weeks before sharing them with public
- Conceived, researched, and wrote reports on hydraulic fracturing that included consultation with chemical experts and review of scientific literature; received coverage in outlets including *New York Times*, *Baltimore Sun*, *Dallas Morning News*, *The Diane Rehm Show* and *Marketplace* (NPR); reports helped build support for New York ban on high-volume fracking and helped inspire 2011 Congressional investigation showing widespread use of diesel fuel in hydraulic fracturing and apparent violations of federal law
- Designed reports and outreach strategy to protect Grand Canyon and Colorado River from uranium mining; resulted in a 2012 decision by Secretary of the Interior to protect one million acres near the canyon from new mining claims for 20 years, the maximum duration allowed by federal law; built relationships with major Western water providers that played prominent roles in protecting Grand Canyon and Colorado River

Testimony and Public Speaking

- Testified five times before NY City Council on impact of natural gas drilling on city's drinking water, helping to build support for NY state ban on high-volume fracking
- Spoke to citizens' groups and local elected officials in NY, OH, PA and VA to raise awareness about risks of natural gas drilling; represented EWG at conferences about drilling hosted by Aspen Institute, Rachel Carson Homestead Association, U.S. Energy Association
- Testified before U.S. Senate and U.S. House of Representatives on mining law reform
- Served as spokesperson in dozens of interviews with outlets including *the Denver Post*, *Los Angeles Times*, and *Wall Street Journal*

Fundraising and Administration

- Wrote successful proposals for grants from environmental foundations including Park Foundation, Pew Charitable Trusts, and Hewlett Foundation; hired and supervised interns

CAPITOL HILL EXPERIENCE

U.S. Senator Richard J. Durbin, Washington, DC: Deputy Press Secretary, 2/97-6/99

- Developed messages for and wrote the Senator's newspaper columns and press releases on issues ranging from self-employed health insurance to defense spending and the Fair Labor Standards Act
- Produced, wrote, and directed the Senator's monthly television shows

LEGAL EXPERIENCE

Venable LLP, Washington, DC: Summer Associate, 5/01-8/01; Associate, 9/02-8/03

- Researched legal issues for Litigation Group for case on financial fraud
- Prepared discovery materials and deposition strategy for complex litigation

JOURNALISM AND WRITING EXPERIENCE

Freelance Writing

- Researched and published articles on policy and cultural issues in *Lansing City Pulse*, *Legal Affairs*, *New York Newsday*, *O*, *The Oprah Magazine*, *The Washington Post*, and others; received honorable mention in *Best Music Writing 2008* by Da Capo Press for *Washington City Paper* story "Rockin' in the Free World"

The City News Bureau of Chicago, Chicago, IL: Reporter, 1/95-6/95

- Covered several stories per day from homicides and court hearings to appearances by newsmakers such as Hillary Clinton and Jesse Jackson

EDUCATION

Georgetown University Law Center: Juris Doctor; current member Virginia State Bar

- Wrote paper for Professor Lisa Heinzerling on increasing physical activity to prevent obesity, conserve energy, and mitigate environmental harms; adapted paper for publication in *O, the Oprah Magazine*
- Wrote paper for Professor Steven Goldberg on the use of cell phones and highway safety; published article in Notre Dame Law School *Journal of Legislation*, 2002

Brown University: B.A. in History

- Significant coursework in biology, geology, environmental studies
- Reporter and features editor for the *Brown Daily Herald*

VOLUNTEERING AND INTERESTS

- Certified Energy Master by VA Cooperative Extension; completed energy efficiency training
- Organized public ceremonies at former high school, H-B Woodlawn (formerly Stratford Junior High) in Arlington, VA, to commemorate desegregation of VA public schools, which occurred at Stratford on February 2, 1959; led effort to name new Arlington middle school at former Stratford building after Dorothy Hamm, an African-American activist who helped lead a lawsuit that integrated schools in Arlington and throughout VA
- Worked to replace Confederate monuments in Arlington, VA
- Member and President of Board of Directors, Commons of Arlington Condominium, 4/16-10/18; Member of Board of Directors, Foggy Bottom Association, 2006-2011
- Basketball coach in Arlington, VA youth league, guitar, piano, songwriting

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.



MEMORANDUM

TO: City of Lansing City Council

FROM: Brian McGrain, Director

DATE: September 27, 2021

SUBJECT: Amendment to the Form Based Zoning Code

The Department of Economic Development and Planning would first like to thank City Council for voting to approve the Form Based Zoning Code (FBC) March 8th and your assistance in our effort to replace the nearly 40 year old zoning ordinance with a document that will preserve the City's beloved neighborhoods, help guide better development, and transform our commercial corridors.

As the FBC has gone into effect and the Planning and Zoning Office staff has started reviewing implementation of its provisions, we have seen minor typographical errors and subsections that need to be clarified for readers. These revisions in no way change the spirit of the Zoning Code or the intention to implement the vision of the Design Lansing Comprehensive Plan, but are necessary to remove ambiguity, clarify intentions of various requirements, remove unintentional hardships to redevelopment, and to assist the enforcement of the Code's general provisions.

These revisions were reviewed during a Public Hearing and regular meeting of the Planning Board on June 1, 2021. The Board voted to recommend approval 6-0. Attached is a summary of these edits for your review. Staff is committed to discussing any questions City Council members may have. Staff is also going to be conducting an annual review of the Code with consideration of feedback from residents and applicants, a practice becoming very common with other municipalities, to affirm that provisions and enforcements are meeting the intention of the code or to suggest new edits where they do not. Please contact me for any further information that is needed.

Sincerely,

Brian McGrain
Director - Department of Economic Development & Planning
City of Lansing

AGENDA ITEM INFORMATION

Ordinance to Amend Part 12, Title 6 Form Based Code

Document can be viewed at the City Website:

<https://content.civicplus.com/api/assets/e4e55904-67ed-4391-8bc9-01259649030e?cache=1800>

Changes made from 3-8-21 Approved Document to First Amendment Draft

(page numbers correspond to 'Marked FBC Amendment Draft to Council 8-4-21')

1. [pg. 4] 1264 title changed from Planned Residential Developments to Planned Unit Developments. All Ch. 1264 mentions of PRD's changed to Planned Unit Development. MFR changed from Multi-Family Campus Residential to 'Multi-Family Residential' for sake of consistency.
2. [pg. 9] Definition amended: Build-to Line for sake of clarification, property line vs sidewalk
3. [pg. 11] Definition amended: CLINIC, to expand clinic types for sake of regulating uses
4. [pg. 12] Definition added: DRIVEWAY
5. [pg. 12] Definition amended: FUNCTIONAL FAMILY, moved to family and amended to not be more than three adults. For sake of being regulated in a single-family/two-family house.
6. [pg. 13] Definition removed, FRONTAGE, MINIMUM, please see change #23
7. [pg. 13] Definition amended, FRONTAGE PRIMARY. For streets of the same type the applicant can choose which is the preferred side to build on because every parcel is different and so that staff doesn't have to decide every single case.
8. [pg. 14] Definition added: PERMANENT OUTDOOR SEATING to FRONTAGE TYPES,
9. [pg. 16] Definition removed: 1. Motor vehicles; from JUNK
10. [pg. 16] Definition added: JUNK VEHICLE. A VEHICLE WHICH CANNOT BE DRIVEN UPON THE PUBLIC STREETS FOR REASONS INCLUDING BUT NOT LIMITED TO BEING WRECKED, ABANDONED, IN A STATE OF DISREPAIR, OR INCAPABLE OF BEING MOVED UNDER ITS OWN POWER.
11. [pg. 16] Definition amended: JUNKYARD. A lot used to store or process junk and junk vehicles
12. [pg. 16] Definition added: LODGING FACILITY. BUILDING(S) OR PART OF A BUILDING, WHERE BY PREARRANGEMENT TRANSIENT OR EXTENDED-STAY GUESTS ARE PROVIDED A SLEEPING ROOM AND A BATHROOM IN RETURN FOR PAYMENT. A LODGING FACILITY HAS STAFF ON-SITE OR ON-CALL 24 HOURS A DAY AND MAY INCLUDE BUT IS NOT LIMITED TO, A BOARDING OR ROOMING HOUSE, HOTEL, MOTEL OR MOTOR LODGE, OR HOSTEL. For sake of better regulation between temporary rentals (Airbnb), bed and breakfasts, and hotel/motels. Boarding/Lodging house taken out of residential use and residential districts.
13. [pg. 20] Definition amended: 'junk vehicles' added to OUTDOOR STORAGE

14. [pg. 19] Definition added: MOTOR VEHICLE, for sake of better regulation and code enforcement
15. [pg. 19] Definition amended: Motor Vehicle Service Station to include car washes.
16. [pg. 20] Definition amended: PERSONAL SERVICE ESTABLISHMENT to cover co-working, 'makerspace' and innovative collaborative commercial ventures. To expand districts in which this use is permitted.
17. [pg. 20] Definition amended: PLACES OF ASSEMBLY to include Community Centers and other such uses as entertainment venues.
18. [pg. 20] Definition added: PLACES OF WORSHIP. To better differentiate and administer places of worship vs. social/commercial places of assembly.
19. [pg. 23] Definition added: Sheltered Care Facility. To cover emergency and homeless shelters better and remove them Residential Uses.
20. [pg. 25] Definition corrected: YARD, SIDE YARD, front of building to rear of building instead of lot line to lot line, correct definition and to match what is conveyed in [Figure 10]
21. [pg. 31] 1243.02 and 1245.02 c)2)(b)(1): Provision amended from 1 foot to '5 feet' of Build-to-Line flexibility to recognize possible needs of site development. Additional language so buildings can be set back in case of conflicts with public right-of-way or easements.
22. [pg. 31 and] 1243.02 and 1245.02 c)2)(b)(2) Removal of flexibility provision. See change #23
23. General removal of requirement for "Build Frontage, Minimum" in the zoning districts. % numbers are arbitrary and place too much constraint on development. EDP would be setting mandates for building size and creating practical difficulty for huge parcels which could create BZA variances as a given. Building along the frontage is still mandated and clarified per 1246.04.01
24. Removal of Suggested Building Types from each district section. Suggested Building Types makes it seem like we are pushing people to build certain buildings, fully regulating what streets buildings can or cannot go on. Overall, just unnecessary and inappropriate for a zoning ordinance.
25. General revision of parking lot setback / screening to be covered in 1252 for sake of uniformity and understanding.
26. [pg. 38] SC: b) Building Placement. Build-to-Line provisions clarified. 1. Should be 8' from inside edge of public sidewalk to match Front Parking Lot Setback. Removed "30' build-to-line from curb". 30' was the original build line in former versions and is excessively large for the built environment.

27. [pg. 38] SC: b) Building Placement. Minimum Setback from adjacent Residential Districts: removed '6' opaque screen wall / fencing required along edge of residentially zoned or used property' requirement because it was excessive. Screening still covered in Chapter 1252.
28. [pg. 43 and 51] Removal of No Parking requirement from MX-C and MX-2, because it was too large of an exemption and generally on-street parking is not in these districts.
29. [pg. 49 and 53] MX-2 and MX-3, Minimum Height: Allow 1 story building upon written approval of Zoning Administrator. Although density and mixed-use are goals, 2+ stories requirement may hinder development for restaurants/bars, entertainment venues, etc.
30. [pg.] All districts: Front Parking Lot Setback/Screening: Removal of "which may be reduced to 5' with 3' masonry knee wall at build-to-line". Was meant to say at property line rather than build-to-line, but removed as any implementation would likely create an uncomfortable barrier in the built environment. This concept is not banned however and may be appropriate for screening for parking on a corner lot or side parking, if proposed by an applicant.
31. [pg.] Commercial districts: Build-to-line alternative #3. Edited to refer to just the average setback of buildings within the block of the more active street type. Edited for sake of clarification.
32. [pg. 58] DT-1: Minimum Side and Rear Setbacks, and Max. Lot Coverage amended to align more closely with the residential character of the district.
33. [pg. 59] DT-1 Added Provision: for 75% of required parking to allow for more density as a district adjacent to DT-3. DT-2 Added Provision: for 50% of required parking to allow for density and a reduction for the second most urban district. Applicants can still provide 100% of required parking if desired.
34. [pg. 61] DT-2 Building Height: Arterial/Activity Corridor: Changed from 60' – 6 stories to 80' – 6 stories to match MX-3 and recognize min. clear heights
35. [pg. 62] DT-2 Side Setback, changed to 0' when adjacent to DT-2 otherwise 10' to match language throughout Commercial districts.
36. [pg. 66] DT-3 Parking: Language added to limit and regulate non-required parking and parking locations.
37. [pg. 67] 1244.02: Language clarified to limit mobile homes to mobile home parks.
38. [pg.] For all Residential Districts R-1 through R-6. Minimum Height set at 15' – 1 story, Maximum Height set at 35' 2.5 stories for uniformity, ease of development, and so as to not render existing houses non-conforming.
39. [pg. 87] R-6 (a) Building Massing: added Maximum Principal Buildings – 1, to make sure not more than one residential building is built. Was not regulated before.

40. [pg. 89] MFR: Language added to Building Types to regulate Mobile Home Parks.
41. [pg. 91] MFR: Language clarified for Side Setback and interior parking.
42. [pg. 93] R-MX (a) Building Massing: Removal of Maximum Dwelling Units per Lot so as to not render numerous existing developments nonconforming
43. [pg. 94] R-MX Minimum Lot Size: sq. ft. changes to reflect former DM-3 district, which is what R-MX replaced generally
44. [pg. 96] R-AR Maximum Height: language clarified and simplified
45. [pg. 96] R-AR Removed primary and secondary frontage maximums. Didn't make sense and limits redevelopment of parcels.
46. [pg. 96] R-AR: added Minimum Lot Size per dwelling unit: sq. ft. to reflect former DM-3 district to govern density and better control new medium-density residential development.
47. [pg. 97] R-AR (b) Building Placement: language clarified and simplified for setbacks
48. [pg. 98] R-AR Parking: removed side yard parking extension for sake of understanding.
49. [pg. 108, 112, 116] IND-1, -2, -3, removal of Maximum Lot Coverage. Parcel sizes in the districts are too varied and could create a burden on businesses. Stormwater runoff still regulated in Site Plan Review.
50. [pg. 120, 124] INST-1 and -2, Provision to allow for greater setbacks to accommodate hospital drop-offs zones in the front. Reviewed during Site Plan Review
51. [pg. 121] INST-1: Added stipulation that front parking is limited to four rows of parking. Front parking was not otherwise limited.
52. [pg. 127] 1246.04.01 a) New Provisions for Building Frontages. Created to govern building frontages on primary and secondary streets, and multi-building sites, replacing the minimums so as to not hamper development, but also set standard understanding. See also Change #23.
53. [pg. 130] 1246.04.01 f)4) New provision stating that no window may be blocked with cinderblock or other material. This has been done in some areas when use is changed (Kalamazoo St. & Hosmer) and destroys the sense of safety in the built environment. Exception made for temporary Building Safety, Code Enforcement, Fire requirements.
54. [pg. 131] 1246.04.02 Residential clear height changed from 8' to 7.5' to match Ch. 1244 Residential Districts and old ordinance language.
55. [pg. 150] 1250.02.02 Home Occupations. Added subsection 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.* To limit outdoor storage in Residential. Other subsequent subsections re-lettered h-l

56. [pg. 151] 1250.02.02 Home Occupations i) stipulation for motor vehicle trips related to home occupation clarified
57. [pg. 152] 1250.02.03 Temporary buildings structures, uses, and events: c)1) (a)-(c). Original (c) strike from provisions. Points and process clarified because Building Safety Office/Planning Office did not require permits for temporary bldgs/uses. Limits them to two weeks.
58. [pg. 154] 1250.02.07 b) 1) (e) provision added so that mobile homes are not located in a driveway or yard.
59. [pg. 154] 1250.02.07 b) 3) and 4) new provisions added to allow for work vehicles to be parked on residential lots, but properly screened or stored, after recommendation from Code Enforcement.
60. [pg. 155] 1250.02.08 Subsection title clarified
61. [pg. 155] 1250.02.08 a) – e) Provisions clarified for Code Enforcement duties
62. [pg. 156] 1250.02.09 a) Provision clarified so that outdoor seating railing or fencing is of a permanent nature.
63. [pg. 159] 1250.02.12 Section added for Mobile Food Vending conditions. Provisions primarily deal with protecting the right-of-way, mandate trash receptacles, cover overcrowding/co-location on one parcel.
64. [pg. 161] 1250.03.01 a) projections into required yards: Added ‘Wheelchair ramp’
65. [pg. 161] 1250.03.02 b), [pg. 163] 1250.04.01 b) 10), 11), 12). New provisions added to regulate solar energy systems, mainly their screening, size, and location. Staff supports solar panels but want to make sure maximum height is limited in residential areas.
66. [pg. 164] 1250.04.01 a) 11) provision added: Shipping container, box and semi-truck trailers are only permitted on residential properties as a temporary structure, subject to the provisions of Section 1250.02.03 c)1). For sake of limiting shipping containers as temporary storage in Residential. Such language was missing.
67. [pg. 165] 1250.04.03 b) ‘food candles’ typo corrected to footcandles
68. [pg. 166] 1250.04.04 a) 2) typo, added word ‘receptacle’
69. [pg. 167] 1250.04.04 a) 7) provision added to protect storm drains from waste receptacles
70. [pg. 171] 1250.04.06 b) definitions removed: MINOR REPAIR, MAJOR REPAIR. To simplify enforcement pertaining to fencing
71. [pg. 171] 1250.04.06 c)1)(d)(2) typo, had left off ‘adjacent sidewalks’ from end of sentence. Was in a previous draft. To make sure pedestrians on sidewalk are not obscured by tall fences, for sake of safety.

72. [pg. 172] 1250.04.06 c)3) Subsection added for fencing at slopes and uneven grade.
73. [pg. 172] 1250.04.06 d)2) subsection amended to not allow barbed wire on fences by right and makes it contingent on Zoning Administrator approval
74. [pg. 173] 1250.04.06 f) 1) Unsafe/Dangerous fences - Subsection amended for sake of Code Enforcement duties and to make it easier to understand.
75. [pg. 173] 1250.04.06 h) subsection added for 'Nonconforming Fences'
76. [pg. 182] 1250.05.02 g) 2) (e) removal of reference to Table 1, which does not exist.
77. [pg. 188] 1250.05.03 e) 9) (h) (3) i. typo fixed 'at least'
78. [pg. 191] 1250.06 c)5) Provision amended to require on-site stormwater management to help flood hazard reduction
79. [pg. 193] 1250.06 f) subsection clarified for use of a floodplain on parcels that are 0.5 acres or greater. Previously alluded to requirement that did not exist. Typo listing Planning Board instead of staff Planning Office for floodplain special permits.
80. [pg. 194] 1252.01 b) typo 'prior to issuance' removed
81. [pg. 195] 1252.05 a) – c) subsections for Interior Site Landscaping (yards) defined and clarified better. Better language to require lawns with grass and plants, limits non-living plant ground covers like people putting down a bunch of gravel or mulch.
82. [pg. 195] 1252.06 a)1) subsection clarified. 2) subsection clarified and makes streetscape elements in the ROW of Activity Corridors to be approved by Public Service. b)1) subsection clarified. Was meant to incorporate decorative paving/brick and planters like those found Downtown, REO Town, Michigan Ave, etc.
83. [pg. 196] 1252.06 b)5) subsection added requiring landscape plant beds for 50% of the border of single-purpose surface lots.
84. [pg. 196] 1252.07 Parking Lot Landscaping: Subsection a), e), and g) added to clarify intent and provide better screening between parking lots and residentially zoned or used property.
85. [pg. 197] 1252.08 Landscape Buffering and Screening: section edited to be more comprehensive and easier to understand.
86. [pg. 199] Off-Street Parking: 1254.01.01 d) old subsection d) removed as a duplication of c) and new subsection d) edited to be more comprehensive against junk storage.
87. [pg. 199] Off-Street Parking: 1254.01.01 e) subsection added to prohibit auto repair, assembly, and processing

88. [pg. 199] Off-Street Parking: 1254.01.01 f) created to require safe pedestrian walkways (sidewalks) along parking lot edges leading to building and require dedicated interior walkways for lots greater than 50,000 sq. ft.
89. [pg. 200] 1254.01.02 parking location table: Text changes to match language in districts' sections
90. [pg. 201] 1254.01.02 a) subsection amended so that required parking for INST-1 and INST-2 may be located on a separate lot
91. [pg. 201] Factors for Calculation of Parking: 1254.01.03 a)2), text revised from Gross Leasable Floor Area to Usable Floor area for sake of consistency with other sections.
92. [pg.] 1254.01.06 through 1254.01.17 subsection numbering fixed since 1254.01.06 was absent
93. [pg. 206-207] The new 1254.01.06, Storage of Merchandise and Vehicles: a) subsection edited for sake of clarification. b) subsection added to govern inoperable vehicles. Provision so as to not allow inoperable vehicles or those needing repair on off-street parking lots
94. [pg. 209] 1254.01.10 c) 2) added to actually require that off-street parking areas maintain a state of repair and be free from hazardous conditions. Language was missing.
95. [pg. 210] 1254.01.12 Unobstructed Access. d) subsection created so that 'No 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. Language was missing.
96. [pg. 211] 1254.01.17 Front yard parking: section edited for sake of clarity. Removal of old b), c), and d) notice of violation, failure to comply with notices, and presumption in reference to illegal parking, to conform with current operating standards of Code Compliance.
97. [pg. 214] Bicycle Parking: 1254.02.04 c) Table: Typo, Athletic Club through Gas Stations fixed from 2 for every 500 sq. ft. to '2 for every 5,000 sq. ft.
98. [pg. 219] Site Plan Review: 1260.05 c) provision added to withhold Certificate of Occupancy if standards of the site plan are not fulfilled during construction
99. [pg. 223-224] Planned Unit Development: 1264.02 d), e), f), g), h) provisions removed because they are not part of the intent of the chapter and are covered later in 1264.06
100. [pg. 227] 1264.06 c)5) Provision removed, because it is a duplication of c)2)
101. [pg. 230] Nonconformities: 1270.03 a)2) language clarified for ease of understanding and reiterate BZA requirements. 1270.03 a)4) Provision added to put a timeline on repair or reconstruction of approved non-conforming buildings.

102. [pg. 235] Board of Zoning Appeals 1274.02 BZA membership language clarified.
1274.03 c) obsolete provision about reviewing Planning Board decisions related to old
system of nonconformities removed.
103. Map changes, see Map and map description.

FBC Amendment Draft 8-4-21 - Zoning Map Amendments**8/4/2021**

Address	Parcel ID	OriginalFBC	ProposedFBC	Notes	Date
1506 N GRAND RIVER	33-01-01-09-177-003	IND-1	MX-C	Old RC Cola bottling plant, MX-C best for redevelopment	8/4/2021
JOSEPHINE DR	33-01-01-09-177-021	R-5	MX-C	Landlocked city parcel, combining with 1506 N Grand River most logical outcome	8/4/2021
S WASHINGTON AVE	33-01-05-08-476-092	MFR	R-3	part of golf course, MFR is inappropriate	8/4/2021
6936 S WASHINGTON AVE	33-01-05-08-476-090	MFR	R-3	existing detached house, MFR is inappropriate	8/4/2021
2405 E MT HOPE AVE	33-01-01-23-376-021	R-2	MX-1	Mt Hope/Aurelius area existing business, was D-1	8/4/2021
2417 E MT HOPE AVE	33-01-01-23-376-031	R-2	MX-1		8/4/2021
2427 E MT HOPE AVE	33-01-01-23-376-042	R-2	MX-1		8/4/2021
E MT HOPE AVE	33-01-01-23-376-060	R-2	MX-1		8/4/2021
2517 E MT HOPE AVE	33-01-01-23-376-070	R-2	MX-1	Mt Hope/Aurelius area existing business, was D-1	8/4/2021
2529 E MT HOPE AVE	33-01-01-23-376-082	R-2	MX-1	Mt Hope/Aurelius area existing business, was E-1	8/4/2021
2533 E MT HOPE AVE	33-01-01-23-376-092	R-2	MX-1		8/4/2021
2535 E MT HOPE AVE	33-01-01-23-376-102	R-2	MX-1	Mt Hope/Aurelius area existing business, was D-1	8/4/2021
2805 E MT HOPE AVE	33-01-01-23-452-092	R-2	MX-1	Mt Hope/Aurelius area existing business, was D-1	8/4/2021
6140 PLEASANT GROVE RD	33-01-05-07-225-033	SC	IND-1	existing self-storage facility with comm. tower	8/4/2021
2525 LINLAWN ST	33-01-01-27-158-201	MX-C	R-5	existing detached house, not connected to MX-C	8/4/2021
1012 LINCOLN AVE	33-01-01-27-185-111	MX-C	R-5	existing detached house	8/4/2021
2600 ALPHA ST	33-01-01-27-185-031	MX-C	R-5	existing detached house	8/4/2021
404 N VERLINDEN AVE	33-01-01-17-135-002	R-4	MX-1	existing restaurant attached to adjacent MX-1 building	8/4/2021
O FORBES ST	33-01-01-17-176-041	R-4	R-AR	Forbes substation, eventual reuse desired	8/4/2021
1614 N HIGH ST	33-01-01-10-107-121	MX-1	R-5	existing detached house	8/4/2021
1613 N HIGH ST	33-01-01-10-106-122	MX-1	R-5	existing detached house	8/4/2021
1610 N HIGH ST	33-01-01-10-107-131	MX-1	R-5	existing detached house	8/4/2021
1608 N HIGH ST	33-01-01-10-107-141	MX-1	R-5	existing detached house	8/4/2021
1009 E NORTH ST	33-01-01-10-107-162	MX-1	R-5	existing detached house	8/4/2021

2310 MOORES RIVER DR	33-01-01-19-277-020	MISSING	R-1	existing detached house	8/4/2021
2222 MOORES RIVER DR	33-01-01-19-277-030	MISSING	R-1	existing detached house	8/4/2021
1609 N LARCH ST	33-01-01-09-235-031	MISSING	MX-3	old substation, conversion into apartments	8/4/2021
0 N LARCH ST	33-01-01-09-235-021	MISSING	MX-3	Existing parking lot	8/4/2021
0 N LARCH ST	33-01-01-09-276-181	MISSING	MX-3	Existing parking lot	8/4/2021
0 N LARCH ST	33-01-01-09-235-041	MISSING	MX-3	vacant	8/4/2021
0 THOMPSON ST	33-01-01-09-235-002	MISSING	MX-3	vacant	8/4/2021
N EAST ST	33-01-01-04-426-251	MISSING	SC	Existing parking lot	8/4/2021
N EAST ST	33-01-01-04-426-330	MISSING	SC	vacant	8/4/2021
E CESAR CHAVEZ	33-01-01-10-158-005	MISSING	IND-3	vacant	8/4/2021
1405 E CESAR CHAVEZ	33-01-01-10-406-031	R-MX	MX-1	existing commercial building	8/4/2021
1400 E CESAR CHAVEZ	33-01-01-10-409-001	R-MX	MX-1	existing commercial building	8/4/2021
1330 E CESAR CHAVEZ	33-01-01-10-408-411	R-MX	MX-1	existing church, would allow adaptive reuse	8/4/2021
1317 E CESAR CHAVEZ	33-01-01-10-401-111	R-MX	MX-1	existing commercial building	8/4/2021
1240 E CESAR CHAVEZ	33-01-01-10-328-261	R-MX	MX-1	existing commercial building	8/4/2021
E CESAR CHAVEZ	33-01-01-10-326-551	R-MX	MX-C	vacant lot, creates gap in MX-C corridor	8/4/2021
E CESAR CHAVEZ	33-01-01-10-326-561	R-MX	MX-C	vacant lot, creates gap in MX-C corridor	8/4/2021
1107 RAMADA DR	33-01-05-10-126-121	MISSING	SC	Existing used car business	8/4/2021
	33-01-01-27-327-012	MISSING	MX-C	Vacant	8/4/2021
712 E ST JOSEPH ST	33-01-01-22-103-013	MISSING	DT-2	industrial building	8/4/2021
E ST JOSEPH	33-01-01-22-102-004	MISSING	DT-2	industrial building	8/4/2021
700 RIVER ST	33-01-01-21-202-011	MISSING	DT-1	Existing building, Cherry Hill - flood plain	8/4/2021
342 E ST JOSEPH ST	33-01-01-21-202-001	MISSING	DT-1	Existing building, Cherry Hill - flood plain	8/4/2021
136 E MALCOLM X ST	33-01-01-21-203-020	MISSING	MX-3	storage building	8/4/2021
E SOUTH ST	33-01-01-21-284-023	MISSING	IND-3	paved area for existing business	8/4/2021
LARNED ST	33-01-01-15-383-001	MISSING	R-6A	Vacant	8/4/2021
W WILLOW ST	33-01-01-08-426-191	R-MX	MX-1	Vacant, next to restaurant	8/4/2021
1230 N MLK	33-01-01-08-426-002	R-MX	MX-1	Restaurant	8/4/2021
1215 N MLK	33-01-01-08-403-102	R-MX	MX-1	Dollar store	8/4/2021
1200 N MLK	33-01-01-08-255-131	R-MX	MX-1	Corner store	8/4/2021

1214 W WILLOW ST	33-01-01-08-255-113	R-MX	MX-1	Corner store	8/4/2021
1009 FAIRWAY LN	33-01-01-11-476-001	MFR	R-MX	Existing walk-up apartment	8/4/2021
1001 FAIRWAY LN	33-01-01-11-476-011	MFR	R-MX	Existing walk-up apartment	8/4/2021
3100 HOLIDAY DR	33-01-01-11-476-241	MFR	R-MX	Existing walk-up apartment	8/4/2021
3106 HOLIDAY DR	33-01-01-11-476-231	MFR	R-MX	Existing walk-up apartment	8/4/2021
3120 HOLIDAY DR	33-01-01-11-476-221	MFR	R-MX	Existing walk-up apartment	8/4/2021
3208 HOLIDAY DR	33-01-01-11-476-211	MFR	R-MX	Existing walk-up apartment	8/4/2021
3218 HOLIDAY DR	33-01-01-11-476-201	MFR	R-MX	Existing walk-up apartment	8/4/2021
3225 HOLIDAY DR	33-01-01-11-476-191	MFR	R-MX	Existing walk-up apartment	8/4/2021
3227 HOLIDAY DR	33-01-01-11-476-181	MFR	R-MX	Existing walk-up apartment	8/4/2021
3206 MELODY LN	33-01-01-11-476-171	MFR	R-MX	Existing duplex	8/4/2021
3214 MELODY LN	33-01-01-11-476-161	MFR	R-MX	Existing duplex	8/4/2021
3220 MELODY LN	33-01-01-11-476-151	MFR	R-MX	Existing duplex	8/4/2021
3308 MELODY LN	33-01-01-11-476-141	MFR	R-MX	Existing duplex	8/4/2021
3312 MELODY LN	33-01-01-11-476-131	MFR	R-MX	Existing duplex	8/4/2021
3320 MELODY LN	33-01-01-11-476-121	MFR	R-MX	Existing duplex	8/4/2021
3330 MELODY LN	33-01-01-11-476-111	MFR	R-MX	Existing duplex	8/4/2021
905 COOLIDGE RD	33-01-01-11-476-082	MFR	R-MX	Existing walk-up apartment	8/4/2021
921 COOLIDGE RD	33-01-01-11-476-101	MFR	R-MX	Existing walk-up apartment	8/4/2021
N LARCH ST	33-01-01-09-477-251	DT-1	DT-2	Surrounded by large DT-2 parcel	8/4/2021
829 N LARCH ST	33-01-01-09-477-241	DT-1	DT-2	Surrounded by large DT-2 parcel	8/4/2021
825 N LARCH ST	33-01-01-09-477-231	DT-1	DT-2	Surrounded by large DT-2 parcel	8/4/2021
819 N LARCH ST	33-01-01-09-477-221	DT-1	DT-2	Surrounded by large DT-2 parcel	8/4/2021

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.

**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 – Marihuana 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 Lansing City Council at 517-483-4177. Written comments can be emailed to city.clerk@lansingmi.gov or sent by regular mail to the City Clerk's Office, 124 W. Michigan Avenue, 9th Floor, City Hall, Lansing, MI 48933. Comments will be accepted if received by 5 p.m., Monday, November 8, 2021.

Chris Swope, City Clerk

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.

ORDINANCE NO. _____

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 – ~~Mal 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.

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

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

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

8 (1) THE FIRST WARD MEMBER SHALL BE APPOINTED FOR ONE YEAR.

9 (2) THE SECOND WARD MEMBER SHALL BE APPOINTED FOR TWO
10 YEARS.

11 (3) THE THIRD WARD MEMBER SHALL BE APPOINTED FOR THREE
12 YEARS.

13 (4) THE FOURTH WARD MEMBER SHALL BE APPOINTED FOR FOUR
14 YEARS.

15 (5) AT-LARGE MEMBERS SHALL BE APPOINTED FOR ONE, TWO, THREE,
16 AND FOUR YEARS RESPECTIVELY.

17 (E) THEREAFTER, ALL SUBSEQUENT ARTS AND CULTURE COMMISSION
18 MEMBERS SHALL BE APPOINTED FOR FOUR YEAR TERMS.

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

21 266.03 – RULES OF PROCEDURE; MEETINGS; SUPPLY OF FACILITIES AND
22 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.

Approved as to form:

City Attorney

Dated: _____

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.

RESOLUTION #2020-198

**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 public bodies to hold meetings virtually; 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, 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:

- Virtual meetings may be held due to any of the qualifying reasons articulated in the OMA.
 - In person meetings are preferred, however, military duty, a medical condition, or a state of emergency may require a member of the public body to attend a meeting virtually
 - On and after January 1, 2021, meetings of the public body, in whole or in part, may be held virtually only to accommodate absences 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
- For members of the public body who are attending a public meeting virtually, 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
 - This does not apply for public body members who are attending the meeting virtually due to military duty
 - 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.

- Notice of a public meeting held 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
 - 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
- 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.

BE IT FINALLY RESOLVED that the COVID-19 pandemic presents a public health crisis and local state of emergency, which necessitates the holding of virtual meetings in compliance with this resolution until further action by Council.