AGENDA

Committee on Development and Planning
November 13, 2024 at 3:30 PM

Lansing City Hall, City Council Conference Room
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.
To view the meeting live and participate in virtual public comment: https://www.lansingmi.gov/1212/Council-Committee-Meetings

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Council Member Hussain, Chairperson
Council Member Brown, Vice Chairperson
Council Member Garza, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
   A. October 23, 2024
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
   B. RESOLUTION - Reappointment; Tiffany Dowling as a business representative of the Saginaw Street Corridor Improvement Authority Board of Directors for a term to expire June 30, 2028
   C. RESOLUTION - Appointment; Alexander Rusek as a Business Representative member of the Downtown Lansing Inc. Board for a term to expire June 30, 2028
   D. ORDINANCE - Amending Part 12, Title 6, Form Based Zoning Code, Second Amendment
   E. ORDINANCE - Amending Part 12, Title 6, Chapter 1250 to include 1250.04.08, Accessory Dwelling Units
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.

MINUTES
Committee on Development & Planning
Wednesday, October 23, 2024 @ 3:30 p.m.
City Council Conference Room

CALL TO ORDER
Council Member Hussain called the meeting to order at 4:00pm

PRESENT
Council Member Hussain, Chair
Council Member Brown, Vice-Chair - unexcused
Council Member Garza, Member

OTHERS PRESENT
Renee Richmond, Council Administrative Assistant
Joseph Abood, OCA
Timothy Klont
Chelsea Dowler, LEDC
Susan Stachowiak, ED&P

MINUTES
MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM OCTOBER 9, 2024, AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT
No public comment.

Discussion/Action
RESOLUTION – Reappointment; Tiffany Dowling as a business representative of the Saginaw Street Corridor Improvement Authority Board of Directors for a term to expire June 30, 2028
Councilmember Hussain noted Ms. Dowling could not attend the meeting due to a conflict and could attend the next meeting on November 13, 2024.

MOTION BY COUNCIL MEMBER GARZA TO TABLE THE RESOLUTION FOR THE REAPPOINTMENT OF TIFFANY DOWLING AS A BUSINESS REPRESENTATIVE OF THE SAGINAW STREET CORRIDOR IMPROVEMENT AUTHORITY BOARD OF DIRECTORS FOR A TERM TO EXPIRE JUNE 30, 2028. MOTION CARRIED 2-0.

RESOLUTION – Appointment; Timothy Klont as an At-Large member of the Planning Commission for a term to expire June 30, 2028

DRAFT

Mr. Klont stated his entire career in Community Development neighborhood revitalization and affordable housing, worked at both the state and local levels, currently he works at MSHDA. He's interested in the Planning Commission and looking for opportunities to contribute to the community. Councilmember Hussain asked what year he moved to Lansing, he responded he moved back just last year and was a Lansing native for 25 years prior.

Councilmember Garza asked once appointed is he willing to attend the monthly ward meetings and present from planning commission, he answered absolutely. Councilmember Hussain asked how he learn of the vacancy. Mr. Klont stated he served on other city boards throughout his career and moving back was looking to get involved again.

Councilmember Hussain noted there is a lot from this commission, asking what Mr. Klont's opinion on Form Based Code is. Mr. Klont answered generally he is a fan. Councilmember Hussain then asked when the Commission gets requests for rezones for SLU's, what should they be looking at.

Mr. Klont stated a number of things, and the order is going to be different from case to case. Councilmember Hussain also asked if he could stand up to staff if they want things pushed through. Mr. Klont answered yes, working in affordable housing is uphill battle, with elected and appointed officials. It is part of his job is to challenge others and has no issue to do a respectful challenge. Councilmember Hussain noted conversations are had in terms of concentration of poverty, what are his views and how do they encourage others to start talking. Mr. Klont state he is all for housing opportunity for everyone in communities of their choice, everyone is in a severe housing supply shortage in the city, statewide, and country. Continuing, he is a fierce housing advocate but doesn't support concentration of poverty, however, takes opportunity to dispel who lives in affordable housing because that can be from emergency overnight shelter up to workforce housing, that communities bear some responsibility in their areas. Councilmember Garza asked if he is in favor of ADU's, Mr. Klont answered absolute. Adding that he is the current Deputy Director of MSHDA and would recuse himself from anything brought forward for projects that had or pursued financing. Ms. Stachowiak noted it would be rare.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF TIMOTHY KLONT AS AN AT-LARGE MEMBER OF THE PLANNING COMMISSION FOR A TERM TO EXPIRE JUNE 30, 2028. MOTION CARRIED 2-0.

<u>RESOLUTION – Obsolete Property Rehabilitation Act (OPRA) District; 1102 S. Washington Avenue, Reo Ventures, LLC</u>
Councilmember Hussain referenced items D & E go together respectively, and noted the public hearing for both were on 10/14 nothing for or against was mentioned. Then asked if LEDC had anything to add. Ms. Dowler said no.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION OF THE OBSOLETE PROPERTY REHABILITATION ACT (OPRA) DISTRICT; 1102 S. WASHINGTON AVENUE, REO VENTURES, LLC. MOTION CARRIED 2-0.

<u>RESOLUTION – Obsolete Property Rehabilitation Act (OPRA) Certificate; 1102 S. Washington Avenue, Reo Ventures, LLC</u>

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION OF THE OBSOLETE PROPERTY REHABILITATION ACT (OPRA) CERTIFICATE; 1102 S. WASHINGTON AVENUE, REO VENTURES, LLC. MOTION CARRIED 2-0.

Ms. Richmond asked for clarification on the date for completion for the resolution. Ms. Dowler checked and noted December 31, 2025.

ORDINANCE – Amend Chapter 1236, Design Standards for Parcel Dimensions
Councilmember Hussain noted the public hearing and nothing for or against was expressed, Ms. Stachowiak had nothing to add.

MOTION BY COUNCIL MEMBER GARAZA TO APPROVE THE ORDINANCE TO AMEND CHAPTER 1236, DESIGN STANDARDS FOR PARCEL DIMENSIONS. MOTION CARRIED 2-0.

Other
Mr. Abood introduced a new Deputy City Attorney, Mr. Joel Gerring to the committee.

Adjourn
Adjourned at 3:47pm
Submitted by Renee Richmond
Recording Secretary, Lansing City Council
Approved by the Committee on

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	7/5/2020
First Name	Tiffany
Middle	*Field not completed.*
Last Name	Dowling
Other name(s) by which you have been known, including maiden names	*Field not completed.*
Date of Birth	[redacted]

Address	1014 Walbridge Dr.
City	East Lansing
State	MICHIGAN
Zip Code	48933
Email	tiffany@m3group.biz
Gender	[redacted]
Find my ward:	Lansing Neighborhoods Ward Map
Ward	1
Precinct	*Field not completed.*
Best phone number to contact you	5172908739
Last 4 digits of social security number	[redacted]
In what year did you move to Lansing?	2002
Additional information regarding experience and credentials	I'm a Lansing business owner who has invested in a renovation of an old church building on the corridor. I love the Lansing region and would like to support efforts to move our area forward.
Occupational Background	I own M3 Group, a branding and marketing agency as well as publish 517 Business & Life. I also own a digital buying agency called Idea Application -- all headquartered in downtown Lansing

Educational Background	B.S. in Journalism from Eastern Michigan University
Previous Appointments	Saginaw Corridor Improvement Authority
Current Appointments	*Field not completed*.
Please attach a resume if available	*Field not completed*.
First choice for board to serve on	Saginaw St. Corridor Improvement Authority
Second choice of a board to serve on	Capital Area Transportation Authority (CATA)
Third choice of a board to serve on	Economic Development Corporation/Tax
Fourth choice of a board to serve on	*Field not completed*.
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'm committed to Lansing and would like to participate in its continued growth.
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	*Field not completed*.

you will be qualified or eligible before you would be sworn in to an appointed office	
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	Tiffany Dowling
Date & Time	7/5/2020 12:00 PM

Email not displaying correctly? View it in your browser.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the recommendation for the reappointment of Tiffany Dowling as a business representative of the Saginaw Street Corridor Improvement Authority Board of Directors for a term to expire June 30, 2028; and

WHEREAS, the Mayor's office has confirmed with this resolution, that they have vetted the applicant based on the original application and believes that the applicant meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Development and Planning met on November 13, 2024, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Tiffany Dowling as a business representative of the Saginaw Street Corridor Improvement Authority Board of Directors for a term to expire June 30, 2028.

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."

Date	08/01/2024
First Name	Alexander
Middle	Stephen
Last Name	Rusek
Date of Birth	[redacted]
Home Address	2800 N. Cambridge Road, Lansing, MI 48911
City	Lansing
State	MI
Zip Code	48911
Email	arusek@fosterswift.com
Gender	[redacted]

If you don't know which ward you live in, visit the Lansing Neighborhoods Ward Map and type in your address to find out!

Ward	Ward 1
Precinct	32

Best Phone Number to Contact You	5868387387
In what year did you move to Lansing?	2014
Additional Information Regarding Experience and Credentials	Resume available upon request. Alexander S. Rusek is a Shareholder with Foster, Swift, Collins & Smith, P.C. in Lansing, Michigan. Mr. Rusek's practice focuses on complex mass action and class action civil litigation, business law & litigation, criminal law, government relations, and appellate law. Mr. Rusek has represented established businesses, new businesses, non-profits, professionals, and individuals involved in multi-party, mass action, and class action litigation, notably representing over 100 survivors of sexual assault in the Michigan State University/Larry Nassar and University of Michigan/Robert Anderson litigations and a defendant in the Flint Water Crisis related civil and criminal litigations (all charges dismissed). Mr. Rusek is a graduate of Oakland University and Michigan State University College of Law, cum laude. He is a founder and board member of The Army of Survivors, Inc., board member of Highfields, Inc., board member and President-Elect of the Ingham County Bar Association, board member of the State Bar of Michigan Litigation Section Governing Council, Past-President of the Ingham County Bar Association Young Lawyers Section, Past-Chairperson of the Ingham County Board of Commissioners Equal Opportunity Committee, former Democratic Precinct Delegate for Lansing's Ward 1, Precinct 6, and a member of multiple local and national bar associations. Mr. Rusek is a 2023 recipient of the Ingham County Bar Association's President's Award, 2018 recipient of the Lansing Regional Chamber of Commerce 10 Over the Next 10 Award, a 2018 recipient of Oakland University's Young Alumni 10 Within 10 Award, and a 2016 recipient of the Ingham County Bar Association Top 5 Under 35 Award. He has authored multiple articles that have appeared in the State Bar of Michigan Journal and other State Bar of Michigan publications, American Bar Association publications, the Detroit Bar Association's Detroit Lawyer, the Ingham County Bar Association's BRIEFS, and others. Mr. Rusek was Mental Health First Aid USA certified in 2019 and seeks to incorporate trauma-informed principles into his practice every day. Additional Information Available: https://www.fosterswift.com/professionals-Alexander-Rusek-Litigation-Attorney-Lansing.html https://www.linkedin.com/in/alexrusek/
Occupational Background	Shareholder, Foster, Swift, Collins & Smith, P.C.
Educational Background	Oakland University - BA - 2010 Michigan State University College of Law, cum laude - 2013
Previous Appointments	N/A
Current Appointments	N/A
First Choice for Board to Serve on	Downtown Lansing, Inc.

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 am submitting my application for appointment to the Downtown Lansing, Inc. board. Before purchasing a home in the City in August 2023, I lived in downtown Lansing on Michigan Avenue for about a decade. I have also worked in downtown Lansing since 2022 at Foster Swift. During this time, I have been able to see and be a part of downtown's revitalization and growth-even through the very tough COVID-19 years. As such, I hope to be appointed to this board so that I can continue to support Lansing's growth by combining my legal background with my dedication to the City.

This certification is not required but may impact potential consideration of the appointment being sought. I authorize the use of the information provided above to conduct a background search, including but not limited to criminal history, residency, and indebtedness to the City of Lansing. If selected to serve, I further authorize additional background checks during the term of my service to ensure the required criteria continue to be met. I also acknowledge that I have the affirmative duty to inform the City if I become aware of any change or condition in my status that fails to meet the required criteria.

Agreement to 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.	Alexander S. Rusek
Date & Time	08/01/2024 5:55 PM (EDT)
Receive an email copy of this form.	Yes

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Alexander Rusek as a Business Representative member of the Downtown Lansing Inc. Board for a term to expire June 30, 2028; and

WHEREAS, the Mayor's office has confirmed with this resolution, that they have vetted the applicant based on the original application and believes that the applicant meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Development and Planning met on November 13, 2024, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Alexander Rusek as a Business Representative member of the Downtown Lansing Inc. Board for a term to expire June 30, 2028.

City of Lansing

Form Based Zoning Code

CLEAN FBC AMENDMENT 2 DRAFT TO COUNCIL xx-xx-24

Lansing Planning Office
lansingmi.gov/planning
(517) 483-4066

Adopted 3/8/21
Effective 5/1/21
First Amendment 1/1/22
Second Amendment --/--/--

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 Commission, 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 weekend 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 Section 1250.02.09.

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,

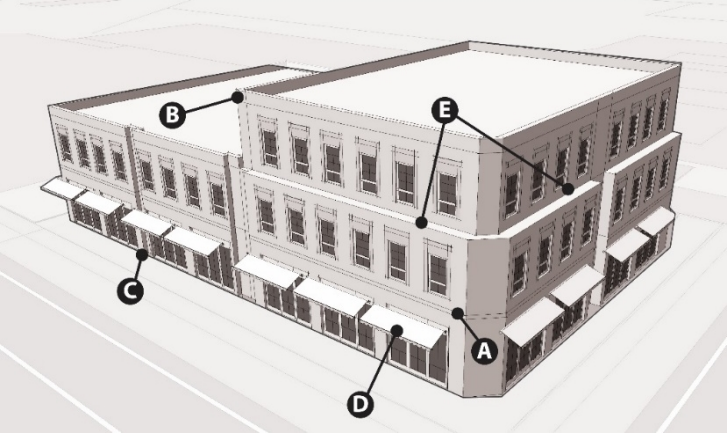
[B] cornices/moldings,

[C] columns or recesses,

[D] awnings/canopies, and

[E] step-backs; as depicted right.

[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.**

BOARDING HOUSE. A structure in which lodgers rent a bedroom for extended periods of time and share common areas of the house such as kitchens, bathrooms, and lounging rooms, and where some services such as meals, laundry, and cleaning may be offered. A Boarding House must have staff on-site or on-call for 24 hours a day.

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, smokestacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

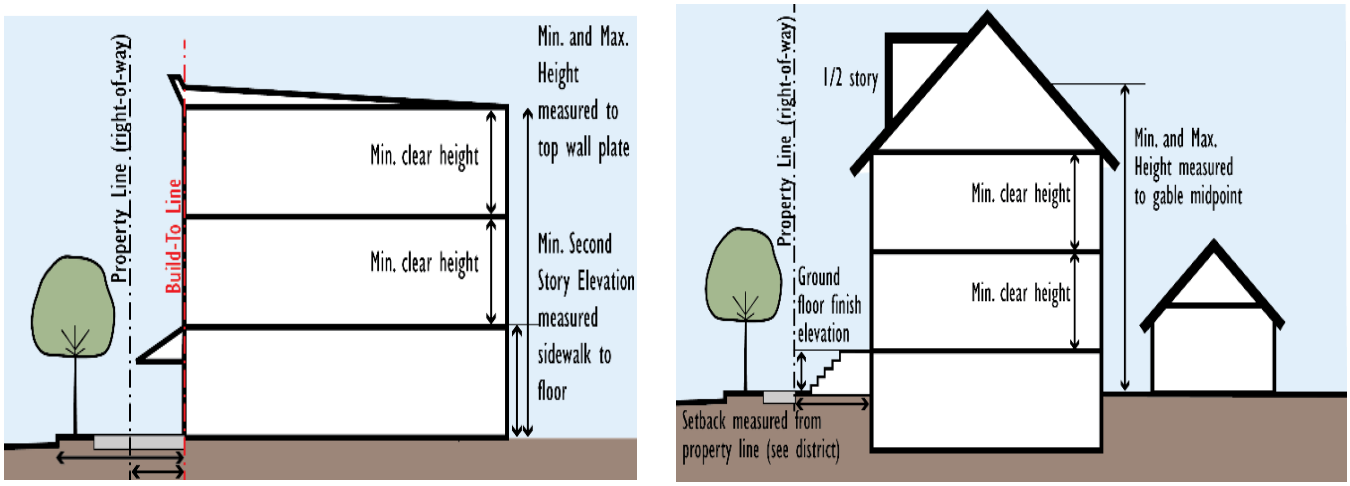
BUILDING CODE. The Stille-Derossett-Hale- Single State Construction Code Act, Act 230 Of 1972, known as the Michigan Building Code, with amendments, adopted by reference as part of these Codified Ordinances.

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 deck line 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.

[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.

CAMPGROUND. Any area of land containing recreation facilities, and which may contain cabins, tents, recreational vehicles, shelters, or accommodations used for either overnight camping or day camp purposes, or otherwise designed for seasonal or other temporary recreational stays.

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 (seven or fewer children less than 24 hours per day): A private home in which not more than seven 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 (eight to 14 children less than 24 hours per day): A private home in which more than seven but not more than 14 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. A structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls. See "PLACES OF WORSHIP."

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.

CONSUMER GOODS DELIVERY. A business that warehouses retail goods for sale and direct delivery to customers, but does not allow walk-in customers.

CONTIGUOUS. Abutting.

COTTAGE COURT. A grouping of at least three, but no more than six, dwelling units oriented around a shared street, access drive, or internal courtyard. Subject to the requirements of Subsection 1250.04.07.

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 parcel.

DUPLEX. See "DWELLING, TWO-FAMILY".

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

DWELLING, SINGLE-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.

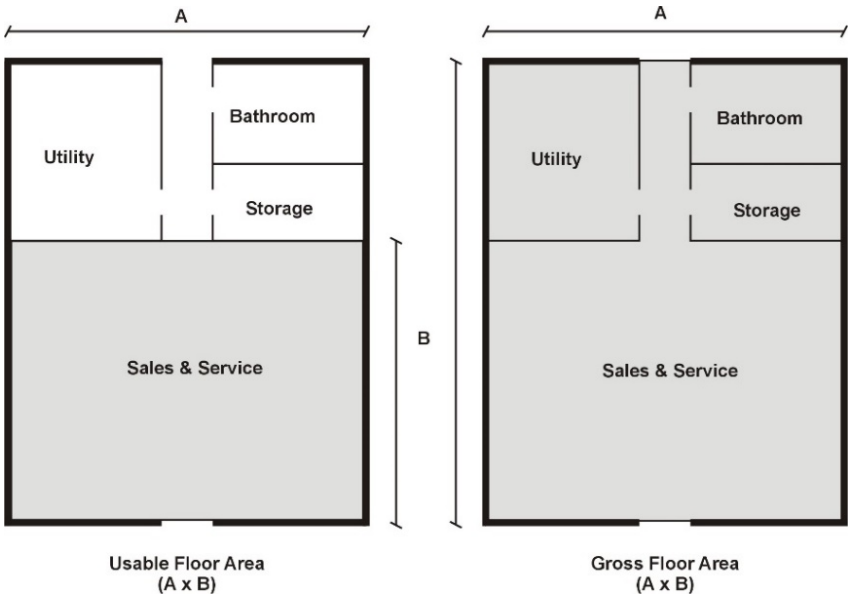
FENESTRATION. Openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than one (1) inch are considered part of the opening.

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.

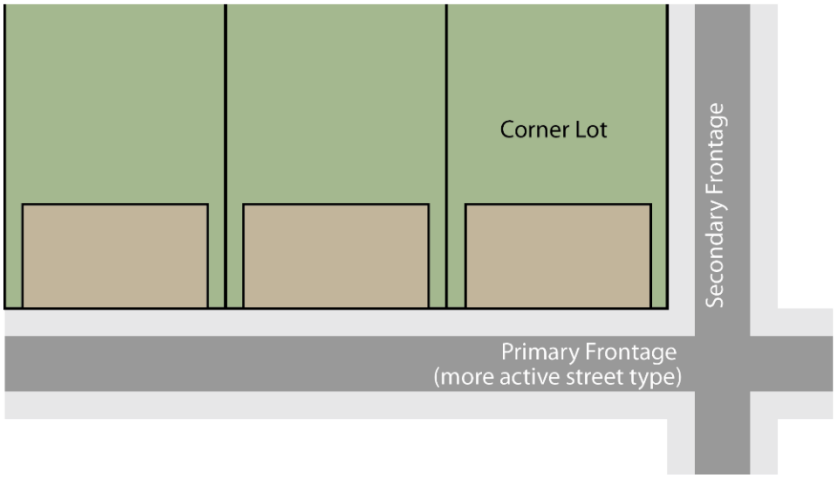
FRONTAGE. The front part of a property that faces the street, as measured in linear feet.

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

1. **Is envisioned to be the most pedestrian-oriented, according to the Street Typologies described in the Comprehensive Plan and defined in this ordinance (see "STREET TYPES"). In these cases the primary frontage should be considered the more active street type per the list in 1242.03.**
2. **Or, in the case where the above is not clear or where both streets are the same type, the applicant may decide which frontage is the primary, subject to Zoning Administrator's approval.**

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:

1. **Porch: A porch is a frontage type applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building. An "enclosed porch" is surrounded on all sides by glass, screen, wood, brick, plastic, or other materials permitted by the Building Code. An "open porch" is one that is not enclosed.**
2. **Stoop: A stoop is a small, elevated landing space above the sidewalk level which provides entry into the building. Stoops must be covered and may project beyond the building setback line towards the right-of-way.**
3. **Storefront: A frontage type appropriate for the ground floor of commercial / retail buildings. Storefronts provide large windows with transparent views into the building interior. Awnings may be incorporated into the frontage design, projecting beyond the building setback line.**
4. **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 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, subject to compliance with all applicable standards of the Lansing zoning ordinances and sign ordinance, including, but not limited to setback, building height, placement and lot coverage, landscape, screening and buffering and sign restrictions; and also subject to all other applicable state laws and city ordinances, including, but not limited to noise and other nuisances as defined by city ordinance, except that vegetation as described in a defined garden may exceed eight inches (8”) in height.

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

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

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

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

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

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

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

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

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

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

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

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

HOUSING COOPERATIVE. A group of individuals connected by membership in an incorporated cooperative, sharing occupancy and control of a dwelling and who live together as a housekeeping unit that share common areas of the house such as kitchens, bathrooms, and lounging rooms. A Housing Cooperative shall be subject to the requirements of Section 1250.02.11. Different cooperative models with persons living in separate dwelling units not sharing common kitchen and bathroom facilities shall not be subject to the requirements of Section 1250.02.11, but shall follow all other applicable provisions of this Zoning Ordinance.

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

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

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

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

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

1. **Machinery;**
2. **Appliances;**
3. **Merchandise with missing parts;**
4. **Scrap metal; and**
5. **Scrap materials, including, but not limited to, rags, paper or building materials.**

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 moving under its own power.

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

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

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

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, hotel, motel or motor lodge, or hostel.

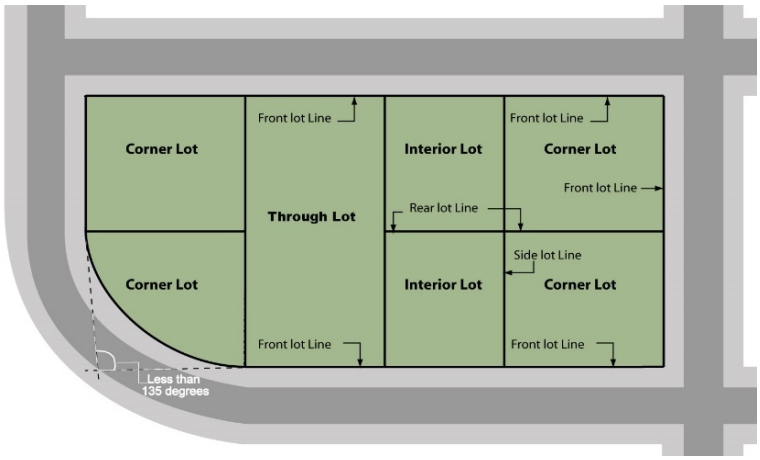
LOT. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal structure or use and any accessory structure or by any other use or activity permitted on the parcel of land. Lot includes the open spaces and yards required under this Zoning Code and has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

1. **CORNER LOT. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street is a corner lot if the radius of the**

arc is less than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than 135 degrees.

2. **INTERIOR LOT. A lot other than a corner lot.**
3. **THROUGH LOT. An interior lot having frontage on two more or less parallel streets.**

[FIGURE 5]



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

LOT COVERAGE. 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.

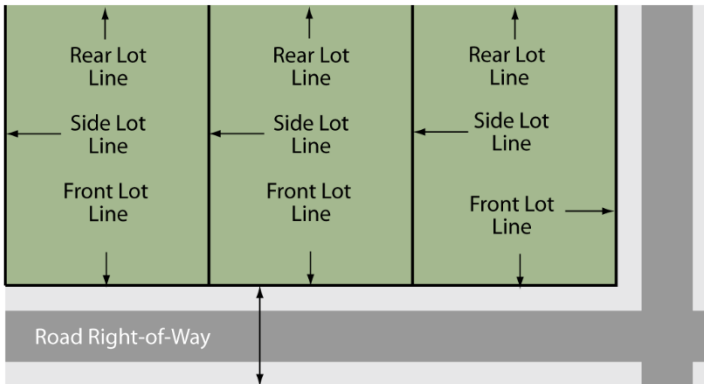
LOT LINE. Any of the lines bounding a lot

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.

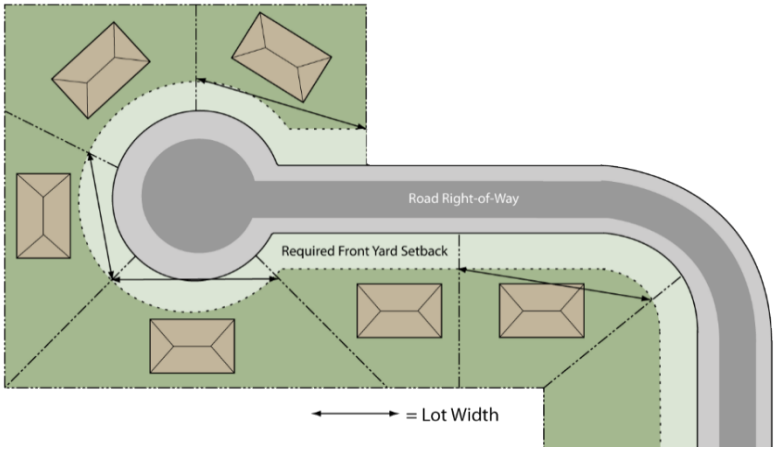
[FIGURE 6]



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 manage stormwater.

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.

1. **MIXED-USE, HORIZONTAL. Horizontal mixed-use refers to development patterns where uses within a development site or along a block are mixed along the extent of the building and/or development. Horizontal mixed-use can be combined with vertical mixed-use.**

2. MIXED-USE, VERTICAL. Vertical mixed-use refers to development patterns where uses within a building are mixed, often with retail or active commercial uses on the ground and lower floors, and office or residential uses on the upper floors.

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

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

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

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

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

MOTOR VEHICLE SERVICE STATION. A use for supplying gasoline, oil and minor accessories at retail directly to the customer and which performs minor repairs. "Minor repairs" means: engine tune up, alternator or generator replacement, battery replacement, fan belt replacement, radiator hose replacement, radiator repair or replacement, tire and strut repair or replacement, wheel balancing, oil

change, windshield repair or replacement, brake repair or replacement, muffler and exhaust system replacement, front end alignment, and automobile washing and detailing.

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

NONRESIDENTIAL USE. Any use not a residential use.

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

NURSING HOME. See "ADULT CARE FACILITIES."

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

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

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

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

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

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

OPEN STORAGE. 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, materials, merchandise or vehicles for sale.

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

PLOT PLAN. 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".

PRIMARY FRONTAGE. See "FRONTAGE, PRIMARY".

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

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

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

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

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

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

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

RECREATIONAL EQUIPMENT. A watercraft, vehicle, or other conveyance designed to be used primarily off of public streets and roads, and not regulated by the Michigan Vehicle Code, including by

way of example, but not limited to: snowmobiles; boats and boat trailers; jet skis, floats and rafts, including transportation equipment.

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

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

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

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

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

(a) Restaurants with Outdoor Seating. A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, balcony or sidewalk.

(b) Carry-Out Restaurant. A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carry out restaurant differs from a drive through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.

(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.

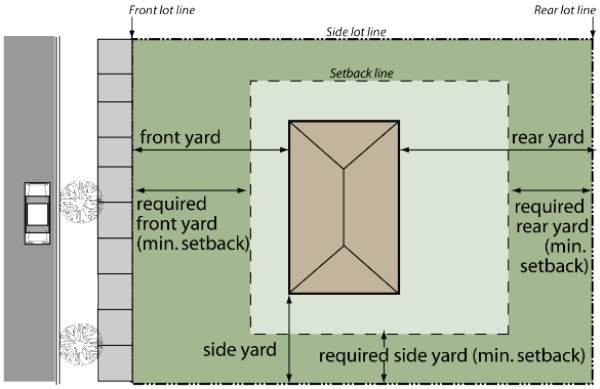
RETAIL STORE. An establishment which primarily serves the surrounding neighborhood and includes, but is not limited to, the following: limited service food store, drug store, hardware store, laundry or cleaners pickup, jewelry store, florist, gift shop, book store, clothing store, photographer, and bakery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

ROOMING HOUSE. A single-family detached dwelling which is owner-occupied and serves as the principal residence of the owner, in which up to three lodgers rent rooms for extended periods of time and share common areas of the house such as kitchens, bathrooms, and lounging rooms.

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 unusable: 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:

1. **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;**
2. **A hospital licensed under Article 17 of Public Act 368; or**
3. **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.

SOLAR ENERGY SYSTEMS. The mechanical and utility equipment that converts sun energy into electricity using photovoltaics (PV) panels that are either ground-mounted, wall-mounted, roof-mounted, or part of a solar array.

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 to 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"

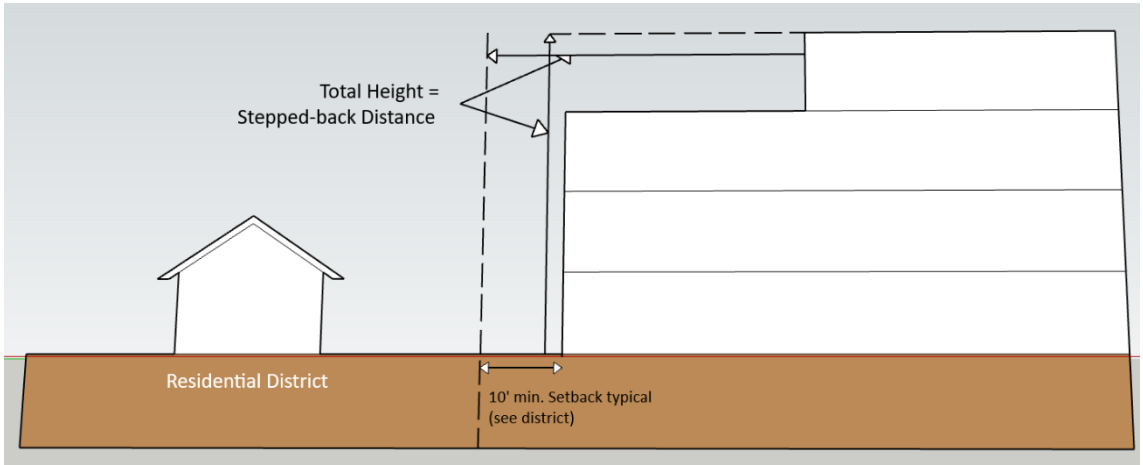
TEMPORARY USE. Any use that is not permitted as a principal use, accessory use or a conditional use in a zoning district, and which is limited in its duration.

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 vehicle.

UPPER FLOOR STEP BACKS. For the elevation adjacent to a residential district, (R-1, R-2, R-3, and R-MX) the floors above the third 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.

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

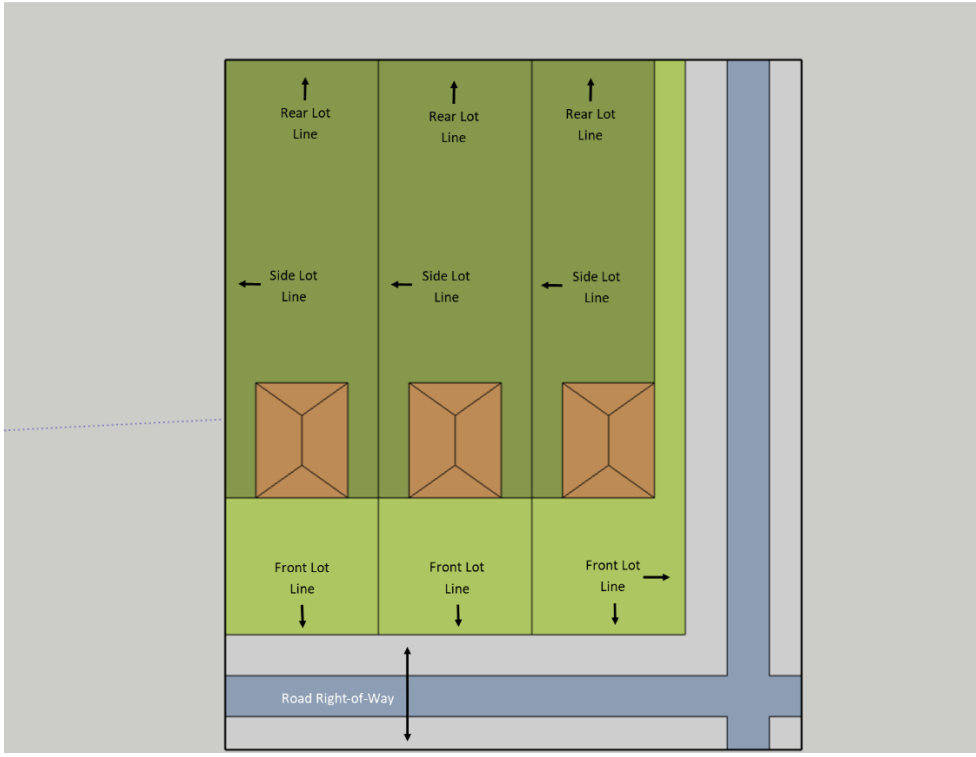
VERTICAL MIXED-USE. See "MIXED-USE, VERTICAL".

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

1. **"Front yard" means a yard extending across the full width of a lot between the front of the structure containing the principal use and the front lot lines.**
2. **"Rear yard" means a yard extending the full width of a lot between the rearmost structure containing the principal use and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the structure containing the principal use.**

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

[FIGURE 10]



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

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***

MX-C	**Mixed Use Urban Corridor**
MX-1	**Mixed Use Neighborhood Center**
MX-2	**Mixed Use Community Center**
DT-1	**Downtown Edge**
DT-2	**Urban Flex**
DT-3	**Downtown Core**

(b) ***Residential Zones***

R-1	**Residential**
R-2	**Residential**
R-3	**Residential**
MFR	**Multi-Family Residential**
R-MX	**Mixed Residential**
R-AR	**Residential Adaptive Reuse**

(c) ***Special District Zones***

IND-1	**Industrial**
INST-1	**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.

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

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 approve modifications to the site layout requirements when one or more of the Recognized Benefits, listed below, are provided. The following incentives may be granted:

a. Dimensional Modifications. Modifications to the maximum 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 permitted consistent with Section 1254.01.04.

(2) Recognized Benefits. Additional building height or modifications may be granted during the project review when one or more of the following recognized benefits are provided:

a. Open Space. Inclusion of five (5) percent open space above what may be required for the building type. Open space must meet the following standards to be counted toward the minimum requirement:

1. Open space may be public or private but must be accessible to the public along with employees or residents or visitors.

2. **Dimensions, grading and design of the open space shall provide usable area for seating, gathering, recreation or other activities.**
3. **Required open space shall not include wetlands, required setbacks, required landscape areas, water bodies, easements for private roads or overhead utilities, stormwater control facilities as required by Chapter 1219, floodplain area or public right-of-way, provided that where additional public right-of-way is desired by the city, it may be included.**
4. **Required open space shall be functional provided to supplement public space along a sidewalk, provide pedestrian or greenway connections, pocket parks to serve nearby uses, located and designed to terminate views along streets, or otherwise provide an amenity that would not be provided in a project that just met minimum code requirements.**

b. **Low Impact Development (LID, e.g. green roof, on-site stormwater retention). Use of alternative stormwater management design that may include green roofs, natural retention systems, porous pavement alternatives, or other energy or water conserving applications above and beyond the requirements of Chapter 1219 - Post-Construction Stormwater Management.**

c. **Provision for Mixed-Use. Proposals that include a mix of different but compatible use types within the same building, such as first-floor retail with offices or residential units on upper floors.**

d. **Green Buildings. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, solar heating, reuse/recycled/renewable materials, indoor air quality or other sustainable elements.**

e. **Additional Landscape Elements. Exceeding minimum quantities or sizes required in Chapter 1252 – Landscaping with native species and larger caliper plantings. Or**

additional plantings or decorative fence or wall where needed to help reduce impacts on neighboring properties.

f. Pedestrian Amenities. Provision of public plazas, walkways or pedestrian-oriented features, such as street trees or benches beyond those required or enhancements to a transit stop, such as a shelter, large pad size or similar improvements endorsed by public transit authority.

g. Shared Access. Removal of a driveway or use of (not isolated remnant parcels) and shared driveway for access from public streets. This may require an access easement approved by the city attorney.

h. Shared Public Parking. See Section 1254.01.04 Factors to Permit a Reduction from the Amount of Parking Required

(c) Permitted Modifications. It is recognized that certain existing site conditions may prohibit full compliance with this Section. The Director of Economic Development and Planning, or a 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.

A. Upper floor step-backs – up to ten (10) percent.

B. 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 Commission 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.

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	MX-C	MX-1	MX-2	DT-1	DT-2	DT-3	Conditions
Commercial/Office							
Retail sales and Personal Services	P	P	P	C	P	P	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	
Active / Recreational Commercial	P	P	P	C	P	P	1. Permitted on non-local streets. 2. Any facilities or operations held outdoors shall be set back a minimum of 50' from all property lines and shall be screened from view of all public rights-of-way and residential parcels of land by a six (6) foot-high opaque wood or vinyl fence, decorative screen wall or landscaped berm.
Animal Hospital	C	C	C	C	C	C	All operations must be completely enclosed in a soundproof building in such a way as to not produce any objectionable noises or odors at the lot lines
Bank	P	P	P	P	P	P	
Boarding House	C	C	C	S	C	C	1. Permitted on non-local streets. 2. Staff must be on-site or on-call 24 hours a day

Clinic	**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.**
Consumer Goods Delivery	**C**		**C**				**Not permitted on Activity Corridor street type.**
Funeral Home	**C**		**S**		**C**	**S**	**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, Animal Day Care	**C**	**C**	**C**		**C**		**1. Structures must be setback at least 50 feet from each adjacent residential lot line. 2. Outside exercise run or treatment area must be located at least 100 feet from all lots lines and at least 300 feet from an adjacent residential lot line. 3. All operations must be controlled in such a way as to not produce any objectionable noises or odors at the lot lines.**
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**MX-C**	**MX-1**	**MX-2**	**DT-1**	**DT-2**	**DT-3**	**Conditions**
Laundromat, dry cleaner	**P**	**P**	**P**		**P**	**P**	
Lodging Facility	**P**	**P**	**P**	**S**	**P**	**P**	
Mobile Food Vending (Food trucks and carts)	**C**	**C**	**C**		**C**		**See Section 1250.02.12**
Nursery, commercial greenhouse	**C**				**C**		**1. The outdoor storage of landscape materials, other than plants, shall be screened from view of all public rights-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 facility	**S**	**S**	**S**	**S**	**S**	**S**	**1. On Activity Corridors, the first floor of a parking structure 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 a upper story minimum clear height of 9'. 5. Parking Facilities shall conform with the requirements of Chapter 1252.**
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**
Place of Assembly	**C**	**C**	**C**	**S**	**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 properties are required.**
Studio (dance, health, music, etc)	**P**	**P**	**P**	**P**	**P**	**P**	

Drive-through, as accessory use	**C**	**C**	**C**	**S**	**S**		**1. A drive-through 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-through 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**	**P**			**Permitted only on local street**
Two-Family dwelling				**P**	**P**		
Multi-Family dwelling	**P**	**P**	**C**	**P**	**P**	**C**	**1. Dwelling units shall have a minimum living space of 400 square feet. 2. Ground floor multiple-family dwelling units not permitted on the frontage of Activity Corridor and Arterial Corridor street types.**
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**MX-C**	**MX-1**	**MX-2**	**DT-1**	**DT-2**	**DT-3**	**Conditions**
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-2 parking requirements are not exempt under Section 1254.01.04(f)**
Cottage Court, 3 to 6 buildings				**C**			**See 1250.04.07**
Housing Cooperative	**C**	**C**	**C**	**C**	**C**	**C**	**See 1250.02.13**
Rooming House				**C**			
Short-Term Rental				**C**			
Human Care Facilities							
Adult Day Care Facility				**P**	**P**		
Adult Foster Care (≤ 6)				**P**			
AFC small group home (≤ 12)				**P**	**P**		
AFC large group home (13-20)				**S**	**S**		
Child Care centers, preschools, and commercial day care	**P**	**P**	**P**	**P**	**P**	**P**	
Group Day Care Home (7-12 children, <24 hours/day)	**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 shall be located more than 1,500 feet from an existing Sheltered Care Facility which provides care for more than six persons.**
Institutional							
Hospital	**C**	**C**	**C**	**C**	**C**	**C**	**Permitted on non-local street type**
Library	**P**	**P**	**P**	**P**	**P**	**P**	
Museum				**P**	**P**	**P**	
Schools	**P**	**P**	**P**	**P**	**P**	**P**	
Park, open space, plaza	**P**	**P**	**P**	**P**	**P**	**P**	
Places of Worship	**S**	**S**	**S**	**S**	**S**	**S**	
Trade school	**P**	**P**	**P**	**P**	**P**	**P**	
Industrial							
Cleaning, processing, servicing, or repair of any product	**P**	**C**	**C**		**P**	**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 properties are required.**
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**MX-C**	**MX-1**	**MX-2**	**DT-1**	**DT-2**	**DT-3**	**Conditions**
Logistics Terminal, Wholesale and Warehouse uses	**S**				**S**		**1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required.**
Industrial: Assembly, Fabrication, Manufacturing, Production, and Recycling	**C**				**C**		**1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required.**
Non-Hazardous Assembly, Fabrication, Production, and Manufacturing of consumer goods, with retail sales	**C**	**C**	**C**		**C**	**C**	
Motor vehicle repair station	**C**				**S**		**1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required. 3. No materials, junk, or junk vehicles shall be stored on-site except within an enclosed building.**

Vehicle sales, vehicle leasing, and other outdoor sales facility	**C**		**S**		**S**		**1. The area of the lot on which the items displayed for sale are located shall be covered with Portland cement or asphaltic concrete. 2. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets. 3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure. 4. Any vehicles awaiting repairs must be stored in the side or rear yard and screened from the public right-of-way. 5. Lighting shall be confined within and directed onto the parking area only. 6. The area of the lot on which the items displayed for sale are located shall be 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 1252.08. 7. No junk, junk vehicles, or inoperable vehicles shall be stored on-site except within an enclosed building.**
Motor vehicle service station	**C**	**C**	**C**		**C**		**1. 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. 2. The fueling pumps shall be located a minimum of 20 feet behind the build-to line. 3. 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'. 4. 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. 5. Vehicle sales or leasing shall not be accessory to the principal use. 6. No materials, junk, or junk vehicles shall be stored on-site except within an enclosed building.**
Research laboratory	**P**	**S**	**P**	**S**	**P**	**P**	
Self-Storage Rental	**S**						
Infrastructure	**S**	**S**	**S**	**S**	**S**	**S**	
Adult Business Uses	**S**						**See 1250.02.11**
Accessory Uses							
Solar Energy Systems	**P**	**P**	**P**	**P**	**P**	**P**	
Solar Energy Systems Storage	**P**	**P**	**P**	**P**	**P**	**P**	
Urban Agriculture	**P**	**P**	**P**	**P**	**P**	**P**	
Self-Storage Rental, as an accessory use	**C**				**C**		**1. Permitted on non-local streets. 2. All activities conducted, and materials stored shall be within an enclosed structure. 3. Storage operations shall not exceed 50% of the principal building's gross floor area. 4. No storage activities or floor area shall be located along the primary frontage.**

							5. No storage activities, operations, vehicles, or storage pods may be located on the exterior of the parcel.

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

(b) All activities shall take place within a completely enclosed building unless otherwise indicated.

(c) All accessory materials shall be enclosed by a structure or a fence, which does not obstruct vision.

(d) All materials stored within 20 feet of a fence shall not exceed the height of the fence.

1243.04 MX-C MIXED USE URBAN CORRIDOR

[FIGURE 11]

1243.04.01 MX-C INTENT

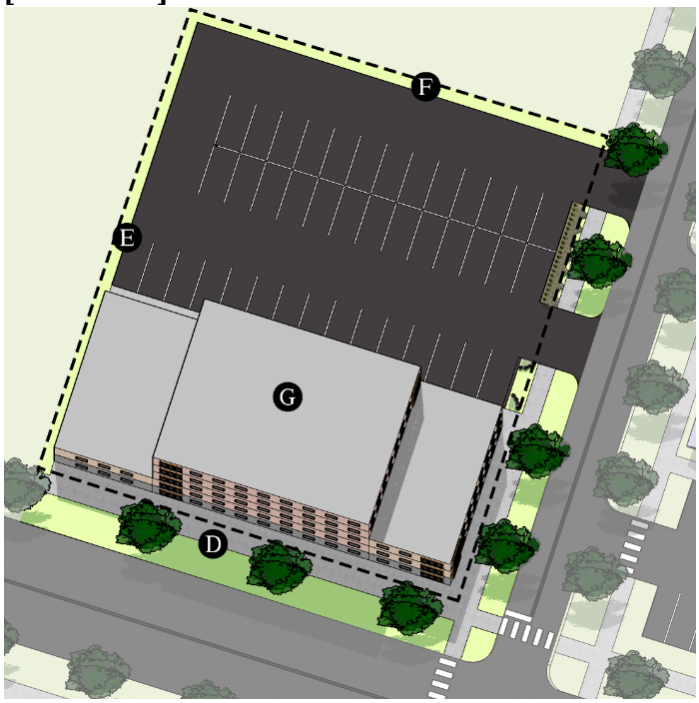
The purpose and intent of the MX-C Mixed Use Urban Corridor district is to provide for a vertical and horizontal mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Development is characterized by buildings located closer to the street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

1243.04.02 MX-C SITE LAYOUT REQUIREMENTS

[FIGURE 12]

(a) BUILDING MASSING		
A. Minimum Height	**16'**	**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-3 and R-MX districts	**For the elevation adjacent to a residential district, the floors above the third 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 13]



(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 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. An additional 50' setback for a single-loaded bay of parking or 70' of setback for a double-loaded bay of parking as permitted.**
E. Minimum Side Setback	**0'**
F. Minimum Rear Setback	**10' building**
Minimum Setback from adjacent R-1 through R-3 and R-MX districts	**10'**
G. Maximum Lot Coverage	**80%**
See Section 1250.04.01 for placement of accessory buildings	

[FIGURE 14]

(c) PARKING	
Allowed Surface Parking Locations	**On-Street Parking** **On-site: Side, or rear yard;** **Single-loaded bay of front yard parking only on Arterial Corridors;** **Double-loaded bay of front yard parking only on Suburban Corridors**
H. Front Parking Lot Setback / Screening	**Property and Parking Lot Setback / Screening per Chapter 1252**

I. Side & Rear Parking Lot Setback / Screening	
Required Parking Spaces	**Parking per Ch. 1254; Section 1254.01.04 for parking reductions**
Parking Incentives / Bonuses	**Shared parking, cross-access, driveway removal**
Loading Bays	**Not permitted in front yard; see Section 1254.01.16** **Truck turning templates and access to loading must be delineated on site plan**

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1243.05 MX-1 MIXED-USE NEIGHBORHOOD CENTER

[FIGURE 15]

1243.05.01 MX-1 INTENT

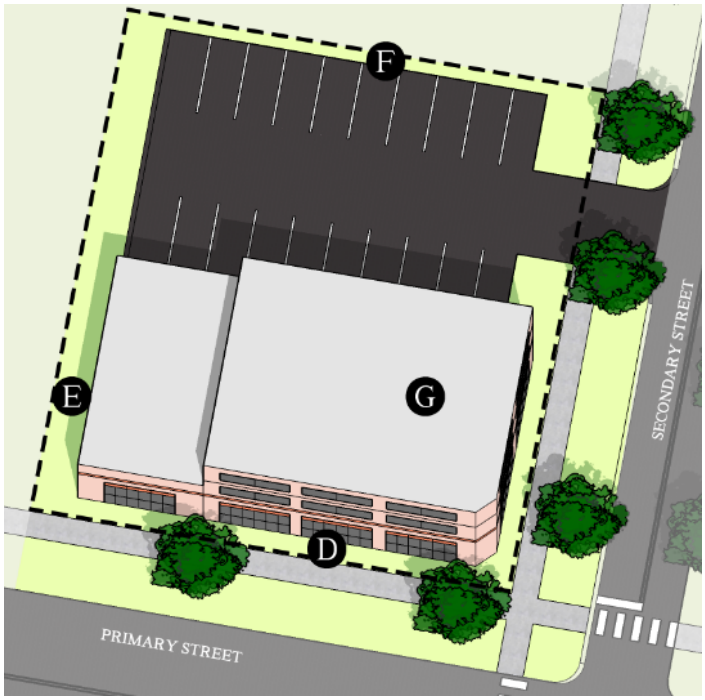
The purpose and intent of the MX-1 Mixed-Use Neighborhood Center district is to provide for a vertical and horizontal mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Development is characterized buildings located closer to the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

1243.05.02 MX-1 SITE LAYOUT REQUIREMENTS

[FIGURE 16]

(a) BUILDING MASSING		
A. Minimum Height	**16'**	**1 Story**
B. Maximum Height	**40'**	**3 Stories**
See Section 1250.03.02 for height exceptions		
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**	

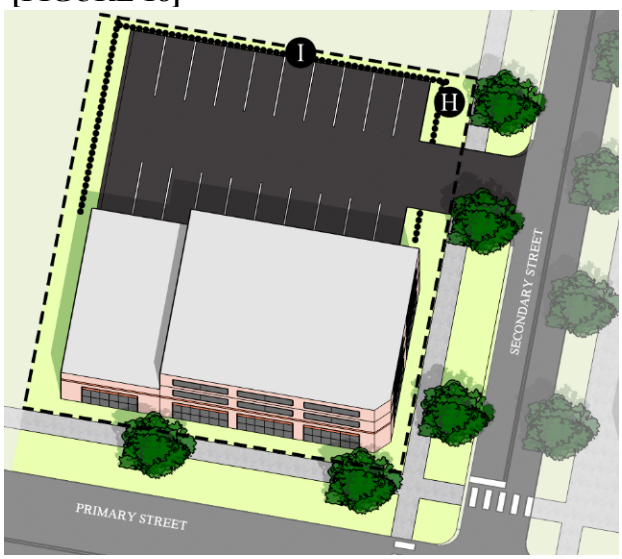
[FIGURE 17]



(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 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.**
E. Minimum Side Setback	**0'**
F. Minimum Rear Setback	**10' building**
Minimum Setback from adjacent R-1 through R-3 and R-MX districts	**10'**
G. Maximum Lot Coverage	**85%**

See Section 1250.04.01 for placement of accessory buildings

[FIGURE 18]



(c) PARKING		
Allowed Surface Parking Locations	**Suburban & Arterial Corridors:**	**Side or Rear yards; One row of parking in Front yard**
	Prime & Neighborhood Connector:	**On-street, Side or Rear yard**
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	
Parking Incentives / Bonuses	**Shared parking, cross access, driveway removal**	

1243.06 MX-2 MIXED-USE COMMUNITY CENTER

[FIGURE 19]

1243.06.01 MX-2 INTENT

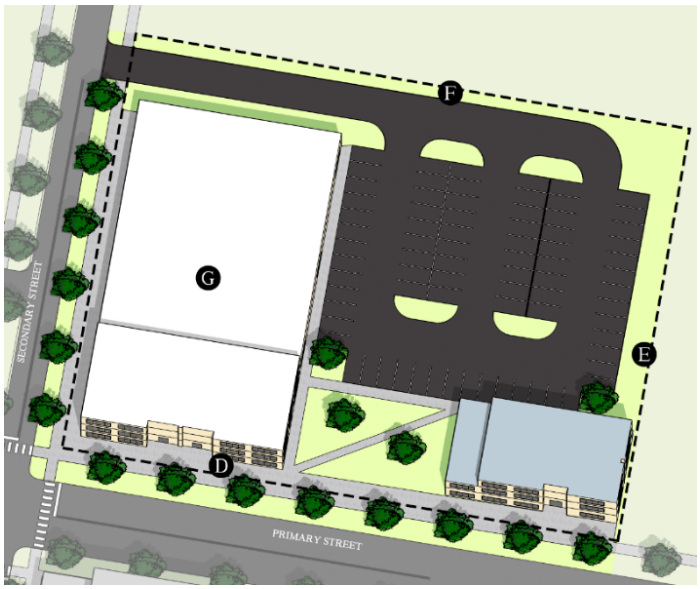
The purpose and intent of the MX-2 Mixed-Use Community Center district is to provide for both a horizontal and vertical mix of uses, typically with retail or commercial space on the ground floor and office or residential uses on upper floors. Ground floor uses should be active and pedestrian focused. 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.

1243.06.02 MX-2 SITE LAYOUT REQUIREMENTS

[FIGURE 20]

(a) BUILDING MASSING		
A. Minimum Height	**25'**	**2 Stories. 1 Story may be allowed upon written approval of Zoning Administrator based on singular nature of proposed land use**
B. Maximum Height:	**80'**	**6 Stories**
See Section 1250.03.02 for height exceptions		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-3 and R-MX districts	**For the elevation adjacent to a residential district, the floors above the third 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 21]



(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 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.**
E. Minimum Side Setback	**0'**
F. Minimum Rear Setback	**10' building**
Minimum Setback from adjacent R-1 through R-3 and R-MX districts	**1. 10'; and** **2. 6' opaque screen-wall / fencing along edge of residentially zoned or used property**
G. Maximum Lot Coverage	**100%**
See Section 1250.04.01 for placement of accessory buildings	

[FIGURE 22]

(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**	**Property and Parking Lot Setback / Screening per Chapter 1252**
Required Parking Spaces	**Parking per Ch. 1254; Section 1254.01.04 for parking reductions**
Parking Incentives / Bonuses	**Shared parking, cross access, driveway removal**

1243.07 DT-1 DOWNTOWN EDGE

[FIGURE 23]

1243.07.01 DT-1 INTENT

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

1243.07.02 DT-1 SITE LAYOUT REQUIREMENTS

[FIGURE 24]

(a) BUILDING MASSING		
A. Minimum Height	**25'**	**2 Stories**
B. Maximum Height:	**45'**	**4 Stories**
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-3 and R-MX districts	**For the elevation adjacent to a residential district, the floors above the third 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 (except for single- or two-family dwellings)	**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 25]

(b) BUILDING PLACEMENT

D. Build-to-line	**Average setback of the residential buildings within the block face for Single-Family and Two-Family Dwellings.** **For all other uses:** **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 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 (for Single-Family and Two-Family Residential Uses only)	**60%**
See Section 1250.04.01 for placement of accessory buildings	

[FIGURE 26]

(c) PARKING	
H. Allowed Surface Parking Locations	**Municipal parking; On-Street Parking** **On-Site: Side or Rear yard**

I. Front 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**
Parking Incentives / Bonuses	**Shared parking, cross access, driveway removal**

1

1243.08 DT-2 URBAN FLEX

[FIGURE 27]

1243.08.01 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.

1243.08.02 DT-2 SITE LAYOUT REQUIREMENTS

[FIGURE 28]

(a) BUILDING MASSING		
A. Minimum Height	**25'**	**2 Stories. 1 Story may be allowed upon written approval of Zoning Administrator based on singular nature of proposed land use.**
B. Maximum Height:	**80'**	**6 Stories**
See Section 1250.03.02 for height exceptions		
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-3 and R-MX districts	**For the elevation adjacent to a residential district, the floors above the third 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 29]

(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 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.**
E. Minimum Side Setback	**0' when adjacent to another DT-2 or DT-3 parcel, otherwise 10'**
F. Minimum Rear Setback	**10' building**
G. Maximum Lot Coverage	**100%**
Minimum Setback from adjacent R-1 through R-3 and R-MX districts	**10'**

[FIGURE 30]

(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 Ch. 1254; Section 1254.01.04 for parking reductions**
Parking Incentives / Bonuses	**Shared parking, cross access, driveway removal**

1243.09 DT-3 DOWNTOWN CORE

[FIGURE 31]

1243.09.01 DT-3 INTENT

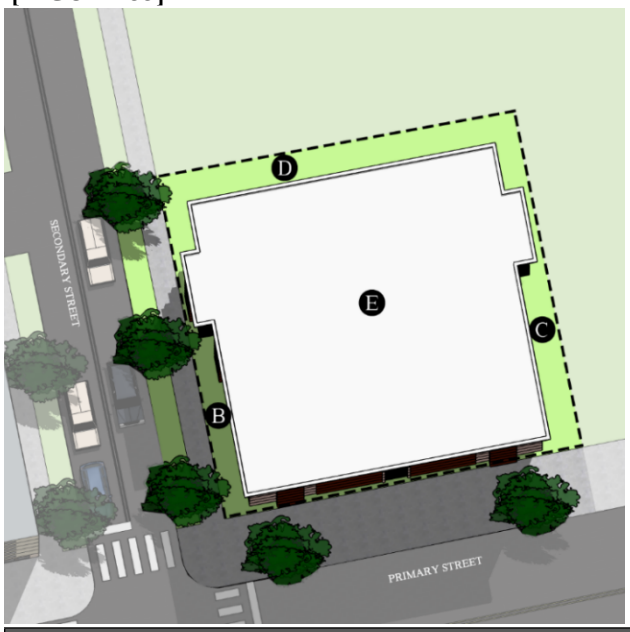
The intent and purpose of the DT-3 Downtown Core district is to provide primarily a vertical mix of uses with higher density residential housing and office buildings. Ground floor uses should be those that generate pedestrian activity along the street front through the location of doors, windows, and 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.

1243.09.02 DT-3 SITE LAYOUT REQUIREMENTS

[FIGURE 32]

(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 33]



(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 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%**

1

(c) PARKING	
Required Parking Spaces	**No required parking**
Parking Lot Spaces Allowed	**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**
Allowed Surface Parking Locations	**On-Street Parking;** **On-Site: Rear Yards only. Side yard parking allowed upon written approval of Zoning Administrator.**
Parking Lot Setback / Screening	**Property and Parking Lot Setback / Screening per Chapter 1252**

2

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 to conventionally on-site constructed homes. For purposes of compatibility, all structures shall:

(a) 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.

(b) 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 ten percent (10%) of the lot width, rounding down, on one side and ten (10) feet on the other side to accommodate a driveway.

(2) The setback along the secondary front property line on corner lots may be reduced to 10 feet or the average setback of the principal buildings in the block face along the secondary street, whichever is greater.

(3) The front yard setback of a principal residential building may be increased to 30 feet on all non-local street types.

(b) **A dwelling shall be a minimum of 20 feet in width.**

(c) **On lots 40 feet or greater in width, it shall contain a core area of living space of at least 576 square feet in size and shall have a minimum internal height of seven and one-half feet. For single-family dwellings on lots less than 40 feet in width, it shall contain a core area of living space of at least 400 square feet in size and shall have a minimum internal height of seven and one-half feet.**

(d) **The depth of a Single- or Two-Family Dwelling shall not exceed two and one half (2.5) times the width of the front wall of the building containing the main entrance.**

(e) **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 is constructed of such materials and type as required in the Building Code.**

(f) **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 detached homes and duplexes are not required to follow the site plan review process in Chapter 1260 but must adhere to the regulations of this zoning ordinance and other applicable city codes and ordinances.

(b) For 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 except for Single-Family and Two-Family detached houses shall be subject to Site Plan Review. Conditional uses shall adhere to the Conditions noted in the provisions 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.

Table 1244.04 Residential Districts Allowable Use Table

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	R-1	R-2	R-3	R-MX	MFR	R-AR	Conditions
Residential Uses							
Single-Family detached	P	P	P	P		P	
Two-Family dwelling			C	P	P	P	For R-3: 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	
Cottage Court, 3 to 6 dwellings			C	C	C	C	See 1250.04.07
Housing Cooperative			C	C			See 1250.02.13
Rooming House	C	C	C	C			No more than three roomers per dwelling
Short-Term Rental	C	C	C	C			Lansing Airbnb/Short-term rental housing policy
Mobile Home Park					S		
Human Care Facilities							

Adult Day Care Facility				**S**	**S**	**S**	
Adult Foster Care (≤ 6)	**P**	**P**	**P**	**P**	**P**	**P**	
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**R-1**	**R-2**	**R-6b**	**R-MX**	**MFR**	**R-AR**	**Conditions**
AFC small group home (7 ≤ 12)	**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**	
Family Day Care (≤ 7, less than 24 hours/day)	**P**	**P**	**P**	**P**	**P**		
Group Day Care Home (8-14 children, <24 hours/day)	**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.**
Foster Family Home (6 or fewer children, 24 hours/day)	**P**	**P**	**P**	**P**	**P**		
Sheltered Care Facility						**S**	
Convalescent or Nursing Home					**S**	**S**	
Institutional							
Cemetery	**S**						
Hospital						**C**	**The main point of ingress/egress shall be from a non-local street type**
Library	**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 the yard which abuts such District shall meet the dimensional requirements of the District which abuts such front, rear or side yard. 3. No parking exists in the front yard. 4. No accessory structure is located in the front yard.**
Schools	**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**
Park, open space, plaza	**P**	**P**	**P**	**P**	**P**	**P**	
Places of Worship	**S**	**S**	**S**	**S**	**S**	**S**	

Trade school						**C**	**The main point of ingress/egress shall be from a non-local street type**
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**R-1**	**R-2**	**R-6b**	**R-MX**	**MFR**	**R-AR**	**Conditions**
Commercial/Office							
Retail sales and Personal Services						**C**	**The main point of ingress/egress shall be from a non-local street type**
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**	**1. The main point of ingress/egress shall be from a non-local street type. 2. All operations must be completely enclosed in a soundproof building in such a way as to produce no objectionable noises or odors at the lot lines**
Campground					**S**		**All facilities or operations held outdoors shall be set back a minimum of 100' from all property lines and shall be screened from view of all public rights-of-way and residential parcels of land by a six (6) foot-high opaque wood or vinyl fence, decorative screen wall or landscaped berm.**
Clinic						**S**	**At least one property line abutting and all points of ingress/egress directly to an arterial, suburban or activity corridor**
Golf Course	**S**	**S**					
Off-Street Parking surface lot	**S**	**S**	**S**	**S**	**S**	**S**	**Shall comply with applicable standards of Chapter 1252 and Chapter 1254**
Places of Assembly	**S**	**S**	**S**	**S**	**S**	**C**	**The main point of ingress/egress shall be from a non-local street type.**
Studio (dance, music, etc)						**P**	
Research Laboratory						**S**	
Accessory Uses							
Solar Energy Systems	**P**	**P**	**P**	**P**	**P**	**P**	
Solar Energy Systems	**P**	**P**	**P**	**P**	**P**	**P**	
Urban Agriculture	**P**	**P**	**P**	**P**	**P**	**P**	

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

1244.05 R-1 RESIDENTIAL

[FIGURE 34]

1244.05.01 R-1 INTENT

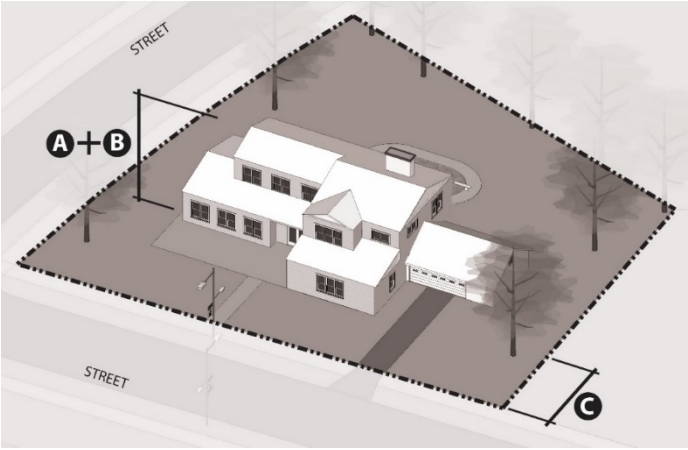
The R-1 Residential district is intended to accommodate a range of single-family neighborhoods and housing types featuring medium-to-large-sized lots and a variety of house sizes.

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.

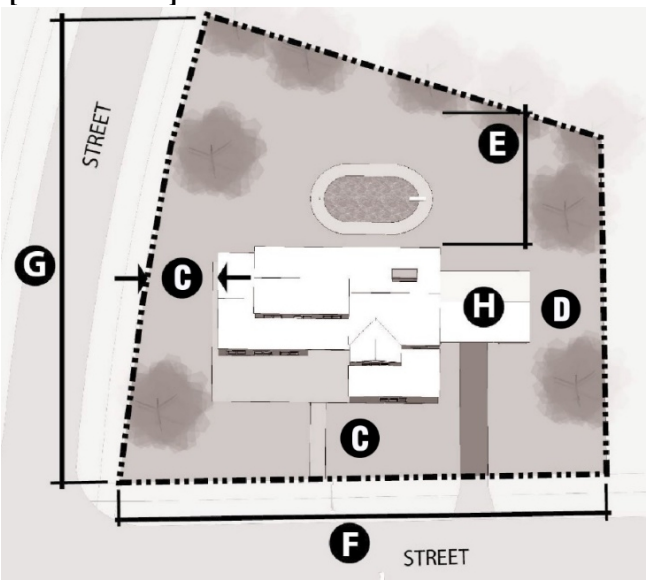
1244.05.03 SITE LAYOUT REQUIREMENTS

[FIGURE 35]



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

[FIGURE 36]



(b) BUILDING PLACEMENT	
C. ~~Minimum~~ Front Setback	**20'; or The average setback on block face**
D. Minimum Side Setback	**5'; total of two side yards 15'**
E. Minimum Rear Setback	**30'**
Minimum Lot Size	**5,000 sq. ft.**

F. Lot Width – min., max.	**50' – 200'**
G. Lot Depth – min.	**100'**
H. Maximum Lot Coverage	**Total Impervious Surfaces 60%**
	Building Coverage 45%

1

(c) PARKING	
Parking	**See Chapter 1254 for parking standards. Parking permitted in rear or side yard.**
Garages	**Garages may be unattached in the side or rear yard, or attached to the principal building, but in no instance shall a garage project in front of the front building wall of the principal building.**

2 ***See section 1250.04.01 for placement of accessory buildings.***

1244.06 R-2 RESIDENTIAL

[FIGURE 37]

1244.06.01 R-2 INTENT

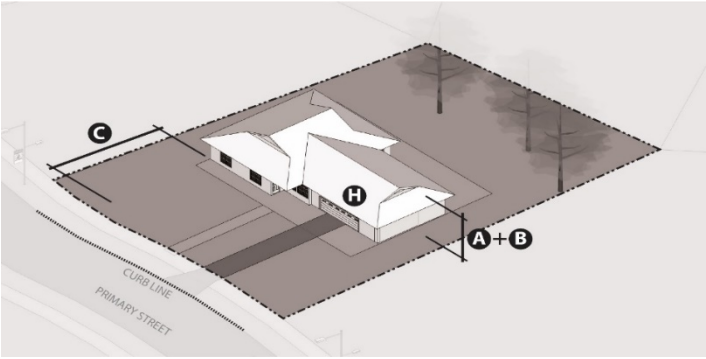
The R-2 Residential district is intended to accommodate the range of neighborhoods and housing types near Downtown featuring small-to-medium-sized lots, grid street pattern, and a variety of smaller house sizes.

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.

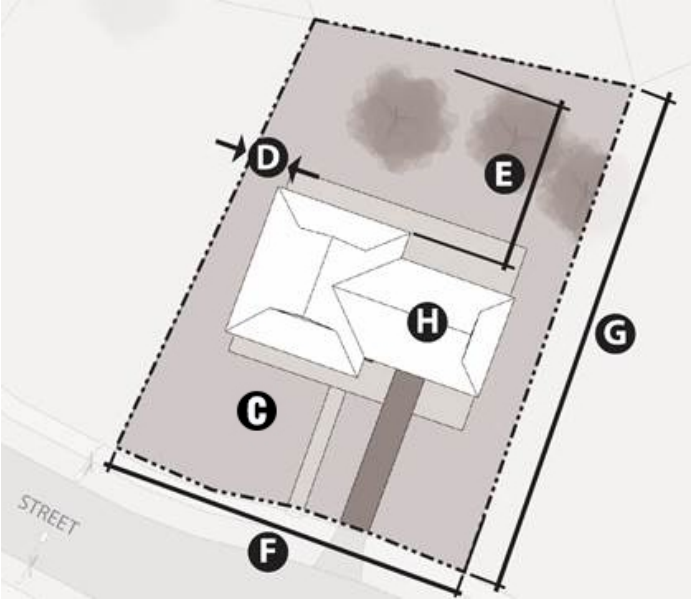
1244.06.03 SITE LAYOUT REQUIREMENTS

[FIGURE 38]



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

[FIGURE 39]



(b) BUILDING PLACEMENT	
C. Minimum Front Setback	20’ or the average setback on block face
D. Minimum Side Setback	5'; total of two side yards 15’
E. Minimum Rear Setback	30'
Minimum Lot Size	4,000 sq. ft.
F. Lot Width – min., max.	40’ – 100’

G. Lot Depth – min.	**100’**
H. Maximum Lot Coverage	**Total Impervious Surfaces 60%**
	Building Coverage 45%

(c) PARKING	
Parking	**See Chapter 1254 for parking standards. Parking permitted in rear or side yard.**
Garages	**Garages may be unattached in the side or rear yard, or attached to the principal building, but in no instance shall a garage project in front of the front building wall of the principal building.**

See section 1250.04.01 for placement of accessory buildings.

1244.07 R-3 RESIDENTIAL

[FIGURE 40]

1244.07.01 R-3 INTENT

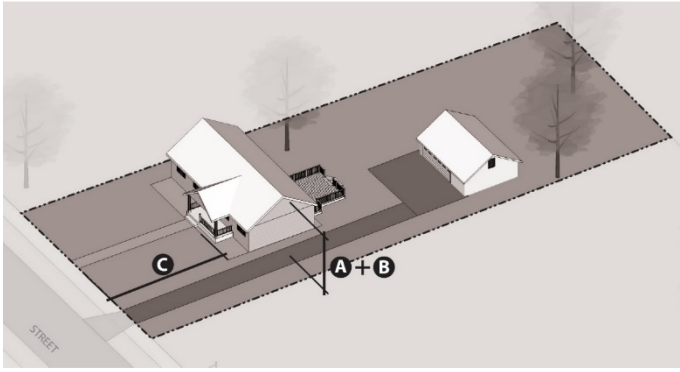
The intent of the R-3 Residential district is to preserve the historic character of Lansing's most urban neighborhoods and to integrate in-fill attached residential units into appropriate locations at the perimeter of established residential neighborhoods. Attached residential units are intended to provide a physical transition from the adjacent busier street types, and/or non-residential uses to the purely residential neighborhood.

1244.07.02 R-3 BUILDING TYPES

Detached Houses and attached residential buildings with up to six units are the only building types intended to meet the intent of this district. Architectural Regulations and Building Types are further described in Chapter 1246.

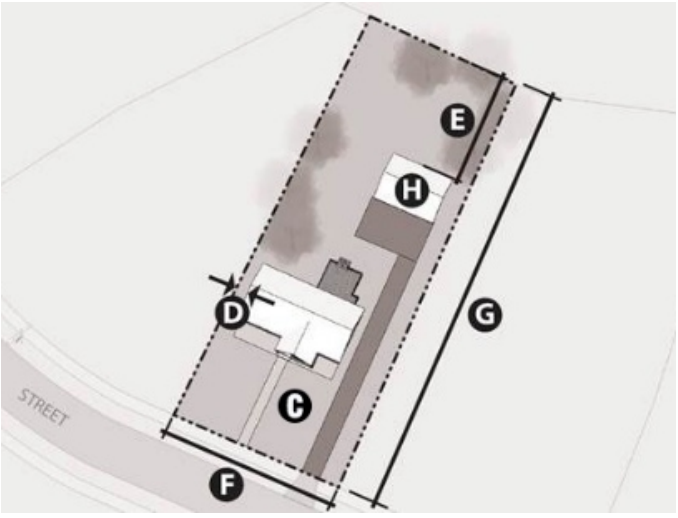
1244.07.03 SITE LAYOUT REQUIREMENTS

[FIGURE 41]



(a) BUILDING MASSING		
A. Minimum Height	15'	1 Story
B. Maximum Height:	35'	Single- and Two-Family dwellings - 2.5 Stories
		Three-to-six dwelling unit buildings – 3 Stories
Maximum Number of Principal Buildings	1	
Maximum Dwelling Units per Lot	6	

[FIGURE 42]



(b) BUILDING PLACEMENT	
C. Front Setback	Lessor of 20' or the average setback on block face.
D. Minimum Side Setback	5'; total of two side yards 15'
Minimum Side Setback (building of 5 or 6 units)	10' each side
E. Minimum Rear Setback	30'
Minimum Lot Size	4,000 sq. ft.
F. Lot Width – min., max.	40' – 100'

G. Lot Depth – min.	**100'**
H. Maximum Lot Coverage	**Total Impervious Surfaces 60%**
	Building Coverage 45%

(c) PARKING	
Parking	**See Chapter 1254 for parking standards. Parking permitted in rear or side yard.**
Garages	**Garages may be unattached in the side or rear yard, or attached to the principal building, but in no instance shall a garage project in front of the front building wall of the principal building.**

See section 1250.04.01 for placement of accessory buildings.

1244.08 MFR MULTI-FAMILY RESIDENTIAL

[FIGURE 43]

1244.08.01 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.

1244.08.02 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.

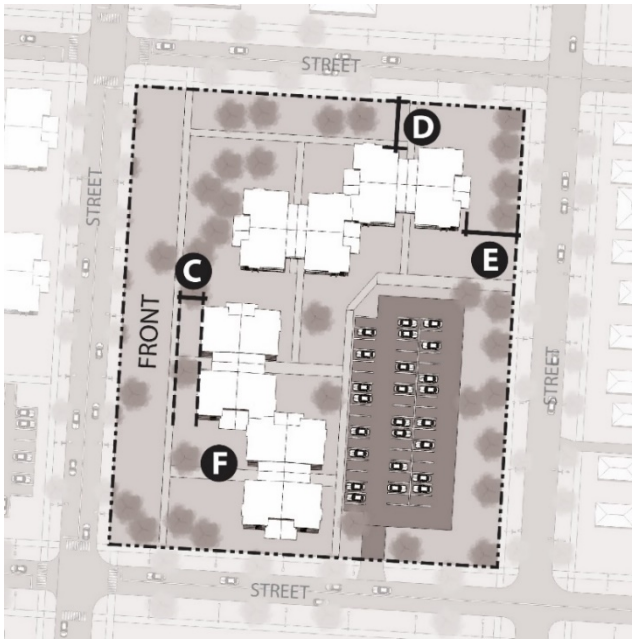
(a) A mobile home park, as defined in this Ordinance, and that meets the requirements of PA 419 of 1976, as amended, being M.C.L.A. 125.1101 to 125.1147, may be permitted in a MFR district, if it is located on not less than ten (10) acres, and subject to issuance of a Special Land Use Permit in accordance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

1244.08.03 SITE LAYOUT REQUIREMENTS

[FIGURE 44]

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

[FIGURE 45]



(b) BUILDING PLACEMENT	
C. Front Setback	**20'**
D. Minimum Side Setback	**10'** **25' When adjacent to a Residential Zoning District or property being used for residential purposes**
E. Minimum Rear Setback	**25'**
F. Minimum Lot Size (per dwelling unit)	**Efficiency: 2200 sq. ft.** **1-bdrm: 2600 sq. ft.,** **2 bdrm: 3000 sq. ft.,** **3+ bdrms: 3800 sq. ft.**

Maximum Lot Coverage	**Total Impervious Surfaces 60%**
	Building Coverage 40%

(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 yard. Property and Parking Lot Setback / Screening per Chapter 1252**
Garages	**Garages may be unattached in the side or rear yard, or attached to the principal building, but in no instance shall a garage project in front of the front building wall of the principal building.**

See section 1250.04.01 for placement of accessory buildings.

1244.09 R-MX MIXED RESIDENTIAL

[FIGURE 46]

1244.09.01 R-MX INTENT

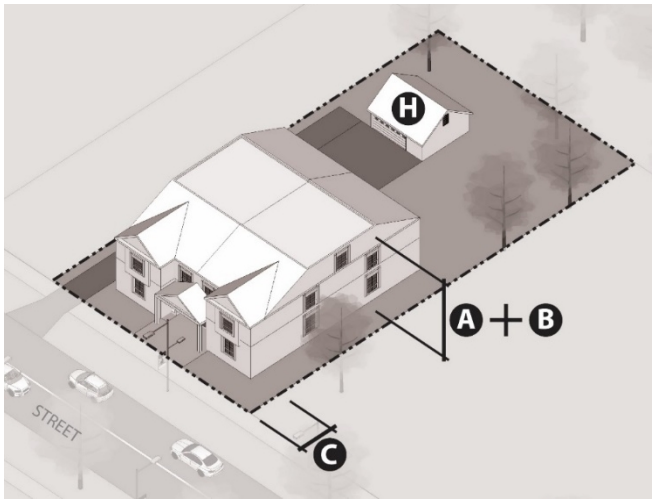
The R-MX Mixed Residential district is intended to accommodate a mixture of housing types along corridors and near the Downtown. Historically, these areas were single-family neighborhoods that have transitioned over time to include a mixture of housing types. Historic single-family houses should be retained 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.

1244.09.02 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.

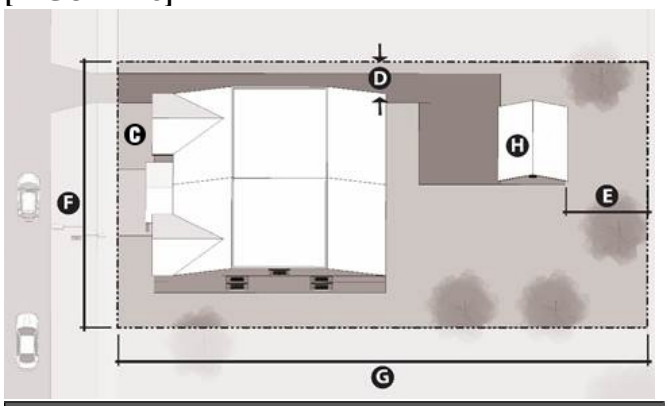
1244.09.03 SITE LAYOUT REQUIREMENTS

[FIGURE 47]



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

[FIGURE 48]



(b) BUILDING PLACEMENT	
C. Front Setback	**20'**
D. Minimum Side Setback	**5';, total of two side yards 15'**
Minimum Side Setback (with a building of 5 or more dwelling units)	**10' each side**
E. Minimum Rear Setback	**30'**
Minimum Lot Size per dwelling unit (with buildings of 7 or more units)	**Efficiency: 1200 sq. ft. 1-bdrm: 1300 sq. ft., 2 bdrm: 1500 sq. ft., 3+ bdrms: 2200 sq. ft.**
F. Lot Width – min., max.	**40' – 80'**
G. Lot Depth – min.	**100'**

Maximum Lot Coverage	**Total Impervious Surfaces 65%**
	Building Coverage 45%

(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	**Garages may be unattached in the side or rear yard, or attached to the principal building, but in no instance shall a garage project in front of the front building wall of the principal building.**

See section 1250.04.01 for placement of accessory buildings.

1244.10 R-AR ADAPTIVE REUSE RESIDENTIAL

[FIGURE 49]

1244.10.01 R-AR INTENT

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

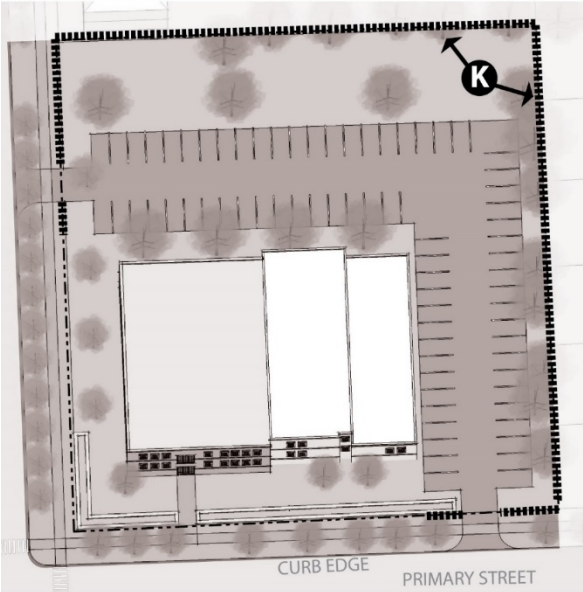
1. **Promote the appropriate reuse or redevelopment of former institutional sites that is compatible in scale and intensity with the previous use or character of the area.**
2. **Minimize impacts on and ensure proper transitions from taller buildings and more intense uses to adjoining residential neighborhoods and less intense uses.**
3. **Provide for recreational, pedestrian, and open space needs that may be displaced by redevelopment of vacant institutional sites.**
4. **Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.**

1244.10.02 R-AR BUILDING TYPES

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

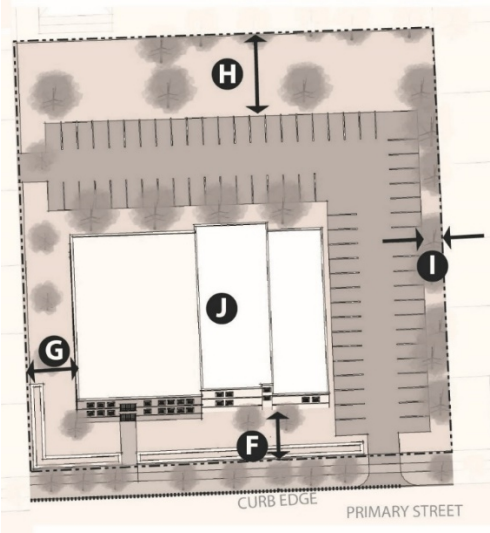
1244.10.03 SITE LAYOUT REQUIREMENTS

[FIGURE 50]



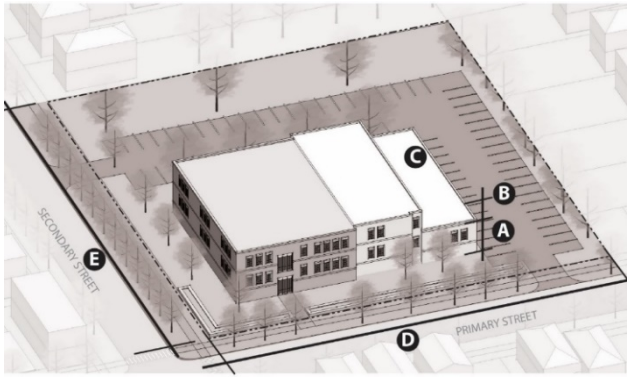
(a) BUILDING MASSING		
A. Minimum Height	**15'**	**1 Story**
B. Maximum Height:	**A: 35'; or B: Equal to the height of the existing building being retained or the maximum allowable height of the adjacent residential districts, whichever is greater**	
C. Required Upper Floor Step-Backs	**Equal to each story height, for each story of the building above the maximum of the residential district**	
Minimum Lot Size (per dwelling unit)	**Efficiency: 1200 sq. ft. 1-bdrm: 1300 sq. ft., 2 bdrm: 1500 sq. ft., 3+ bdrms: 2200 sq. ft.**	

[FIGURE 51]



(b) BUILDING PLACEMENT	
F. Front Setback	**The established setback along frontage of the block**
G. Minimum Side Setback	**Whichever is greater: A: The setback of the adjacent residential district B: Equal to building height**
H. Minimum Rear Setback	
J. Maximum Lot Coverage	**Equal to the lot coverage limitation of the adjacent residential district (see Incentives coverage bonuses)**

[FIGURE 52]



(c) PARKING	
Allowed Surface Parking Locations	**Rear yard parking only. Interior Parking Lots allowed.**
K. Side & Rear Parking Lot Setback / Screening	**Property and Parking Lot Setback / Screening per Chapter 1252**
Required Parking Spaces	**Parking per Chapter 1254**

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 approve modifications to the site layout requirements when one or more of the Recognized Benefits, listed below, are provided. The following incentives may be granted:

a. Dimensional Modifications. Modifications to the maximum lot coverage, building frontage, or setbacks may be permitted. 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 permitted consistent with Section 1254.01.04.

(2) Recognized Benefits. Additional building height or modifications may be granted during the project review when one or more of the following recognized benefits are provided:

a. Open Space. Inclusion of five percent (5%) open space above what may be required for the building type. Open space must meet the following standards to be counted toward the minimum requirement:

1. Open space may be public or private but must be accessible to the public along with employees or residents or visitors.

2. Dimensions, grading and design of the open space shall provide usable area for seating, gathering, recreation or other activities.

3. Required open space shall not include wetlands, required setbacks, required landscape areas, water bodies, easements for private roads or overhead utilities, stormwater control facilities as required by Chapter 1219, floodplain area or public right-of-way, provided that where additional public right-of-way is desired by the city, it may be included.

4. Required open space shall be functional (not isolated remnant parcels) and provided to supplement public space along a sidewalk, provide pedestrian or greenway connections, pocket parks to serve nearby uses, located and designed to terminate views along streets, or otherwise provide an amenity that would not be provided in a project that just met minimum code requirements.

b. Low Impact Development (LID, e.g. green roof, on-site stormwater retention). Use of alternative stormwater management design that may include green roofs, natural retention systems, porous pavement alternatives, or other energy or water conserving applications above and beyond the requirements of Chapter 1219 - Post-Construction Stormwater Management.

c. Provision for Mixed-Use. Proposals that include a mix of different but compatible use types within the same building, such as first-floor retail with offices or residential units on upper floors.

d. Green Buildings. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, solar heating, reuse/recycled/renewable materials, indoor air quality or other sustainable elements.

e. Additional Landscape Elements. Exceeding minimum quantities or sizes required in Chapter 1252 – Landscaping with native species and larger caliper plantings. Or additional plantings or decorative fence or wall where needed to help reduce impacts on neighboring properties.

f. Pedestrian Amenities. Provision of public plazas, walkways or pedestrian-oriented features, such as street trees or benches beyond those required or enhancements to a transit stop, such as a shelter, large pad size or similar improvements endorsed by the Capital Area Transportation Authority (CATA) .

g. Shared Access. Removal of a driveway or use of shared driveway for access from public streets. This may require an access easement approved by the city attorney.

h. Shared Public Parking. See Section 1254.01.04 Factors to Permit a Reduction from the Amount of Parking Required.

(c) Permitted Modifications. It is recognized that certain existing site conditions may prohibit full compliance with this Section. The Director of Economic Development and Planning, or a 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 (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. 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 Commission 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.

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.

P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	IND-1	INST-1	Conditions
Industrial			
Cleaning, processing, servicing, or repair of any product	P		
Dry cleaning plants	C		1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required.
Industrial metal forming and scrap metal processing	P		
Logistics Terminal, Wholesale and Warehouse uses	P		
Industrial: Assembly, Fabrication, Manufacturing, Production, and Recycling	C		1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required.
Non-Hazardous Assembly, Fabrication, Production and	C		

Manufacturing of consumer goods, with retail sales			
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**IND-1**	**INST-1**	**Conditions**
Motor Vehicle Repair Station	**C**		**1. All activities conducted and materials stored shall be within an enclosed structure so as to not produce any objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare. 2. Methods to minimize the impact of excessive noise on adjacent residentially used properties are required. 3. Materials, junk, or junk vehicles shall be stored on-site and shall be within an enclosed building or on a hard surface in the rear yard and screened by a 6' opaque fence.**
Motor Vehicle sales, vehicle leasing, and other outdoor sales facility; general	**C**		**1. The area of the lot on which the items displayed for sale are located shall be covered with Portland cement or asphaltic concrete. 2. Each point of vehicular ingress and egress to the lot shall be not less than 60 feet from the intersection of any two streets. 3. Any repair or refinishing which is done on the lot shall be done within the confines of an enclosed structure. 4. Any vehicles awaiting repairs must be stored in the side or rear yard and screened from the public right-of-way. 5. Lighting shall be confined within and directed onto the parking area only. 6. The area of the lot on which the items displayed for sale are located shall be 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 1252.08. 7. No junk, junk vehicles, or inoperable vehicles shall be stored on-site except within an enclosed building.**
Sales and leasing of: commercial or industrial vehicles, equipment, and machinery; recreational vehicles and equipment	**C**		
Motor Vehicle Service Station	**C**		**1. 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. 2. The fueling pumps shall be located a minimum of 20 feet behind the build-to line. 3. 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'. 4. 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. 5. Vehicle sales or leasing shall not be accessory to the principal use. 6. Materials, junk, or junk vehicles shall be stored on-site and shall be within an enclosed building or on a hard surface in the rear yard and screened by a 6' opaque fence.**
Power plants, Solar Array	**P**		
Research laboratory	**P**	**P**	
Salvage Yards / Junk Yards; Open Storage; Lumber Yard, Vehicle Towing and Storage	**C**		**1. The materials shall be enclosed by a structure or a fence, not less than eight feet in height, that obstructs vision from all property lines. 2. The materials stored within 30 feet of the fence shall not exceed the height of the fence. 3. A plan is submitted to and approved by the Zoning Administrator, which shows the type and location of the fence. 4. No outdoor burning occurs on the lot on which the salvage yard is located. 5. No objectionable noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, or glare shall extend past the subject property lines.**
Sanitary land fill	**S**		
Self-Storage Rental	**P**		

Tool, die, and machine shops	**P**		
Infrastructure	**P**	**S**	
Wireless Communications Towers	**S**		
Adult Business Uses	**S**		**See 1250.02.11**
P = PRINCIPAL PERMITTED C = CONDITIONAL USE S = SPECIAL LAND USE	**IND-1**	**INST-1**	**Conditions**
Residential Uses			
Two-Family dwelling		**P**	
Multi-Family dwelling	**C**	**P**	**In Industrial Districts, multiple-family only as part of renovation of or addition to an existing structure.**
Human Care Facilities			
Adult Day Care Facility		**S**	
Adult Foster Care (≤ 6)		**P**	
AFC small group home		**P**	
AFC large group home (13-20)		**S**	
AFC Congregate Care		**S**	
Child Care centers, preschools, and commercial day care	**P**	**P**	
Convalescent or Nursing Home		**P**	
Sheltered Care Facility		**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.**
Civic & Institutional			
Hospital		**P**	
Park, open space, plaza	**P**	**P**	
Places of Worship	**S**	**S**	
Trade school	**P**	**P**	
Museum	**C**	**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 Commercial Mixed-Use District, then the yard which abuts such District shall meet the dimensional requirements of the District which abuts such front, rear or side yard. 3. No parking exists in the front yard. 4. No accessory structure is located in the front yard.**
Library	**C**	**P**	
Schools		**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**
Commercial/Office			
Retail Sales and Personal Services	**P**	**P**	
Professional/Businesses Offices	**P**	**P**	
Active / Recreational Commercial	**P**	**P**	
Animal Hospital	**C**	**C**	**All operations must be completely enclosed in a soundproof building in such a way as to produce no objectionable noises or odors at the lot lines**
Bank	**P**	**P**	
Boarding House		**P**	**1. Permitted on non-local streets. 2. Staff must be on-site or on-call 24 hours a day**
Clinic	**P**	**P**	

Funeral Home	**P**	**P**	
Kennel	**C**		**1. Structures must be setback at least 50 feet from each adjacent residential lot line.** **2. Outside exercise run or treatment area shall be screened and must be located at least 100 feet from all lots lines and at least 300 feet from an adjacent residential lot line.** **3. All operations must be controlled in such a way as to produce no objectionable noises or odors at the lot lines.**
P = PRINCIPAL PERMITTED **C = CONDITIONAL USE** **S = SPECIAL LAND USE**	**IND-1**	**INST-1**	**Conditions**
Laundromat, dry cleaner	**P**	**P**	
Lodging Facility	**P**	**C**	**Permitted on non-local streets**
Mobile Food Vending (Food trucks and carts)	**C**	**C**	**See Section 1250.02.12**
Nursery, commercial greenhouse	**P**		
Parking facility	**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'.** **5. Parking facilities shall conform with Chapter 1252.**
Place of Assembly	**C**	**C**	**Permitted on non-local streets.**
Restaurant, bar, tavern	**C**	**C**	**Permitted on non-local streets.**
Studio (dance, health, music, etc.)	**P**	**P**	
Drive-through, as accessory use	**C**	**C**	**1. A drive-through 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-through 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 must be adjacent to a Suburban Corridor, Arterial Corridor, Prime Connector, or Activity Corridor and all points of ingress and egress will be directly onto said street type.** **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.**
Accessory Uses			
Solar Energy Systems	**P**	**P**	
Solar Energy Systems Storage	**P**	**P**	
Urban Agriculture	**P**	**P**	

1

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

(b) All activities shall take place within a completely enclosed building unless otherwise indicated.

(c) All accessory materials shall be enclosed by a structure or a fence, which does not obstruct vision.

(d) All materials stored within 30 feet of a fence shall not exceed the height of the fence.

(e) Noise, odors, smoke, fumes, or dust generated on the site by any digging, excavating, manufacturing, loading or processing operation must be confined to the site and controlled to prevent any nuisance or hazard.

1245.04 IND-1 INDUSTRIAL

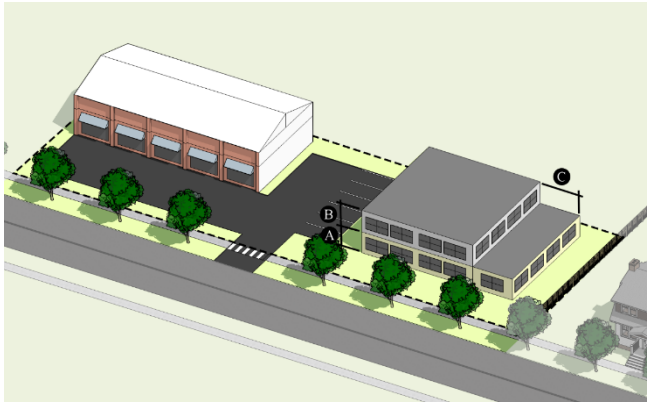
[FIGURE 53]

1245.04.01 IND-1 INTENT

The IND-1 Industrial district is intended to accommodate industrial uses including Research & Development, manufacturing, warehousing, and similar uses. Regulations to ensure compatibility with surrounding land uses and the environment are based on the locations of the district and the potential for nuisances generated from industrial operations.

1245.05.02 IND-1 SITE LAYOUT REQUIREMENTS

[FIGURE 54]



(a) BUILDING MASSING	
(1) *These standards apply to principal and accessory buildings.*	
A. Minimum Height	**16'**
B. Maximum Height	**60'**
See Section 1250.03.02 for height exceptions	
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-3 and R-MX districts	**For the elevation adjacent to a residential district, the floors above the third 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 55]

(b) BUILDING PLACEMENT		
D. Front Setback	**Activity Corridor**	**Min. 5', Max. 20'**
	All other street types	**Min. 5', Max. 30' An additional 50' setback for a single-loaded bay of parking or 70' of setback for a double-loaded bay of parking as permitted**
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: 35' or B: Equal to building height**

See section 1250.04.01 for placement of accessory buildings.

[FIGURE 56]

(c) PARKING	
H. Allowed Surface Parking Locations	**Side or Rear yard; One double-loaded bay of front yard parking allowed except on Activity Corridor street type.**
I. Front, Side & Rear Parking Lot Setback / Screening from non-industrial district	**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 Truck turning templates and access to loading must be delineated on site plan	**Not permitted in front yard. See Section 1254.01.16 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(e)
The Zoning Administrator may require the area identified on the site plan.

1245.05 INST-1 INSTITUTIONAL

[FIGURE 57]

1245.05.01 INST-1 INTENT

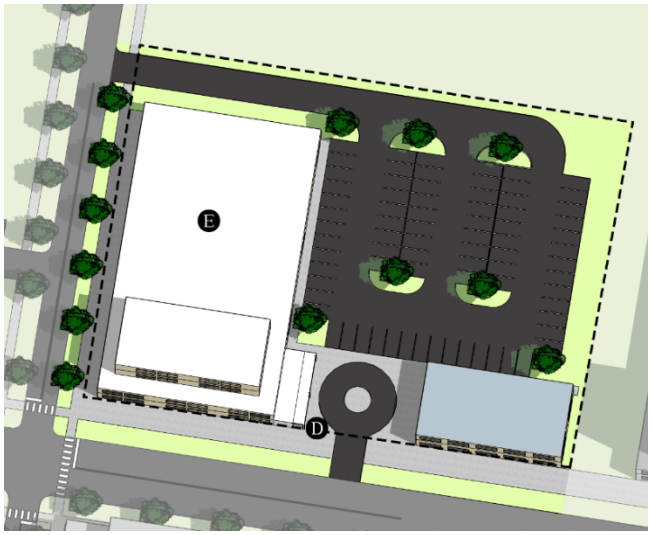
The INST-1 Institutional district is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The district encourages integration of institutional uses with nearby neighborhoods,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

1245.05.02 INST-1 SITE LAYOUT REQUIREMENTS

[FIGURE 58]

(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.**
See Section 1250.03.02 for height exceptions	
C. Required Upper Floor Step-Backs - when adjacent to R-1 through R-3 and R-MX 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 59]

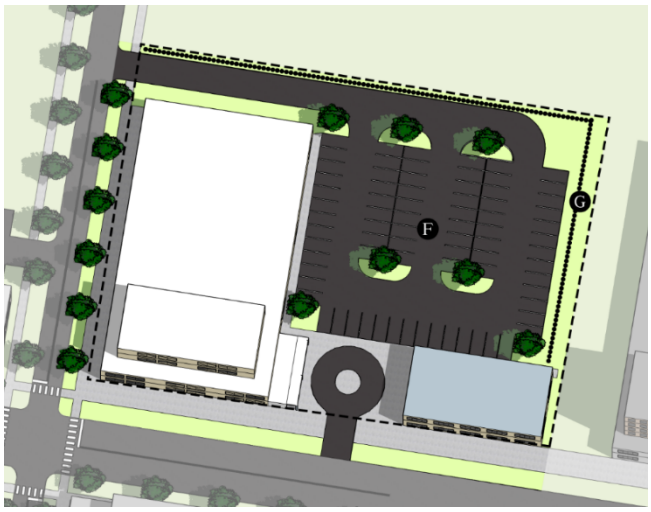


(b) BUILDING PLACEMENT		
D. Front Setback	**Activity Corridor**	**Min. 5'; Max. 20'**
	All other street types	**Whichever is Greater:** **A: The established average setback along block face; or** **B: Equal to the required setback of the adjacent residential district**
Front Setback When Drop Off Zone Present		**Additional setback to accommodate for drop off zones may be approved during Site Plan Review per Chapter 1260**
Minimum Side Setback		**30' if adjoining a Residential District or use, otherwise 0'**
Minimum Rear Setback		**30'**

Minimum Lot Size per dwelling unit	**Efficiency: 1200 sq. ft. 1-bdrm: 1300 sq. ft., 2 bdrm: 1500 sq. ft., 3+ bdrms: 2200 sq. ft.**
E. Maximum Lot Coverage	**100%**

See section 1250.04.01 for placement of accessory buildings.

[FIGURE 60]



(c) PARKING		
F. Allowed Surface Parking Locations	**Activity Corridor**	**Side or Rear parking only**
	All other street types	**Front, Side, or Rear Parking. Front yard parking limited to four (4) rows of parking. Additional Front Setback allowed to accommodate front yard parking**
G. Parking Lot Setback / Screening	**Property and Parking Lot Setback / Screening per Chapter 1252**	
Required Parking Spaces	**Parking per Chapter 1254 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 1254.01.16 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 Chapter may be approved by the Zoning Administrator. Any such modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the

block. The application shall be reviewed by the Zoning Administrator based upon the following criteria:

(1) The design of the building shall be in keeping with the desired architectural character as articulated in the Comprehensive Plan, the intent of the district, and by example of new buildings designed following the standards of this code. This shall not prevent innovation and creativity in design that is in keeping with the Comprehensive Plan, as determined by the Zoning Administrator.

(2) The design shall meet district height requirements.

(3) The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of the districts, as defined in paragraph 1, above.

(b) Relief from Unlisted Standards.

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

1246.04 ARCHITECTURAL REGULATIONS

1246.04.01 GENERAL ARCHITECTURAL STANDARDS

(a) **Building Frontage on Primary and Secondary Streets**

(1) **Building Frontage**

a. Building facades shall be built parallel to the primary frontage line or to the tangent of a curved primary line, and along the build-to line, as specified in each zoning district Sections 1243.04 through 1243.09 and 1245.04 through 1245.05

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

c. Where compliance with the build-to line requirements would conflict with other provisions of the zoning ordinance, the Zoning Administrator shall consider the following in determining which provision shall be applied so that the intent of the zoning district in which the property is located is met:

1. Conflicts with rights-of-way, underground utilities, or established easements.

2. Section 1250.03.03: Sight Visibility at Corners and Driveways.

3. The Required Corner Massing stated in the zoning district, if applicable.

4. Subsection 1252.06 (b)(1), the landscaping requirement between the public sidewalk and the front parking lot, if front yard parking is allowed.

5. Subsection 1254.01.07 (b)(4), the sidewalk requirement of seven feet in width where abutting a parking area.

d. In no instance shall a front or side parking lot width exceed the primary frontage width of a principal building by more than 150 percent.

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

(2) **Multi-Building Sites**

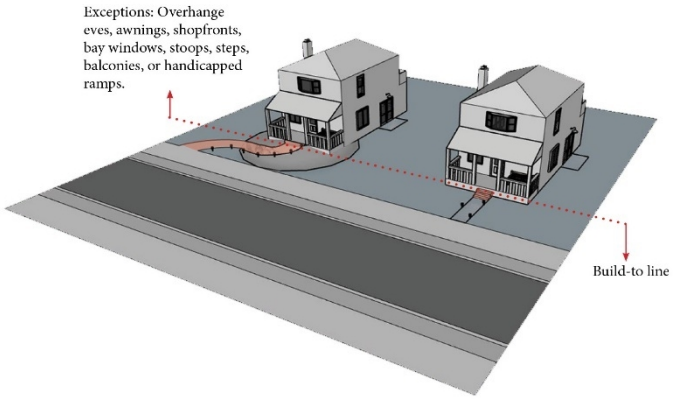
a. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

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

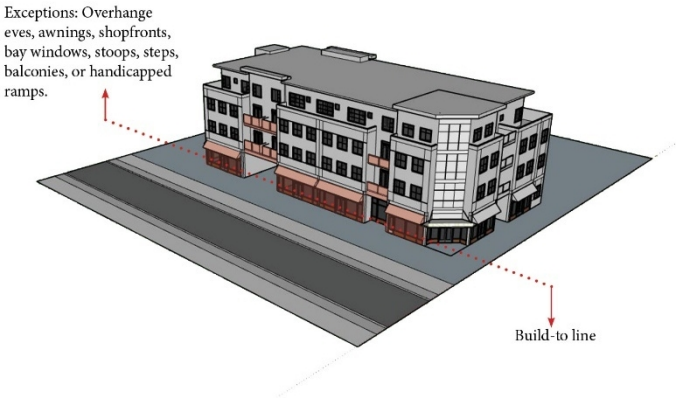
c. Perimeter buildings shall be oriented so that the primary facade(s) faces a public street and has a usable entry on that street. Buildings that are interior to a lot that has buildings that otherwise meet the frontage requirement may have entrances that do not face the primary frontage.

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

[FIGURE 61]



[FIGURE 62]



(c) **Stoops and Front Porches.**

(1) **Shall not extend into the public right-of-way.**

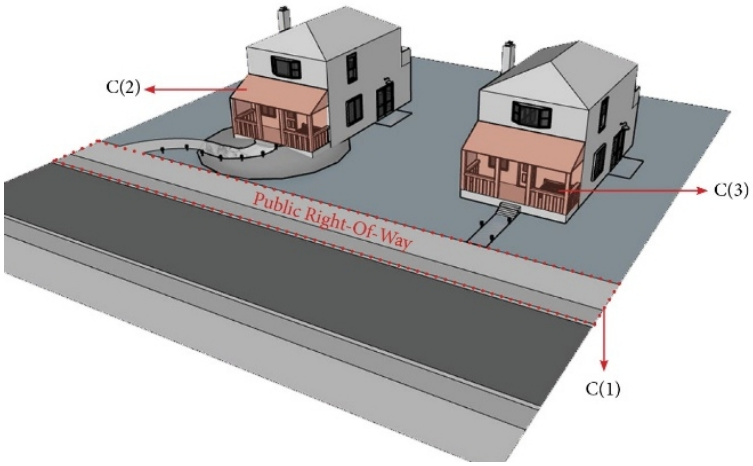
(2) **All required front porches and stoops shall be completely covered by a roof.**

(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.**

(5) **Front porches and stoops made of wood must be finished with stain or paint.**

[FIGURE 63]



(d) **Awnings/Overhangs.**

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

(1) **Minimum ten (10) feet clear height above sidewalk, minimum five (5) feet depth out from the facade. Maximum projection to within one (1) foot of back of curb where there are no street trees, or one (1) foot into the tree-planting strip.**

(2) **The awning covering shall be made of canvas cloth or an equivalent.**

(3) **Covering shall not have shiny or reflective materials.**

(4) **Metal and glass are permitted, when configured as a marquee over an entrance.**

(5) **No internal illumination through the awning/overhang.**

(6) **Lettering on awnings limited to six (6) inches tall on vertically hanging fabric at curb side of awning.**

(7) **No one-quarter cylinder configurations.**

(8) **Awnings and overhangs shall complement the fenestration pattern of the building facade.**

(9) **Awnings or overhangs, its covering, and its structural frame shall be maintained in good, working condition and must be free of any fraying, holes, tears, or other**

damage, and in the event the awning or overhang material is damaged or removed it shall be repaired or replaced, or the structural frame shall be removed from the building.

[FIGURE 64]

(e) **Balconies.**

(1) **Shall not be located within five (5) feet of any common lot line and shall not encroach into the public right-of-way.**

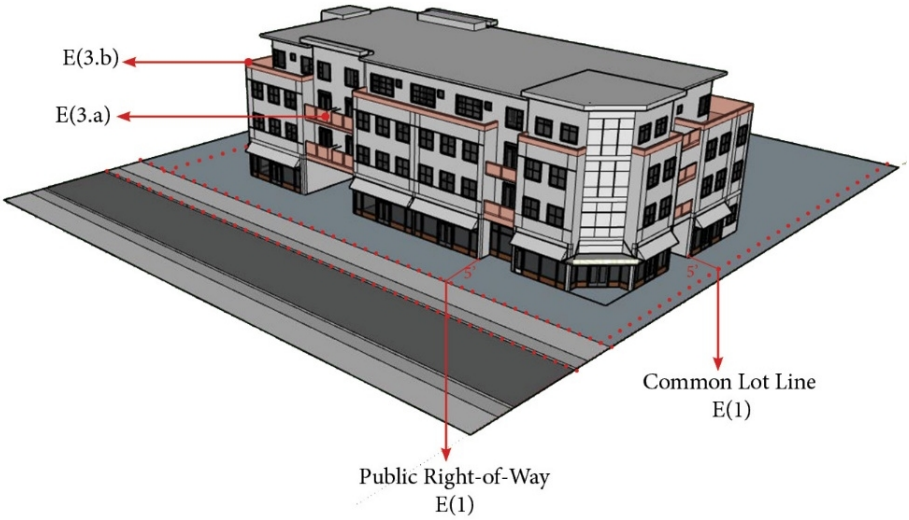
(2) **Balconies may be a single level or multiple balconies stacked vertically for multiple stories.**

(3) **When residential buildings 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 65]



(f) **Windows.**

(1) **Glass shall be clear, with light transmission at the first story of at least 90 percent (modification as necessary to meet any applicable building and energy code requirements).**

(2) **First story windows of buildings with a principal commercial or retail use may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space), window coverings, or window wraps.**

(3) **First story windows of buildings without a principal commercial or retail use at the storefront level may be covered by opaque window treatments or wraps. Signs on window coverings or wraps shall not exceed 20% of the window to which it is attached or covering.**

(4) **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.**

(5) **No window shall be blocked with cinderblock, brick, or other such means except temporarily as ordered by the Building Safety Office, Code Enforcement Office, or Fire Department.**

(g) **Materials.**

(1) **No tarp, cloth, plastic covering, or other flexible or non-structural material shall be affixed to any structure or used to create an enclosure, privacy screen, or barrier except for materials that are designed, intended, manufactured and are being used for awnings, canopies, or sunscreens.**

(h) **Building Articulation.**

These regulations are intended to encourage walkable environments by creating visually interesting buildings with human scaled details and proportions. The following regulations apply to any building greater than 30 feet wide.

(1) **Horizontal articulation (e.g., base, belt courses, cornice lines, entablatures, friezes, awnings or canopies, changes in building materials or window patterns, recessed entries, or other architectural treatments) is required to help distinguish the first floor or podium from upper stories.**

(2) **Vertical articulation is required so that there are no blank walls on building segments of no greater than 30 feet in length along the front and corner facades. Vertical articulation may be satisfied through the use of architectural features such as bays, columns, pilasters, mullions, or regular repetition of window patterns. On corner lots, the material and articulation of the primary facade shall extend a minimum of one segment up to 30 feet in length along the secondary street.**

(3) **Variation in color or design of siding or cladding materials shall not be used to meet the required vertical or horizontal articulation.**

(4) **Variation in color or design of siding or cladding materials shall not extend across multiple segments and floors.**

(5) **A building's first floor primary façade may feature recesses along the Build-to Line only to accommodate additional landscaping, public seating, or a pedestrian plaza.**

[FIGURE 66]

1246.04.02 RESIDENTIAL BUILDING TYPES

(a) **Clear Height**

(1) **First Floor Clear Height: 7.5' minimum**

(2) **Upper Floors Clear Height: 7.5' minimum**

(3) **First Floor Finish Elevation Above finished grade: 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 dwelling are located on the first floor along the front of the building, then the first floor may be at the same finished grade.**

[FIGURE 67]

(b) **Porches and Stoops.**

(1) **The primary entrance to a residential building shall be located on the first floor along the front wall of the building.**

(2) **The primary entrance to a residential building that leads directly to a residential unit shall have a covered porch with a depth of at least seven (7) feet but no more than nine (9) feet, that extends across at least 65 percent of the width of the front wall of the building or unit.**

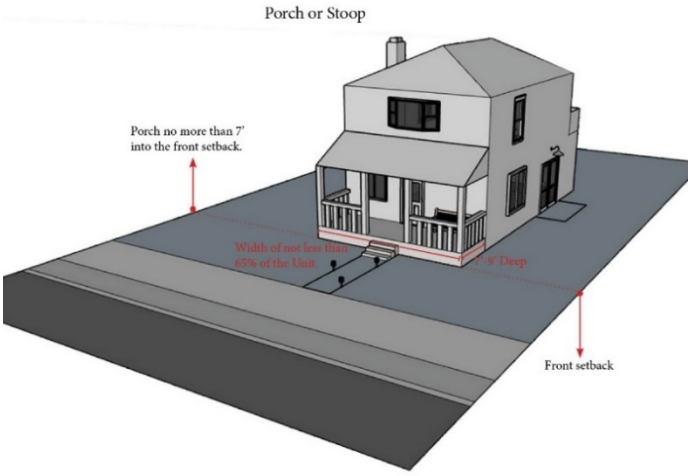
(3) **The primary entrance to a multi-family building shall have a covered porch or stoop at least five (5) feet in depth and six (6) feet in width.**

(4) **A porch or a stoop is not required where the first floor of a residential building is occupied by a lobby, office, or common space, and no dwelling is located along the front of the building.**

(5) **A porch shall not project more than seven (7) feet into the required front setback.**

(6) **The zoning administrator may permit modifications to these standards to accommodate innovative designs that comply with the intent of this section and the placemaking guidelines set forth in the Comprehensive Plan.**

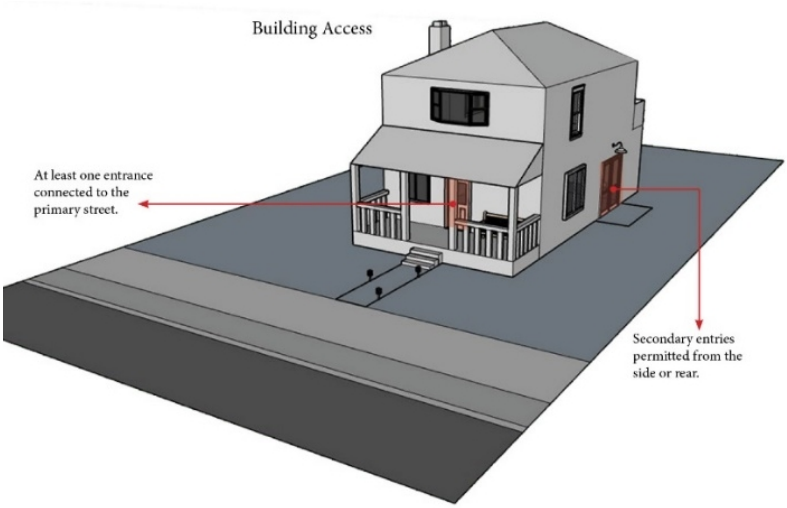
[FIGURE 68]



(c) **Building Access.**

(1) At least one entry must face onto and connect to the primary public or private street, or for sites containing multiple units the internal drive used for access. Secondary entries permitted from the side or rear. Maximum recessed entry of 5 feet.

[FIGURE 69]



(d) **Minimum Fenestration Percentage.**

(1) **Primary Façade.**

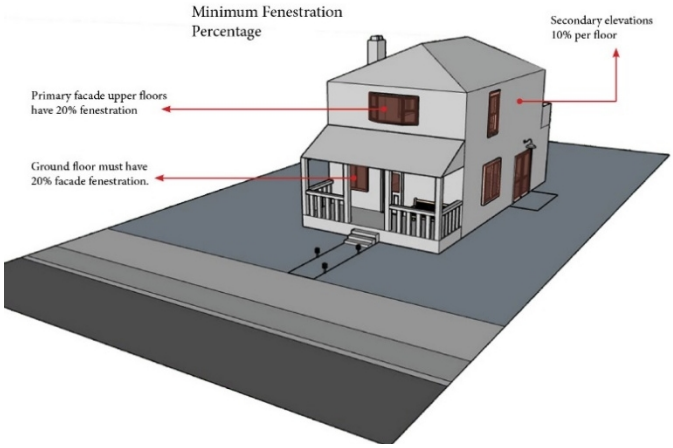
a. Ground Floor: 20 percent

b. Upper Floors: 20 percent

(2) **Secondary Elevations**

a. At least one double-hung window with a minimum dimension of two feet in width by three feet in height per room. A bathroom window may have a smaller dimension.

[FIGURE 70]



(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**

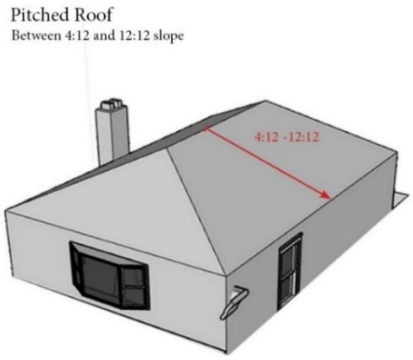
(1) **Pitched: between 4:12 and 12:12 slope**

(2) **Flat roof: with cornice and parapet**

(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.**

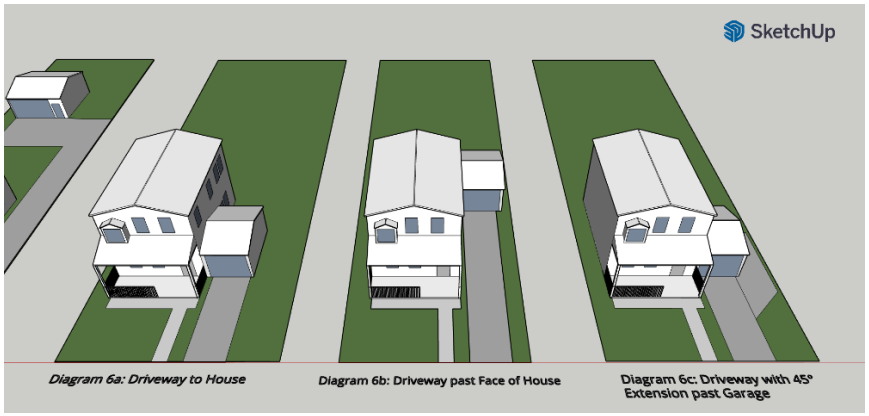
[FIGURE 71]



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

(h) **Garages. Attached garages shall not project closer to a public or private street, or internal drives used for access on sites containing multiple dwelling units, than the building wall(s) of the unit facing a street or drive.**

[FIGURE 72]



1246.04.03 COMMERCIAL / MIXED-USE BUILDING TYPES

(a) Clear Height

(1) First Floor Finish Elevation - 14' min.

(2) Upper Floors Clear Height - 8’ min.

(3) First Floor Finish Elevation Above/Below Sidewalk - Max of 6" above adjacent sidewalk with ramp.

[FIGURE 73]

(b) Minimum Fenestration Percentage:

(1) Storefront - 60 percent

(2) Non-storefront First Floor - 40 percent

(3) Upper Floors - 20 percent

[FIGURE 74]

(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

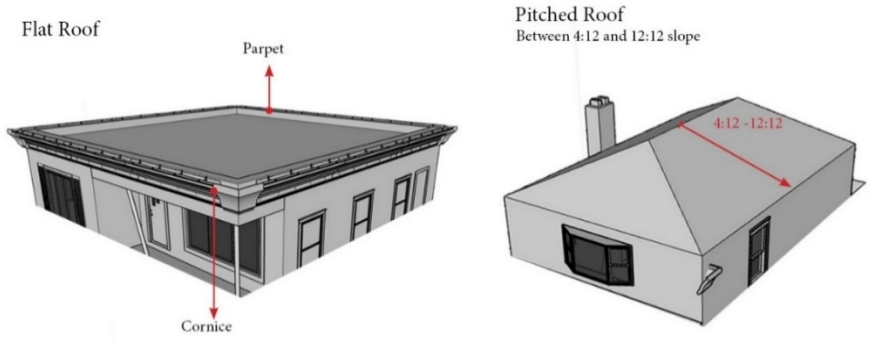
(1) Pitched: between 4:12 and 12:12 slope

(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 75]



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

[FIGURE 76]

(f) Service - Services. 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

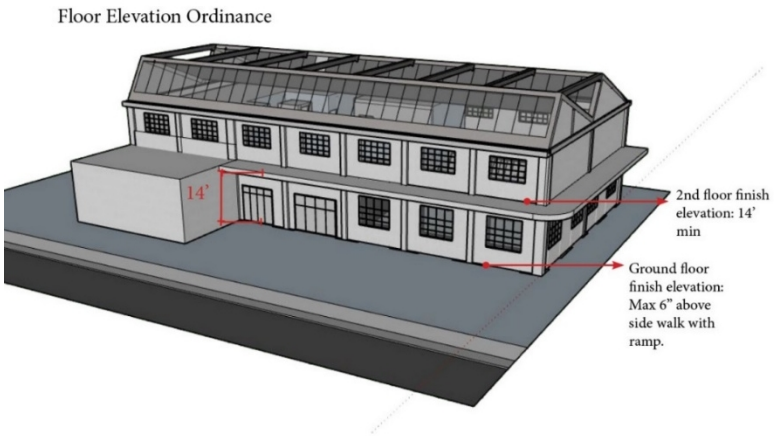
The following standards shall only apply to those industrial building facades that are at least 50% visible to a Residential use or Non-Local Street within 200 feet of the building façade:

(a) Clear Height

(1) First Floor Finish Elevation - 14' min.

(2) First Floor Finish Elevation Above/Below Sidewalk - Max of 6" above adjacent sidewalk with ramp.

[FIGURE 77]



(b) Fenestration

(1) Minimum Fenestration Percentage: Primary façade – First Floor – 30 percent.

(2) Minimum Fenestration Percentage: Primary façade – Upper Floors – 20 percent.

[FIGURE 78]

(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

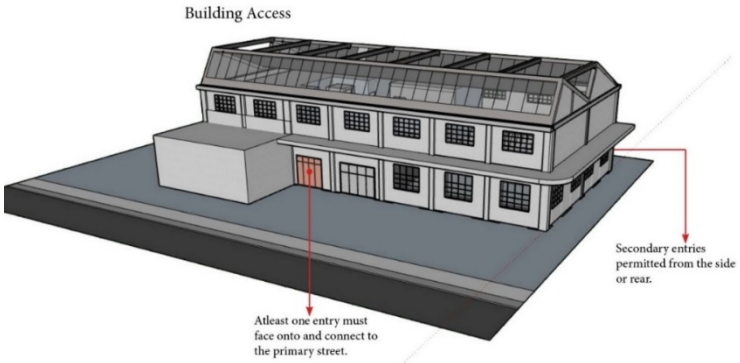
(1) Pitched: between 4:12 and 12:12 slope.

(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 Section 1250.04.02 (c).

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

[FIGURE 79]



(f) 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 80]

(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.

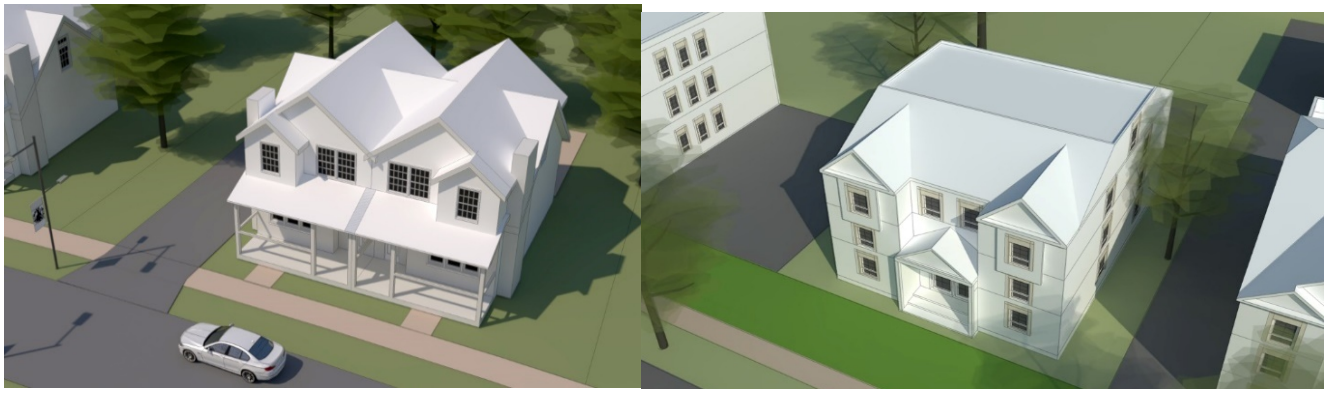
(b) Applicability

A Detached House is the suggested building type in all residential districts and applicable to most street 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 81]



(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, 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 82]

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 include a mixture of residential and office space. The building form and mass is intended to reinforce pedestrian comfort, walkability, and activity. Larger buildings shall be broken up into multiple storefronts 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 83]

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).

1246.05.05 COMMERCIAL FLEX

[FIGURE 84]

Illustrative example of the intent of this building

(a) Description

Commercial Flex buildings provide opportunities for diverse building 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 Industrial districts.

1246.05.06 PARKING STRUCTURE

[FIGURE 85]

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 86]

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 a primary building type 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 87]

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 Urban Corridor district (MX-C) 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 88]

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, MX-2, DT-2 where permitted), where filling pumps and canopy are placed to the side or rear or the lot and the shop building occupies the front or front corner of the lot. Traditional configurations are acceptable in MX-C district 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.

c. Temporary construction structures may be on-site up to 30 days prior to the start of a building's construction and must be removed within 30 days following the completion of a building's construction. In the event construction is not progressing meaningful toward completion or paused indefinitely, all temporary construction-related buildings or materials including but not limited to storage structures and equipment, except for perimeter safety fencing, shall be removed within 30 days following the delivery of written notice from the Zoning Administrator.

(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 ten (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 ten (10) consecutive days. The area occupied by the tent sale shall not exceed ten (10) percent of the floor area of the permanent retail space of the business and the longest dimension of the tent shall not exceed the width of the permanent retail space of the business. Tent sales shall be located in a manner that does not conflict with site circulation for vehicles or pedestrians. A site plan shall be provided for administrative approval by the building

official showing the location of the proposed tent, existing structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity.

(c) Residential Temporary Uses and Structures

(1) A temporary structure or a temporary use which meets all of the following conditions shall be permitted in a residential district:

a. 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 Office shall review a request in accordance with the standards outlined in Section 1262.02 (f)(1) through 1262.02 (f)(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.

(3) In no instance shall a person inhabit, live in, or occupy a tent, camper, recreational vehicle or other temporary structure upon any property, unless as part of a permitted campground, as defined in this ordinance.

1250.02.04 KEEPING OF ANIMALS

(a) Definitions, as used in this section:

WILD ANIMAL: Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the families of the following:

alligator, deer, opossum, badger, wild dog, dog-wolf, coyote, weasel, bear, raccoon, skunk, wild cat, lemur, marten, poisonous spider, poisonous lizard, snake, and primate (excluding humans).

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

(b) Household pets.

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

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

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

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

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

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

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

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

1250.02.05 RESTRICTIONS ON DEMOLITION AND REUSE OF LOTS

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

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

(b) A Special Land Use permit for parking has been approved by the Lansing City Council.

(c) The owner of the property can demonstrate, to the satisfaction of the Director of the Economic Development & 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.

1250.02.06 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 park 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) flatbed tow truck or wrecker may be parked on an approved driveway within a side or rear yard where it is obstructed 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-Family 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 restrictions of subsection (8) listed herein.

(5) An accessory structure shall not be used to service or repair a motor vehicle owned by a person other than a person residing on the premises on which the accessory structure is located.

(6) An accessory use on a residential lot shall not include motor vehicle repair, except repair to a vehicle owned by a person residing on the premises so long as the repair is completed within a 24-hour period and is limited to:

a. Changing oil or other fluids;

b. Minor tune-up;

c. Tire rotation; and

d. Changing brake pads if the vehicle is supported in a safe manner.

(7) No accessory structure may be a public garage.

(8) An accessory use of a lot may include the parking of up to four operable vehicles or one operable vehicle for each licensed driver residing in the dwelling, whichever is greater.

(9) The outdoor storage of vehicles, goods, materials, or equipment that is not directly related to or customarily associated with a residential use shall be prohibited.

1250.02.07 PARKING AND STORAGE OF RECREATIONAL VEHICLE AND RECREATIONAL EQUIPMENT IN ALL DISTRICTS

The following standards shall apply in all districts:

(a) Recreational vehicles shall not be connected to sanitary facilities, shall not be occupied or inhabited, and shall be locked at all times.

(b) Recreational vehicles and recreational equipment greater than eight (8) feet in width or 25 feet in length must be parked on a paved surface or approved driveway in the side or rear yard and must be set back at least (3) feet from the side and rear property lines.

(c) No more than two recreational vehicles or recreational equipment, or a combination thereof, shall be stored on a residential lot.

(d) One recreational vehicle or recreational equipment, not exceeding 25 feet in length, may be parked or stored on an approved driveway.

(e) Regardless of size, one recreational vehicle may be temporarily parked anywhere on a paved surface or on an approved driveway within a residential lot for up to 72 hours within a seven (7) day time period for the purpose of loading and unloading or for normal maintenance and cleaning.

(f) Recreational vehicles and equipment may not be stored or parked on a residential lot for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or equipment.

1250.02.08 RESTAURANTS AND TAVERNS WITH OUTDOOR SEATING.

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

(a) The seating area shall be delineated with permanently or semi-permanently affixed railings or ornamental walls that are a minimum of three (3) feet tall.

(b) Pedestrian circulation and access to the building entrance shall not be impaired. Access to the outdoor seating shall be provided only through doors leading into the building.

(c) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.

(d) Additional signage shall not be permitted.

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

1250.02.09 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 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.

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

(d) Miscellaneous Requirements.

(1) No person shall reside in or permit any person to reside in the premises of an adult business.

(2) The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is

licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license through the Lansing City Clerk.

1250.02.10 MOBILE FOOD VENDING

(a) Mobile food vending means any pushed, towed, or motorized cart or vehicle designed and equipped to prepare or serve, and sell food or drink prepared on-site or beforehand, to the general public, whether consumed on-site or elsewhere.

(b) All mobile food vending businesses are required to be licensed with the City Clerk's Office per Chapter 844 of the Code of Ordinances, as amended.

(c) No mobile food vending shall be permitted within the DT-3 district except as part of a temporary special event lasting no more than 24 hours.

(d) Mobile food vending vehicles and any materials associated therewith, including, but not limited to trash receptacles and seating areas, shall not occupy or obstruct any sidewalk, alley, maneuvering aisle, fire lane, driveway, or entrance to a permanent structure on or adjacent to the property upon which it is located.

(e) Mobile food vending vehicles shall not occupy any on-street parking space, on-street shoulder area or public right-of-way, or any corner clearance area at a street intersection or driveway as defined in Section 1250.03.03.

(f) Trash container(s) for public use shall be provided and all waste shall be disposed of by the vendor to prevent unsanitary or unsightly conditions. Vendors are responsible for the proper disposal of all grey water, grease, and other food waste, which shall not be dumped or disposed of on or into public property including but not limited to storm drains and surface discharge.

(g) No power cable shall extend on or across any parking lot, driveway or sidewalk except in a safe, concealed manner designed to prevent tripping.

(h) No person who operates any mobile food vending vehicle shall:

(1) Block any of the minimum required parking spaces for any on-site or adjacent business;

(2) Provide amplified music, announcements, or solicitations; or

(3) Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food 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.

1250.02.11 HOUSING COOPERATIVE

(a) **A Housing Cooperative as defined in this Ordinance must verify their approved incorporation filing to the Zoning Administrator.**

(b) **No more than two residents allowed per 70 square feet of bedroom space in a dwelling.**

(c) **No portion of the dwelling shall be licensed as or used as a Short-Term Rental.**

(d) **A property manager, owner, or resident must be listed as the responsible party for the dwelling with the City and serve as a point of contact to address any complaints.**

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 (a)

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	5 ft.	5 ft.
Paved terraces	Permitted up to 3 feet from any lot line		
Porches* Stoops*	7 ft. 3 ft.	7 ft.	1 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	

*** 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.

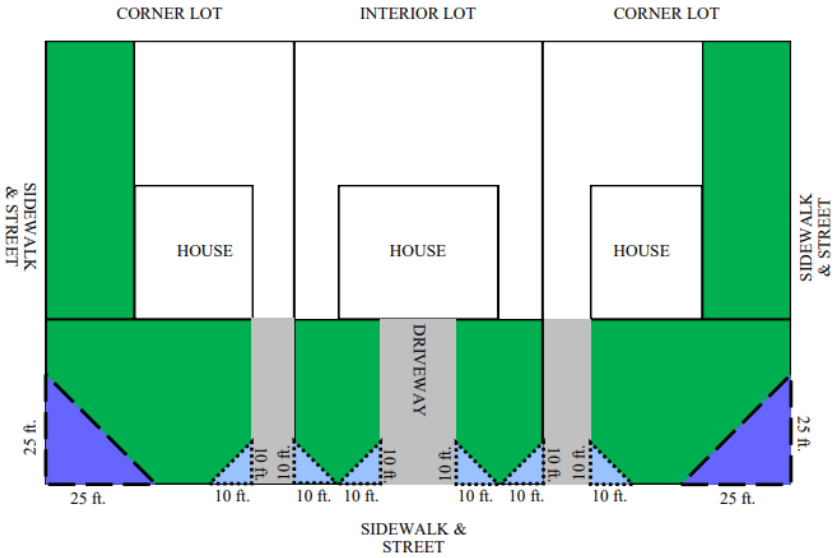
(b) Roof-mounted Solar Energy Systems on a building or accessory structure may exceed the allowable height limit of the district by up to 36 inches.

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.

(b) Visibility at Driveways. No fence, wall, shrubbery, sign or hedge shall materially obstruct the vision of motorists entering any street, alley, 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 89]



1250.04 SITE DEVELOPMENT REGULATIONS

1250.04.01 ACCESSORY BUILDINGS AND STRUCTURES, AND ATTACHED GARAGES

Zoning Requirements of this Subsection shall not apply to Accessory Dwelling Units.

(a) In General, Applies to All Districts

(1) Accessory buildings and structures are permitted only in connection with and incidental to a principal building or use permitted within the zoning district in which it is located.

(2) No accessory building or structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(3) An accessory building or structure must be located in the same zoning district as the principal building or structure on a lot.

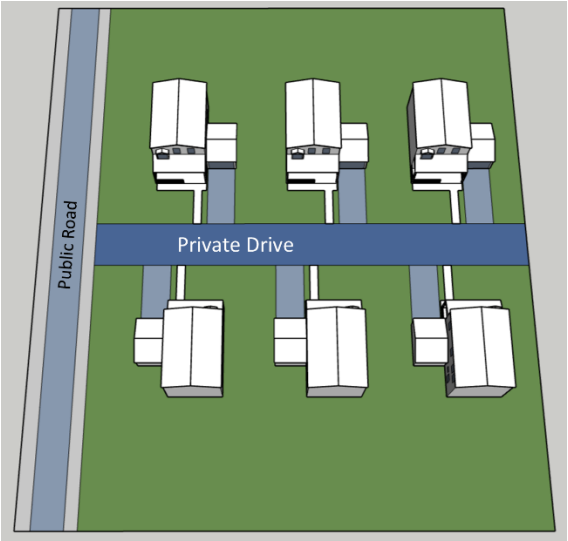
(4) Where the accessory building or structure is structurally attached to a principal building or structure, it shall be subject to all the regulations of this chapter applicable to principal buildings and structures except as otherwise noted in this section.

(5) Accessory buildings and structures shall not be occupied for dwelling purposes.

(6) Detached accessory structures shall not be permitted in a front yard and shall be set back at least three (3) feet from side or rear lot line. Detached accessory structures that are 1,000 square feet or more in area shall be set back not less than six (6) feet from any side or rear lot line. If an accessory structure is attached to a structure containing the principal use, it shall meet all dimensional requirements imposed upon the structure containing the principal use, except as provided in this section.

(7) Attached garages shall not project closer to a public or private street or internal drives used for access for sites containing multiple dwelling units, than the building wall(s) of the unit facing a street or drive.

[FIGURE 90]



(8) The maximum building height of any detached accessory building shall be 15 feet, as defined in Chapter 1240.

(9) The design and building materials of any accessory building shall be consistent with the character of the principal building on the property.

(10) The floor area of an accessory building shall not exceed the ground floor area of the principal building.

(11) Accessory structures for an approved nonresidential use shall comply with the setback requirements for the principal structures and shall provide landscaping, screening and buffering in accordance with Chapter 1252.

(12) Shipping containers, and box and semi-truck trailers are only permitted as a temporary structure for storage purposes and may be permitted for a period not to exceed two weeks, and upon request to the Zoning Administrator may be extended twice for a period not to exceed two weeks for each extension.

(b) Applies to Residential Districts

(1) Single-family residential lots shall have no more than one (1) storage shed and one (1) garage or detached carport. Residential lots that contain a legally conforming duplex may have one (1) accessory structure, which may be a garage, carport or storage building, for each unit. Multiple family residential lots may have one (1) accessory building, which may

be a garage, carport or storage building, for each legally conforming, multiple family residential building on the property.

(2) The maximum floor area of an accessory structure, for each unit in a duplex, shall be 600 square feet on a lot less than 10,000 square feet in size and 720 square feet on a lot greater than 10,000 square feet in size.

(3) The following size limitations shall apply to buildings that are accessory to a Single-Family residential dwelling:

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 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 ten (10) feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.

(c) All roof-mounted equipment shall be screened by parapet walls or a pitched roof of sufficient height to screen rooftop equipment and the screening shall be integrated into the architectural design of the building meeting the standards noted in 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 Chapter.

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

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

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

(2) **Building-mounted lighting.**

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

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

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

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

(3) **Window lighting.**

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

b. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited.

(4) **Maintenance.**

a. All freestanding poles, building-mounted lighting, light fixtures, and light bulbs must be maintained in a proper state of repair and free from hazardous conditions.

(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-Family or Two-Family residential uses, subject to the following conditions:

(1) Waste receptacles must be clearly accessible to servicing vehicles.

(2) A concrete pad, at least two feet greater than the dimension of the waste 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.

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

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

(c) Permit required.

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

(d) Permit application.

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

(1) An affidavit and acknowledgment from the property owner, giving written permission to place a collection bin on the property owner's real property, as well as an acknowledgment of receipt of a copy of this chapter, and a signed statement agreeing to obey all of its requirements.

(2) A site plan indicating the placement of the collection bin, in compliance with the requirements of this Section.

(3) The name, address, telephone number and e-mail address of the applicant, property owner and collection bin operator.

(4) The name, address, telephone number and e-mail address of the agent or person who will be available during regular business hours and will be responsible for compliance.

(5) A photograph of the collection bin to be installed.

(6) The number to a 24-hour hotline for overflow events.

(7) A nonrefundable fee determined by resolution as set by City Council.

(8) A copy of the license and registration from the State of Michigan under the Michigan Consumer Protection Act and the Charitable Organizations Solicitations Act if statutorily required.

(9) In order to bring existing collection bins into compliance with this section, collection bin operators, of existing collection bins, shall have 30 days from the adoption of this chapter to submit a permit application to the City Clerk.

(e) Permit form, effective periods and renewal.

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

(1) A collection bin permit is valid for a one-year period. The renewal application must be filed not later than 30 days before the current permit expires.

(2) If the permit expires and the permit is not renewed, the collection bin must be removed from the real property within a maximum of ten days after expiration of the permit.

(f) Permitted locations.

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

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

(g) Standards for bin and surrounding area.

Collection bins shall conform to the following standards:

(1) Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

(2) Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.

(3) Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(4) The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow and materials do not accumulate outside the collection bin.

(5) The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall be jointly and severally responsible for the City's cost to abate any nuisance.

(6) Collection bins shall be located on a parcel where there is a functioning and permitted use. Collection bins shall not be permitted:

a. **On any land used or zoned residential;**

b. **On any unimproved parcel; or**

c. **Where the principal use of the land has been closed or unoccupied for more than 30 days.**

(7) One collection bin on a single lot of record is allowed.

(8) The total size of a collection bin is limited to a maximum dimension of 5' × 5' × 7'.

(9) Collection bins shall not cause a visual obstruction, as determined by the Transportation Engineer, City Engineer or Director of Public Service Department, to vehicular or pedestrian traffic.

(10) No collection bin shall be placed closer than ten feet from:

a. **A public or private sidewalk except that this provision does not apply to a private sidewalk as long as the sidewalk maintains a five-foot clearance;**

b. **A public right-of-way;**

c. **A driveway; or**

d. **A side or rear property line of adjacent property used for purposes.**

(11) Collection bins shall not be placed in a designated fire lane, in or adjacent to a handicap parking space, or block a building entrance or exit.

(12) Collection bins shall be made of durable metal or UV resistant molded hard plastic or fiberglass material that is fire resistant or fire proof.

(h) Identification of collection bins.

(1) Collection bins shall have signage on each bin that identifies the name, mailing address, email address, website and phone number of the collection bin operator. The collection bin signage may include a company logo. Total sign area on the collection bin signage may not exceed six (6) square feet per side. The font size used on the sign shall not be less than one inch in height.

(2) The collection bin must prominently display at all times a readable permit identification sticker provided by the City.

(i) Permit revocation, removal of collection bins and liability.

(1) If the Public Service Department and/or Code Compliance Office determines that a collection bin has been placed or is being maintained in violation of this chapter, a correction notice shall be sent by regular United States Mail to the collection bin operator and property owner of the real property on which the collection bin has been placed, as shown on the most recent permit application. In the event there is not on file a permit application made for the collection bin within 24 months immediately preceding the date of violation, the correction notice shall be sent to the real property tax payer of record in the Assessor's Office. The correction notice shall describe the offending condition and the actions necessary to correct the condition. The correction notice shall provide that the offending condition be corrected or abated within 7 calendar days after mailing.

(2) If the offending condition is not corrected or abated within the seven (7) calendar days after mailing, the City or the City's contractor shall clean-up the collection bin area.

(3) All costs incurred by the City or the City's contractor associated with the correction or abatement of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(4) The City Clerk shall have the right to revoke any permit issued hereunder if:

a. **Offending conditions cited in a correction notice are not corrected or abated within seven days after mailing;**

b. **Placement or conditions of the bin or surrounding area violate any applicable State or Federal law;**

c. **Any governmental authority or agency determines that the collection bin has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act or other statute enacted to regulate or govern collection bins.**

(5) Upon revocation of permit issued pursuant to this chapter, the collection bin shall be removed from the real property within ten calendar days and, if not so removed within the time period, the City or the City's contractor may remove, store or dispose of the collection bin.

(6) All costs incurred by the City or the City's contractor associated with removal, storage or disposal of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

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

(j) Appeal to City Council.

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

written findings of fact supporting its decision. The determination by Council shall be final, subject to appeal to a court of competent jurisdiction.

(k) Penalty and remedies.

(1) In addition to revocation of permit pursuant to this Section any person violating the provisions of this article is guilty of a municipal civil infraction.

(2) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this chapter, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this chapter shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this chapter.

(4) The collection bin operator and real property owner shall be jointly and severally liable for each violation and for payment of any fines and costs.

1250.04.06 FENCES AND HEDGES

(a) Purpose; application.

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

(b) Definitions.

As used in this chapter:

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 (3) feet within a front yard, unless otherwise permitted herein.**

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, an unobstructed clear vision corner shall be maintained as specified in Section 1250.03.03 (b)**

d. **A fence within the front yard of a residentially zoned or used property may be erected or maintained to a height above three (3) feet, but not to exceed a height of four (4) 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. **A fence within the front yard of a commercial, industrial, or institutional zoned or used property, or a residential property with more than 20 units, may be erected or maintained to a height above three (3) feet, but not to exceed a height of six (6) feet, or eight (8) feet for industrially zoned or used properties, if the fence meets all of the following requirements:**

   1. **The fence consists of at least 75 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.**
   3. **The fence is made only of wrought iron or other material resembling a wrought iron fence.**

f. **Fence types including uncoated chain-link, wire, cyclone, wood pallets, livestock, event or crowd control, snow fencing and fences made of flexible materials, or similar fences are prohibited in front yards in all zoning districts.**

g. **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 "1250.04.06 (c)(1)b" and "1250.04.06 (c)(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.**

h. **A fence must be securely anchored into the ground in accordance with the fence design and shall not include materials not designed, intended, or manufactured for residential properties including but not limited to plywood, wood pallets, scrap wood, scrap metal, or construction materials; cattle gate fencing; or chicken wire fencing.**

(2) Side and Rear Yard

a. No fence or hedge within a side yard or rear yard shall exceed six (6) feet in height but may be permitted to a maximum height of eight (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 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, treated 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 in the IND-1 Industrial district 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, within ten (10) feet of a public sidewalk, or within 30 feet from a neighboring parcel which has a residential use, be permitted to use barbed wire. Barbed wire shall not extend more than three (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.**

(5) **No materials including, but not limited to, plywood, wood pallets, scrap wood, scrap metal, construction materials, tarp, cloth, plastic covering, or other flexible material shall be affixed to a fence or used to create a fence, barrier, or privacy screen.**

(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 the repair or removal of any fence that does not comply with the provisions of Section 1250.04.06 in accordance with the following procedures:

(1) **Upon finding that a fence is in violation of the provisions of this Chapter, the Department shall issue a written notice to the owner of the property upon which the fence is located. The notice shall be sent by mail or delivered in person and shall:**

a. **Include a description of the violation(s).**

b. **Cite the applicable ordinance provisions.**

c. **Specify a reasonable time period for correcting the violation(s).**

(2) **If the owner fails to comply with the notice within the specified time frame, the Department may issue a final notice following the same procedures as the first notice.**

(3) **Failure to comply with the notice(s) shall result in issuance of a civil fine and/or issuance of a District Court citation requesting a court order of compliance.**

(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 conforming 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 as 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.

1250.04.07 COTTAGE COURTS

General Requirements. All dwelling units within a Cottage Court as defined in Section 1240.02 shall comply with the requirements of Section 1244.02 in addition to the following requirements:

(a) **Permitted Districts. Cottage Courts are permitted in the R-3, R-MX, MFR, R-AR, and DT-1 zoning districts.**

(b) **Number of dwellings. A cottage court shall have at least three (3), but no more than six (6) units that may be detached single-family dwellings or duplexes.**

(c) **Orientation. The front wall and primary entrance to dwellings that are closest to the public street or private access drive must be oriented toward said street. All other dwellings must be oriented toward a street, alley, access drive, or courtyard or pathway.**

(d) **Size. Each dwelling shall have at least 400 but no more than 1,200 square feet of living space.**

(e) **Height. Each dwelling shall be a minimum of 15 feet in height but in no instance shall exceed 25 feet in height.**

(f) **Front setback. No dwelling unit shall be located closer to a public street than the required setback of the zoning district in which the property is located.**

(g) **Side and Rear setbacks. All dwellings shall have a minimum setback of ten (10) feet from each side property line and 20 feet from a rear property line.**

(h) **Setbacks between dwellings. Detached dwellings shall be separated by a distance of at least ten (10) feet from every other dwelling.**

(i) **Private outdoor area. Each dwelling shall have a minimum of 120 square feet of private outdoor space (e.g. patio, porch, deck, garden).**

(j) **Maximum lot coverage. The ground floor area of all buildings shall not exceed 60% of the total lot area. The total amount of impervious surfaces shall not exceed 75% of the lot area.**

(k) **Parking.**

(1) One (1) off-street parking space per unit is required.

(2) All parking spaces must be accessed via an internal street or access drive and may be consolidated into one shared parking lot.

(3) All shared parking areas within ten (10) feet of an adjacent residentially used property must be screened by a six (6) foot opaque fence, subject to the requirements of Section 1250.04.06.

(l) **Short-term rental restriction. No dwelling unit shall be utilized for a short-term rental.**

1250.05 ANTENNA, COMMUNICATIONS, AND ENERGY STRUCTURES

1250.05.01 RECEPTION ANTENNA FACILITIES

(a) In all single-family zoning districts, the installation and/or use of a reception antenna facility having a diameter in excess of three (3) feet shall be permitted only as an accessory use and only as authorized in this section.

(b) A ground-mounted reception antenna facility shall be located in the rear yard only and shall be located no closer than six (6) feet from a side or rear lot line.

(c) A roof-mounted reception antenna facility shall be located on that portion of the roof adjacent to the rear yard of the property and a structure-mounted facility shall be located in the rear yard only.

(d) Excluded from the regulations of this section are conventional VHF and UHF television.

1250.05.02 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

(a) Purpose.

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance [chapter] are to: [1] protect residential areas, property values, and land uses from potential adverse impacts of towers and antennas; [2] strongly encourage the location of towers in nonresidential areas; [3] minimize the total number of towers throughout the community; strongly encourage the appropriate placement of new and existing towers [4] strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; [5] strongly encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; [6] strongly encourage users of towers and antennas to configure them in a way that minimizes displeasing aesthetics of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;[7] enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; [8] consider, to the extent permitted by law, the public health and safety impacts of communication towers; and [9] avoid potential damage to adjacent properties

from tower failure through engineering, design, and careful siting of tower structures. In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(b) Definitions.

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

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

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

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

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

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

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

(c) Applicability.

(1) New towers and antennas. All new towers or antennas in the city shall be subject to these regulations, except as provided in subsections 1250.05.02 (c)(2) through 1250.05.02 (c)(4), inclusive.

(2) Amateur radio station/receive only antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for those antennas defined in Code of Federal Regulations 1.4000.

(3) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of subsections 1250.05.02 (d)(6) and 1250.05.02 (d)(7).

(4) AM array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one am broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(d) General requirements.

(1) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(2) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas and/or towers may be located on leased parcels within such lot.

(3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of

the border thereof, including specific information about the location, height, and design of each tower. Information submitted to the Zoning Administrator shall be considered public information. The Zoning Administrator may share such information with the public and other applicants applying for special land use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(4) Aesthetics. Towers and antennas shall meet the following requirements:

a. Except as otherwise required for an alternative tower structure, towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting may be provided on an alternative tower structure to enhance its camouflaging or concealing effect. All lighting must be approved by the City.

(6) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring

such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(8) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

(9) Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(10) Public notice. For purposes of this chapter, any special land use request, variance request, or appeal of a special land use shall require public notice to the LPD neighborhood watch coordinators, and all neighborhood associations, property owners, neighborhood associations, neighborhood watches, and all property owners and occupants of properties that are located within 1,000 feet of the parcel that is the subject of the request, in addition to any notice otherwise required by the Zoning Code.

(11) Signs. No signs shall be allowed on an antenna or tower.

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

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

(14) Height. No tower shall exceed 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 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:

A. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

B. The height change referred to in subsection A. above may only occur one time per communication tower.

C. The additional height referred to in subsection A. above shall not require an additional distance separation as set forth in Section 1250.05.02 (g). The tower's premodification height shall be used to calculate such distance separations.

iii. Onsite location.

A. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.

B. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

C. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 1250.05.02 (g)(2)e. The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 1250.05.02 (g)(2)e.

D. The onsite relocation of a tower which comes within a location that is less than the separation distances to residential units or residentially zoned lands as established in subsection 1250.05.02 (g)(2)e. shall only be permitted when approved by the Zoning Administrator.

(3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(g) Special land use permits.

(1) General. The following provisions shall govern the issuance of special land use permits for towers or antennas by the Council following review and recommendation by the Planning Commission:

a. If the tower or antenna is not a permitted use under Section 1250.05.02 (e) of this chapter, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

b. Applications for special land use permits under this section shall be subject to the procedures and requirements of Chapter 1262 Special Land Use Permits, of the Zoning Code, except as modified in this section.

c. In granting a special land use permit, the Council may impose conditions to the extent the Council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. In addition to any other

conditions, Council may require an applicant to post with the City Clerk cash, a certified check, an irrevocable letter of credit issued by a bank, or a surety bond in an amount sufficient to pay for the removal of the tower in case the tower is abandoned as set forth in section 1250.05.02 (i). The surety bond shall be open ended and shall be executed by the applicant and a United States based corporate surety authorized to do business in this state as a surety. Any surety bond or irrevocable letter of credit shall be in a form approved by the City Attorney, and shall be made payable to the City. In the event that an abandoned tower is removed at the applicant's expense, the bond, instrument of credit, cash deposit or certified check shall be released to the applicant.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. An applicant for a special land use permit shall submit the information described in this section, the information described in section 1250.05.02 (d), and, in addition to any other fee required by law, a refundable fee as established by resolution of the Council to reimburse the City for the costs and expenses incurred in reviewing the application. No application for a special land use permit shall be considered by the Planning Commission until all conditions required in the resolution of council shall have been met.

(2) Towers.

a. Information required. In addition to any information required for applications for special land use permits pursuant to Chapter 1262 Special Land Use Permits, of the Zoning Code, applicants for a special land use permit for a tower shall submit the following information with the application or, with respect to other information deemed by the Zoning Administrator to be necessary to assess compliance with this chapter pursuant to subsection 1. below, as soon as reasonably practicable as determined by the Zoning Administrator:

1. **A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection 1250.05.02 (g)(2)e., adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.**
2. **Legal description of the parent tract and leased parcel (if applicable).**
3. **The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.**
4. **The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 1250.05.02 (d)(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.**
5. **A landscape plan showing specific landscape materials.**
6. **Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.**
7. **A description of compliance with subsections 1250.05.02 (d)(3), (4)—(7), (11), and (12), 1250.05.02 (g)(2)d.,**
8. **1250.05.02 (g)(2)e. and all applicable federal, state or local laws.**
9. **A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.**

10. Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question.

11. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower, including specifics as to why such towers, structures or alternative technologies are not suitable or feasible in lieu of a tower.

12. A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

b. Factors considered in granting special land use permits for towers. In addition to any standards for consideration of special land use permit applications pursuant to Chapter 1262, Special Land Use Permits, of the Zoning Code, the Council may consider the following factors and any other factors allowed by law in determining whether to issue a special land use permit, although the Council may waive or reduce the burden on the applicant of one or more of these criteria if the Council concludes that the goals of this chapter are better served thereby:

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress;

8. Evidence at the time of application of a lease or an option to lease by a telecommunications provider with the owner of the property in question; and

9. Availability of suitable existing towers, other structures, or alternative technologies not requiring construction of a new tower, as discussed in subsection 1250.05.02 (g)(2)c. of this chapter.

c. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or

structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

d. Setbacks. The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Council may reduce the standard setback requirements if the goals of this chapter would be better served thereby:

1. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.

2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

e. Separation. The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the Council may reduce the standard separation requirements if the goals of this chapter would be better served thereby:

1. Separation from off-site uses/designated areas.

i. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/ or designated areas as specified in Table 1250.05.A.

ii. Separation requirements for towers shall comply with the minimum standards established in Table 1250.05.A.

Table 1250.05.A

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units [1]	100 feet or 150% height of tower, whichever is greater
Vacant single-family, or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	100 feet or 150% height of tower [2], 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.B.

Table 1250.05.B

Existing Towers – Types	Lattice	Guyed	Monopole 75' in height or greater	Monopole less than 75' in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in height or greater	1,500	1,500	1,500	750
Monopole less than 75' in height	750	750	750	750

f. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the council may waive such requirements, as it deems appropriate.

g. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the Council may waive such requirements if the goals of this chapter would be better served thereby:

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced, deferred, or waived.

3. Existing mature tree growth and natural landforms 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 (7) 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 (7) 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 (7) 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 (8) 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 (7) 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 (8) 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 measurement 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 Chapter 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 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 WESC or TMT shall not exceed 55 decibels at any property line.

b. No WESC 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 at 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 ¾-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.

1250.06 FLOODPLAIN REGULATION

(a) Intent. It is the intent of this Ordinance to protect human life, health, and property from flood conditions, to preserve the ability of floodplains to carry and discharge a base flood, and to significantly reduce potential hazards as a result of flood conditions within the City of Lansing. Further, it is the purpose of this Ordinance to comply with the statutory and regulatory requirements of the National Flood Insurance Program.

(b) Definitions.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood.

DEVELOPMENT. Any man made modification to unimproved or improved real estate, including but not limited to: buildings, pools, decks or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

ENCROACHMENT. Development or a structure which is located within the area of special flood hazard.

FLOOD or FLOODING:

1. **A general and temporary condition of partial or complete inundation of normally dry land areas from: [1] the overflow of inland or tidal waters, [2] the unusual and rapid accumulation or runoff of surface waters from any source, [3] mudflows; and**
2. **The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in the Section.**

FLOOD DAMAGE. Any damage to persons, materials, supplies, property or real estate caused by and as a direct result of flooding and /or the influence of flood conditions.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN and FLOODWAY BOUNDARIES. The boundaries of the floodplain and floodway that coincide with the boundaries of the areas indicated as such in the most current report entitled "Ingham County, Michigan (All Jurisdictions)" dated 8/16/11 and the Flood Insurance Rate Map (FIRMS) panel number(s) of 26065C; 0013D, 0014D, 0018D, 0020D, 0108D, 0126D, 0127D, 0128D, 0129D, 0131D, 0132D, 0133D, 0134D, 0136D, 0137D, 0139D, 0141D, 0142D, 0143D, 0144D, 0151D, 0153D, 0154D, 0161D, 0162D, and 0170D, dated 8/16/11.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOODWAY OR REGULATORY FLOODWAY. The designated area of a river or other watercourse and the adjacent land areas that must be reserved from development or construction activity in order to discharge the base flood without cumulatively increasing the water surface elevation beyond these areas.

NEW CONSTRUCTION. Structures and/or development for which the "start of construction" commenced on or after the effective date of this ordinance, and includes any subsequent improvements to structures.

ORDINARY HIGH WATER MARK. A point that represents the maximum rise of a body of water in non-flood conditions.

STRUCTURE. A walled and/or roofed building that is principally above ground.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

1. **Before the improvement or repair is started; or**
2. **If the structure has been damaged and is being restored, before the damage occurred.**

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. **Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe conditions; or**
2. **Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.**

WATERCOURSE. Any natural or artificial drainage way wherein waters flow either continuously or intermittently, including any adjacent areas subject to flooding. Watercourses include both natural and manmade open ditches, streams, enclosed storm drains, lakes, and ponds.

(c) General Standards for Flood Hazard Reduction

All new construction and substantial improvements within an area of special flood hazard, shall be constructed by methods and practices that minimize flood damage including, but not limited to:

(1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

(2) Be constructed with materials and utility equipment resistant to flood damage;

(3) All new and replacement water supply systems shall not allow infiltration of flood waters into the systems;

(4) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

(5) Drainage and on-site stormwater management shall be provided to reduce damage to structures created by flood hazards.

(d) Specific Base Flood Elevation Standards

(1) On the basis of the most recent available base flood elevation data the following standards shall apply in the area of special flood hazard:

a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood level.

b. All new construction and substantial improvements of structures shall have either:

1. The lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation; or

2. Be constructed such that below base flood elevation, together with attendant utility and sanitary facilities:

i. The structure is watertight, with walls impermeable to the passage of water; and

ii. Is constructed with structural components having the ability to neutralize hydrostatic and hydrodynamic loads; and

iii. The effects of buoyancy must be resisted.

A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted to the Building Safety Office, and shall indicate the elevation to which the structure is flood proofed.

(2) The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

(e) Construction.

(1) Any use permitted by right or by special conditions for the zoning district applicable to the land in question, as governed by this Zoning Ordinance, shall be permitted in a designated floodplain, subject to compliance with all rules and regulations of the Federal Emergency Management Agency's National Flood Insurance Program and all applicable requirements of the City and the State Department of Natural Resources/Environmental Quality.

(2) Where topographical data, engineering studies or other studies are needed to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by a registered professional engineer, architect or land surveyor.

(3) No construction shall be allowed within a 100 year floodplain without obtaining the necessary permits from all City, State and Federal authorities.

(4) Encroachments, new construction, substantial improvements and development shall be prohibited within the floodway. Exception to this prohibition shall only be made upon certification by a registered professional engineer and the Michigan Department of Environmental Quality that the proposed development will not result in any increases in the base flood elevation during a base flood discharge.

(5) Dumping or backfilling with any material or excavation in any manner is prohibited, unless:

a. Through compensating excavation and shaping of the floodplain, the flow and impounding capacity of the floodplain will be maintained or improved, will not cause an increase in the flood hazard or damage from floods and will not allow water to collect in pools that will stagnate.

b. No significantly measurable reduction in the flow or capacity of the floodplain thereby results.

c. Adequate site plans and engineering drawings shall be submitted to effectively show the final results of all dumping, backfilling or excavation.

d. Alteration of any floodplain area shall be subject to approval by the State of Michigan Department of Natural Resources/Environmental Quality.

(6) The construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances and the storage of materials or equipment is prohibited in a floodplain, unless such elements would not cause any significant obstruction

to the flood or reduction in the impoundment capacity of the floodplain and would not suffer flood damage.

(f) Special Permit Required. A special permit is required for use of the floodplain on parcels of one-half acre or more in size. Such requests shall be made in writing, to the Planning Office 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, Site Plans Required.

1252.02 PLANTING PLAN SPECIFICATIONS

(a) A planting plan shall be provided to include the following:

(1) Minimum scale of one inch equals 50 feet.

(2) Existing and proposed contours with contour interval not to exceed two feet.

(3) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required buffer or landscaped area.

(4) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.

(5) Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.

(6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.

(7) A tree survey identifying the location and species of existing trees 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 three (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 five (5) feet in height.

(c) Deciduous trees shall have a minimum starting size of at least two caliper inches.

(d) Shrubs shall have a minimum starting size of at least 24 inches in height and spread and spaced a distance apart equal to or less than 75 percent of the shrub's mature spread diameter.

1252.04 SPECIES

(a) **Mixing of Species. The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged in all landscaped area.**

(b) **At least 75% of trees required in the overall landscape plan shall be made up of native tree species as identified by the State of Michigan or Michigan State University - Extension.**

(c) **The lack of 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 may be cause for rejection of the landscape plan.**

(d) **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 at 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.

[FIGURE 91]

(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, rock, mulch) must be arranged in a deliberate manner and may not exceed more than 25 percent 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) The City, in consultation with the Public Service Department, may require street trees to be planted within the public right-of-way where they do not already exist.

(3) Rights-of-way yards abutting Activity Corridors shall incorporate decorative paving and streetscape elements if such elements exist 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.

[FIGURE 92]

(b) Between sidewalk and parking

(1) There shall be a landscaping setback area of at least eight (8) feet, and no greater than 20 feet, but in no case further than the average front setback of the block, between the edge of sidewalk and parking lot edge, which shall consist of lawn and landscape planting beds.

(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area.

(3) Setback areas must have at least one deciduous tree that will have a mature height of at least 30 feet for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten (10) lineal feet of frontage, or portion thereof.

(4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

(5) Landscape planting beds shall be a minimum of 50 percent of the front, side, and rear landscaping setback areas for all 'Off-Street Parking Surface Lots' permitted by a Special Land Use permit in addition to the trees required in 1252.07 (b) and 1252.07 (c).

[FIGURE 93]

(c) Between sidewalk and building

(1) Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.

(2) Landscape planting beds shall be a minimum of 25 percent of the landscape setback area. This may be reduced to zero percent in areas where the public sidewalk is immediately adjacent to the building face.

(3) Setback areas greater than 20 feet in depth must plant at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.

(4) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

1252.07 PARKING LOT LANDSCAPING

Parking lot landscaping shall be arranged in a manner that improves the safety of pedestrian and vehicular traffic, guides traffic movement, improves the environment and improves the appearance of the parking area and site. Parking lot landscaping shall be provided in accordance with the following standards:

(a) **There shall be a minimum five (5) foot landscaping setback area between the parking lot and the side and rear property lines, unless the parking lot is shared by or a part of the circulation network between adjoining properties.**

(b) **In all industrial districts, one (1) tree for each 6,000 square feet of the total of the paved driveway and parking lot surface is required.**

(c) **In all other districts, one (1) tree shall be required for each 4,000 square feet of paved driveway and parking lot surface, provided that no fewer than two (2) trees are provided.**

(d) **All of the required parking lot trees and landscape areas shall be placed within landscape islands inside of the parking lot or the area within ten (10) feet surrounding the parking lot.**

(e) **For all parking lots greater than 40,000 square feet, at least 50 percent of all required parking lot trees shall be placed within landscape islands inside of the parking lot.**

(f) **Each tree shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum radius of 6 feet at the trunk of the tree for protection. If a sprinkled irrigation system is provided, the open land areas can be reduced to no less than 75 square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable device that incorporate curb cuts or other openings and grading to capture stormwater.**

(g) **All parking lots within 20 feet of a residentially zoned or used property shall be screened by a buffer containing evergreen shrubs and trees, screen fence or screen wall (75 percent or more opaque and six (6) feet in height), or any combination thereof that forms a continuous visual buffer at the property line.**

(h) **Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.**

(i) **Living grass lawn shall be planted within parking lot islands.**

(j) **To protect stormwater drains from debris, landscaping rocks and mulch must be properly contained on site and may only be installed as weed control directly around plants. Non-plant material shall not exceed 25% of the parking lot island surface area.**

1252.08 BUFFERING AND SCREENING

(a) A landscaped buffer shall be provided between the subject site 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 one (1) tree that will have a mature height of at least 30 feet for each 30 linear feet, or fraction of buffer area shall be provided along all front, side, and rear setback areas where they do not already exist.

(c) Landscape buffers shall consist of evergreen shrubs, evergreen trees, fencing/screen walls (75 percent or more opaque), or any combination thereof that forms a contiguous visual buffer.

(d) At least 40 percent of the overall area must be covered by plant materials at the time of planting.

(e) The Zoning Administrator may allow a consistent 75 percent 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 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 area 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 square feet 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 Table 1254.01.02 and also described by district in Chapters 1243, 1244, and 1245.

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~~
MFR		X	X
R-MX		X	X
R-AR		X	X
MX-C		X	X
Arterial	one single-loaded bay	X	X
Suburban	one double-loaded bay	X	X
MX-1	one single-loaded bay	X	X
MX-2		X	X
DT-I		X	X
DT-2		X	X
DT-3		~~X~~	X
IND-1	one double-loaded bay	X	X
INST-1 Activity		X	X
All other street types	Limited to four (4) rows or parking lot depth of 120 feet.	X	X

(a) The off-street parking for a lot which is zoned IND-1 or INST-1may be located on a separate lot, if the following 3 conditions are met:

(1) The lot does not contain a cabaret, as defined by Section 808.01.

(2) The separate lot is zoned IND-1 or INST-1.

(3) The separate lot is not more than 5,280 feet, measured from the closest point on the closest lot line of the separate lot to the closest point on the closest lot line of the lot served, provided that is said parking is more than 1,000 feet from the Principal Use then a shuttle service shall be provided.

(b) Off-street parking for nonresidential uses on a lot which is zoned a Commercial Mixed-Use District may be located on a separate lot if the following 3 conditions are met:

(1) The lot does not contain a cabaret, as defined by Section 808.01.

(2) The separate lot is zoned a Commercial Mixed-Use District.

(3) The separate lot is not more than 300 feet, as measured from the closest point on the closest lot line of the separate lot to the closest point on the closest lot line of the lot served.

(c) Valet parking, approved as noted in Section 1254.01.04 may be on another lot.

(d) Limits on parking expansion.

Applies to properties in the MX-2 and DT-3 zoning districts and properties along an Activity Corridor street type.

(1) When demolition of a building, lot combination of two or more properties, or lot split of a property has taken place, the expansion or increase of an off-street parking lot shall not extend into the front yard of a parcel.

(2) The Zoning Administrator may waive the limitations hereof if the property owner can demonstrate that the intent of the zoning district is maintained.

1254.01.03 PARKING REQUIRED

(a) Factors for Calculation of Parking:

(1) Gross Floor Area. Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.

(2) Usable Floor Area. Where the floor area measurement is specified as usable floor area, parking requirements shall apply to all internal building areas excluding the floor area used

for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, usable floor area shall be considered to be 75 percent of the gross floor area.

(3) Bench Seating. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating shall be counted as one seat.

(4) Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

(5) Fractional Requirements. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction up to and including One-half shall be disregarded and fractions over one-half shall require one additional parking space.

(6) Similar uses. If a use is not specifically described in Table 1254.01.03, the minimum number of spaces for the use shall be determined by the Zoning Administrator by requiring the minimum number of spaces for a use which is listed and is similar to the use in question.

(b) Table 1254.01.03 Parking Requirements

Vehicle parking spaces shall be provided in accordance with the Table 1254.01.03. 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 and 0.25 spaces per unit for visitor parking.** **Senior "interim care" and "intermediate care" units retirement villages: 0.5 spaces per unit or 2 beds, and 0.25 spaces per unit for visitor/employee parking.**
Institutional, Recreational, and Public Gathering Venues	
Places of public assembly	**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 or 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) space 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 percent 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 (c) 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 percent, provided a parking study is provided as noted in 1254.01.04 (c) 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 the required number of parking spaces based upon one or more of the following:

(1) Owner shall provide documentation such as a parking study or traffic count taken from developments of a similar size and use which demonstrates that the amount of parking provided will be sufficient to accommodate the needs of the proposed use(s) during peak demand. This shall include delivery needs, the number of employees in the largest shift, the number of residential units by bedroom count, and a projection of the maximum number of visitors to the site during its most active time. The city may require the owner to submit a plan for providing additional parking, up to the required amount if the actual parking needed exceeds the parking provided.

(2) Owner demonstrates that there is available shared parking available, either in a municipal lot, parking structure, or shared with another property. For shared use of a private lot, the

owner shall demonstrate that there will be sufficient parking available for all users during the time of peak shared demand.

(3) Owner provides incentives for employees to use public transit, bicycle, or live within walking distance of the use. In such case the applicant shall provide information on the program that demonstrates effectiveness to the city. This could include priority on-site bicycle parking, stipends for use of transit, employee reward programs for non-single occupant vehicle commutes or similar incentives. The accepted parking reduction program would be a condition of zoning approval.

(4) The amount of required parking may be reduced if a shared car or program is provided. The amount of the reduction shall be determined by the Zoning Administrator, with input from the Transportation Engineer, in consideration of the number of shared vehicles provided and the level of availability.

(d) Valet Parking. The Zoning Administrator may allow a reduction in on-site parking required for valet parking provided the valet parking area is under the same ownership as the Principal Use or is leased and that a shared parking agreement has been approved by the City Attorney. Such parking agreement shall be considered as part of the permitted use such that, if the parking agreement is no longer valid, the city may restrict the use to the scale of parking available.

(e) Exceptions in the DT-3, MX-C, and MX-2 Districts:

(1) Properties located within the DT-3 district are exempt from the requirements of Section 1254.01.03.

(2) Properties zoned MX-C, located on the north side of the 900 block and east half of the 1000 block of W. Saginaw Street, are exempt from the requirements of Section 1254.01.03, except that at least one (1) off-street parking space shall be required for each residential unit. The required parking spaces must be located within 300 feet of the property they serve and may be located on city-owned off-street parking lots and private parking lots where a permit has been issued or an agreement has been established allowing use of the parking spaces on a 24 hour basis.

(2) Properties zoned MX-2 are exempt from the requirements of Section 1254.01.03, with the following exceptions:

1. Properties in the MX-2 district on S. Cedar Street must provide parking in accordance with Section 1254.01.03.

2. Properties in the MX-2 district that have frontage on E. Michigan Avenue or adjoin properties that have frontage on E. Michigan Avenue, except those located in the 2000 block on both the north and south sides of the street, must provide at least 20 percent of the on-street parking required by Section 1254.01.03.

3. At least one (1) off-street street parking space shall be required for each residential unit in the MX-2 district.

4. All required parking spaces in the MX-2 districts must be located within 300 feet of the property they serve and may be located on city-owned off-street parking lots and private parking lots where a permit has been issued or an agreement has been established allowing use of the parking spaces on a 24 hour basis.

1254.01.05 BARRIER FREE PARKING REQUIREMENTS

(a) Barrier Free Parking. Within each parking lot, signed and marked barrier free spaces shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

1254.01.06 STORAGE OF MERCHANDISE AND VEHICLES.

(a) The storage of merchandise, equipment, and motor vehicles for sale is prohibited in the 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.

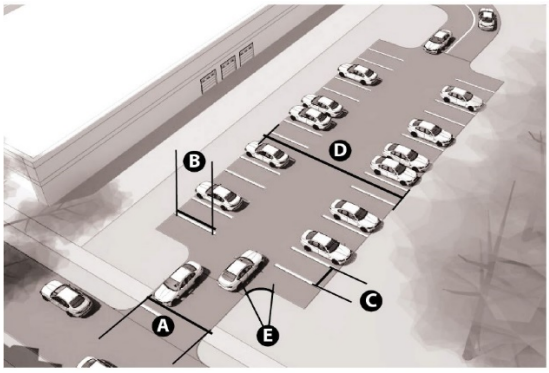
1254.01.07 PARKING SPACE DIMENSIONS

(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:

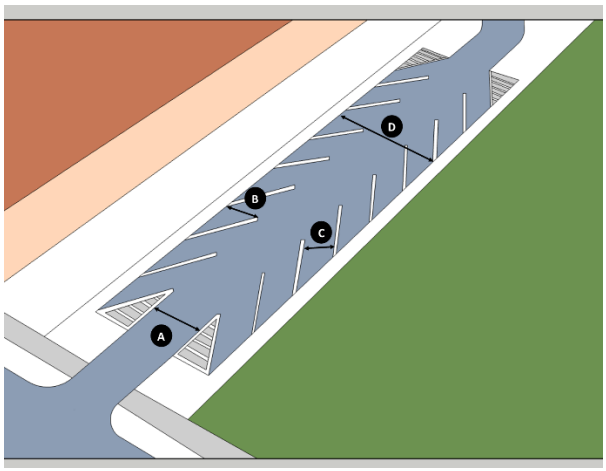
(1) Perpendicular (90-degree) Parking		
A. Aisle Width	Two-way	24 ft.
	One-way	18 ft.
B. Stall Depth		18 ft. min.
C. Stall Width	9 ft.	
D. Overall Width (double-loaded bay)	Two-way	60 ft.
	One-way	54 ft.
E. Corner Radius	5 ft.	

[FIGURE 94]



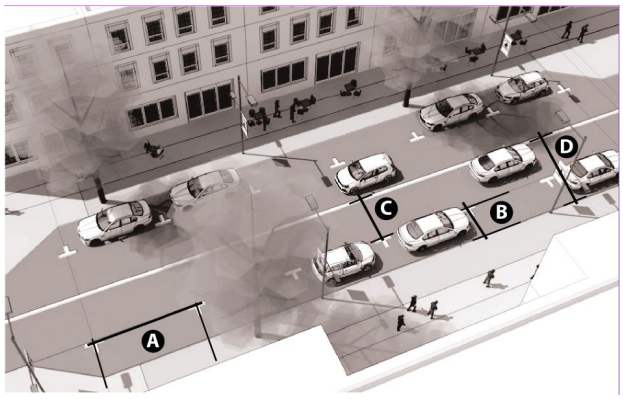
(2) Angled (45, 60, 75-degree) Parking		
A. Aisle Width	Two-way	20 ft.
	One-way	15 ft.
B. Stall Depth		18 ft. min.
C. Stall Width	9 ft.	
D. Overall Width (double-loaded bay)	Varies depending on the angle of the parking and one-way or two-way traffic	

[FIGURE 95]



(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.

[FIGURE 96]



(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 nine (9) feet wide

(2) Between facing bays: minimum of six (6) feet wide

(3) End-cap islands: minimum of six (6) feet wide

(d) If requested by an applicant, the width of a parking space and any dimension described in (b) above may be varied by the Transportation Engineer, based upon all of the following criteria:

(1) The size of vehicles which use the lot;

(2) The turnover rate;

(3) The shape of the lot;

(4) Sound traffic flow principles;

(5) The use of the lot; and

(6) Adequacy of signs that provide information or restrict parking in certain spaces.

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 Portland cement or asphalt.

(b) An alternative surface, including, but not limited to, permeable or pervious materials, 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 single-family or two-family dwellings parking spaces shall be striped and such striping shall be maintained.

(c) Maintenance of Parking Lot.

(1) All 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

(a) 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 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height. The Zoning Administrator may modify this requirement for uses that will involve smaller delivery trucks such as offices.

(g) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.

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.

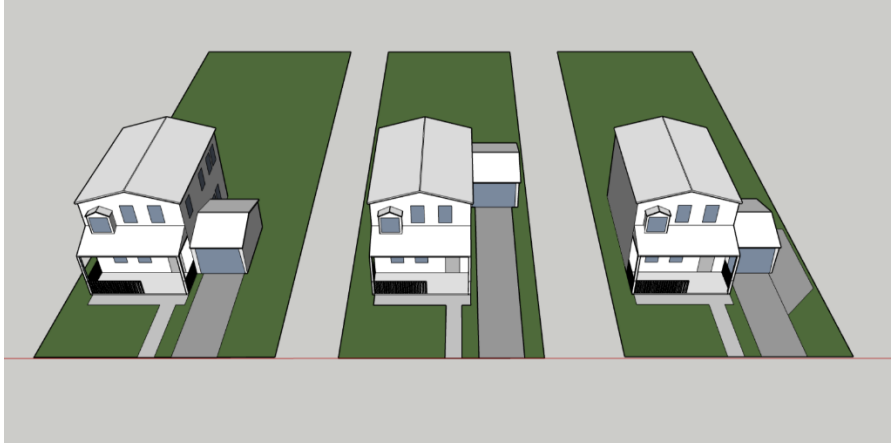
(2) In no instance shall gravel, stone, blocks, pavers, cement, asphalt or other similar materials be placed in front of the front building wall of a building to be used as a parking surface.

(b) Driveways

(1) A driveway may not exceed 20 feet in width or the width of the opening to the garage to which it provides access within the front yard of a Single-Family or Two-Family residential property and shall in no case be in front of the front wall of the dwelling. A driveway may not exceed 20 feet in width for a residential property where the driveway is not required to

provide two-way vehicular access to a parking lot that lawfully contains more than four parking spaces in the side or rear yard.

[FIGURE 97]



(2) Each residentially zoned or used parcel is permitted one driveway via one curb cut.

(3) A second driveway may be permitted after review and approval by the Zoning Administrator and the Department of Public Service.

a. A second driveway may 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.

b. A two-family dwelling with side-by-side units may be permitted two driveways after review and approval by the Zoning Administrator and the Department of Public Service.

(4) In no instance shall a driveway extend in front of the front building wall of a residential building.

1254.02 BICYCLE PARKING

1254.02.01 DEFINITIONS.

For purposes of this chapter:

APBP GUIDELINES. The 2nd edition of the bicycle parking guidelines issued by the Association of Pedestrian and Bicycle Professionals.

BICYCLE LOCKER. A locked compartment for the storage of a single bicycle.

BICYCLE PARKING SPACE. A secure structure designed and available exclusively for the storage of a bicycle.

BICYCLE ROOM. A room with controlled access for users of bicycles to be stored in the room.

LONG-TERM BICYCLE PARKING SPACE. Bicycle parking that is covered and enclosed on all four sides.

SHORT-TERM BICYCLE PARKING SPACE. Any bicycle parking space that is not a long-term bicycle parking space.

1254.02.02 REQUIRED BICYCLE PARKING SPACES.

Bicycle parking spaces shall be provided for the benefit of any structure identified in Section 1254.02.04 or Section 1254.02.05 if, after the effective date of this chapter:

(a) A site plan for the property on which the structure is located must be submitted to the Planning Office;

(b) The property on which the structure is located is rezoned to a district other than a Residential District; or

(c) A special land use permit is granted for the property on which the structure is located.

1254.02.03 BICYCLE PARKING GUIDELINES.

(a) To the extent feasible and unless otherwise provided by this chapter or the City of Lansing Bicycle Parking Guidelines promulgated by the Zoning Administrator, property owners are encouraged to conform to the APBP Guidelines~~.~~

(b) During the operating hours of the structure identified in Sections 1254.02.04 and 1254.02.05, bicycle parking spaces required by this chapter shall be lighted at an illumination level of at least .4 foot-candles.

(c) Bicycle parking spaces shall be located within 100 feet of an entrance to the structure or inside the structure.

(d) Bicycle parking spaces shall be adequately maintained and kept free of mud, debris, ice, and snow.

(e) Each short-term bicycle parking space provided pursuant to the provisions of this chapter shall support a bicycle in an upright position; allow both the bicycle frame and the front wheel to be locked; be securely anchored; have a hard surface, such as asphalt, concrete, or brick pavers, with dimensions of at least six (6) feet by two (2) 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 one seat.

(2) Numbers resulting from the prescribed formulas shall be rounded up from one half to the next whole number in calculating the number of required bicycle parking spaces.

(b) 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**

1254.02.05 OFFSET OF REQUIRED OFF-STREET PARKING SPACES.

The number of off-street parking spaces required by Section 1254.01 will be reduced by 1 space, with a maximum reduction of 20 percent of the number of off-street parking spaces required by Table 1254.01.03, for each of the following:

(a) Every six (6) bicycle parking spaces provided in excess of those required by this chapter; or

(b) Every six (6) short-term bicycle parking spaces covered by a permanent structure approved by the 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 rights-of-way,

(f) Location of existing access points (driveways) adjacent to, and across the street from, the site including the spacing from the proposed access points.

(g) Location and dimensions (width, radii, grades) of proposed access points and existing or proposed acceleration/deceleration tapers or lanes along or adjacent to the site;

(h) Location of all existing and proposed buildings;

(i) Required and proposed setbacks for all buildings and parking lots;

(j) The height of all proposed buildings and structures;

(k) The location and dimensions of all bicycle parking spaces, vehicular parking spaces/aisles, loading and unloading areas and driveways on or within 120 feet of the site;

(l) Number of required and proposed vehicular and bicycle parking spaces;

(m) The location of all existing and proposed right-of-way trees and a landscaping, screening and buffering plan that demonstrates compliance with the requirements of Chapter 1252 – Landscaping;

(n) The location and enclosure details for all waste receptacles;

(o) A photometric plan and a detail of the proposed exterior lighting poles/fixtures;

(p) Existing and proposed land elevations and/or contours to appropriately illustrate and direction of drainage flow;

(q) The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways, floodplains, and wetlands;

(r) A soil erosion and sedimentation control plan unless no earth changes are proposed as part of the site plan (an associated permit may also be required consistent with the requirements of City of Lansing Ordinance 1218.06.);

(s) Where required consistent with City of Lansing Ordinance 1219.04, a proposed, post-construction storm water management plan consistent with the requirements of Chapter 1219 of the City Code, including design of storm sewers, stormwater outlets, and stormwater retention or detention ponds;

(t) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan;

(u) Location of any on-site wastewater treatment and disposal systems;

(v) Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells or wells used for industrial processes;

(w) Inventory of hazardous substances (including include CAS numbers) to be stored, used or generated on-site, presented in a format acceptable to the City Fire Marshal;

(x) Descriptions of type of operations proposed for the project and drawings show size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials;

(y) Description and location for any existing or proposed above ground and below ground storage tanks;

(z) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.

1260.05 COMPLIANCE AND CONSTRUCTION WITH APPROVED SITE PLAN

(a) Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan including any approved revisions, amendments or modifications made thereto. Failure to conform to the approved site plan shall constitute a violation of this Chapter. In order to assure compliance with the approved site plan, a completion bond equivalent to the value of the site work shall be submitted to the Planning Office prior to commencement of construction. If construction and development does not conform to the approved plan, the approval thereof shall be revoked by the Zoning Administrator by written notice of such revocation. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. If necessary based upon continued non-compliance, the City may also elect to invoke the provisions of the completion bond for the purposes of mobilizing forces to correct any non-compliant aspects of the development. The completion bond shall be released by the Planning Office upon confirmation that the development is compliant with the approved site plan including any approved revisions, amendments or modifications made thereto.

(b) For all approved site plans, as-built drawings for all site work and utility construction shall be submitted to the Public Service Department within fourteen (14) days of completion of construction.

(c) No Certificate of Occupancy for any development on a site subject to the requirements of this chapter shall be issued until all components of the approved site plan are completed and in place.

(d) The approval of any site plan under this provision shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one year period, then such approval shall continue for a period of two years from the date thereof; provided, however, that should a lapse of more than six months in continuous substantial construction and development not occur, said approval shall expire.

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 Office and shall be accompanied by the fees established by Council and the documents required by Chapter 1260.

(b) The Planning Office shall refer the application described in subsection (a) hereof to the Planning Commission for consideration and recommendation to Council.

(c) The Planning Office, 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 Planning Office 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 Commission on the special land use request and give the date, time and location of the public hearing described in subsection (f) hereof.

(f) The Commission 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 Commission 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 Commission 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 Commission, shall hold a public hearing for the purpose of a de novo review of the recommendation of the Commission 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;

b. The applicable neighborhood watch officer, if any; and

c. The applicable neighborhood association, if any.

(2) Following the public hearing, the Council shall review the site plan for compliance with the criteria contained in this chapter for evaluating special land use permits and shall deny, approve or approve with conditions the amendment to the original special land use permit.

(3) The Council shall complete its review and render its decision within 60 days from the date that the site plan was referred by the planning office. Failure to act shall be deemed approval of the amended special land use permit.

(c) Conditions of approval, if any, shall be recorded in the written decision described in section 1262.02 (k) and shall remain unchanged, except upon the mutual consent of the applicant and Council.

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 Commission 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 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 Commission 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 Commission 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) Comprehensive 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 Commission that such uses will be appropriate and compatible with the uses proposed for the development and with surrounding uses. The Planning Commission may permit additional uses to create an integrated, mixed-use development based upon the recommendations of the City of Lansing Comprehensive 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.

1264.05 HEIGHT, AREA AND BULK REGULATIONS

The height, bulk and area conditions set forth in the underlying district requirements shall be used as guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent with the intent of the PUD, the Planning Commission may permit specific departures from the requirements of this chapter. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

(a) Modifications to Dimensional Requirements. Where modification of the zoning ordinance standards is requested, the applicant shall provide a table for each specific standard proposed to be modified. Unless modifications are specifically requested and approved by the city, the site plan shall comply with the appropriate requirements of the city.

1264.06 APPROVAL PROCEDURE

(a) Overview of PUD Review and Approval Process. The PUD review and approval process includes the following steps:

(1) Preapplication conference with Planning Office on the PUD concept plan.

(2) Planning Office review of PUD concept plan.

(3) Planning Commission public hearing and recommendation on PUD concept plan.

(4) City Council review and approval of PUD overlay zone, PUD concept plan and PUD agreement.

(b) Preapplication Conference with Planning Office.

(1) Applicant Request. An optional pre-application conference with the Planning Commission Office may be requested by the applicant to discuss the appropriateness of a PUD and the

concept plan to solicit feedback and to receive requests for additional materials supporting the proposal.

(c) Planning Office Review of PUD Concept Plan.

(1) PUD Concept Plan. A concept plan for the PUD that contains all of the following information, along with fees established by City Council, shall be submitted for Planning Office review:

a. A conceptual plan for the development, drawn to an engineer's scale of not less than one (1) inch = fifty (50) feet for property less than three (3) acres, or one (1) inch = one hundred (100) feet for property three (3) acres or more in size, that includes all of the following:

1. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;

2. Scale and north-point;

3. Location map drawn to a separate scale;

4. Legal description of property;

5. Zoning classification of site and all abutting parcels;

6. Net acreage (minus rights-of-way) and total acreage;

7. Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 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;

1. **The general location of existing plant material;**
2. **Location of existing drainage courses, floodplains, rivers and EGLE regulated wetlands;**
3. **Location of existing and proposed sanitary sewers;**
4. **Location of existing and proposed water mains;**
5. **Stormwater retention and detention pond locations and existing, or proposed storm sewers;**
6. **Number and location of residential units;**
7. **Density calculations by type of residential unit; and**
8. **Location and size of recreation and open space areas.**

b. Documentation indicating how the criteria for qualification for a PUD have been met.

c. A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article; this table shall clearly identify the allowed regulation in comparison to the requested deviation.

d. The manner of the ownership and dedication, and any mechanism to protect and maintain any areas designated as common areas or open space.

e. Any additional information requested by the Planning Commission 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.

(d) Planning Commission Public Hearing. A public hearing for the Planning Commission 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).

(e) Planning Commission Review, Decision, and Recommendation.

(1) PUD Concept Plan. The Planning Commission 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 Commission shall recommend approval, approval with conditions or denial of the PUD request to the City Council. The recommendation shall be based on the following:

a. Whether the proposal provides the recognizable benefits intended in this Chapter;

b. Promotes the land use goals and objectives of the City or the Comprehensive Plan;

c. Whether all applicable provisions of this article and this chapter are met;

d. 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

e. Whether the project successfully provides a transition between higher and lower density uses and/or between nonresidential and residential.

(f) 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:

(1) A survey of the acreage comprising the proposed development.

(2) The manner of ownership of the developed land.

(3) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.

(4) 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.

(5) 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.

(6) The cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the City Council.

(7) Provisions to ensure adequate protection of natural features.

(8) The PUD site plan shall be incorporated by reference and attached as an exhibit.

(g) City Council Review of PUD Overlay Zoning PUD Concept Plan and PUD Agreement.

(1) Following receipt of a recommendation from the Planning Commission 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.

(h) 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.

(i) 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 approval shall automatically become null and void and all rights thereunder shall

terminate. The Planning Commission may for good cause extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date. Upon expiration of a PUD concept plan, the City Council may direct the Planning Commission to conduct a public hearing and make a recommendation to remove the PUD overlay district.

(j) Final Approval of Site Plan

(1) Following City Council approval of the PUD concept plan, a final site plan for the PUD or individual phases of the PUD shall be submitted in accordance with Chapter 1260 Site Plan Review procedures.

(2) All site plans subsequently submitted shall conform with the PUD concept plan, all conditions attached to preliminary approval, the PUD agreement and the requirements of this ordinance. Where the Planning Office determines that changes to the final site plan significantly deviate from the PUD concept plan, the Planning Commission Office shall refer the PUD to the Planning Commission to conduct another public hearing, review the plan as an amended resubmission of the PUD concept plan under the requirements of this article, and make a recommendation on the proposed changes to the City Council for approval, denial, or approval with conditions.

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 is 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.

(e) **Exempt Properties and Uses. Existing residential buildings with six (6) or fewer dwelling units and its accessory structures, that were lawfully constructed prior to the effective date of this ordinance, but do not conform to the zoning district or dimensional requirements of this Chapter shall have conforming status, and thus, may be restored or reconstructed in the event of damage or destruction caused by an act of nature or as is necessary to effectuate the removal or repair of a dilapidated or unsafe structure, subject to the following conditions:**

(1) **Must be rebuilt or restored in compliance with current building code requirements.**

(2) **May be rebuilt or restored to its original building massing, placement, and density level, unless, if being reconstructed, it can reasonably be brought into compliance with existing setback requirements. This determination shall be made by the Zoning Administrator and shall be based upon the size and configuration of the lot, the location of other structures on the subject property and adjoining properties, whether requiring compliance with a required setback would impede parking or access to a garage or would result in reducing the size of a structure below what is permitted or required under the provisions of this Chapter.**

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.

(2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except as may be permitted by the Board of Zoning Appeals upon a finding that the repair and reconstruction shall:

a. Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots

b. Comply with any reasonable conditions imposed by the Board of Zoning Appeals that are necessary to ensure that the repair and reconstruction shall not prove detrimental to adjacent properties, the neighborhood, or the community.

c. The owner shall provide the necessary information to make a determination as to whether or not repairs to the structure will exceed 50 percent of the replacement cost, exclusive of the foundation.

(3) Should a non-conforming building or structure be destroyed to an amount equal to or less than fifty percent (50%) of its estimated replacement cost, exclusive of the foundation, it may be reconstructed in its previously non-conforming location.

(4) An owner shall commence repair and reconstruction work within twelve (12) calendar months of the Board of Zoning Appeals approval of the application. Upon request, the Zoning Administrator may approve an administrative extension of up to an additional six (6) calendar months where a property owner can demonstrate a good faith effort to start work or demonstrate third-party delays beyond their control. Extensions beyond the six (6) months must be approved by the Board of Zoning Appeals.

1270.04 NON-CONFORMING USES

(a) Enlargement or Increase of Non-conforming Use. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied prior to the effective date of this Chapter, or an amendment thereto, except as may be permitted by the Board of Zoning Appeals in determining that the proposed enlargement, increase, or greater area shall:

(1) Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;

(2) Comply with all parking, sign, or other applicable regulations for accessory uses for the area affected by the proposed enlargement, increase, or greater area;

(3) Comply with any reasonable conditions imposed by the Board of Zoning Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area shall not prove detrimental to adjacent properties, the neighborhood, or the community.

(b) Extension within a Building. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Chapter and would have been permitted by right, but the use shall not be extended to occupy any land outside the building.

(c) Reduction in Non-conforming Use. If any part of a non-conforming use is moved or reduced in size by action of the owner, the part of the non-conforming use that is moved or reduced in size shall be considered to be abandoned and any subsequent use shall conform to the requirements of this Chapter.

(d) Abandonment of a Non-conforming Use. If a non-conforming use is abandoned for any reason for a period of more than twelve (12) calendar months, any subsequent use shall conform to the requirements of this Chapter. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(e) Extensions. Upon request, the Zoning Administrator may approve an administrative extension of up to an additional six (6) calendar months where a property owner can demonstrate a good faith

effort to sell or lease the premises to another, similar use prior to determining abandonment. Requested extensions beyond the six (6) months must be approved by the Board of Zoning Appeals.

(f) Change to Other Non-conforming Use. A non-conforming use may be changed to another non-conforming use provided the Zoning Administrator makes all of the following determinations:

(1) The proposed use shall be as compatible as, or more compatible with, the surrounding area than the previous non-conforming use.

(2) The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use, except as may otherwise be permitted by this Article.

(3) That appropriate conditions of approval and safeguards are provided that ensure compliance with the intent and purpose of this Chapter.

1270.05 NON-CONFORMING SITES

This section applies when a change in use or a site plan is proposed on a site that does not conform with the current ordinance standards,

(a) New development or a replacement of the existing building(s). Where a new building is being constructed, full compliance with the current ordinance standards shall be required.

(b) Building Façade Renovations. Renovations to a building that does not include changes to the site, shall not be required to be brought into compliance with the ordinance, except for conforming features that impact safety such as building code compliance.

(c) Change in use, expansion or reconstruction on part of the site. The Zoning Administrator may review the extent of the non-compliance and may require full or partial compliance, or allow certain non-conforming features to remain, based on the relationship to the extent of the change proposed for the lot. In making such a determination, the Zoning Administrator may require an upgrade to the site based upon the following standards.

(1) Reasonable site improvements to be made in relation to the scale and construction cost of the improvements

(2) Improvements to the site are necessary to address safety-related site issues in accordance with the building code, fire code and other safety regulations.

(3) Existing parking and loading spaces do not meet the current requirements of Chapter 1254 – Parking. The Zoning Administrator may allow for continued us of parking and loading spaces that do not meet the current required dimensions within all or a portion of the existing parking area if the intensity of the use will not increase. The Zoning Administrator may require improvements to the pavement and parking lot striping.

(4) The closing, relocating, redesigning or reconfiguring of access points to allow shared access with an adjacent parcel for the purpose of reducing conflicts with traffic and non-motorized travel along the public street. (For example, driveways closest to signalized intersections or that have a poor offset spacing from driveways across the street may need to be closed, relocated or restrict certain turning movements to improve traffic flow and reduce crash potential). The Zoning Administrator may defer to the City Transportation Engineer for required changes to access design. See Section 1254.01.12 - Ingress And Egress.

(5) Improved landscaping, to the extent practical, is necessary to provide sufficient buffering from less intensive adjacent uses, to improve the streetscape, mitigate the impact of non-conforming buildings or structures, and reduce the flowrate and improve the quality of stormwater runoff.

(6) Conformance with the standards of section will result in reduced glare onto adjacent residential or institutional properties and public rights-of-way.

(7) Relocating and screening waste receptacles that are not fully conforming to current placement and screening standards will reduce conflicts with vehicles, improve views from the public street, and reduce impacts on adjacent residential property.

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 are hereby authorized to conduct inspections beyond normal business hours as necessary to enforce the provisions of this Zoning Code, subject to compliance with all other provisions of this Section.

(d) 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.

(e) 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.

(f) 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).

(b) In all cases where penalties or forfeitures are provided for any act or omission, they shall be held to apply to each and every such act or omission. Each and every day the violation exists shall be a separate act or omission. In addition to the foregoing penalties, the City may enjoin or abate any violation of any of the provisions of this Zoning Code by appropriate action.

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 Commission 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) City Council.

(b) The application described in subsection (a) hereof shall be made on forms provided by the Planning Office and accompanied by the fees required by Council.

(c) After the Planning Office refers the application to the Planning Commission, the Commission 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 (d) hereof.

(d) 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 Commission 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 Commission 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 Commission, 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 Commission 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 Commission's report, or refer this Zoning Code and maps again to the Commission for a further report.

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

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

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

(d) For purposes of subsection 1276.02 (c) hereof, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

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

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

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

(3) The effective date of the ordinance; and

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

1276.03 CONDITIONAL REZONING

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

(b) Application and offer of conditions.

(1) A land owner or a land owner's agent may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process.

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

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

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

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

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

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

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

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

(e) Approval.

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

(2) The statement of conditions shall:

a. Contain a legal description of the land to which it pertains.

b. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.

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

d. Contain the notarized signatures of all of the land owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

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

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

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

(f) Compliance with conditions.

(1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this zoning ordinance and be punishable accordingly. Additionally, any such

violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

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

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

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

(i) Subsequent rezoning of land. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the land owner's written request, the City Clerk shall record with the register of deeds a notice that the statement of conditions is no longer in effect.

(j) Amendment of conditions when extension requested. If a conditional zoning has been approved and the applicant requests an extension of time for commencement of the development, the City Council may add to, delete or modify the conditions in the previously approved statement of conditions as

part of its decision to grant the requested extension so long as the changes are proposed by the developer.

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

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

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Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed in their entirety and shall be null and void and of no effect.

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. All applications for site plan approval or zoning classification amendment made prior to the effective date of this ordinance will proceed under the existing zoning ordinance and map.

Section 5. This ordinance shall take effect on the 30th day after enactment by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2033.

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING PART 12, TITLE 6, CHAPTER 1250, TO ADD 1250.04.08, ALLOWING FOR ACCESSORY DWELLING UNITS ON PARCELS IN CERTAIN ZONING DISTRICTS WITH PRINCIPAL A USE OF SINGLE-FAMILY DWELLING.

THE CITY OF LANSING ORDAINS:

Section 1. That Part 12, Title 6, Chapter 1250, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to include 1250.04.08 as follows:

1250.04.08 ACCESSORY DWELLING UNITS

(a) Definitions:

ACCESSORY DWELLING UNIT. A dwelling unit detached from and accessory to a principal Single-Family dwelling, also known as an ADU.

(b) In general, Applies to all Accessory Dwelling Units only.

(1) In addition to the following requirements, an Accessory Dwelling Unit is subject to all requirements of Section 1244.02, unless otherwise permitted.

(2) Only one (1) ADU is allowed on lots with an existing Single-Family principal dwelling in the R-1, R-2, R-3, R-MX, and DT-1 zoning districts.

(3) An ADU shall be detached in the rear yard subject to the size limitations of this chapter or be part of an accessory building (such as a converted garage or carriage house), subject to the size limitations of Maximum Square Footage of Detached Accessory Garages in Table 1250.04.01.

(4) An ADU may have its first-floor finish elevation built at finished grade.

(5) A principal structure shall not be divided into two (2) dwelling units for use as an Accessory Dwelling Unit.

(6) An ADU is limited to a maximum of two (2) bedrooms.

(7) An ADU must be registered and properly licensed as a rental by the City Code Compliance Office, unless the occupants of both structures are named in the property deed.

(c) Site Layout Requirements.

(1) Building Massing			
Minimum Height	**12'**	**1 Story**	
Maximum Height	**15'**	**1.5 Stories**	
Maximum Height of second story unit of a garage	**20'**	**2 stories**	
ADU Ground Floor Area	**Min. 400 sq. ft.**		**Max. Not to exceed the ground floor area of the principal structure, up to 1,000 square feet**

(2) Building Placement		
Front Setback	**ADU is prohibited from being placed anywhere within the Front Yard.**	
Minimum Setback from all side and rear property lines and other structures, if unattached	**10'**	
Minimum Setbacks if second story unit of a garage	**May maintain existing setbacks, subject to all Building Code and Fire Code requirements.**	
Minimum Lot Size	**R-1**	**7,500 sq. ft.**

	R-2, R-3, R-MX, DT-1	**6,000 sq. ft.**
Maximum Coverage of rear yard	**33%**	
Maximum Lot Coverage with ADU	**65%**	

(3) Parking	
Parking	**One (1) unobstructed parking space, in addition to the parking for the principal residence**

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these 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 by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2033.