

Introduced: 10-16-18  
Public Hearing: 01-22-19  
Adopted: 02-12-19  
Effective: 03-07-19

ORDINANCE NO. 1443

AN ORDINANCE TO AMEND SECTION 50-943 OF DIVISION 4 - CITY CENTER COMMERCIAL DISTRICT, B-3 - OF ARTICLE VI - BUSINESS, OFFICE AN INDUSTRIAL DISTRICTS - OF CHAPTER 50 – ZONING - OF THE CODE OF THE CITY OF EAST LANSING TO MAKE CHANGES TO THE BUILDING HEIGHT LIMITATIONS IN THE B-3, CITY CENTER DISTRICT

THE CITY OF EAST LANSING ORDAINS:

**Section 50-593 of Chapter 50 of the Code of the City of East Lansing is hereby amended to read as follows:**

Sec. 50-593. - Development standards.

- (a) No use conducted on any premises within this district shall be permitted to occupy or use space within the public right-of-way, or operate a business which would restrict the use of a public street, sidewalk, or alley unless the proper authorization is first granted by the city council or its agent.
- (b) Minimum front yard depth: None.
- (c) Minimum rear yard depth: None, except if the rear yard abuts any residential district, in which case the minimum setback shall be ten feet.
- (d) Minimum side yard width: None, except if the side yard abuts any residential district, in which case the minimum setback shall be ten feet.
- (e) Minimum floor area requirement. The minimum floor area of any proposed building, exclusive of basement areas used for mechanical or storage purposes, shall be determined by a ratio of 1.25 times the area of the site. Any building existing at the time of adoption of the ordinance from which this division is derived shall be allowed to expand without regard to this standard. Small, separately held lots of less than 10,000 square feet that abut a residential district may also be exempted from this requirement if the planning commission determines that the development potential of the lot is limited because of its size, configuration or location and that the proposed design and use of the lot would provide a desirable buffer between adjacent uses.
- (f) The building height shall be four stories or 64 feet if they don't have a residential component and six stories or 96 feet if they have a residential component; except buildings may be up to eight stories or 112 feet in height or below the required height, subject to an approved special use permit as provided by article II, division 3, of this chapter; and except further, that the city council may, upon an affirmative vote of three-fourths of all members of the city council, permit an increase in stories or a maximum building height of up to 140 feet for a building deemed by the city council to be of significant public benefit subject to an approved special use permit as provided in article II, division 3 of this chapter. Further, additional stories may be added to existing one and two story buildings that total less

than four stories or 64 feet in height if the existing building remains substantially the same and no additional structural changes are needed to the existing building to support the additional stories.

- (g) Maximum building and ground coverage. The percentage of total site area allowed to be covered shall be determined according to the following schedule:

Base Ratio	Base Allotment	Maximum Permitted
Building coverage	80% + (*)	= 100%
Ground coverage	85% + (*)	= 100%

\*Bonus allotments of building and ground coverage may be granted, provided that, the proposed use, its site or its relationship to adjacent properties incorporates certain architectural or site design features which allow for public or private open space, free movement of pedestrian traffic, abundant light and air, and other related elements. Qualifying features may include, but are not limited to, atriums, arcades, enclosed walkways, rooftop gardens, landscaped areas, plazas, and outdoor dining areas.

- (1) For buildings and sites where the principal use is any commercial use identified in section 50-592, bonus coverage shall be allotted on the basis of one and one-half square feet of added building and ground coverage for every one square foot of site area occupied by qualifying features.
  - (2) For buildings and sites where the principal use is a major commercial establishment or attractor which promotes a high intensity pedestrian environment, offers a variety of goods or services, and has a minimum of 25,000 square feet of floor area, such as a large retail establishment or department store, a major office headquarters, or a hotel, bonus coverage shall be allocated on the basis of three square feet of added building and ground coverage for every one square foot of site area occupied by qualifying features.
  - (3) For buildings and sites where the principal use is a combination of any commercial use identified in section 50-592 and housing, bonus coverage shall be allocated on the basis of five square feet of added building and ground coverage for every one square foot of site area occupied by qualifying features.
- (h) Any portion of a site not occupied by a building or covered by paving necessary for adequate ingress and egress, off-street loading or parking, or qualifying bonus features shall be landscaped with a combination of living deciduous and evergreen trees and shrubs in an attractive manner.
- (i) Loading requirements. Off-street loading areas shall be provided as required by article VIII of this chapter.
- (j) On-premises parking. Consistent with the purposes of this district and the city's policies to optimize use of its consolidated parking facilities in the City Center commercial district, on-premises parking facilities intended as accessory uses to serve one or more uses on the same lot shall be prohibited, except where:
- (1) The applicant has demonstrated that the parking is necessary for the residents or customers of the proposed use and the municipal parking facility cannot accommodate the use; or
  - (2) The applicant has demonstrated that the parking is necessary for increased accessibility for handicapped persons.

If it is demonstrated that on-premises parking is necessary, the planning commission may stipulate conditions on the arrangement and operation of such parking to ensure that it is used for the purposes for which it is intended and approved or to ensure that it does not cause disruption of pedestrian or vehicular circulation.

- (k) Off-premises parking. To ensure accessible parking for all uses in the district, the standards of subsection 50-814(d) must be met.
- (l) Applications for a building and/or occupancy permit to construct or expand a building or to convert or extend the use of a building which would result in an increased parking demand, as determined from the standards in section 50-812, shall first be submitted to the planning and zoning official for review.
  - (1) To determine the number of parking spaces available, the planning and zoning official shall yearly prepare a report on the utilization of parking spaces within the district which specifies the number of spaces available by location, price, and tenure rates, and time of day. The report shall be presented to and approved by city council. The planning and zoning official shall also keep a record of all new, expanded, and converted uses which generate increased parking demands. The planning and zoning official shall not approve an application when the total amount of additional parking demands approved under subsection (l)(2) and subsection (l)(3) of this section within a one-year period would exceed a figure equal to 75 percent of the total number of parking spaces determined to be available in the annual report.
  - (2) If the application would result in an increase of ten or fewer spaces for a use within a two-year period, the planning and zoning official shall approve it, if there are adequate and appropriate parking spaces available to serve the use, as defined by the following standards:
    - a. The price and tenure rates for available parking spaces must be consistent with the expected parking habits of customers, employees, and tenants of the proposed use.
    - b. The parking spaces must be available at all times consistent with anticipated peak parking demands of the proposed use.
    - c. The parking spaces must meet the standards of subsection 50-814(d).
  - (3) If the application would result in an increase of more than ten spaces within a two-year period or would exceed the limit of 75 percent of available spaces described above, the applicant shall submit a parking plan to the planning commission for review at a public hearing. The parking plan shall indicate where customers, employees, and tenants of the proposed use will be expected to park; the estimated number of employees and tenants; the anticipated time(s) of peak customer loads; the location and arrangement of all existing or proposed on-site parking spaces as may be permitted under subsection (j) of this section; evidence of any arrangement(s) made by the applicant to use other off-premises parking spaces; and evidence of any proposed action(s) by the applicant to control or limit the parking demand generated by the proposed use. The planning commission shall approve the parking plan if it determines that the proposed use would not adversely affect surrounding properties and public facilities and that one or more of the following conditions exist:
    - a. Because of the particular characteristics of the proposed use, it would not be expected to generate a significant increase in parking demand.
    - b. Existing or proposed on-site spaces or other private off-street parking facilities, as may be permitted under subsection (j) of this section, would meet the parking needs of the proposed use.

- c. The parking demand would be adequately accommodated within the municipal parking system due to the availability of spaces appropriate to serve the proposed use, as defined in the standards in subsection (1)(2) of this section.
- d. The parking demand would be adequately accommodated within the municipal parking system by directing customers, employees, and tenants to available spaces through validation policies, leasing arrangements, promotional programs, providing bus tokens, or other actions of the applicant.

The commission may, at its discretion, condition approval of a parking plan to ensure the parking needs of the proposed use are adequately met without adversely impacting other property or causing congestion on public streets or within the municipal parking system, including mandatory validation policies, mandatory parking space leasing arrangements, and/or other mandated actions.