

ORDINANCE NO. 31.171

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY AMENDING SECTION 85-7 (“G’ GENERAL BUSINESS ZONE”) AND SECTION 85-8 (“H’ INDUSTRIAL ZONE”) TO CHAPTER 85 (“USE, HEIGHT, AREA REGULATIONS”) OF TITLE VIII (“ZONING”), TO: AUTHORIZE CERTAIN USES PERMITTED AS OF RIGHT AND BY SPECIAL USE PERMIT WITHIN THE “G” GENERAL BUSINESS ZONE AND THE “H” INDUSTRIAL ZONE; MAKE CERTAIN TECHNICAL AMENDMENTS TO SAID ORDINANCE PROVISIONS; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE THEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. The Charter Township of Lansing Code of Ordinances is hereby amended by amending Section 85-7 (“G’ General Business Zone”) to Chapter 85 (“Use, Height, Area Regulations”) to Title VIII (“Zoning”) as follows:

Section 85-7. - "G" general business zone.

The general business zone is intended for a wide range of business activities. Most of the permitted enterprises will need considerable space per customer. Service in the form of repairs, truck traffic, and outdoor storage will be normal characteristics.

Section 85-7.1. Uses permitted. The specific uses permitted in the general business zone shall be the erection, construction, alteration, conversion or use of buildings and/or land for:

(1) Uses permitted as of right:

- a. All uses permitted as of right and by special permit in the commercial zone and listed in section 85-6.1.
- b. Bottling works, including milk bottling or distributing station.
- c. Cold-storage plant.
- d. Furniture reupholstering and repair, or redecorating store or shop.
- e. Monument sales.
- f. Plumbing supply and contracting shops.
- g. Repair shops for electrical appliances, lawn mowers, bicycles, motorcycles and other equipment.
- h. Sales agencies for contractor and agricultural equipment.
- i. Sign painting shop.
- j. Tin and sheetmetal shop.
- k. Any customary accessory building and use.
- l. Any signs permitted in "F" commercial with the same restrictions provided no more than two advertising signs not exceeding in the aggregate more than 600 square feet shall be permitted. In no event is any sign to exceed 300 square feet.

- m. Outside storage yards that are completely enclosed by a well-maintained masonry wall or solid fence six feet high.
- n. Painting, varnishing, vulcanizing, bump shops.
- o. Safety compliance facilities as described in Chapter 71A (“Medical Marihuana Facilities”) and defined by the Medical Marihuana Facilities Licensing Act, Act 281, Public Acts of Michigan, 2016, as amended, and also as described in Chapter 71B (“Marihuana Facilities”) as provided for in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of Michigan, 2018, as may be amended.

(2) The board of trustees may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards of the particular use stated herein are met, and the general spirit and purposes of this zone are maintained.

- a. Trailer coach park: Provided, the conditions established in section 85-3.1, subsection (2b) are met.
- b. Outdoor or drive-in theater: Provided, it complies with the following requirements:
 - 1. Picture screens shall not be permitted to face the street and shall be so located as to be out of view of any major thoroughfare.
 - 2. Not more than one entrance should exist for each access street.
 - 3. On two-lane streets where left turns are permitted, the entrance should not exceed 40 feet in width.
 - 4. On three or more lane streets where left turns are prohibited, the entrance lane should not exceed 14 feet in width.
 - 5. On three or more lane streets where left turns are permitted, the entrance should not be over 19 feet wide.
 - 6. Entry turn speeds of 20 miles per hour or a 30-foot corner radius should be provided for right turn movements.
 - 7. Entry turn speeds of ten miles per hour or a ten-foot corner radius should be provided for left turn movements.
 - 8. Separated entries should be provided for right and left turns where arrival volume is nearly equally divided by direction.
 - 9. Where left turns are prohibited, the exit should not be more than 14 feet wide.
 - 10. Where left turns are permitted, the exit should not be more than 19 feet wide with a small island divider at the exit point.
 - 11. Acceleration and deceleration lanes should be used if possible.
 - 12. Left turns at entrances or exits should be prohibited on the major street where possible.

13. Ticket gates should be provided in accordance with the following ratios: one ticket gate for 300-car capacity theater; two ticket gates for 600-car capacity theater; three ticket gates for 800-car capacity theater; four ticket gates for 1,000-car capacity theater.
 14. The screen tower shall not exceed 65 feet in height.
 15. A minimum yard of 75 feet shall separate said drive-in theater from any public street used for access, or exit purposes. This yard shall be landscaped and properly maintained at all times in accordance with the plan of development approved at the time a building permit was issued.
- c. Advertising signs such as billboards or bulletin boards may be permitted providing they do not extend over the property line. No billboard type advertising sign shall exceed 672 square feet in total area, provided, that double panel billboards back to back may be allowed providing they do not exceed 1,344 square feet total area, per location, with an allowance for cutouts not to exceed 28 square feet additional on each panel and provided further that they do not create a visual obstruction to traffic or obscure any existing advertising sign or building front when viewed from the edge of the pavement, from a distance of 300 feet in either direction, nor shall such signs be erected forward of the building setback line, and provided further that no billboard-type advertising sign shall be located within 500 feet of any other billboard sign. All such signs shall further comply with the provisions of chapter 102, Sign Regulations.
 - d. Any building may have an additional sign when the building has frontage on two intersecting streets.
 1. Such sign shall be limited to advertising the use of a business activity occurring within that building.
 2. Such sign may contain advertising on more than one side and may be placed so as to be visible from both streets upon which the building fronts, but in no case may the sign extend over a property line.
 3. No such sign shall have any one side of more than 300 square feet of area.
 4. The maximum height of such sign shall not exceed 25 feet above the crown of either intersecting street, and the minimum height of such sign shall be at least eight feet above the grade immediately below the sign.
 5. Such sign shall not be animated as defined in section 82-2 of this Code.
 - e. Carting and express.
 - f. Circus, carnivals, private stadiums.
 - g. Dog kennels, animal hospitals. (Ord. No. 31.96, § 1, 6-26-84; Ord. No. 31.107, § 1, 9-2-86; Ord. No. 31.139, § 1, 8-22-95)

Section 85-7.2. Yard and height requirements. In the general business zone the yard and height requirements shall be the same as for the commercial zone and specified in sections 85-6.2, 85-6.3, 85-6.4, and 85-6.5.

Section 85-7.3. Landscape Requirements.

- (1) A minimum of one deciduous tree shall be planted for each 40 lineal feet or portion thereof of public road frontage, plus, a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of public road frontage, plus, a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of public road frontage. For the purpose of computing length of public road frontage, openings for driveways and sidewalks shall be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings, as approved by the township.
- (2) Screening in the form of a landscape berm, greenbelt, or wall shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park or similar public area. Landscape screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the material and details must be provided as part of the planned development application.
- (3) Off-street parking areas shall be provided with at least 30 square feet of interior landscaping per parking space. Each interior landscaped area will include at a minimum one deciduous tree and eight shrubs. Existing mature trees shall be retained whenever identified feasible by the township board.

2. The Charter Township of Lansing Code of Ordinances is hereby amended by amending Section 85-8 (“H’ Industrial Zone”) to Chapter 85 (“Use, Height, Area Regulations”) to Title VIII (“Zoning”) as follows:

Section 85-8. - "H" industrial zone.

The industrial zone is established for the purpose of encouraging within it the development of manufacturing, processing, storage, and office establishments in a setting suitable for such activities and mutually advantageous for the permitted uses. It is intended to prohibit residential uses and discourage intensive retail commercial enterprises as being incompatible with the primary uses permitted.

Section 85-8.1. Uses permitted. The specific uses permitted in the industrial zone shall be the erection, construction, alteration, conversion or use of buildings and/or land, subject to the following restrictions, for:

- (1) Uses permitted as of right:
 - a. Uses permitted as of right in the general business zone and listed in section 85-7.1 as items (1)b through (1)o inclusive. This intentionally omits the usual retail store (except automobile and trailer sales or rentals), hospitals, schools, residencies and similar land uses.
 - b. Advertising signs and billboards provided no billboards shall exceed 672 square feet and provided further that no more than one double billboard back to back shall be allowed in any one location which said double billboard shall have a total surface area of not to exceed 1,344 square feet, per location, with an allowance for cutouts not to exceed 28 square feet additional on each panel; and no billboard shall be permitted which is less than 300 feet from any other billboard in the "H" industrial zone or in any adjacent zone in which a billboard may be located.

- c. Assembly and packaging plants, including specifically automobile and automotive components manufacturing and assembly plants and all manufacturing operations incidental thereto; and all defense material assembly and manufacturing operations to which such plants might be converted.
- d. Dog kennels, animal hospital.
- e. Electric appliance and apparatus assembly and manufacturing.
- f. Electroplating.
- g. Greenhouses.
- h. Industrial research laboratories.
- i. Lumber, coal, brick, stone, contractor supply and storage yards: Provided, such use is entirely enclosed within a well-maintained masonry wall or solid wood fence not less than six feet in height.
- j. Machine shop or blacksmith shop, wrought iron shop, tool and die shop.
- k. The manufacturing, compounding, processing and packaging or treatment of bakery goods, candy, chewing gum, soft drinks, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments (except fish, sauerkraut, vinegar and yeast), macaroni and noodles, oleomargarine (compounding and packaging only). The freezing and packaging of fruits, fruit juices, vegetables and meats.
- l. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, thread, and paint not requiring a boiling process.
- m. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
- n. The manufacturing of small electrical parts, neon signs.
- o. The manufacturing of children's vehicles, including baby carriages, bicycles, scooters, wagons, or similar vehicles.
- p. Offices.
- q. Parking garages.
- r. Photoengraving, photographic reproduction and blueprinting.
- s. Poultry killing.
- t. Production by hand of crystal glass art novelties, pottery, figurines, or similar ceramic products using previously pulverized clay.
- u. Motor freight depot or trucking terminal: Provided, the truck entrance is from and exit is to a street whose roadway is at least 30 feet between curbs; and the loading or unloading platform is at least 50 feet from the street upon which it faces.
- v. Precision instrument and optical equipment manufacturing.
- w. Restaurants.

- x. Stone, marble, granite grinding, dressing, and cutting.
- y. Television and radio broadcasting towers.
- z. Accessory uses clearly appurtenant to the main use of the lot.
- z-1. Public utility buildings, telephone exchanges, transformer stations with service yards. Water and sewage pumping stations.
- z-2. Miniwarehousing and storage in bulk for such material as building materials, contractor's equipment, furniture, food, fabrics, hardware and similar goods.
- z-3. Warehousing with or without on-site sales, provided retail sales to the general public are incidental to the main use of the establishment.
- z-4. Military armories.
- z-5. Communication towers as allowed in chapter 105
 1. Minimum site size required will be 60 feet frontage with 100 feet depth.
 2. Setbacks: Front - 50 feet (unless pre-established building line); Side - 15 feet; rear - 20 feet.
 3. No signage permitted on the site except what is allowed or required on the tower.
 4. Applicant must demonstrate attempts of co-location.
 5. Height: 300 feet maximum with measurement to be made from ground level.
 6. Landscaping of accessory buildings and tower. Landscaping and screening shall be provided in the form of shrubs, trees or bushes with a minimum height of six feet that will not interfere with the maintenance of the structures. Opaque fencing will be required not to exceed six feet in height in the rear and side yards.
- z-6. Medical Marihuana Class A grower facility as described in Chapter 71A (“Medical Marihuana Facilities”) and defined by the Medical Marihuana Facilities Licensing Act, Act 281, Public Acts of Michigan, 2016, as amended, and with the following restrictions:

Shall be prohibited within 1,000 feet (measured from property line to property line as of the date the initial application is made) of (A) a school property, as defined by Public Act 368 of 1978, as amended, including any facility with after school programs; (B) a child care center as defined and licensed by Public Act 116 of 1973, as amended, to ensure compliance with federal “Drug-Free School Zones”; or (C) any other child care and/or day care facility licensed by the State of Michigan.
- z-7 The following uses will be allowed as provided for in Chapter 71B (“Marihuana Facilities”) as provided for in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of Michigan, 2018, as may be amended.
 1. Marihuana Class A grower (500 marihuana plants) and Class B grower (1,000 marihuana plants) may be authorized in the Township, with the following restrictions:

Shall be prohibited within 1,000 feet (measured from property line to property line as of the date the initial application is made) of (A) a school property, as defined by Public Act 368 of 1978, as amended, including any facility with after school programs; (B) a child care center as defined and licensed by Public Act 116 of 1973, as amended, to ensure compliance with federal “Drug-Free School Zones”; or (C) any other child care and/or day care facility licensed by the State of Michigan.

2. Marihuana Processor

Shall be prohibited within 1,000 feet (measured from property line to property line, as of the date the initial application is made) of (A) a school property, as defined by Public Act 368 of 1978, as amended, including any facility with after school programs; (B) a child care center as defined and licensed by Public Act 116 of 1973, as amended, to ensure compliance with federal “Drug-Free School Zones”; or (C) any other, with the following restrictions: child care and/or day care facility licensed by the State of Michigan.

3. Marihuana Secure Transporter

Shall be prohibited within 1,000 feet (measured from property line to property line, as of the date the initial application is made) of (A) a school property, as defined by Public Act 368 of 1978, as amended, including any facility with after school programs; (B) a child care center as defined and licensed by Public Act 116 of 1973, as amended, to ensure compliance with federal “Drug-Free School Zones”; or (C) any other child care and/or day care facility licensed by the State of Michigan.

z-8. Automobile and trailer sales and rentals.

- (2) Uses permitted if complying with the following standards: automatic screw machines when operated with noise silencers or by other sound absorbing devices, stamping machines, punch presses, press breaks and hydraulic presses or any like machinery or production equipment. All able reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer. All mechanical noise emanating from such machines and/or presses shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness and, further, that noise emanating therefrom shall not exceed 60 decibels as measured at the street or property line.
- (3) The township board may authorize the following uses by special permit if the following conditions are satisfied: A public hearing is held in conformance with section 88-2.4, the specific standards as provided in the foregoing section 85-8.1(2) are met, the specific standards stated herein are met, and a favorable recommendation is received from the township planning commission.
 - a. Bulk storage of flammable liquids, liquid petroleum, gases and explosives; provided, all tanks shall be designed and located in accordance with the International Fire Code and/or NFPA (National Fire Protection Association) standards, and the storage and handling shall comply with state rules and regulations.

- b. Manufacturing processes and dismantling operations including automobile salvage operations not specifically listed in section 85-8.1 subsections (1) and (2) above that comply with the following list of standards:
1. Noise. All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Noise may equal but shall not exceed average street traffic noise. Noise should not exceed 60 decibels as measured at the street or property line, whichever causes the largest reading.
 2. Power for any manufacturing or heating process or activity shall be derived only from electrical energy, smokeless fuels containing less than 20 percent of volatile content on a dry basis, and bituminous coal fired by mechanical equipment.
 3. Gases. No gas shall be emitted which is deleterious to the public health, safety or general welfare or corrosive to structures; except for those produced by internal combustion engines under design, operating conditions.
 4. Glare and heat. Glare and heat from arc welding, acetylene torch cutting and other process creating glare shall be performed so as not to be seen from any point beyond the lot boundaries.
 5. Rags, waste. The storage of rags, wastes, paper or similar materials shall be in an enclosed masonry building of four-hour construction with adequate fire prevention equipment installed.
 6. Sewage waste. Engineering plans shall provide for the treatment and disposal of sewage and industrial waste, tailings, or unusable byproducts so that there is no danger to the public health and safety.
 7. Radioactive materials. Emissions from radioactive materials shall not exceed quantities established by the U.S. Atomic Energy Commission and/or U.S. Bureau of Standards.
 8. Vibration. No operation shall produce physical vibrations humanly perceptible at or beyond the lot boundaries.
 9. The manufacturing or dismantling process does not include the production or storage of any materials designed for use as an explosive.
 10. Processes do not create any negative visual impact on surrounding properties from the activities associated with automobile salvage operations. Examples include the outdoor storage of inoperable vehicles that are in various states of disrepair.
 11. Processes do not create any environmental impacts associated with automobile salvage operations. No salvage operations shall be conducted anywhere on the site without proper secondary containment. Examples include potential uncontrolled releases of hazardous substances (engine and component oil and lubricants, antifreeze, metal particles) into the environment or public storm and sanitary sewer infrastructure. To insure these materials are not removed in stormwater runoff, outdoor crushing or dismantling shall not occur during rain

events.

12. The applicant shall obtain hazardous materials storage permits or licenses as required by the appropriate agency of the State of Michigan.

13. All parking, staging and vehicle maneuvering must occur on the subject property.

- c. Dumping or disposal of rubbish, etc. The use of land for sanitary landfill, the dumping or disposal of scrap iron, junk, garbage, rubbish, rock, or other refuse or of ashes, slag, or industrial wastes or byproducts, is permitted only by a license issued by the township board in conformance with chapters 60 and 65 of this Code. Such a license may be denied or issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such dumping or disposal will not pollute the waters of the municipality or cause stagnant water to collect, or create a health hazard, or leave the surface of the land, at the expiration of such license in an unstable condition or unfit for the growing of turf or for other land uses permitted in the zone in which such dumping occurs.

The dumping of dirt or sand is permitted without a license provided the surface of such material is graded within a reasonable time in a manner preventing collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the zone. (Ord. No. 31.133, § 1, 7-27-93; Ord. No. 31.150, 2-3-98)

Section 85-8.2. Front yards. A minimum front yard of 25 feet shall be required where the industrial zone is in the same block or directly across the street from a residential zone, or administrative and professional zone. In all other instances a minimum front yard of 15 feet shall be required. Except for landscape improvements and necessary drives and walks, the required front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures.

Section 85-8.3. Side yards.

Side yards shall not be required except on the side of a lot abutting upon a lot lying in "A" through "E" zones, in which case there shall be a side yard of not less than 20 feet.

An approved fence or six-foot masonry wall shall be placed on the mutual sideline of a lot lying in a residential zone and extending from the required front yard line to the required rear yard wall or fence. A ten-foot wide strip of continuous shrub and tree plantings may be substituted for the masonry wall or fence if it is well maintained.

Section 85-8.4. Rear yards. No rear yard shall be required where "H" industrial zone abuts any "F," "G" or "H" zone. Where the rear of a lot in "H" industrial zone abuts on a lot lying in "A" through "E" zones, there shall be a rear yard of not less than 25 feet and an approved fence, wall or planting as required in section 85-8.3, Side Yards.

Section 85-8.5. Lot area. All future lots created shall have a minimum frontage of 85 feet and a minimum area of 12,750 square feet.

Section 85-8.6. Building height. The height of a structure in the "H" industrial zone shall not exceed 65 feet at the required front, side or rear yard building line. This height allowance may be increased one additional foot for each additional foot of setback from the required front, side or rear yard building line.

3. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory or regulatory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision of this Ordinance. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

4. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

5. Effective Date. This Ordinance shall take effect seven (7) days following its adoption and publication of a notice of adoption of this Ordinance, except as otherwise provided by law.

Dion'trae Hayes, Supervisor
Charter Township of Lansing

I, Susan L. Aten, Clerk of the Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. , enacted by the Charter Township of Lansing Board of Trustees at a regular meeting on.

Susan L. Aten, Clerk
Charter Township of Lansing