

**CITY OF EAST LANSING
FACT SHEET FOR ORDINANCE 1035C
ZONING OVERLAY DISTRICTS FOR R-1, R-2 AND RM-8 RESIDENTIAL AREAS
ONLY**

Purpose and objectives

The Residential Rental Restriction Overlay Districts R-O-1, R-O-2 and R-O-3 are zoning classifications which permit owners of property within R-1, R-2 and RM-8 residential zoning districts to petition City Council to establish an overlay district with district use regulations in their residential neighborhood which would prohibit or restrict the rental uses of one-family dwellings within the neighborhood.

These overlay districts establish three levels of restrictions to help preserve the attractiveness, desirability, and privacy of residential neighborhoods by precluding all or certain types of rental properties and thereby precluding the deleterious effects rental properties can have on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels and reduction of property values. The goal of the overlay districts are to allow owners of property within residential neighborhoods to control the types of rental properties permitted in one-family dwellings within their neighborhood.

Where are the R-1, R-2 and RM-8 Zoned areas of the City?

Many residential neighborhoods in East Lansing have one of these zonings. R-1 is the term for low density single-family residential district. R-2 is medium density single-family residential district and RM-8 is the term for a planned unit development district.

If you do not know your neighborhood zoning district, contact the Planning and Community Development Department at 319-6930 or check the city's website at www.cityofeastlansing.com. Select "maps," or "assessing" to find your zoning district. You can also call the assessing PAL phone number at 319-0568.

What does R-O-1, R-O-2 and R-O-3 mean?

➤ **Residential Rental Restriction Overlay District R-O-1**

This overlay restriction would prohibit **any new** rental licenses to be issued in the overlay district, including Class I rental licenses.

➤ **Residential Rental Restriction Overlay District R-O-2**

This overlay restriction would allow owners in the district to apply for a Class I rental license. Class I is for owner occupied dwellings only and allows one roomer to reside at the dwelling in addition to the owner. The property owner must have owned the property on the date the overlay district ordinance was approved by City Council in order to apply for the license.

➤ **Residential Rental Restriction Overlay District R-O-3**

This overlay restriction also allows owners to apply for a Class I rental license. However, the property owner does not need to have owned the property prior to the overlay district being approved.

What about the rental property already in the proposed area?

The overlay restriction will not impact properties that already have a rental license. However, if a property owner allows a rental license on a property to remain expired for over 12 months then the property would lose any prior legal non-conforming grandfathering.

HOW TO PROCEED IN PETITIONING FOR A RESIDENTIAL RENTAL RESTRICTION OVERLAY DISTRICT

1. Obtain a petition from the City Clerk's office. The clerk will also provide information that outlines who can petition, who can sign a petition, requirements of boundaries of the area for the petition, and the time frame allowed for collecting signatures. The City Clerk's office is located on the first floor of City Hall.
2. Contact the Planning and Community Development Department to confirm that the boundaries of the area meet the legal requirements of the residential rental restriction overlay district that you are interested in creating. They will be able to guide you on how to draw up the potential boundaries and give information on how to proceed. The phone number for the department is 319-6930.
3. Once signatures are obtained from at least two-thirds of all property owners within the district, submit the petition to the City Clerk for verification. Remember only one owner of each parcel counts toward the required number of signatures. If the Clerk concludes that sufficient valid signatures have been presented, the petition will be referred to the Planning and Community Development Department. Within 30 days of receipt, the Planning and Community Development Department will determine whether the petition conforms to the requirements.
4. If it is determined that the petition is in conformity with the requirements, the Zoning Administrator will draft the appropriate ordinance and forward it to the City Council

for introduction. Council may make additions or changes in the boundaries of the proposed area.

EFFECT OF THE INTRODUCTION OF A RESIDENTIAL RENTAL RESTRICTION OVERLAY ORDINANCE

1. Once City Council's introduces a rental restriction overlay ordinance, a moratorium is placed on the issuance of any initial rental licenses within the proposed ordinance district. This will apply to any applications submitted prior to or subsequent to the ordinance introduction.
2. City Council refers the ordinance to the Planning Commission for review and recommendation. The Planning Commission will hold a public hearing at one meeting and, at a subsequent meeting, act to recommend adoption or rejection of the ordinance. When it receives the Commission's recommendation, the City Council schedules and holds a second public hearing before taking final action to adopt or reject the ordinance. If there is sufficient objection to the ordinance, a three fourths majority of the City Council may be necessary to approve the ordinance.
3. If an ordinance introduced is denied, a subsequent ordinance for a rental restriction overlay district for the same parcels cannot be introduced again for another year.
4. An ordinance which is not adopted within 6 months of introduction will be deemed denied.

For a complete copy of Ordinance 1035C that pertains to this procedure go to the City's web site at www.cityofeastlansing.com or contact the City Clerk's office at 319-6914.

Last updated 5/7/04 (ami)