

Agenda

Planning Commission

City of Kalamazoo



Thursday, April 7, 2022

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of Minutes from the Planning Commission meeting on March 3, 2022

D. COMMUNICATIONS AND ANNOUNCEMENTS

E. PUBLIC HEARINGS

1. P.C. #2022.02: 116 Fellows Avenue. OutFront Kalamazoo is requesting a special use permit for a transitional residence at 116 Fellows Avenue.
2. PC # 2022.03 Text Amendments to Chapter 50 Zoning Code Proposed by City Staff

F. PUBLIC COMMENTS

G. DISCUSSION/ACTION ITEMS

H. REPORTS

1. City Planner's Report

I. CITY COMMISSION LIASON COMMENTS

J. PLANNING COMMISSIONER COMMENTS

K. ADJOURNMENT

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
March 3, 2022
DRAFT

Members Present: Gregory Milliken, Chair; David Burgess; Mariah Phelps; Brian Pittelko; Jennifer Swan; James Pitts; Michael Harrison; Sakhi Vyas, Vice Chair; *Shardae Chambers

Members Excused: Jennifer Swan, James Pitts

City Staff: Christina Anderson, City Planner; Beth Cheeseman, Executive Administrative Assistant; Chris Praedel, City Commissioner; Charles Bear, Assistant Attorney; Nolan Bergstrom, Community Planner

A. CALL TO ORDER/ROLL CALL

Commissioner Milliken called the meeting to order at 7:00 p.m.

Planner Anderson proceeded with roll call and determined that the aforementioned members were present.

Commissioner Milliken explained new protocols regarding streaming. Planner Anderson added that the public comment opportunity will be given to those attending in-person first and then to those on the phone. Planner Anderson encouraged Commissioners to continue to say their name before they comment.

*Commissioner Chambers entered the meeting as Planner Anderson was speaking.

B. ADOPTION OF FORMAL AGENDA

Commissioner Vyas, seconded by Commissioner Burgess, moved approval of the March 3, 2022, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Phelps, seconded by Commissioner Chambers, moved approval of the December 2, 2021, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

None.

F. DISCUSSION/ACTION ITEMS:

1. Annual vote to delegate Site Plan Review to the Site Plan Review Committee

Planner Anderson said that each year they ask Planning Commission to delegate their role in site plan review to the City's Site Plan Review Committee. The Committee is made up of city staff from Public Services, Building/Trades, Planning, Zoning, Economic Development, and the Fire Marshall. They conduct a technical review of the projects, reviewing them against the codes. She said the city has spent the last three years improving the process to make sure it runs smoothly. Planner Anderson said the Committee is facilitated by Planner Bobby Durkee. He holds an annual meeting with the committee to understand what is working or not working with the process. There is also a survey that the public can submit to give feedback on the process.

Commissioner Milliken said he was indebted to the Site Plan Review Committee. He said they do great work, and it takes a lot off of the Planning Commission. Commissioner Milliken didn't think the Planning Commission had the capacity to make those decisions.

Commissioner Harrison, seconded by Director Pittelko, moved to delegate site plan review to the Site Plan Review Committee.

Commissioner Pittelko said he enjoys reading the reports and not having to worry about them after that. He knows they are in good hands.

In response to Commissioner Milliken's inquiry, Planner Anderson asked Attorney Bear if the vote needed to be by voice or roll call. Attorney Bear responded it would be a voice vote.

A voice vote was taken and passed unanimously.

2. Vote on Commission Officers - Chair, Vice Chair and Secretary

Planner Anderson asked them to elect a Chair, Vice Chair, and Secretary.

Secretary

Commissioner Pittelko said he is happy to continue serving as Secretary.

Vice Chair

Commissioner Vyas said she is happy to continue in serving as Vice Chair.

Chair

Commissioner Milliken said he is happy to continue serving as Chair.

Commissioner Phelps, seconded by Commissioner Chambers, nominated Commissioners Pittelko, Vyas, and Milliken for the roles they currently serve.

A voice vote taken and passed unanimously.

3. PC #2022.01: Bylaw Amendments. Change to Planning Commission bylaws

Planner Anderson reported that the proposed amendments change two things related to public comment. She said the first amendment is to change the term Citizens Comments to Public Comment. Planner Anderson said this was changed in the City Commission bylaws and most of the City's boards will seek this amendment to align with them. The second amendment is also in alignment with the City Commission bylaws. That is to change the time for each person to speak during the public comment period. The City Commission changed their time allowed to three minutes. The Planning Commission bylaws specifically stated a time of four minutes. Planner Anderson said they propose to remove the number of minutes from the bylaws, so they have the freedom to move along with the City Commission.

Commissioner Burgess noted that Section 2.7 talking about conduct of meetings for Planning Commission is different than how it is on their agenda. He said that on page 15 of the packet, Section 2.7 in A-L, it looks like there is public comment on non-agenda items before old and new business and public comment with each point below and another public comment afterwards.

Planner Anderson said they used to have two points of public comment beyond cases. A number of years ago, they changed it to just one because it was serving the same purpose. Planner Anderson asked Attorney Bear if they should make that change with the other proposed changes, and Attorney Bear indicated they could. Planner Anderson said there were two public comments periods. One on non-agenda items and the other just listed as public comments. In practice, they do one at the end of the meeting on non-agenda items because the public has the opportunity to comment on each public hearing at the time of the public hearing. She recommended that when the Commissioners make a motion, they strike one of the two public comment sections.

Commissioner Burgess noted that the public comment period is currently at the end of the meeting. He said there was an option to have it at the beginning or end of the meeting. Commissioner Burgess encouraged the other Commissioners to consider having the public comment period at the beginning of the meeting. If it is at the end of the meeting, there may be times when the public has to wait through a very long meeting to comment.

Commissioner Pittelko shared those comments are typically attached to an agenda item. Commissioner Burgess said he was concerned about people waiting for a long period of time to comment on non-agenda items. Commissioner Phelps thought they should keep the earlier public comment period.

Planner Anderson pointed out that they can make changes to the agenda at a meeting. If they anticipate a long meeting, they could shift the public comment period then.

Commissioner Phelps asked if they were looking for a motion to add this amendment to what they are considering and adopt them as a whole. Commissioner Milliken said they would need a motion to adopt changes to bylaws with this additional change.

Commissioner Burgess said he would propose they strike the J. Public Comment and keep the G. Public Comment.

Commissioner Phelps said she also supported the other two changes to the bylaws.

Commissioner Milliken said it was a helpful review to see the bylaws.

Commissioner Burgess, seconded by Commissioner Vyas, moved adopt the proposed changes to the Planning Commission bylaws with the addition of the changed public comment period as discussed.

A voice vote was taken and passed unanimously.

G. REPORT:

1. City Planner's Report

Planner Anderson noted the Commissioners had an active list of 2021 and 2022 site plans in their packets. She also pointed out that the Annual Report was included. It is a summary of the cases they heard in 2021. Commissioner Milliken thanked her for the information. He said it was nice to see the year in review.

Planner Anderson shared that over the next 6 months, they will see a number of zoning code updates. She said they chose to update the zoning code in an incremental way, and they took care of the most urgent items. Now they are looking at two major pieces. The first one coming to them is standards related to commercial developments. Planner Anderson said this will involve new commercial districts, lighting, landscaping, screening, fencing, sign code, and an updated map.

1. Scattered text edits.

Planner Anderson shared the importance to monitor the code to make sure it is still working. She said they keep a running list of things that were hard to understand in the code or that didn't do what they were intended to do. She will bring text edits to the Planning Commission in April. Planner Anderson said they considered clarification of wording, variance requests, application of code, and planning best practices as they reviewed the code. She gave examples of the need to clarify language for the parking code, and also clarifying definitions that have resulted in variance requests.

Planner Anderson stated that they have heard numerous variance requests for the standard of ground floor residential in commercial districts. She noted that in order to make this change, they needed to update commercial districts and bring them into Chapter 50.

Planner Anderson said they also planned edits to bring adult use and medical marihuana into alignment. They want to align separation distances for provisioning centers and retail facilities, add clarifying language

for when those types of uses can co-locate on the same lot, and prohibit drive throughs. She said that drive throughs were allowed temporarily during Covid, but that isn't necessary anymore.

Planner Anderson said the Sign Code was written last year. They sent it to sign companies and commercial developers to get feedback. She said they waited in order to include it with the new commercial districts. Planner Anderson shared that it can be found online at imaginekalamazoo.com/projects/signs.

They are not expecting a lot of changes in landscaping, screening, fencing, and lighting. Planner Anderson said they would update for clarity, remove duplicate and obsolete rules, and update illustrations. She said they are looking at how they can align and support Natural Features Protection and the Community Sustainability Plan with these standards.

Planner Anderson shared that the biggest change will be the new commercial districts. She said the commercial districts of CO, CNO, CN1, and CN2 will be removed. Planner Anderson shared that they are narrow in the uses they allow, and there are parameters that have become challenging. She said they will take the current districts and create three new districts. CC will remain as the district for regional and city-wide shopping. However, Planner Anderson indicated that where it is mapped will change. They will create a less intense district, CC2, which will look at smaller scale lots. Planner Anderson stated that the Master Plan called out the neighborhood node, but they don't have one for commercial nodes. She noted the areas for these called out in the Master Plan. Commercial nodes have uses that serve more than one neighborhood. They usually have a grocery store, larger scale development, more parking, and they serve adjacent neighborhoods. Planner Anderson noted that the BTR Park will stay. She said the districts will be flexible, based on scale, and they will support development in a thoughtful way. She is working on the map now. Planner Anderson said this change is bigger than in scale than the NFP. She has been going parcel by parcel and area by area to understand what's mapped there now, if it's right, and what should it be. She said there would be something to review soon.

Planner Anderson reviewed the timeline for these zoning changes. Next month she will bring the scattered text edits to them. In meantime they are working on the drafts of all of these edits. The sign code is already written. Landscaping, fencing, lighting and the new zoning districts are being drafted right now for public review, comments, and editing. She said the map will be done sometime this month and will be online. They will use something similar to the NFP map. They are planning a series of meetings (mix of in-person and virtual) and they will work with the neighborhoods. After engagement, Planner Anderson said they will bring it forward to the Planning Commission. They can discuss if it is best to bring it in one chunk or smaller chunks in order for everyone to be able to review it, understand it, and have the opportunity to speak at the public hearing(s) if desired. Planner Anderson shared that the Power Point slides she used would be on the Imagine Kalamazoo page the next week with the drafts.

Commissioner Vyas said she was thinking of the rezoning and some pushback when NFP was presented. Residents didn't know their parcel was being rezoned and they thought it would change the value of their home. She asked Planner Anderson to speak to expectations of when they might pass a rezoning. Commissioner Vyas noted that NFP wasn't ready at their first review. She wondered when they hope to have this passed and how to work backwards to make sure everyone has the right communication.

Planner Anderson said that once it is posted online, they will send a mailer. That would be in addition to the required notice. She said she put May, June, July as the target months so they could see how things progress. CC is remaining, but where it is mapped will be a little different. The Commercial node and CC2 are new, so they will have to be mindful about what that means for each area. Planner Anderson said they can always choose to do things in a different order if that is helpful for the process. Ideally, they would like to have it approved by the end of summer, but they will do it as they need to do it.

Commissioner Milliken said that gives them April, May, and June to go through the process. He said that in April they know they will get the scattered text edits. Theoretically that will be straight forward. Commissioner Milliken thought they will then have a more thorough review on the specifics of the zoning. He said they can have a public hearing, see what comes of it, and continue it the next month if needed. He didn't think they needed to decide now but encouraged them to think about it. Commissioner Milliken indicated he would ask that question at the April meeting when they see the nature of the changes in a little more detail. They may get a sense of what might be able to get done more quickly. If they get to June and need to push to July, then they need to push to July.

Planner Anderson told them to expect a more detailed presentation and details in their packet in April.

Commissioner Milliken requested she let them know when these presentations are scheduled. He cautioned Commissioners about concerns of quorum at public presentations. They need to be cognizant of their role as Planning Commissioners, they can't discuss together or publicly share their opinions. Commissioner Milliken said it was worthwhile to attend and continue their education. He said there will be people coming with their passion points. Their job is to sift through people's comments and weigh the whole vs. the specific. He hoped comments would come early, so staff can consider them and adapt as needed. Commissioner Milliken requested links be sent to them for Appendix A and Chapter 50.

Commissioner Pittelko asked if people are going to have more restricted uses in the new districts. Planner Anderson said in terms of what uses are allowed, it is fairly lateral. She said there will be some struggle with CC. It has a minimum area of an acre, but it is mapped on parcels of ½ acre or less. CC has pretty intense development. It is a false promise to say you can achieve all those things on a small parcel. Planner Anderson thought that will be a key point of discussion. The new district may have different height allowances or setbacks. They have to have conversations of the scale of development. She noted that changes in zoning can also effect building requirements like sprinkling, number of entrances, elevator. Those things can cost more for a developer.

2. 2021 Planning Commission Annual Report
3. 2021 Site Plan Review Project List
4. 2022 Site Plan Review Project List

H. PUBLIC COMMENTS (Regarding non-agenda items)

Mr. Ben Stanley shared that he is a huge fan of transparency and easy accessibility for meetings. He thanked the Planning Commissioners for the work they are doing and for putting the meeting online. Mr. Stanley thanked them for coming and volunteering their time. He liked the idea of them being available for people who want to engage with their government. If the government is doing something, he hopes it is something they are proud of it and they are not hiding away. He noted that some people talk with acronyms and indicated that people may not know what those mean. Mr. Stanley said he has seen a lot of comments from people who can't hear the audio very well.

Ms. Tina McClinton called requesting they fix the storm drains and sewer lines in Southtown neighborhood because of flooding. She asked them not to take away any more green spaces. Ms. McClinton asked them to accept Southtown neighborhood as a neighborhood. She said she has nothing against building apartments, but they shouldn't be built in a flood plain. Ms. McClinton said they already have sewers backing up in their homes and streets. She said this happens two to three things every year, and no one does anything to help them.

I. CITY COMMISSION LIAISON COMMENTS

City Commissioner Praedel stated appreciation of the Planning Commissioners service and congratulated their elected officers. He shared that on December 20, the City Commission passed a rezoning from RS-5 to RD-19. The budget was approved on January 18. Commissioner Praedel shared that at the last City Commission meeting they adopted rate increases for water and wastewater. He said they need to figure out how to support people who are struggling with the rate increases. While they think a lot about those who will be financially impacted by the rate increases, they remind themselves that they been under-investing in their utilities for decades. Commissioner Praedel said it was important to make tough decisions like that. He shared the site kalamazoocity.org/reportstreets which is where people can report potholes. Commissioner Praedel said there would be two major street projects. One is on Parkview from Oakland to Tamsin. He said the other is Stadium Drive for a culvert repair. MDOT will also do some updates on Stadium Drive. There will be non-motorized safety enhancements. Commissioner Praedel also noted items of general interest - quarterly bulk trash pickup times and rules are online. He said that brush pick up starts in May and goes through October. Commissioner Praedel said he will be the main liaison for Planning Commission and Commissioner Decker will be alternate.

Commissioner Milliken asked if there was anything of interest for the Planning Commission from the City Commission retreat. Commissioner Praedel said they identified five priorities of focus in the community: housing, infrastructure, safety, youth, and economic development. At the retreat they focused on housing, safety, and youth. He said that Director Kik reported on nine different strategies for housing. They heard from the Chief and Deputy Chief about strategies for safety. Commissioner Praedel said gun violence more prevalent when weather improves. He said the City Commission committed money to those strategies. They talked about how to integrate rocket football in Parks & Recreation. Commissioner Praedel said there is a large following for that. They talked about ways to create a growing investment in youth strategies and employment opportunities. He said they thought about what they can do so that 100% of youth have something positive in their lives to direct themselves to every day in this community. A subcommittee was formed to help with that. Their COW meetings will focus on economic development and infrastructure.

Commissioner Milliken asked him to let them know if he saw anything that would trigger concern from the City Commission as they go through the upcoming amendments. Commissioner Praedel said he wants to be accessible to them. If they want him to pass anything along, let him know.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Burgess thanked staff for their extensive work. He is looking forward to all they are going to be diving into. Commissioner Burgess said he was thankful to tackle the less complicated items first. He is looking forward to the community information events and taking in more information.

Commissioner Phelps shared that the Michigan State Housing Development Authority has opened their application period for the housing voucher program. The window to apply is March 8-15 and that is just to get on the waiting list. She encouraged people to look at the Housing Development Authority's website for more information.

Commissioner Chambers thanked staff for inviting them to the DEI meeting. She found it very informative, and she wants to be a part of the process to help support it. Commissioner Chambers encouraged them to contact Dorla Bonner, DEI Director, for updates and to see where the city is going. She said she was also excited to see that the Washington Square Neighborhood has a winery and a Thai place. It is turning into a beautiful area. The roads are better there now. Commissioner Chambers said she is looking forward to the next quarter and getting to work.

Commissioner Milliken thanked staff and thanked everyone for coming out. He had the opportunity to attend a City Streets Plan meeting. It was really exciting. He said his biggest take away was the collaboration between Planning, Public Works, Engineering and Economic Development. Commissioner Milliken said that in many communities they live in silos and are very independent of each other. He said usually they talk about streets from a curb to curb standpoint, but now they are talking about them from a front of building to front of building. They want to determine how to move all modes of transportation safely and effectively from point A and point B. He thought it was quite striking and shows the collaborative nature of people working in those departments. It is a strong note for the city.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:23 pm.



Planning Commission Staff Report

Date: **4/7/2022**

Item: **E.1.**

City of Kalamazoo

TO: City of Kalamazoo Planning Commission

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: April 7, 2022

SUBJECT: P.C. #2022.02: 116 Fellows Avenue. OutFront Kalamazoo is requesting a special use permit for a transitional residence at 116 Fellows Avenue.

BACKGROUND:

After a multi-year search and vetting other properties, the Kalamazoo County Public Housing Commission (KCPHC) identified 116 Fellows Avenue as the chosen location for the proposed transitional residence for LGBTQ individuals. The property was selected in the Spring of 2020 and after extensive fundraising the property was acquired by the KCPHC in June of 2020.

At the same time, the City of Kalamazoo Planning Division was analyzing and preparing for significant zone district updates for the downtown and adjacent areas. Existing land use and development patterns were reviewed to determine where zoning map amendments were necessary. Fellows Avenue was on this list for zoning map amendments as three residential occupied lots were in the Commercial – Community (CC) District. The City sent notice of the upcoming rezoning to all impacted property owners in the Fall of 2020. On November 2, 2020, the City Commission approved the rezoning of 116 Fellows Avenue and two other lots on Fellows Avenue from the CC-District to the Residential - Multi Dwelling District (RM-36).

The renovations of 116 Fellows Avenue for the proposed transitional residence were delayed due to the COVID-19 Pandemic, but were completed in November, 2021. On December 23, 2021, the KCPHC sold 116 Fellows Avenue to OutFront Kalamazoo expressly for opening and operating a LGBTQ transitional residence. In the Spring of 2022, OutFront Kalamazoo began to publicize the new facility. City staff then reached out to explain that due to the residential zoning, the use would require a special use permit. In the CC District, transitional residences are permitted by-right.

OutFront Kalamazoo began working with young, LGBTQ homeless individuals due to studies that show a sizable portion of the homeless youth population is LGBTQ. The need for housing is higher also due to lack of safe temporary housing options for LGBTQ youth. OutFront Kalamazoo has worked with a number of LGBTQ youth and determined that there are three

areas of focus: intensive case management (linking individuals with needed services), transitional housing for those under 18 years of age, and transitional housing for those 18 to 24 years of age. OutFront Kalamazoo is focused on bettering the lives of LGBTQ youth and intends to utilize the proposed transitional residence on Fellows Avenue for LGBTQ youth 18 to 24 years of age.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs



Strength Through Diversity- an inclusive city where everyone feels at home

Strategic Vision , Master Plan 2025 and Vine Neighborhood Plan Impact:

This project aligns with the Strategic Vision goal of Complete Neighborhoods by adding to the variety of housing options in our community and the goal of Strength Through Diversity by promoting a safe and welcoming temporary housing option for LGBTQ youth. The Future Land Use Map of the Master Plan 2025 identifies this property as in neighborhood edge, which promotes a mix of residential and small-scale neighborhood-oriented development. A transitional residence is compatible with the neighborhood edge category where on this block there are single family dwellings, duplexes, a bed and breakfast, and a housing coop. It is also directly adjacent to a commercially zoned business on S. Burdick Street. Looking at the Vine Neighborhood Plan, it includes the goal of increasing housing options in the neighborhood.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

On March 23, 2022, the City sent letters to all surrounding property owners within 300 feet to inform them of the public hearing. The applicant has reached out to the Vine Neighborhood Association and other organizations about this project and has received multiple letters of support.

Engagement/Communication Tools:

Letters and emails

FINDINGS:

The Planning Commission's role is to approve or disapprove special use permit requests based on the following criteria from Chapter 8 of the Zoning Ordinance. The staff's opinion of the level of conformance of the project with the criteria is provided in the bold text.

1. That the proposed special use is appropriate for its proposed location and compatible with the character of surrounding land uses and the uses permitted in the zone district(s) of surrounding lands.

The proposed special use is compatible with the character of the surrounding area. This area is in a multi-dwelling zone district (RM-36) and on this block are a bed and breakfast, housing cooperative, duplex and single- family dwellings. Additionally, 116 Fellows Avenue is adjacent to commercially zoned property to the north and east.

2. That the proposed special use complies with § 4.2: Use Standards of the Zoning Ordinance.

The proposed special use does comply with the provisions of Chapter 4, Section 4.2. Additionally, there are no separation distances between transitional residences in the RM-36 District.

3. That the location and design of the proposed minimizes adverse effects, including visual impact of the proposed use on adjacent lands by: 1) avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance; 2) retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands; 3) locating buildings, structures, and entryways to minimize impact; 4) providing appropriate screening, fencing, landscaping, and setbacks.

The structure retains its residential character as no alterations have been made to the exterior.

4. That the proposed special use minimizes environmental impacts, and conforms to all relevant environmental protection standards of this Ordinance, or any other state or federal laws.

This transitional residence use will not result in any environmental impacts.

5. That there is adequate road capacity available to serve the proposed special use.

There is adequate road capacity for this transitional residence. It is not anticipated that residents will have vehicles.

6. That the proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

Safe ingress and egress already exists for this property from the existing driveway.

7. That there are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.

The residential structure is hooked up to city water and sewer.

8. That the proposed special use is located and designed so that adequate access to the site is provided for fire, police, and EMS services.

This location has adequate access off of S. Burdick Street for emergency vehicles.

9. That the proposed special use complies with the appropriate standards in Chapter 6: General Development Standards.

There are no additional landscaping or screening requirements for a transitional residence in the RM-36 District.

10. The proposed special use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

The proposed special use does meet all other applicable standards of the Zoning Ordinance.

RECOMMENDATION:

The staff recommends that the Planning Commission approve the special use permit requested as it is compatible with the surrounding area and meets all Zoning Ordinance requirements.



COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Planning Division

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Kalamazoo, MI 49001

(269) 337-8044

www.kalamazoocity.org

www.imaginekalamazoo.com

March 23, 2022

**NOTICE OF A PUBLIC HEARING FOR A SPECIAL USE PERMIT
FOR A TRANSITIONAL RESIDENCE AT 116 FELLOWS AVENUE**

Dear Property Owner/Occupant:

You are receiving this notice because you either own or occupy property that is near this site. This notice is to inform you that an application has been filed with the Planning Commission for a Special Use Permit for a transitional residence at 116 Fellows Avenue.

All Special Use Permits are reviewed by the Planning Commission at a public hearing. During the public hearing, the applicant is provided the opportunity to present the request. Then property owners and other city residents/citizens will have an opportunity to provide comments on the special use. Final decisions on Special Use Permits are made by the City Planning Commission.

APPLICANT OutFront Kalamazoo

APPLICATION #: P.C. #2022.02

LOCATION OF PROPERTY: 1116 Fellows Avenue

PROPOSED SPECIAL USE: Transitional Residence in the Residential – Multi Dwelling District (RM-36)

DATE OF HEARING: A public hearing will be held by the **Planning Commission** on Thursday, April 7, 2022, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://kalamazoomi.civicclerk.com/web/home.aspx>

Sincerely,

Peter C. Eldridge, AICP
Assistant City Planner



Plan Review invoice :PSU22-001

PLANNING COMMISSION APPLICATION

APPLICANT INFORMATION			
Name: Amy Hunter		Mailing Address: 340 S Rose St	
City: Kalamazoo		State: MI	ZIP Code: 49007
Phone: 2697209329	Email: amy@outfrontkzoo.org	Preferred Contact: ☐ Email ☐ Phone	
PROPERTY OWNER INFORMATION			
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>			
Name: Kalamazoo Gay/Lesbian Resource		Mailing Address: 340 S. Rose St	
City: Kalamazoo		State: MI	ZIP Code: 49007
Phone: 2697209329	Email: amy@outfrontkzoo.org	Preferred Contact: ☐ Email ☒ Phone	
PROPERTY INFORMATION			
Property Address(s): 116 Fellows Avenue			
Parcel Identification Number(s):		Zone District (kalamazoocity.org/maps):	
TYPE OF REQUEST			
☐ Rezoning ☐ Text Amendment (Chapter(s) _____, Section(s) _____) ☒ Special Use Permit		☐ Planned Unit Development (PUD) ☐ Preliminary Subdivision ☐ Right of Way Vacation	
Description: Transitional Housing for members of the LGBTQ+ community			
ATTACHMENTS			
☒ \$ 375.00 Fee		☒ Completed Review Sheet	
☐ Other documents or engagement information <i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant: Amy Hunter		Date: 2-3-2022	
Signature of Owner (if different than applicant):		Date:	

116 Fellows Avenue

“Legacy House”

Brief Zoning history

After a three-year search, in June of 2020, the Kalamazoo County Public Housing Commission (KCPHC) purchased the property at 116 Fellows Avenue with the express intent of renovating it to become transitional housing for LGBTQ youth aged 18-24. At that time, the zoning of 116 Fellows Ave was “C-C” or “Commercial – Community” making the property suitably zoned for transitional housing. Unbeknownst to OutFront Kalamazoo and the KCPHC, the property was re-zoned to “Residential” in November of 2020. But it was not until February of 2022 that the zoning change was discovered.

Because KCPHC and OutFront Kalamazoo were unaware of the zoning change, plans by OutFront Kalamazoo to purchase, finish renovations, and furnish the property went forward with the intent of using the home as LGBTQ youth transitional housing. The renovation was completed in November of 2021 and the property was purchased by OutFront Kalamazoo from the KCPHC in December of 2021 with OutFront Kalamazoo still believing the zoning was acceptable for transitional housing.

This history of the property and the description below of the need for transitional housing in Kalamazoo is meant to give you a clear perspective about why a **“special use permit”** is needed to fulfill these needs and use the property at 116 Fellows Avenue as transitional housing.

The Problem

40% of homeless youth identify as lesbian, gay, transgender, or queer (LGBTQ). **Forty percent.**

Homelessness has been increasing across the country in the past few years. With the pandemic came a marked increase in the jobless rate, and the lack of affordable housing has pushed many more Americans out of their homes. Along with adults, homelessness affects youth – in fact, about 7% of the homeless are youth aged 13-24. Nationally, about 40% of those youth identify as LGBTQ, and Kalamazoo County mirrors this national average. Those percentages translate to 7,422 homeless LGBTQ youth annually in Kalamazoo County.¹ In the community-wide commitment to ending homelessness, this sector of the homeless population has been largely ignored, though the problem is clear.

The Study and Start-up

As a start-up program, we set out to determine what homeless young people need and to propose a long-term solution. Through connections with OutFront Kalamazoo, The Ark for Youth, other organizations that serve youth, and youth groups, we made one-on-one connections with LGBTQ youth. Similarly, we connected at house parties, coffee shops, and dance clubs. Via text, social media, and phone calls, those

¹ Based on population data the US Census Bureau

we connected with let us know what they needed, and we offered our help. In total, we connected with 292 LGBTQ youth.

There are many details these youth reported, all of which combine to form a picture of what it looks like to be young, and LGBTQ, and homeless. This is just a partial list.

- They have a very difficult time finding a local shelter that is safe and where they are treated respectfully. They report higher rates of violence, abuse, exploitation, and other forms of discrimination from both staff and residents. This is especially true for transgender clients and those who don't fit the heterosexual norm – they look or sound “different” than others their age.
- Rather than in an abusive shelter environment, many have chosen to live in their car, in an abandoned building without water or heat, or in an underground shelter. They remain constantly focused on where they will stay that night and where to find food.
- Another housing option is “couch-surfing,” where they will sleep on someone’s couch for a night or two and then move on. This living situation often leads to cyclical homelessness, where they don’t follow a consistent path toward a permanent home.
- LGBTQ youth have often been rejected by their families and thrown out of their family home. This is most often a traumatic experience and can lead to emotional stresses and no access to counseling or support.
- Sex trafficking is often a means of survival – in exchange they may find a place to sleep, a meal, or money.

We began by working with 110 youth to help find housing. Each developed their own set of goals to move out of homelessness – their goals ran the gamut from needing emergency shelter to requesting drug addiction counseling to employment and family reconciliation. Each of the individuals took an active role in working with a wide variety of local organizations that serve youth. As expected, they needed guidance and support systems to find emergency shelter and to eventually move into sustainable housing.

The Stories

We began working with two clients during spring of 2017, one seventeen and one sixteen-year-old, that were kicked out of their homes after coming out to their families. They were living in a car as they did not trust faith-based shelters in town. We worked with them to find employment and then assisted in finding a permanent housing option. With basic needs of food and shelter met, focus shifted to returning to school. Both were enrolled back into high school and were able to reconcile with their families with our guidance and support. In the spring of 2018, we received an invitation to their high school graduation. One of these clients is attending a trade school and the other client enrolled in a university with plans to become an Astrophysicist.

Another client we began working with at the beginning of 2018 was living out of a backpack and had spent several nights on the street. They had spent time in a local shelter where they experienced abuse that went unchecked by staff. The client was suicidal, and we were able to coordinate a stay in a local inpatient mental health care facility. Upon leaving inpatient care, we were able to provide a two week stay in a motel. This gave them time to find employment and move into permanent housing. With basic needs of shelter, food, and mental wellness met, they were able to focus on reconciliation with their family. With our guidance and support, they were able to reconcile and move back into their family’s home. They have plans to continue working and to attend college.

The Work

In assisting our first clients, it became clear that there are 3 distinct subservices needed: intensive case management, transitional housing for those under 18, and transitional housing for 18- to 24-year-olds. Our initial clients provided the details we needed to create this program.

Case Management

As you can tell from the stories, each person faces their own set of challenges in moving out of homelessness, and each developed their own set of goals to that end. The program offers guidance and support and coordinates services with other local organizations that assist these youth in reaching those goals. This list includes:

- emergency shelter
- transitional housing
- sustainable long-term housing
- access to food
- reconciling with family
- employment search guidance, advice, transportation
- translation services
- assistance escaping human trafficking
- life skills and further education
- therapists and physicians
- treatment for drug addiction
- legal assistance

Some of the ways we helped:

- 32 returned to/furthered their education
- 62 found employment
- 162 obtained mental health services that specialize in LGBTQ issues
- 26 found medical professionals trained in LGBTQ health concerns

Emergency and Transitional Housing with Supportive Services

Our first role was frequently to find a safe place to stay for the short term. We found places for some through connections with local organizations, others we housed briefly at a motel. This short-term housing allowed the time to find transitional housing – a medium-term solution geared toward finding a permanent home.

Transitional Housing for Youth under 18

Host homes was developed with the Faith Alliance of OutFront Kalamazoo as a transitional housing option. In this model, the Faith Alliance engages families interested in housing a homeless teen. A host home is a way for a young person to live with another family while working to reunite them with their family through counseling.

Transitional Housing for Youth 18-24 – Legacy House

To end their homelessness, this age group needs to be prepared to sustain themselves and a safe place to live. This requires training in life skills – things such as school tutoring, cooking and nutrition, employment support programs, daily organization, and scheduling. Our programming provides the training and the time to learn and then to branch out on their own.

- Youth in this age group may stay in a host home so they have time to find a job, locate an affordable place to live, and gain life skills to live on their own.
- **A second alternative for transitional housing is soon to be the *Legacy House*. This house, purchased specifically for this program, is now renovated and ready to be furnished for occupancy. With a Special Use Permit, it will soon provide safe and affirming transitional support for 6-8 young LGBTQ+ people aged 18-24.**

Continued Need

The biggest lesson we learned from our experience is that there is a huge need for emergency and transitional housing, supportive services, and life skills training for LGBTQ youth in Kalamazoo County.

We have worked hard to make connections and establish relationships in our community so that when these youths come to us for help, we have the resources and the networks to provide that assistance and set them on the path to stability. The Legacy House will have a huge impact on our ability to provide a safe and affirming place to transition out of homelessness and into productive and meaningful lives.

The Funders

Without our funders and partners, this program and the **Legacy House** would not have existed. We are so grateful to the organizations and those we worked with at each of them for working to lift this population out of homelessness.

Kalamazoo County Housing Choices

OutFront Kalamazoo

CARES of Southwest Michigan

Kalamazoo Community Foundation

Kalamazoo Public Housing Commission

LISC Kalamazoo

Kalamazoo County Government

Gilmore Foundation

Stryker Johnston Foundation

Kalamazoo Community Foundation Equality Fund Richard Knapp Bequest Foundation through First

United Methodist Church

Northwood Foundation



PLANNING COMMISSION

SPECIAL USE PERMIT REVIEW SHEET

Please describe use which requires a special use permit: (may also provide on a separate sheet):

Review Criteria for Special Use Permit

The Planning Commission will use the following criteria to review Special Use Permits. Please reach out to staff if you have any questions.

Will the proposed special use be appropriate for this location and compatible with the character of surrounding land uses and the uses permitted in the zone districts?

Does the proposed special use comply with the Use Standards of Chapter 4 and Chapter 50 for this land use?

Will the location and design of the special use reduce any negative impacts on surrounding lands with regard to: visual impact, parking and loading, odors, noise, glare, and vibration?

Does the location and design of the special use reduce undesirable effects, including visual impact of the proposed use on adjacent property by retaining some natural features of the landscape to provide a buffer between the special use and adjoining lands?

Does the location and design of the special use reduce adverse effects, including visual impact of the proposed use on adjacent property by locating buildings, structures, and entryways to reduce impact?

Does the location and design of the special use reduce adverse effects, including visual impact of the proposed use on adjacent property by providing appropriate screening, fencing, landscaping, and setbacks?

Will the proposed special use reduce environmental impacts, and conform to all environmental protection standards of this Ordinance, or any other state or federal laws?

Will there be adequate road capacity available to serve the proposed special use?

Will the proposed special use be designed to ensure safe ingress and egress onto the site and safe road conditions around the site?

Will there be adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use?

Will the proposed special use be located and designed so that adequate access onto the site is provided for fire, police, and EMS services?

Does the proposed special use meet the appropriate standards in Chapter 6: General Development Standards?

Does the proposed special use meet all standards imposed on it by all other sections of this Ordinance for use, layout, and general development characteristics?



OutFront Kalamazoo's office at 340 S. Rose St in Kalamazoo, Michigan. (Joel Bissell | MLive.com) Joel Bissell | MLive.com



142
shares

By **Ryan Boldrey | rboldrey@mlive.com**

KALAMAZOO, MI — OutFront Kalamazoo is in the process of preparing to open Kalamazoo's first long-term transitional housing facility that will cater primarily to LGBTQ+ youth.

The nonprofit organization, which serves the region's LGBTQ+ community, purchased the property in December for \$25,000 from the Kalamazoo Public Housing Commission, according to Kalamazoo County property records. The organization expects to be ready to house its first residents in the space this spring, OutFront Kalamazoo executive director Amy Hunter told MLive/The Kalamazoo Gazette.

Advertisement



Multiple community partners — including LISC Kalamazoo, The Irving S. Gilmore Foundation and Kalamazoo Community Foundation — worked with the Kalamazoo Public Housing Commission to renovate the property after the housing commission purchased it in 2020, Hunter said. The housing commission, she said, used grant funds to purchase the home in 2020.

The property, a three-bedroom home in the city's Vine neighborhood, has just a few minor renovations that need done before it opens, Hunter said. There are no major or structural repairs anticipated that would slow the organization's plans to open this spring.

Hunter said the home is being set up to be able to house anywhere from six to 10 people between the ages of 18 and 24 at any given time. Wraparound services will be offered at the home, as part of a six-month program for residents.

In addition to the three bedrooms for residents, a fourth bedroom/office will provide space for a house manager, she said. There will also be a storage area, for residents' belongings. While someone in need of emergency services won't likely be turned away if they showed up on the doorstep, Hunter said, staff will likely help them find other facilities that can help meet those more immediate needs.

"It's not a shelter as much as it is transitional housing," she said. "We want to be able to help (residents) out with wraparound services and help them to learn life skills and set them up for success by doing what we can to put a dent in at-risk, chronic homelessness in Kalamazoo."

The need for such a facility in the area is enormous, Hunter said. Advocacy group True Colors United, through research with the Williams Institute at UCLA, has found that while an estimated 7% of youth identify as LGBTQ+ in the U.S., upward of 40% of homeless youth in the nation identify as such.

"We are serving a niche population, but it is a population that is in desperate need of support not just in Kalamazoo but nationwide," Hunter said. "So, we really feel very fortunate to have had the partners we have had over the past several years to make this a reality. I can't stress enough how needed.

“OutFront is really proud to be out front on this here in Michigan. I think it’s a terrific project and we are set up for success with this and we will be very soon serving clients that we will help set up for success.”

The organization will begin accepting applications for potential residents in mid-late March. Those interested in learning more information can contact OutFront Kalamazoo Communications Director Grace Gheen, at grace@outfrontkzoo.org or 269-349-4234.

The nonprofit is also looking for donations to help furnish the home at this time. Those interested in helping out with that, may also contact Gheen.

Also on MLive:

[OutFront Kalamazoo seeks nominations to recognize those working for LGBTQ+ equality locally](#)

[New Kalamazoo women and children’s shelter aims to build relationships, offer ‘step forward’ for residents](#)

[Coast Guard icebreaker medevacs patient from Mackinac Island when no ferries, planes, choppers can get there](#)

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Southwest Michigan’s largest Home & Garden Expo returns for project inspiration

“The expo is the perfect place to see the services our local companies provide.”

HBA of Western Michigan



**ADVANCE
LOCAL**

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March 3, 2022

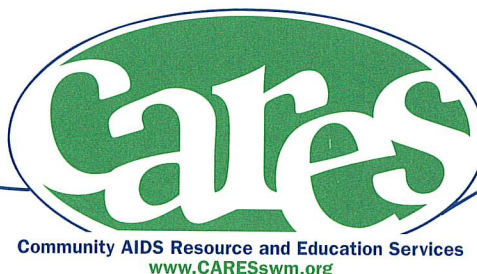
Dear Planning Commission Members:

Please consider providing a special use permit to OutFront Kalamazoo for the 116 Fellows residence for transitional housing. When the zoning was changed, CARES, OutFront Kalamazoo, and the Kalamazoo County Public Housing Commission had been in the middle of a 3-year project of finding a home to purchase that would be perfect for the Legacy House, a transitional home for 18-24-year-old LGBTQ homeless youth. The house was in mid renovation and no notice was given to CARES or OutFront Kalamazoo of these changes.

In 2016, the Kalamazoo Community Foundation put together numerous partners from the various sectors of Kalamazoo County including housing, non-profit, health, education, mental health, law and justice, etc... to discuss the current supports for LGBTQ homeless youth and a plan to increase those supports and an assessment of the overall issue in Kalamazoo County.

From 2017-2019, CARES ran the Out Proud Safe program which provided case management and information and referral for 13-24-year-old LGBTQ homeless youth. This program was 2 fold: 1.) to determine if the issue of homelessness for LGBTQ homeless youth mirrored the national statistics and 2.) to determine the individual needs of this community and to provide some support for this population. From this program, we worked with 392 youth who were deemed LGBTQ homeless youth. Many of the youth needed basic life skills, mental health supports and housing. These youths reported feeling unsafe in some of the current housing supports and wanted something specific for their LGBTQ identity. This bore the Legacy House and the Host Homes Program at OutFront Kalamazoo, a large scale housing program specific to LGBTQ homeless youth.

In June 2020, the Kalamazoo County Public Housing Commission purchased the house from Kalamazoo Neighborhood Housing Services Association rehabbing the space for transitional housing for 6-8 18-24-year-old LGBTQ youth. It was reported to us that KCPHC did their due diligence for the house in order for OutFront Kalamazoo to be able to provide transitional housing. In December 2021, OutFront Kalamazoo purchased the home from the Kalamazoo County Public Housing Commission with a plan to open the house this March. This zoning change has interrupted the process of opening the house and providing housing to LGBTQ homeless youth. It is of utmost



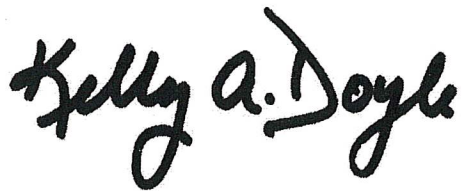
629 Pioneer Street, Suite 200
Kalamazoo MI 49008
269.381.2437
fax: 269.381.4050

185 E. Main Street, Suite 600
Benton Harbor MI 49022
269.927.2437
fax: 269.927.4982



importance that a special use zoning be granted in order for OutFront Kalamazoo to be able to provide these essential services. LGBTQ homeless youth are counting on it.

Thank you for your consideration,

A handwritten signature in black ink that reads "Kelly A. Doyle". The signature is written in a cursive, flowing style with a large initial 'K' and 'D'.

Kelly Doyle
CEO
CARES of Southwest Michigan



Dear Planning Commission Members,

I am writing to offer support for Out Front's Legacy House project, and their request to this body for a special use permit for the property at 116 Fellows Ave so that it can be used for a transitional living residence. Several years ago, the Kalamazoo Community Foundation (KZCF) supported a community LGBTQ needs assessment and conducted focus groups to better understand the needs of the local LGBTQ community. The results indicated that identifying resources for homeless LGBTQ youth was one of the greatest priorities for the LGBTQ community. It should be noted that nationwide approximately 40% of homeless youth identify as LGBTQ, and that a secular youth shelter does not currently exist in Kalamazoo.

Over the past several years, KZCF worked closely with LGBTQ and local youth serving organizations to help identify the service and program gaps for this population. Through a community wide survey, focus groups, youth sector convenings, and direct outreach to homeless LGBTQ youth, a program model led by Out Front and CARES emerged to support the needs of this population, and has been supported through a variety of grants from KZCF.

A Community Outreach worker has been supported since 2017, to address the needs of this population. The program Out Proud Safe was established and offered direct support and referral services. Through direct interactions with this population, it was identified that homeless LGBTQ youth did not feel welcome or safe at existing shelters for youth or adults. The Legacy House project was initiated with the goal of providing a transitional living home for homeless members of the LGBTQ community 18 to 26 years old. The program would also provide wrap around services to help these individuals transition into healthy adulthood.

Representatives from the Public Housing Commission, Kalamazoo County Commission, Out Front and CARES as well as from KZCF have been engaged with this project since its inception. A house was purchased and rehabilitated for this express purpose by the Public Housing Commission and sold to Out Front for the program. During the prolonged selection, purchase, and restoration of the property at 116 Fellow Ave, the zoning for the property changed.

This letter indicates KZCF's support for the special use permit required to allow this property to be used for the purpose indicated above. It should also be considered a letter of support for this important program and the leadership of Out Front, who we believe will steward the program and property well into the future.

Please feel free to reach out to me if you have any questions.

David Feaster
Community Investment Officer
Kalamazoo Community Foundation

City of Kalamazoo
Zoning Board of Appeals
241 West South Street
Kalamazoo, MI 49007

March 7, 2022

Dear members of the Zoning Board of Appeals,

It is with great enthusiasm that I present this letter to express support for the proposed rezone by OutFront Kalamazoo of their *Legacy House* located at 116 Fellows Avenue, Kalamazoo, MI 49001.

For over 30 years, OutFront Kalamazoo has worked to advance social justice, build coalitions, change hearts, and open minds so that all people in southwest Michigan can live authentically and free from discrimination, regardless of their gender identity or sexual orientation. OutFront Kalamazoo provides services and programming which connect members of at-risk LGBTQIA+ communities and helps to further an environment of equity and inclusivity in SW Lower Michigan, especially Kalamazoo County, including emerging work in connecting residents to safe, affordable housing opportunities.

OutFront's *Legacy House* will provide transitional housing for LGBTQIA+ youth to help address homelessness in Kalamazoo. This transitional housing initiative strongly aligns with the goals of the City of Kalamazoo, and your approval of the rezoning request will demonstrate the City's commitment to its priorities.

If you have any questions or need further information, please do not hesitate to contact me at zbauer@lisc.org or (269) 200-2878.

Sincerely,



Zachary D. Bauer, JD, MBA
Executive Director



806 SOUTH WESTNEDGE AVENUE
KALAMAZOO, MICHIGAN 49008
269.349.8463
www.vineneighborhood.org

March 8 2022

To Whom It May Concern,

It is my pleasure to write a letter in support of OutFront Kalamazoo requesting a zoning change for their property located at 116 Fellows Ave. within the Vine Neighborhood. OutFront Kalamazoo has proven to be a wonderful asset, and the need for providing safe, quality, transitional housing for the population being served by this house is real and immediate. OutFront Kalamazoo did an enormous amount of outreach and fact-finding, and the vision for this "Legacy House" is informed by narrative as well as hard data. There is a massive need for emergency transitional housing with supportive services, and it is our hope that the Legacy House" can be a sanctuary as well as a resource.

In conclusion, The Vine Neighborhood Association fully supports the zoning change request change for 116 Fellows to transition th and hopes to see similar housing options here in the Vine neighborhood in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Walsh".

Stephen Walsh
Executive Director
Vine Neighborhood Association

March 5, 2022

Dear Planning Commissioners,

Thank you for the opportunity to express our support for OutFront Kalamazoo in obtaining a special use permit for 116 Fellows Ave.

Kalamazoo County was an early supporter of this project and made a commitment to provide the initial funds. In May 2020 the Board of Commissioners unanimously passed an allocation of \$150,000 to the Kalamazoo County Public Housing Commission to go towards the purchase and renovation of 116 Fellows.

As you all are aware, there is a housing crisis in Kalamazoo County, including in its largest city, Kalamazoo. In fact, we are approximately 6,000 units short throughout the county. Additionally, LGBTQ+ youth represent 40% of all homeless youth. OutFront receives calls weekly to help find spaces for LGBTQ+ youth. This house will help address both salient needs.

The location of the house is nearly perfect. It is located on public transit routes, close to OutFront, downtown Kalamazoo, Bronson hospital, and many other important resources. Kalamazoo County Public Housing Commission worked incredibly hard to find this location and it did do its due diligence.

As County Commissioners who represent parts of the City of Kalamazoo, we are invested in the overall wellbeing of our community and City. This is a wonderful, well thought out project, that fulfills an important need. Additionally, the Fellows house and its mission directly tie into our Commission's priorities of Housing and Equity. Our hope is that the Planning Commission approves the special use permit so this essential project can move forward.

Thank you for your time and consideration.

Sincerely,

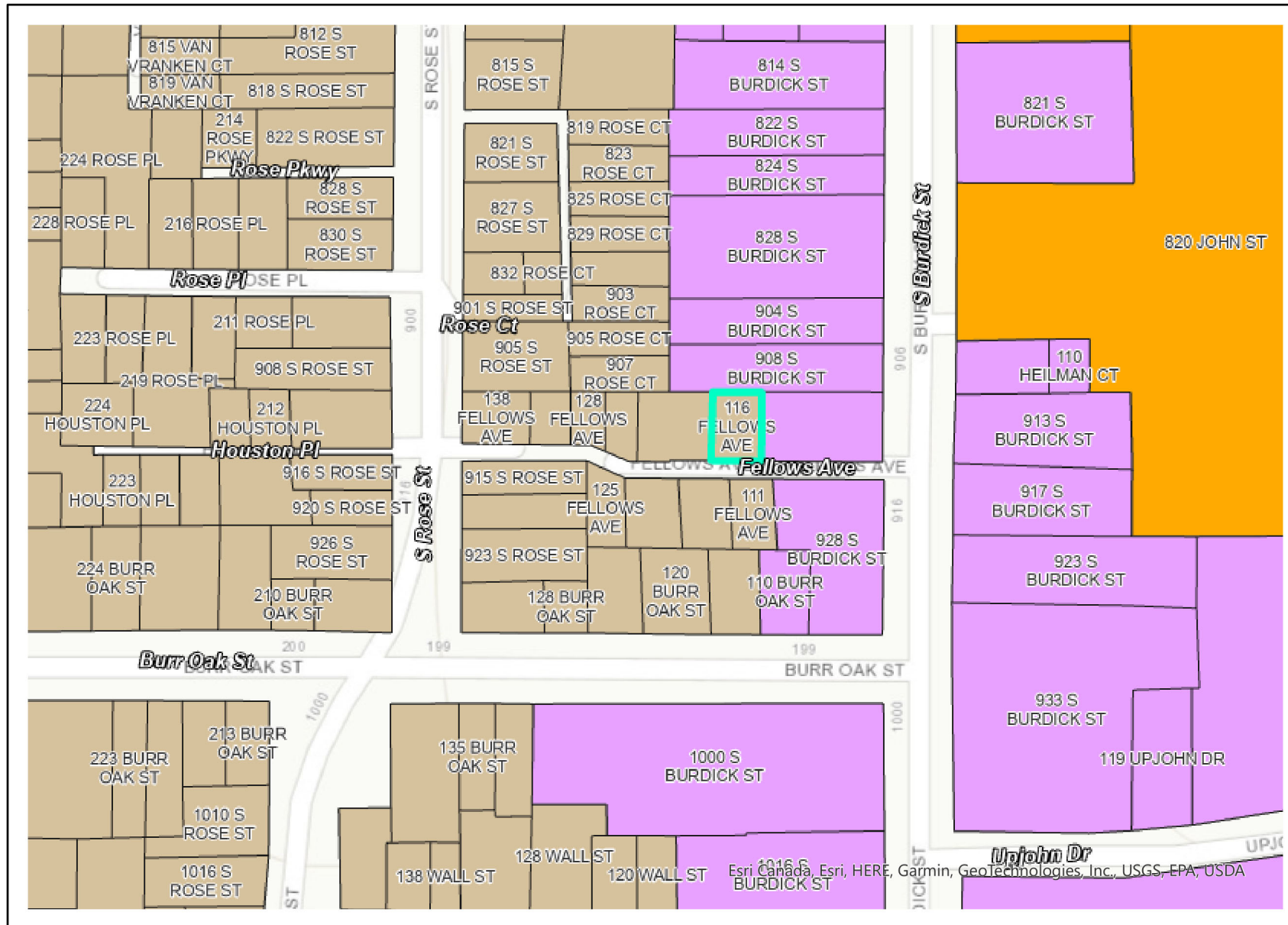
Commissioner Tami Rey, district 1

Vice Chair Monteze Morales, district 2

Commissioner Tracy Hall, district 3

Commissioner Jennifer Strebs, district 4

P.C. #2022.02 - 116 Fellows Avenue
Special Use Permit for Transitional Residence



Zoning

-  Subject Property
-  Other Property

Zoning

-  D-3
-  LW-1
-  RM-36

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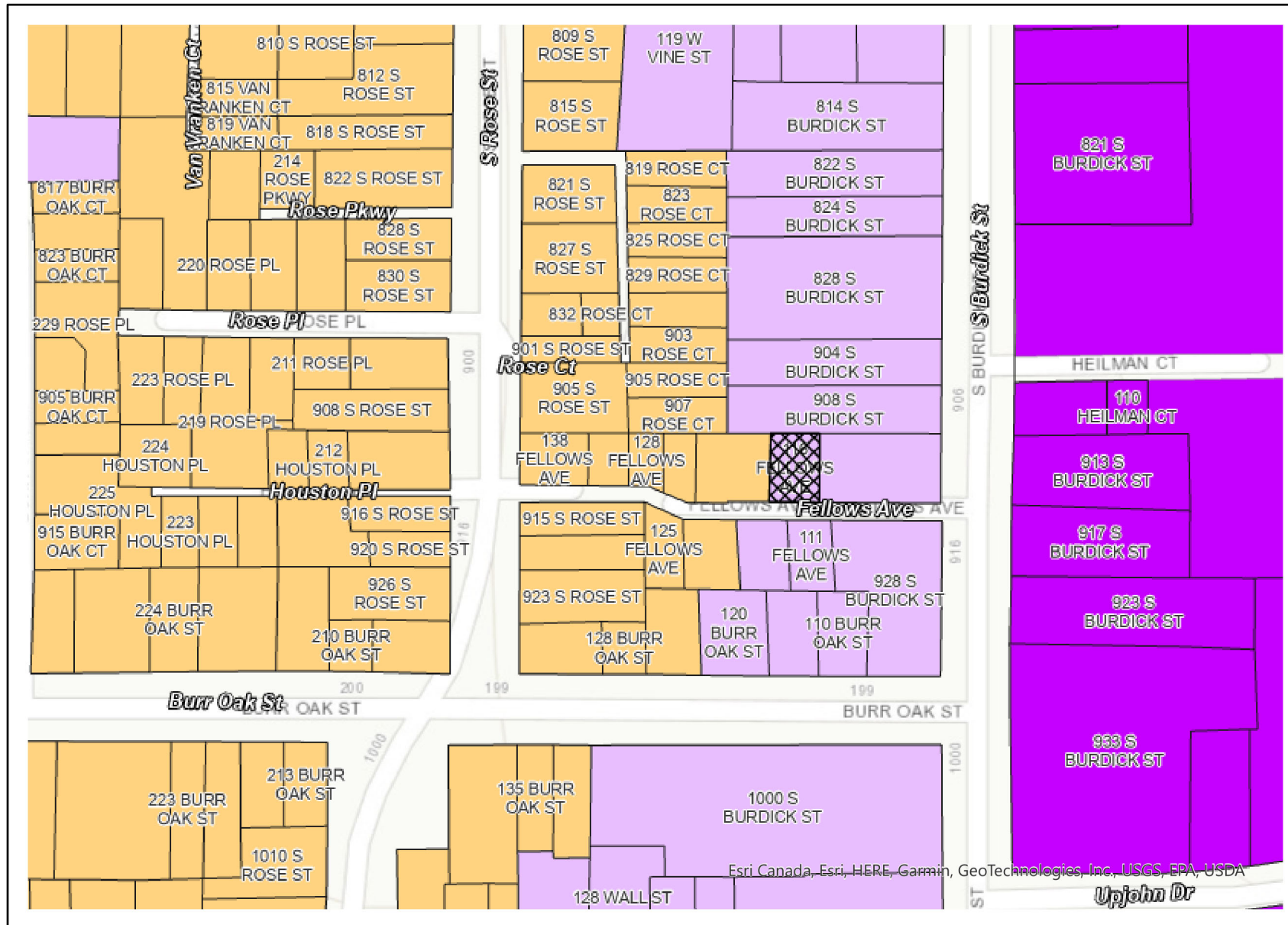


P.C. #2022.02 - 116 Fellows
Special Use Permit for Transitional Residence



P.C. #2022.02 - 116 Fellows

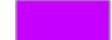
Special Use Permit for Transitional Residence



Zoning

-  Subject Property
-  Other Property

Future Land Use

-  Neighborhood Edge
-  R2-Residential
-  Urban Edge

0 0.01 0.03 0.06 mi



P.C. #2022.02 - 116 Fellows Avenue
Special Use Permit for Transitional Residence



Zoning

-  Subject Property
-  Other Property
- 2018
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

Esri, Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

0 0.01 0.01 0.03 mi





Planning Commission Staff Report

Date: **4/7/2022**

Item: **E.2.**

City of Kalamazoo

TO: City of Kalamazoo Planning Commission

FROM: Prepared by: Christina Anderson, AICP, City Planner

DATE: April 7, 2022

SUBJECT: PC # 2022.03 Text Amendments to Chapter 50 Zoning Code in Articles 1, 3, 5, and 7 Proposed by City Staff

BACKGROUND:

City staff regularly apply the zoning code when working with developers and property owners interested in expanding their homes, starting a business, or constructing a new building. During this use, staff regularly reviews the code language. Issues with the code are kept on a running list for the next opportunity to update the code; this is that opportunity.

All the edits proposed are general edits to Chapter 50 Zoning Code and are from staff's running lists to update for clarification of wording, ease of use, and to ensure the standard matches its intent (reason for being included in the Code). The edits fall into a few categories and are available in your packet as separate documents with the rationale noted for the changes. A complete copy of the whole Chapter 50 with the edits noted in red text is also included with the packet. The draft texts are available online in the same formats, allowing a detailed look at the proposed changes and an opportunity to see how the complete code reads. Two notes below provide additional detail on the marihuana edits and the update to the Community Commercial (CC) District.

Marihuana Use Standards. Medical and Adult Use Marihuana were approved by the State at different times and through different processes (legislature-driven and citizen initiative). As a result, the City also incorporated the uses into the zoning code at different times and with different parameters, including those for medical provisioning centers and adult use retailers. This is despite the fact that both are locations where marihuana can be sold and both are allowed on the same site per the State. The updates to the marihuana use standards include aligning the location requirements for the two similar uses, which will make it easier for staff to apply the rules. Other changes include prohibiting drive-throughs and clarification of the wording for co-location (shared site) standards. The Community Investment Division, the Clerk's Office, and the City Attorney's office are simultaneously updating the rules associated with marihuana licensing, found in Chapter 20.B, following the application of the licensing rules over the last few years. These changes are reviewed and approved by the City Commission.

Shifting Community Commercial District to Chapter 50. A very common variance request to the Zoning Board of Appeals (ZBA) is to allow ground floor residential in the Community Commercial (CC) District. This has long been on our running list of edits to make. At a recent meeting, the ZBA encouraged staff to move quicker with the zoning code edits, including this one. In order to update the permitted uses in the CC District, it first has to be shifted into Chapter 50 Zoning Code from Appendix A Zoning Ordinance. This means many small edits to multiple sections to bring in the District description, uses, and dimensional standards, such as setbacks and lot area. The next round of edits staff will bring forward for review will be adding the new commercial districts to these new sections and tables created with the shifting over of CC standards.

STRATEGIC VISION ALIGNMENT:

This work meets the Good Governance Strategic Vision goal. The City understands that the Zoning Code is not static and that based on City use and resident and developer application, it will need to be reviewed and updated in order to be effective.



Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Engagement/Communication Tools

Regular conversations with the community and users of the Zoning Code; imaginekalamazoo.com; and newspaper notice.

FINDINGS:

The Planning Commission's role is to make a recommendation to the City Commission regarding the proposed zoning changes. When considering the request, the following should be considered per Chapter 8 of the Zoning Ordinance:

1. The extent to which the amendment is consistent with the Master Plan 2025 and Strategic Vision.

These edits are consistent with the 2025 Master Plan, which called for an update of the Zoning Code in alignment with the 2025 Master Plan and Strategic Vision and are consistent with the Good Governance Strategic Vision goal.

2. The extent to which there are changed conditions that require an amendment.

The change in conditions that require the amendment is the regular use of the Zoning Code standards since they were put into effect. The edits represent a list of unclear standards, out of date language or practices, and standards that are not achieving their intended purposes.

3. The extent to which the proposed amendment addresses a demonstrated community need.

These edits are required to ensure the effective application of the Zoning Code. Without review and updates of the Zoning Code at regular intervals, the standards can become out of date or impractical to apply due to their wording, lack of clarity, and relevance.

4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land, or the proposed amendment to the text of this Ordinance will maintain or improve compatibility among uses and will ensure efficient development within the City.

These proposed text amendments will ensure efficient development within the City, the ability of staff to apply the standards, and the public's ability to easily use documents.

5. The extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed changes are text amendments to ensure the Zoning Code can be used more effectively and efficiently; these changes do not impact overall development patterns.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend the approval to the City Commission of the proposed text edits to Chapter 50 .



Chapter 50: Zoning Ordinance

March 2022
DRAFT

THE CITY OF KALAMAZOO



imagine
kalamazoo
2025

Chapter 50 - Table of Contents

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Article 1. General Requirements

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Article 4. Use Regulations

Article 5. Zoning Standards

Article 6. Zoning Standards: Overlay District Standards

Article 7. Parking & Loading Regulations

Article 8. Landscape & Screening Regulations

Article 9 Signage.

Article 10 Lighting.

How to Use These Regulations

This Zoning Code provides a variety of zoning districts to support development and redevelopment and the alignment of land use with our transportation network in Kalamazoo. Follow the steps on the adjacent page to determine what zoning standards apply to your property.

In addition to traditional zoning districts, this Code also includes districts that apply form-based regulations. The Live Work 1, Live Work 2, Neighborhood Node, Downtown 1, Downtown 2, and Downtown 3 zoning districts set development standards that focus not only on the use of the building, but also the building's form and impact on the block and adjacent street. These regulations go beyond basic setback lines and maximum height to consider such elements as building entrance, minimum amount of transparent windows, and both minimum and maximum heights. The intent of each zoning district can be found in 50-3 Zoning Districts and Maps. Information on the development standards for each district is found in 50-5 Zoning Standards.

This Zoning Code also considers the street network when setting standards for where uses may be located and building, access, and parking locations. In order to create active and inviting public places and support economic vitality at a variety of scales and locations, buildings and uses on lots and the adjacent streets must work together, rather than be in conflict. To this end, the City has created a Street Design Manual to guide its work in designing City streets and to support development that impacts the City's rights-of-way. A street type map is included with the Zoning Map.

The Planning Division is always available to answer questions at 269-337-8044.

1 Zoning District & Street Type

What zoning district is your property located?

On what street type is your property located?

Locate your property on the Zoning Map (refer to **Figure 1.2-1**) and the City's Online GIS system available from www.cityofkalamazoo.org/maps.

Locate the street type(s) adjacent to your property (refer to **Figure 1.2-2**) and the Street Design Manual for additional background at www.imaginekalamazoo.com/projects/streetdesignmanual

2 Permitted Use.

What is your desired use? Is it permitted in this location?

Refer to the **4.1-1 Use Table** to review what uses are permitted in each Zoning District. Many uses have specific design standards by district, these are described in **50-4.4 Use Definitions and Standards**

3 Zoning Standards.

What are the requirements for developing or rehabbing a building in this location?

Go to **50-5 Zoning Standards**. The standards for each district are noted in one of two tables:

1. Table 5.1-1 Permitted Lot Types by District

- these are the standards for the form-based districts
- in most districts, more than one Lot Type is permitted; Lot Type descriptions are found in **50.5-6 Lot Types**
- each Lot Type has its own standards specific to that Lot Type, including detailed illustrations.

Select the lot type for your project and use these standards to design your project

2. Table 5.1-2 Dimension Standards by District

- standards for these districts are listed in this table

All the zoning standards, regardless of which zoning district applies to your property are defined in **50.5-2 to 5**.

When rehabbing an existing building refer to section **50-1.4**

Nonconformances to determine what activities would result in meeting the requirements of Chapter 50.

Article 50-1. General Requirements.

50-1.1 Purpose.

A. The intent of these requirements is to:

- (1) Create a flexible, market driven approach to the districts defined to promote public health, safety, and general welfare.
- (2) Realize the community's vision as detailed in the Master Plan, including permitting a variety of uses, increased variety of housing infill, and promoting active walkable nodes and corridors through the inclusion of building form requirements.

B. This document should reflect the current adopted Master Plan; if substantial changes occur, this text should be reviewed and amended.

50-1.2 General Provisions.

A. Zoning Maps The zoning districts detailed in these regulations are mapped according to Figure 1.2-1. Throughout this Code, many standards are tied to both the mapped zoning districts and the street type, the street types are mapped according to Figure 1.2-2.

B. Conflicts. If a conflict arises between the regulations in Chapter 50 and those in Appendix A, the regulations of Chapter 50 take precedent unless otherwise approved by the City Planner.

C. Existing Structures. The form-based zoning districts are intended to allow existing structures to remain while integrating new development through the use of the form-based standards.

50-1.3 Definitions.

A. Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes.

B. Alley. A public or private right-of-way intended for accessing rear yards, utilities, trash pick up, and vehicular access to parking or loading areas. The City Planner can approve having existing Courts serve the same functions as Alleys, as it relates to the requirements of this code.

Figure 1.2-1 Zoning Map.

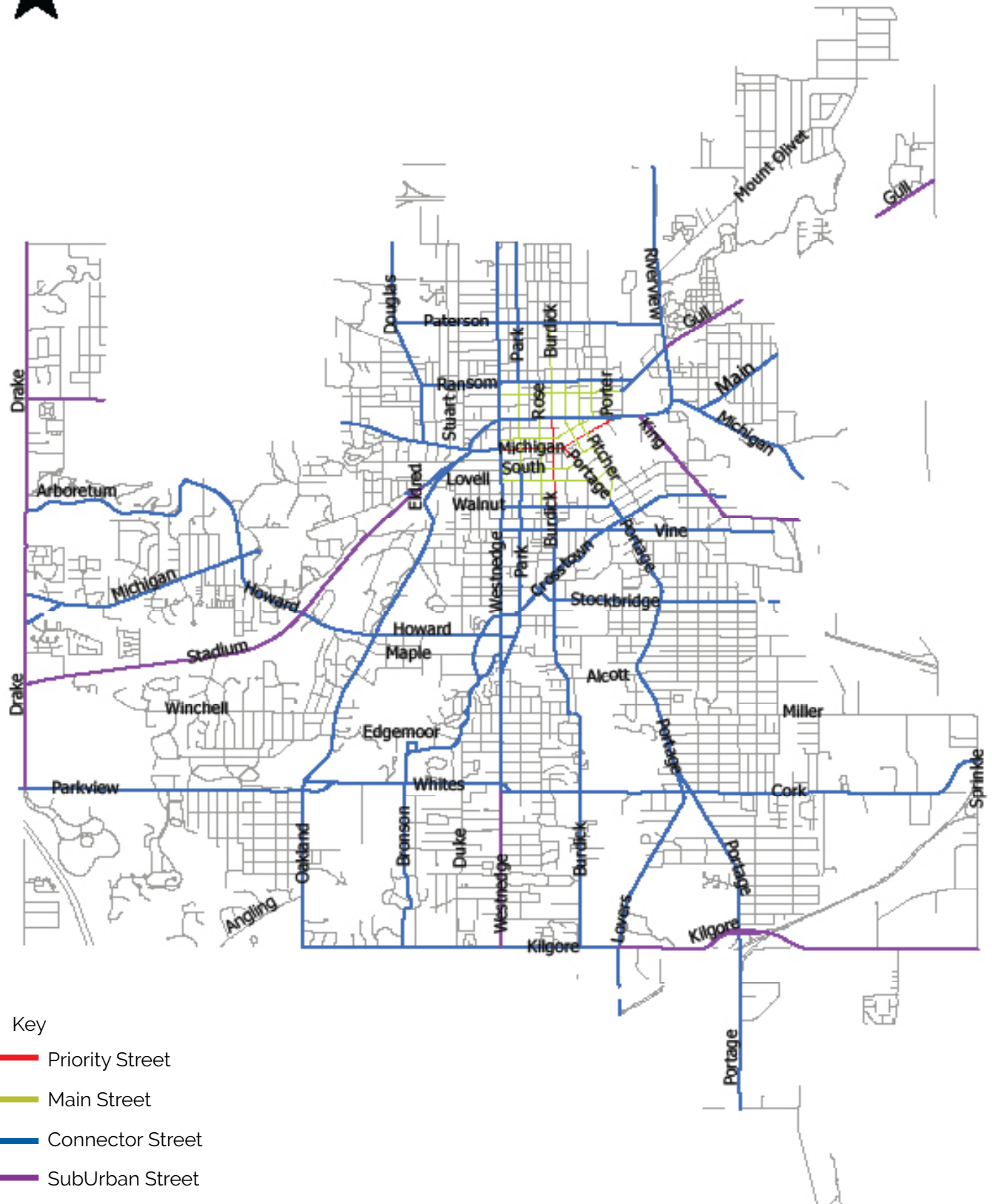


Figure 1.2-2 Street Type Map.

C. Basal Area. A method of determining Woodland density by measuring the cross-sectional area of individual tree stems over a particular unit area.

D. Best Management Practices (BMP). Commercial or professional procedures that are accepted or prescribed as being correct or most effective.

E. Build-to Zone. The designated area on a lot that the front or corner side façade of a building must be located. The zone dictates the minimum and maximum distances a building may be placed from the front or corner side lot line. Refer to Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

F. Canopy, Tree. The upper layer of a Woodland formed by the crowns of mature trees.

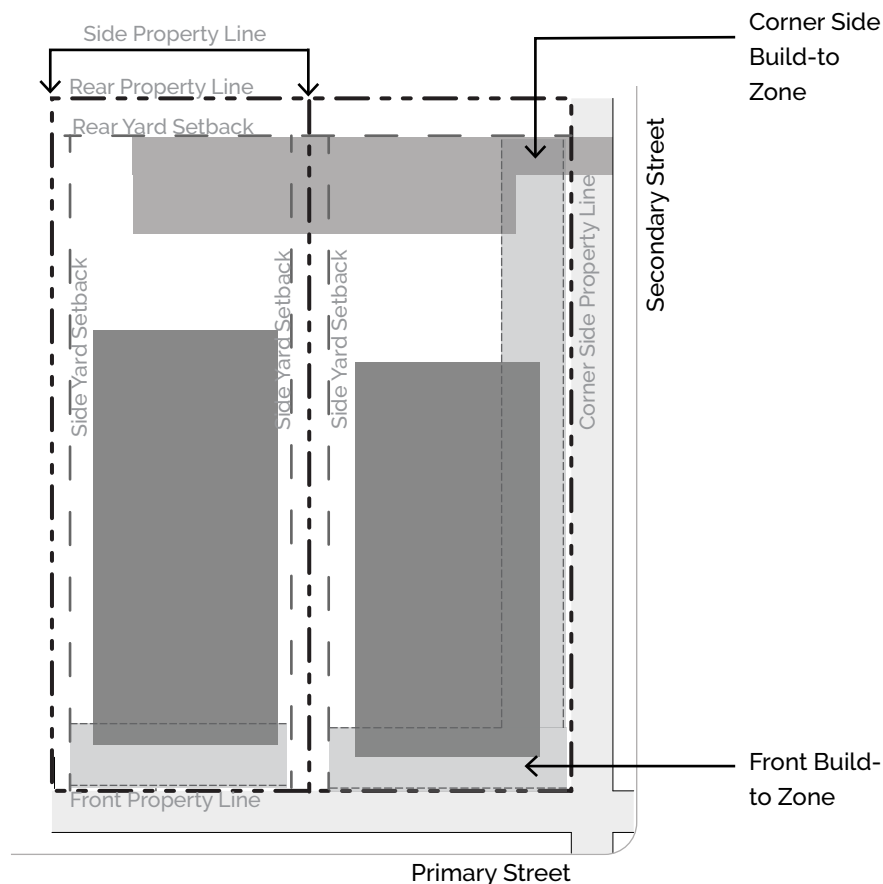


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

G. Courtyard. An open-to-the-sky outdoor area enclosed by a building on at least two (2) sides. Parking is not permitted in a Courtyard.

H. Critical Root Zone (CRZ). The zone encompassing the majority of a tree's roots. It is calculated by measuring the diameter of a tree trunk at breast height and measuring outward from the trunk eighteen (18) inches for every inch of trunk diameter. Refer to Figure 1.3-2 Measuring Critical Root Zone.

I. Cultivate. To propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

J. Develop. The construction, removal, or renovation of a primary or accessory structure or other impervious surfaces on a lot.

K. Diameter at Breast Height (DBH). The diameter of a tree trunk measured at 4.5 feet above ground level.

L. Disturbance. Includes any of the following: 1) placement of impervious surface or structure; 2) exposure or movement of soil, including removal or addition of soil or other natural or manufactured materials; or 3) clearing, cutting, or removing of vegetation except when any of these activities are done in order to maintain or improve ecosystem health, mitigate or prevent erosion and sedimentation, or mitigate harm, such as by removal of invasive or diseased vegetation, to the natural feature.

M. Ecosystem. A biological community of interacting organisms and their physical environment.

N. Ecosystem Assessment, Woodland. A method for quickly gathering information about the plant density, species diversity, and/or condition of a Woodland habitat.

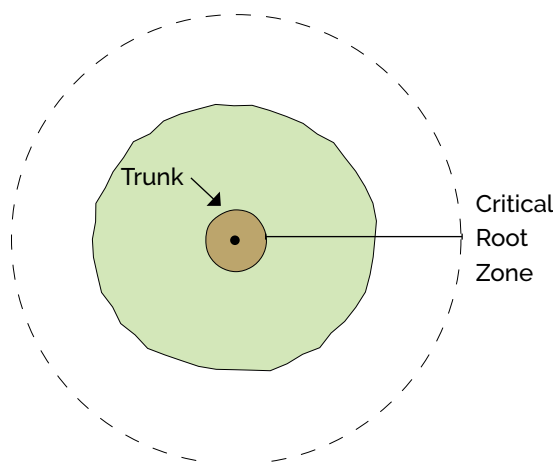


Figure 1.3-2 Measuring Critical Root Zone

O. Endangered Species. Any species recognized by the State of Michigan and/or Federal government as being in danger of extinction throughout all or a significant portion of its range.

P. Entrance Treatment. The permitted treatments of the ground story façade, including entrance and window transparency. Refer to 5.2 Entrance Treatment.

Q. Equivalent License. Any of the following when held by a single licensee:

- (1) grower license of any class under both the MRTMA and MMFLA;
- (2) processor licenses under both the MRTMA and MMFLA;
- (3) secure transporter licenses under both the MRTMA and MMFLA;
- (4) safety compliance facility licenses under both the MRTMA and MMFLA; and
- (5) a retailer license under the MRTMA and a provisioning center license under the MMFLA

R. Façade. The exterior face of a building, including but not limited to the wall, windows, doorways, and design elements. The front façade of a building faces the front property line.

S. Façade, Street Facing. Façade of a building facing a public or private space, such as a street or park. This does not include building facades along alleys, which would be considered rear facades.

T. Graminoids. Grasses, sedges, and rushes.

U. Habitat. The natural home or environment of an animal, plant, or any other living organism.

V. Habitat Corridor. An area of land containing wildlife habitat, generally native vegetation, which joins or provides passage between two or more larger areas containing similar wildlife habitat, and the entire corridor thus formed.

W. Industrial Hemp Any part of the plant, whether growing or not, Cannabis sativa L or the genus cannabis with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant regardless of moisture content. Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

X. Invasive Species. Any living organism that is not native to an ecosystem and causes the ecosystem harm.

Y. Lot Type. A lot type is defined by the combination of building siting, form, façade treatment, parking and access, and use. Refer to Chapter 5.

Z. Marihuana. All parts of the plant *Cannabis sativa* L. or of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include:

- (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) industrial hemp; or
- (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

AA. Marihuana Establishment, Adult Use.. An adult use marihuana commercial business operation licensed pursuant to the MRTMA and permitted to operate by City ordinance.

BB. Marihuana Establishment, Medical. A medical marihuana commercial business operation licensed pursuant to the MMFLA and permitted to operate by City ordinance.

CC. Marihuana-Infused Products. A topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption in a manner other than smoke inhalation.

DD. Master Plan. City of Kalamazoo Planning document that outlines the community's vision primarily as it relates to land use and transportation.

EE. MMFLA. The acronym for the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq.

FF. MRTMA. The acronym for the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27051 et seq.

GG. **Nativar.** A cultivar of a native plant species.

HH. **Native Species.** A species that normally lives and thrives in a particular place as a result of natural processes, not human introduction, disturbance, or intervention. For the purposes of this Article, a particular place is defined as Kalamazoo County.

II. **Natural Communities.** Groups of plants and animals and their physical environment that have experienced minimal human-caused disturbance or recovered from that disturbance.

JJ. **Natural Features.** Features defined in the Natural Feature Protection Overlay, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

KK. **Natural Vegetation.** Plants that grow naturally, especially but not limited to those that provide habitat for wildlife; deep-roots to stabilize banks, shorelines, and slopes; or canopy for shade.

LL. **NREPA.** Michigan's Natural Resources and Environmental Protection Act, 451 of 1994, as amended, MCL 324.101 - 324.90106.

MM. **Occupied Space.** The first fifteen (15) feet inside a building measured from the front facade and on corner side facades. In this space, uses such as interior parking, residential units, storage, or utility areas may be restricted. Refer to Article 5 Zoning Standards for more information.

NN. **Orbs.** Non-woody plants and wildflowers other than grasses.

OO. **Ordinary High Water Mark.** The upper limit that the water level reaches during regular changes in water level. Refer to Figure 6.2-1 Wetland and Water Resources Setbacks.

PP. **Parcel, Parent.** The parcel or tract of land lawfully in existence on the effective date of the Natural Features Protection Overlay District.

QQ. **Playground.** Any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing sets, and teeterboards.

RR. **Preserve.** An area of land under common ownership by a tax-exempt nonprofit organization where a management plan for conservation, wildlife, historic resources, or ecological resources or values is actively

implemented.

SS. Process or Processing. The activity to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

TT. Property Line. Also referred to as lot line. Refer to Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

UU. Property Line, Front. Also referred to as a front lot line. The intersection of the right-of-way and the property or lot; the area from which the front build-to zone is set. Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

(1) When a primary street abuts a through or corner lot, the front property line is that property line along the primary street.

(2) When a lot abuts two (2) or more primary streets or does not abut any primary streets, the front property line shall be determined by the City Planner.

VV. Restoration. The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

WW.. Riparian Area. The area adjacent to a Water Resource or Wetland.

XX. Runoff. The portion of precipitation that does not soak into the ground or evaporate.

YY. Scale. Typically defined by the adjacent buildings and rights-of-way, scale refers to the size or massing of a structure or street.

ZZ. Semi-pervious Materials. A ground surface covering that allows for at least forty (40) percent absorption of water into the ground or vegetation, such as porous pavement, pavers, crushed stone, or gravel.

AAA. Site Characteristics. Minor, physical development features on a lot, including signage, landscaping, parking, driveway location, and other physical, but non-structural elements of a site.

BBB Slope. The area of the ground surface where there is a change in elevation over a horizontal distance.

CCC. Slope Analysis. An analysis based upon a topographic survey used to calculate the grade of slopes.

DDD. Slope Face. The surface area of the slope from Top to Toe of Slope. Refer to Figure 1.3-3 Parts of a Slope.

EEE. Slope Percent Grade. The vertical change in the elevation of the ground surface (rise) divided by the specific horizontal distance (run) multiplied by 100.

FFF. Slope, Toe of. The lowest part of a slope. Refer to Figure 1.3-2 Parts of a Slope. Refer to Figure 1.3-3 Parts of a Slope.

GGG. Slope, Top of. The highest part of a slope. Refer to Figure 1.3-2 Parts of a Slope. Refer to Figure 1.3-3 Parts of a Slope.

HHH. Stormwater Best Management Practices (BMP). Tools used to prevent or reduce stormwater runoff and/or associated pollutants as determined by professional associations, State of Michigan, or Federal government, such as the Michigan Low Impact Development Manual.

III. Stormwater Runoff. Runoff and any other surface water drainage that flows into natural or man-made drainage ways.

JJJ. Street, Types. The types of right-of-ways and associated treatment of vehicular, bicycle, and pedestrian ways within, as illustrated by the 2025 Master Plan. The Street Types are: Priority Street, Main Street, Connector Street, SubUrban Street, and Neighborhood Street. Refer to Figure 1.2-2 Street Types Map..

KKK. Street, Connector. Links neighborhoods and institutions together. Transit, on-street bicycle facilities such as protected lanes or paint-designated lanes, and on-street parking may all be present. Sidewalks and upgraded crossings at key intersections provide for pedestrians along this often busy, very mixed-use street. Driveways for vehicular access to properties are expected, but limited through key neighborhood commercial nodes and corridors. A center turn lane maybe be required. This street type balances all travel modes. For additional information refer to the

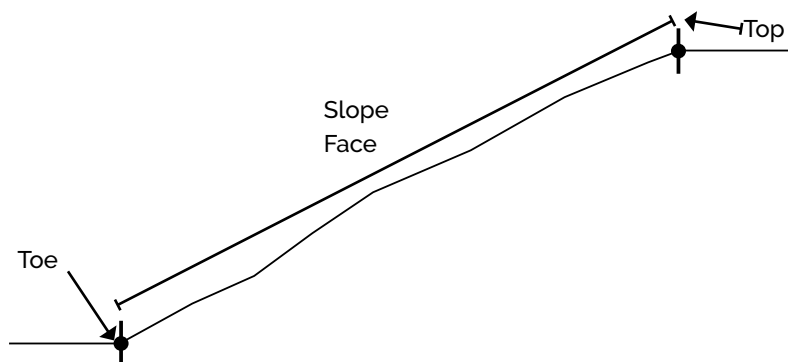


Figure 1.3-3 Parts of a Slope

Connected City Chapter of the 2025 Master Plan.

LLL. Street, Main. Typically found Downtown surrounding Priority Streets, it serves intensive, active mixed-use blocks. A street type with slow vehicular traffic, regular pedestrian crossings and wide sidewalks. Sidewalks are improved with streetscape, lighting, and wayfinding signage to support pedestrian movements. On-street parking and on-street bicycle facilities are both common. Driveway access to adjacent properties should be limited to prevent pedestrian-vehicle conflicts. The priority user is the pedestrian. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

MMM. Street, Neighborhood. This street type typically has slow vehicular traffic, limited to no transit service, and bicycle facilities that are incorporated into the roadway with signed routes or sharrows. Regular driveway access is excepted on this street type. On-street parking serves the adjacent land uses which can range from industrial to commercial to residential. In residential blocks, landscaped curb lawns and street trees are common; there may not be sidewalk on both sides of the street in this setting. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

NNN. Street, Primary. A street designated as having priority over other streets in terms of setting the front lot line, locating building entrance, and façade treatment. On corner lots, the primary street is determined by the street type with the following order of priority: priority street, main street, connector street, and neighborhood street. When a lot fronts three (3) or more streets and/or two (2) or more of the same street type, the primary street will be designated by the City Planner through Site Plan Review.

OOO. Street, Priority. Downtown street type with slow vehicular traffic, regular pedestrian crossings and very wide sidewalks. Transit, on-street parking, and on-street bicycle facilities are typical, as is a high level of streetscape, lighting, and wayfinding signage to support active, urban commercial and mixed use blocks. The priority user is the pedestrian. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

PPP. Street, Secondary. A street designated as not having priority over other streets. Secondary streets typically serve as preferred location for vehicular access points and buildings fronting secondary streets may have a reduction in the facade requirements.

QQQ. Street, Suburban. Multiple vehicle lanes with higher speeds, this street type often has a center turn lane and no on-street parking. Transit serve this street type and the adjacent uses, which lean toward more intensive commercial or mixed-use projects. Pedestrian and bicyclists move in off-street, facilities separated from the vehicular travel lanes. The priority user is the vehicle. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

RRR. Story, Ground. Also referred to as ground floor. The first floor of a structure that is level to or elevated above the finished grade, measured at the front and corner facades. This excludes partially above-ground basement areas. Refer to Figure 5.3-1 Measuring Height.

SSS. Story, Half. A floor located partially below grade and partially above or a floor located within the roof structure facing that has transparency facing a street.

TTT. Story, Upper. The floors of a structure located above the ground story. Also referred to as upper floor.

UUU. Structure, Primary. A structure that contains the lot's primary use and is located in the front-build to zone. A lot may contain more than one primary structure, refer to 5.6 Lot Types.

VVV. Structure, Accessory. A structure that contains a secondary or accessory use on a lot. Accessory structures are typically smaller in size than the primary structure and located toward the rear of the lot. Refer to 4.5 Accessory Uses and Structures.

WWW. Surface, Pervious. An area that allows for the absorption of water into the ground or vegetation. Also referred to as permeable are.

XXX. Surface, Impervious. Areas covered with surfaces that do not allow at least forty (40) percent absorption of water into the ground, including areas for driveways, parking lots, and walkways and structures.

YYY. Surface, Semi Pervious. An area that allows for at least forty (40%) absorption of water into the ground or vegetation. Semi-pervious materials can include such materials as porous pavement, pavers, crushed stone, or gravel.

ZZZ. Threatened Species. Any species recognized by the State of Michigan and/or Federal government which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

AAAA.Turf Grass. Any variety of commercial grasses grown and maintained to form turf.

BBBB. Understory. The layer or layers of woody vegetation — including understory trees and shrubs — that naturally grow beneath a Tree Canopy.

CCCC.. Use, Accessory. May also be referred to as secondary use. This use typically takes up less space than the

principal use and is often located in an accessory structure or in side or rear yards.

DDDD. Use, Primary. May also be referred to as the principal use. The dominant use of a lot. It is typically located in the lot's primary structure along the front property line.

EEEE.. Vegetated Buffer. A permanent, maintained strip of vegetation designed to help absorb and slow the velocity of surface Stormwater Runoff, and filter out sediment and other pollutants.

FFFF.. Wetland Determination. An on-site investigation to determine whether the presence of water, hydric soils, and wetland vegetation occur in such a manner as to meet the definition of a Wetland.

GGGG. Wild-type. A straight species native plant that has not been commercially cultivated for a specific characteristic, which provides for natural genetic diversity, disease resistance, climate resiliency, and reliable pollinator habitat.

HHHH. Youth Center. Any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities."

IIII. Zoning District, Base. Also referred to as underlying zoning. The zoning regulations applied to a parcel according to the Zoning Map.

JJJJ. Zoning District, Overlay. A set of standards placed on a parcel in addition to the standards of the Base Zoning District.

50-1.4 Nonconformances.

Refer to Chapter 9. Nonconformities of Appendix A for the management of nonconforming uses of land and nonconforming structures and uses of structures with the following additions.

A. Regulations of Chapter 50 shall be met when,

- (1) Change in Use. The use nonconformance exception ends when a change of use will result in a fifty (50) percent or greater change in capacity or intensity, such as an increase in gross floor area, seating, or residential units.
- (2) Change in Structure. The structural nonconformance exception ends when the associated structure is modified to change the gross floor area by fifty (50) percent or more.

B. Nonconforming Site Characteristics. Site characteristics may continue in accordance with the following.

- (1) Ten Percent Exception. A site characteristic is not considered nonconforming if the size of the nonconformance is less than ten (10) percent of the requirement.
- (2) Change In Use. The nonconforming site characteristic exception ends if a change of use will result in a fifty (50) percent or greater change in capacity or intensity, such as an increase in gross floor area, seating, or residential units.
- (3) Change in Structure. The nonconforming site characteristic exception ends if the associated structure is modified to change the gross floor area by fifty (50) percent or more.
- (4) Exception for Multi-Tenant Signs. Multi-tenant signs are exempt from this requirement in that an individual or tenant is permitted to install a new sign or change out signage within an existing multiple tenant sign provided that the new signage does not increase the amount of nonconformance.

C. Street Facing Façade. When a building located within the build-to zone is renovated, including with no change to the overall square footage of the structure, the regulations of 5.5 Street Facing Facades shall be met when any of the following occur.

- (1) Installation of new entrance or change in location of entrance on a street facing façade.
- (2) Change in window location or size on a street facing façade by thirty (30) percent or more.
- (3) Change or replacement of more than thirty (30) percent of façade materials on a street facing façade with a different material.

Article 50-2. Review Bodies.

Reserved

Article 50-3. Zoning Districts.

50-3.1 Zone Districts. Refer to Figure 1.2-1 for the Zoning Map of the following districts.

A. **Neighborhood Node District.** Neighborhood Nodes are intended to create walkable, vibrant mixed-use commercial areas in Kalamazoo neighborhoods with a focus on building forms that promote inviting public places. Neighborhood Nodes allow a wide range of commercial uses on the ground floor with commercial and residential uses allowed on upper floors. Neighborhood Node locations can be found in the Master Plan, Future Land Development Map.

B. **Live-Work 1 District.** Live-Work 1 promotes a wide mix of commercial and residential uses in a scale and with a building form compatible with Kalamazoo neighborhoods and corridors. Live Work 1 standards focus on the building form, specifically along the street, while allowing a flexible list of uses within the building.

C. Live-Work 2 District. Live-Work 2 is intended to promote a wide mix of uses, including residential, commercial, and craftsman industrial users. Typically located adjacent to the Downtown or traditional industrial areas, Live-Work 2 is similar to Live-Work 1, but allows for more urban scaled development.

D. Downtown 1. Downtown 1 supports the key retail blocks of Downtown Kalamazoo by promoting a mix of uses with the most active permitted on the ground floor. This district is intended for the active, walkable principle blocks that focus on retail, entertainment, and service uses, storefronts, pedestrian-scaled signage, and access to shared parking facilities.

E. Downtown 2. This district is similar to Downtown 1, but with more flexibility in its form and permitted uses. It is intended for blocks directly adjacent to those in Downtown 1.

F. Downtown 3. Promotes a wide mix of uses, including residential, commercial, and civic uses in building forms that support the scale and intensity of Downtown Kalamazoo.

G. Community Commercial District. Community Commercial district supports medium to large-scale commercial and mixed-use development with a city-wide or regional market focus. This district is typically found on major corridors, such as community connectors, and often near highway access. A wide range of retail, service, and office uses are permitted. Residential uses are permitted with design standards.

50-3.2 Overlay Zone Districts. Refer to Figure 3.2-1 Zoning Overlay District Map of the following overlay districts.

A. Natural Feature Protection (NFP) Overlay District. Natural Features Protection (NFP) Overlay District is an overlay district providing additional development standards for parcels containing or adjacent to Natural Features. Refer to 50-6.2.

Article 50-4. Uses.

50-4.1 General Provisions. The following general provisions apply to the uses outlined in Table 4.1-1 Use Table.

A. Permitted Uses. Uses are either permitted by-right, permitted with development standards, or permitted if a special use permit is granted from the Planning Commission.

B. Lot Type Required. All uses shall be located within a permitted Lot Type, unless otherwise specified. Refer to Article 5 Zoning Standards: Lot Types for additional use standards that may differ based on a ground or upper floor location within a building.

C. Required Licenses. Any facility that is required to be licensed by the State of Michigan shall have a valid license at all times. It is a violation of this Code to operate at any time without a valid license.

50-4.2 Organization. The uses listed in the Table 4.1-1 are grouped into general categories and shall be interpreted as follows.

A. Unlisted Similar Uses. If a use is not listed, but is similar in character and impact to a use in the permitted, permitted with development standards, or permitted with a special use permit, it may be interpreted by the City Planner as similar.

B. Unlisted Dissimilar Uses. If a use is not listed and cannot be interpreted as similar to a listed use, the use is not permitted.

50-4.3 Use Table. Table 4.1-1 outlines the permitted uses by zoning district. Uses are permitted in one of the following ways.

A. Permitted. Uses in the table noted with "P" are permitted by right in the zoning district(s) in which they are listed.

B. Permitted, Development Standards Required. Uses in the table noted with "PD" are permitted by right in the zoning district(s) in which they are listed provided that they are developed with the listed development standards. The development standards listed are intended to manage potential impacts associated with it, making it appropriate in a location where it might otherwise have not been allowed.

C. Special Use. Uses in the table noted with "S" are permitted with the approval of a special use permit from the Planning Commission in the zoning district(s) in which they are listed.

Table 4.1-1 Use Table

	Node	LV1	LV2	D1	D2	D3	CC
Residential/Lodging							
Bed & Breakfast		P	P	PD	P	P	
Hotel/Motel	P	P	P	P	P	P	P
Nursing Home/Assisted Living/Rehabilitation Center/Adult Foster Care		PD	P	PD	P	P	P
Residential (1 & 2 units)	PD	P	PD	PD	PD	P	PD
Residential (3 & 4 units)	PD	P	P	PD	P	P	PD
Residential: Multifamily (5 & more units)	PD	P	P	PD	P	P	PD
Rooming House	PD	P	P	PD	P	P	PD
Transitional Residence		P	P				PD
Civic/Institutional Uses							
Assembly	PD	P	P	PD	P	P	P
Assembly, Religious	S	S	S		P	S	P
College and University	P	P	P		P	P	P
Hospital		P	P		P	P	P
Library & Museum	P	P	P	P	P	P	P
Parks & Open Space		P	P		PD	P	P
Police & Fire Station	P	P	P		P	P	P
School		P	P			P	P
Commercial							
Adult Regulated Use							PD
Agriculture		PD	PD				P
Day Care	PD	PD	PD		PD	PD	PD
Entertainment Sports (Participant - indoor)	P	P	P	P	P	P	P
Entertainment Sports (Participant - outdoor)		S	S		S	S	P
General Retail	P	P	P	P	P	P	P
General Services	P	P	P	P	P	P	P
Kennels			PD			PD	P
Office	P	P	P	P	P	P	P
Outdoor Sales & Storage		S	S				S
Package Liquor	PD			PD	PD	PD	PD
Parking (stand alone)		PD	PD		PD	PD	PD
Vehicle Service		PD	PD			PD	PD
Industrial							
Craftsman Industrial	PD	PD	PD	PD	PD	PD	PD
Industrial			PD				
Warehouse & Distribution			S				S

	Node	LV1	LV2	D1	D2	D3	CC
Marihuana, Adult-Use Establishments							
Grower							PD
Processor							
Safety Compliance		P	P		PD	P	P
Secure Transporter							PD
Retailer		PD		PD	PD	PD	PD
Microbusiness			PD				PD
Designated Consumption Lounge				PD	PD	PD	PD
Marihuana, Medical							
Grower							
Processor							
Safety Compliance		P	P		PD	P	P
Secure Transporter							PD
Provisioning Center		PD		PD	PD	PD	PD

4.1-1 Use Table Key

P Permitted S Special Use

PD Permitted - Development Standards Required

Blank cell means the use is not permitted

50-4.4 Use Definition and Standards. The following details the uses listed in Table 4.1-1 and describes any development standards necessary.

A. Residential/Lodging Uses.

(1) **Bed and Breakfast.** An establishment providing short term lodging and service of at least one (1) meal per day to guests. The owner or operator must live on the same lot or a lot directly adjacent to the lot containing the bed and breakfast.

(2) **Hotel/Motel.** An establishment that permits short term lodging with or without an in-room kitchen where the rooms are accessed from an interior corridor or hallway (hotel) or exterior passageway (motel). Restaurant, meeting spaces, and retail are commonly associated with this use.

(3) **Nursing Home/Assisted Living/Rehabilitation Center/Adult Foster Care.** Residence that provides short or long term lodging with services such as meals, personal care, supervision of self-administered medication, medical care, and therapy. This type of facility would not meet the definition of a hospital. In the districts where it is Permitted with Development Standards ("PD"), the following is required:

(a) A rehabilitation center is permitted for up to six (6) persons.

(b) In Downtown 1, this use is not permitted on the ground floor,

(4) Residential. Dwelling units located within a primary structure on a lot. In the districts where residential is Permitted with Development Standards ("PD"), the following applies.

(a) In Nodes, Downtown 1 (D1), residential units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Live Work 2 (LW2) and Downtown 3 (D3), Yard - Detached Lot Type is permitted only when it contains two or more units.

(c) In Community Commercial (CC), residential is permitted except as follows.

[1] Detached, single unit residential is not permitted.

[2] Residential units are not permitted in the ground floor occupied space that directly fronts the front property line.

(5) Residential, Multi Family. Five (5) or more dwelling units located within a primary structure on a lot. In the districts where Residential Multi Family is Permitted with Development Standards ("PD"), the following standards apply.

(a) Multi Family Units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), Multiple Family units are not permitted in the ground floor occupied space that directly fronts the front property line.

(6) Rooming House. A type of group living use in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. In the districts where a rooming house is Permitted with Development Standards ("PD"), the following standards apply.

(a) Rooming House units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), Rooming House units are not permitted in the ground floor occupied space that directly fronts the front property line.

(7) Transitional Residence. A residential facility that provides temporary accommodations and on-site management, including 24-hour care, for its residents. Transitional residences can accommodate both individuals and families and can serve a variety of populations, such as the homeless, domestic violence victims, or those recovering from addictions. Residency often requires attendance at classes, trainings, or counseling sessions which may occur on-site. Residents typically do not keep personal vehicles on site. In districts where a transitional residence is Permitted with Development Standards ("PD"), the following standard applies.

(a) In Community Commercial (CC), Transitional Residence units are not permitted in the ground floor occupied space that directly fronts the front property line.

B. Civic/Institutional Uses

(1) Assembly. A use that has organized services, meetings, or programs to educate, entertain, or promote discussion amongst the community. It can be a public or private facility. Examples of Assembly include a club, lodge, theatre or community center. In the districts where assembly is Permitted with Development Standards ("PD"), the following is required.

(a) Private Membership. Clubs and lodges and other similar uses with limited hours or private membership are not permitted in the ground floor occupied space of the ground floor in Node Districts.

(b) Downtown 1. Assembly uses are not permitted in the occupied space of the ground floor.

(2) Assembly, Religious. An assembly use that focuses on religion, a house of worship. Residential uses accessory to the religious assembly use, such as convent, rectory, or caretaker's residence, are permitted with this use. In the districts where Religious Assembly is Permitted with a Special Use Permit ("S") or Permitted with Development Standards ("PD"), the following standards apply.

(a) Facilities that accommodate less than fifty (50) persons are permitted without obtaining a special use permit.

(3) College and University. An educational institution authorized to award associate, baccalaureate, or other higher degrees and certificates.

(4) Hospital. A state licensed facility providing in-patient accommodations; a wide range of medical and surgical care; and other in-patient health services for sick or injured persons. Permitted secondary uses with this type of facility may include laboratories, outpatient department, training facilities, central services, offices, residences, dining areas, and retail.

(5) Library and Museum. An establishment housing educational, cultural, artistic, or historic information resources, and exhibits that is open to the public. Permitted secondary uses with this type of facility include retail space, food sales, dining, and meeting rooms.

(6) Parks and Open Spaces. An area of land designed and equipped for passive or active recreation or open air gathering. In the districts where Parks and Open Space is Permitted with Development Standards ("PD"), the following standards apply.

(a) In the D2 District, special design attention should be given to the street wall and character of a block when locating and designing a park and open space.

(7) Police and Fire Stations. A facility that provides protection to a district or entity according to fire, life, and safety code sections. Permitted secondary uses with this type of facility include storage of equipment, indoor and outdoor parking of vehicles, offices, and residences. Police and Fire Stations are exempt from any entrance bay and vehicle access standards noted in 5.6. Lot Types; the use of these standards is encouraged to support this use blending within the neighborhood location.

(8) School. A public or private education facility, including elementary, middle, and high schools. Schools may

include space for classrooms, laboratories, gymnasium, pools, theaters, dining services, and outdoor athletic or recreational facilities.

C. Commercial

(1) Adult Regulated Uses. Adult Regulated Uses.

(a) Purpose.

[1] In the development and execution of this ordinance, it is recognized that there are some uses, commonly known as adult uses or sexually oriented businesses, which, because of their very nature, have serious objectionable operational characteristics. The impacts of these objectionable characteristics are exacerbated when several adult uses are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential use or zone, religious assembly, school, park, playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to prevent these adverse effects and to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls contained within this ordinance are for the purpose of preventing the negative secondary effects associated with adult uses and to prevent a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood.

[2] It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings.

[1] This Ordinance is based on evidence of the adverse secondary effects of adult uses that are within the common knowledge of municipalities and is widely reported in judicial opinions, media reports, land use studies, and crime impact reports made available to the City Commission, several of which are set forth in this Ordinance. Additionally, the City Commission relies on repeated judicial findings of municipalities' reasonable reliance on this body of secondary effects evidence to support time, place, and manner regulations of sexually oriented businesses. The City Commission relies upon and incorporates the findings of secondary effects discussed in the following nonexhaustive list of cases from the U.S. Supreme Court: *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v Alameda Books, Inc.*, 122 S. Ct 1728 (2002); *City of Renton v Playtime*

Theatres, Inc. 475 U.S. 41 (1986); *Young v American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v City of Dallas*, 493 U.S. 215 (1990); *California v LaRue*, 409 U.S. 109 (1972).

[2] The City Commission also relies on relevant decisions of federal appellate and trial courts: *DLS, Inc. v City of Chattanooga*, 107 F 3d 403 (6th Cir. 1997); *Currence v City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v Nichols*, 137 F 3d 435 (6th Cir. 1998); *DejaVu v Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v City of Dayton*, 7923 F 2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v City of Akron*, 40 F 3d 129 (6th Cir. 1994); *O'Connor v City and County of Denver*, 894 F 2d 1210 (10th Cir. 1990); *DejaVu of Nashville, Inc., et al v Metropolitan Government of Nashville and Davidson County*, 274 F 3d 377 (6th Cir. 2001); *ZJ. Gifts D-2, LLC v City of Aurora*, 136 F 3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v City of Rochester*, 225 F 3d 1413 (Eighth Cir. 1994); *World Wide Video of Spokane, Inc. v City of Spokane*, 227 F 3d 1143 (E.D. Wash. 2002); *Threesome Entertainment v Strittmoyer*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Kentucky Restaurant Concepts, Inc v City of Louisville and Jefferson County*, 209 F. Supp. 2d 672 (W.D. Ky. 2002).

[3] Additionally, the City Commission expressly relies upon Michigan cases relating to adult businesses, municipal regulatory authority, and public nuisances including, but not limited to, the following cases: *Rental Property Owners Association of Kent County v City of Grand Rapids*, 455 Mich 246, 566 NW2d 514 (1996); *Michigan ex rel Wayne County Prosecutor v Dizzy Duck*, 449 Mich 353, 535 NW2d 178 (1995); *City of Warren v Executive Art Studio*, 1998 Mich App LEXIS 2258 (1998); *Tally v City of Detroit*, 54 Mich App 328 (1974); *Jatt, Inc v Clinton Township*, 224 Mich App 513 (1997).

[4] The City Commission notes that media reports document the harms associated with adult businesses as well: See, e.g., *Muskegon Man Convicted in Beating Death of Adult Bookstore Manager*, Associated Press State & Local Wire, Sept. 9, 1999; *Katie Merx, X-Rated Inkster Theater Razed: Officials, Cops, Residents Cheer Demolition of Melody, An Embarrassment for 22 Years*, The Detroit News, August 19, 1999, at D3 (discussing documented sexual activity in and around adult business); *Craig Garrett, Suburbs Declare War on Smut Shops*, The Detroit News, June 30, 1999, at A1 (describing how adult theater patrons would solicit young people in the area for sex); *Justin Hyde, Warren Leaders Want to Pursue Product Liability Against Porn Shop*, Associated Press State & Local Wire, Feb. 4, 1999 (child rapist arrested in peep show establishment).

[5] The City Commission further relies on reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona — 1984; Minneapolis, Minnesota-1980; Houston, Texas — 1997; Indianapolis, Indiana — 1984; Amarillo, Texas — 1977; Garden Grove, California — 1991; Los Angeles, California — 1977; Whittier, California — 1978; Austin, Texas — 1986; Seattle, Washington — 1989; Oklahoma City, Oklahoma — 1986; Cleveland, Ohio — 1977; Dallas, Texas — 1997; McCleary Report, Alliance, Ohio — 2002; Tucson, Arizona — 1990; Testimony, Warner-Robins, Georgia — 2000; St. Croix County, Wisconsin — 1993; Bellevue, Washington — 1998; Newport News, Virginia — 1996; St. Cloud, Minnesota — 1994;; New York Times Square Study — 1994; Phoenix, Arizona — 1995-1998; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence" by Kelly Holsopple,

Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View" by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota). Based on the cases and reports documenting the adverse impact of adult businesses, the City Commission finds:

[a] Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.

[b] Sexual acts, including masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, especially those that provide private or semi-private booths, rooms, or cubicles for viewing films, videos, or live sexually explicit shows.

[c] Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in preventing and/or abating.

(c) Applicability. The following adult regulated uses are subject to these controls:

- [1] Adult arcade or mini-motion-picture theaters;
- [2] Adult bookstores, adult novelty stores, or adult video stores;
- [3] Adult booths;
- [4] Adult cabarets;
- [5] Adult motels;
- [6] Adult motion-picture theaters;
- [7] Adult outdoor motion-picture theaters;
- [8] Adult model studios;
- [9] Adult physical culture businesses;
- [10] Adult theaters; and
- [11] Adult personal service businesses.

(d) Conditions. All adult regulated uses shall comply with all of the following conditions:

[1] No person or entity shall operate or maintain or cause to be operated or maintained an adult regulated use within 750 feet of:

- [a] A religious assembly;
- [b] A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education

schools, junior colleges and universities. School shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

[c] Family day care homes or group day care homes;

[d] An entertainment use that has as its principal use children or family entertainment as demonstrated by business activity that caters predominantly to on-site patronage by minors and is open for such business at least 25 hours per week;

[e] A lot or parcel of land in any zone primarily devoted to a residential use;

[f] Any other adult regulated use as defined in this chapter.

[g] A public park or recreational area that has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis court, wilderness areas, or other similar public land within the City that is under the control, operation, or management of the City or other unit of government;

[h] A zoning district boundary of a residential district as defined in the City Zoning Ordinance.

[1] For purposes of the uses listed in Subsections 4.a.(1) through (6) above, the distance limitations above shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult regulated use to the nearest point of the lot occupied by any of the uses so listed in Subsection 4.a.(1) through (6).

[2] For purposes of Subsections 4.a.(7) and (8), the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the property line of the lot occupied by the adult regulated use to the nearest point of the property line occupied by the public park or other recreational areas so listed in Subsection 4.a.(7) or the zoning district boundary of the residential district as provided in Subsection 4.a.(8).

[3] No building, premises, structure, or other facility that contains any adult regulated use shall contain any other kind of adult regulated use. The Zoning Board of Appeals may grant permission for more than one adult regulated use to operate in a single building, provided that an equal or greater number of adult regulated uses are removed from elsewhere in the City. The location where an adult regulated use is removed pursuant to this section shall not be reused for any adult regulated use in the future. If the Zoning Board of Appeals grants permission for more than one adult regulated use to operate in a single building, it shall not be construed to be a violation of Subsection 4.a.(6).

[4] Adult regulated uses shall comply with all sign requirements in § 4.2.B: Adult Regulated Uses, and in Chapter 7: Signs.

[5] No advertisement, display of product or entertainment on the premises, signs or other exhibits that display "specified sexual activities" and/or "specified anatomical areas" shall be displayed in window areas or other area where the same can be viewed by pedestrians and motorists on any street, sidewalk, or other public place.

[6] No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.

[7] No person operating an adult regulated use shall knowingly permit any person under the age of 18 to be on the premises of said business, either as an employee or as a customer.

[8] No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult regulated use without the express written permission of the owner of the property for such use and appropriate approvals from the City of Kalamazoo.

[9] The building and site, including building openings, entries, exits and windows, shall be designed, constructed, and maintained so that material, entertainment, and/or performances that display "specified sexual activities" and/or "specified anatomical areas" cannot be observed by pedestrians and motorists on any street, sidewalk, or public right-of-way, or from an adjacent land use.

[10] The adult regulated use shall satisfy all requirements for a full site plan and all landscaping requirements of the City Zoning Ordinance. The adult regulated use shall also demonstrate that the site meets all of the traffic and access management standards of the City of Kalamazoo. The site plan shall include a diagram that shows all land use zoning districts and any of the uses described in Subsection 4.a above which are located within 750 feet of the proposed adult regulated use.

[11] No adult regulated use shall operate until it has satisfied all provisions of this chapter, all other applicable provisions of the Zoning Ordinance, and any other federal, state or local regulations.

(e) Change of Use by Lessee or Sublessee. No lessees or sublessee of any property shall convert that property from any other use to an adult regulated use unless the location of the property conforms to the standards in Subsection 4 above.

(f) Certain Uses Exempt. The following uses are exempt from the provisions of the terms and conditions of this chapter and are subject to the other provisions of the City Zoning Ordinance, and the following uses shall not be construed to be included in any of the definitions of this chapter:

[1] Accredited hospitals, nursing homes, sanitariums or other licensed health care facilities, physicians, surgeons, chiropractors, osteopaths, physical therapists, registered nurses, and other establishments or professionals duly licensed under the laws of the state while engaged in the activities for which they are so licensed.

[2] Barbers, beauticians, barber shops, and beauty parlors licensed under the laws of the state that also offer massages, provided that massages involved are limited to the head, shoulders, scalp, neck, hands, and feet. Such establishments that also provide activities that fall under the definition of "adult personal service business" in this chapter shall, however, be governed by the provisions, terms, and conditions of this chapter.

[3] Public and parochial school and college or professional athletic coaches and trainers while acting within the scope of their school employment; and

[4] Professional massage therapy enterprises, where each massage therapist has met the following criteria:

[a] Proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards, consisting of at least 500 classroom hours of instruction and practical training that

include 300 hours of theory and practice of massage therapy, 100 hours of anatomy and physiology, and 100 hours of elective subjects; or proof of completion of a comprehensive course of study in a massage training program at an American community college or university that requires at a minimum the training and curriculum above; and

[b] Proof of current professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification, including liability insurance and testing.

[5] Nonprofit organizations operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities that are used primarily for the welfare of the residents of the area.

[6] Unlawful Activities. Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities that are unlawful under state law or City ordinance.

(2) Agriculture. Growing of food crops indoor or outdoors for personal use, donation, or sale (on or off site); this excludes the growth of marihuana plants for medicinal or recreational purposes. In the districts where Agriculture is Permitted with Development Standards ("PD"), the following standards apply.

(a) Size. Maximum lot size is 10,000 square feet.

(b) Lot Type. No Lot Type is required unless a hoop house, green house, or farm stand are constructed, then 5.6.G Outdoor Market Lot Type apply.

(c) Other Secondary Buildings. Sheds, garages, and other Secondary Buildings not noted in 50.4-4.C(1)(b) shall follow the standards for Accessory Structures, refer to 50-4.5.B

(d) Intensity. Use of outdoor farm machinery is not permitted.

(3) Day Care. A use providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for periods of less than twenty-four (24) hours. In the districts where a day care is Permitted with Development Standards ("PD"), the following is required.

(a) Outdoor Play Area. At least one (1) outdoor play area will be provided as follows.

[1] Size. The size of this play area will be measured at a rate of 100 square feet for each child the facility is permitted to have at maximum attendance.

[2] Enclosure Requirement. The play area must be enclosed on all sides by building or fencing.

(b) In-Home Day Care Facilities. Day care facilities located in a residence, also referred to as a in-home day care facility, containing seven or more participants require a special use permit.

(4) Entertainment and Sports. An establishment that provides sports and recreation activities for participants. These may occur indoor, including such indoor facilities as bowling alleys, escape rooms, pool, billiards, arcade, and outdoors, such as mini golf, ropes courses, swimming pools, and driving ranges. In the districts where Entertainment and Sports is Permitted with a Special Use Permit ("S"), outdoor facilities using an Outdoor Market Lot Type require a special use permit.

(5) General Retail. A category of uses involving the sale of goods and merchandise. General Retail includes such uses as those listed in table 4.4-1.

(6) General Services. A category of uses that provides patrons services and often retail products related to those services. General Services includes such uses as those listed in table 4.4-1.

(7) Kennels. Care of domestic and small animals, such as dogs and cats, that can include day or overnight care. Kennels can be located inside a building or outside and may also provide grooming and training services. In the districts where a kennel is Permitted with Development Standards ("PD"), the following standards apply.

(a) Outdoor Facilities. Outdoor kennels are not permitted.

(b) Accessory Use. In Downtown 3 (D3), kennels are only permitted as an accessory use to a pet store, pet adoption center, veterinary service, or similar use.

(8) Office. A category of uses that involve the transactional affairs of a profession service, industry, or government. Patrons of these uses typically have set appointment or meeting times; these businesses do not typically rely on walk-in customers.

(9) Outdoor Sales and Storage. A use that involves the sale, rental, and minor repair of items where the majority of

General Retail Uses
Apparel & Accessories
Art, Craft, Hobby Store
Automotive Supply (no service)
Bakery
Bicycle, Scooter, Moped Sales
Book Magazine, Newspaper
Convenience Store
Drug Store/Pharmacy
Florist
Home Furnishing & Accessories
Grocery Store, Specialty Foods
Hardware Store
Office Supplies
Paper, Stationary Store
Pet & Pet Supply Shop
Sporting Goods Sales & Rental
Toy Shop
Video Games & Electronic Sales

General Service Uses
Animal Board, Day Care (no outdoor kennels)
Bank, Financial Services
Catering
Dance or Music Studio
Dry Cleaning, Laundry-mat
Eating & Drinking Establishment, Cafe, Coffee Shop, Brewpub, Tavern, Lounge
Fitness (ex: Gym, Yoga, Pilates, Dance Studio)
Framing
Funeral Home
Locksmith
Mail system, copying, printing
Medical Services, Optical, Urgent Care
Pet Grooming
Personal Services (salon, spa, barber shop)
Repair of Small Goods, household goods, electronics
Tailor & Seamstress
Tattoo, Piercing
Training Center
Travel Agency

Table 4.4-1. Examples of General Retail & Service Uses.

the goods are stored or displayed outdoors. This includes such uses as sale and rental of vehicles with less than 10,000 pounds gross cargo weight, motor homes, and boats and the sale of building or landscape materials such as plants, gravel, or rocks. In the districts where outdoor sales and storage is Permitted with Special Use Permit ("S"), the following standard applies.

(a) Screening. Storage of all outdoor items must be screened from view from side and rear property lines; storage of loose materials such as rock, gravel, or soil must be additionally screened from the front and corner side property lines.

(b) Structure. A building is required to house the office, sales management, on-site security, or other similar functions.

(c) Structure Location. When the Outdoor Market Lot Type is utilized, the front facade of the building shall be located within ten (10) feet of the front property line. Refer to 5.6.G Outdoor Market Lot Type.

(10) Packaged Liquor. A retail establishment licensed by the Michigan Liquor Control Commission selling packaged alcoholic liquors, including beer, wine, and spirituous liquors, for consumption off-site. This use does not include establishments meeting the definition of an eating and drinking establishment or grocery stores. In the districts where packaged liquor is Permitted with Development Standards ("PD"), the following is required.

(a) A minimum distance of 2,460 feet is required between locations of packaged liquor uses.

(b) A minimum distance of 500' is required from parcels containing a religious assembly and school use.

(c) Calculations to determine the required distance are made along the adjacent street center lines by measuring between two (2) fixed points located on the center line(s) that are determined by drawing perpendicular lines from the closest edge of the building containing the use in question to the center line of the adjacent street.

(11) Parking Lot (Stand Alone). A lot in which the primary use is parking of vehicles for public use or private use of adjacent businesses and residences. In the districts where parking lot is Permitted with Development Standards ("PD"), the following is required.

(a) Parking lots may not be used as towing service storage and storage for inoperable vehicles.

(b) Corner Lot. In Live Work 1 (LW1), Live Work 2 (LW2), Downtown 2 (D2), and Downtown 3 (D3), a parking lot is not permitted on a corner lot.

(c) Priority Streets. A parking lot is not permitted on a lot that fronts a Priority Street.

(d) Required Treatment When Fronting on a Street.

[1] Additional Approval. A parking lot is not permitted on a lot that fronts a Main or Connector street without a special use permit unless it is directly adjacent to the building that it serves.

[2] Fence. Fencing up to forty-two (42) inches in height is permitted in the landscape buffer along a street. Refer to Appendix A 6.3 Screens & Fencing for more information on fences.

(12) Vehicle Services. A category of uses that involve the servicing of vehicles and/or the sale of fuel. General retail is often associated with vehicle service uses. This category includes, vehicle service shops, car wash, and

gas stations. In the districts where Vehicle Service is Permitted with Development Standards ("PD"), the following standards apply.

(a) Use Limitations.

[1] Gas Stations.

[a] Gas stations require a special use permit.

[b] Sale of packaged liquor at gas stations is permitted but must adhere to the development standards required for the packaged liquor use. Refer to 50.4-4.C(10).

[c] Gas stations not permitted in Live Work 2.

[2] Car Wash. A car wash requires a special use permit.

[a] Outdoor vacuuming is not permitted on lots adjacent to an open space, park, or preserve. Outdoor vacuuming is not permitted on lots adjacent to a residential zoning district.

[b] Car washes are not permitted in Live Work 2.

(b) Vehicle Bays. Bays may not face a primary street.

(c) Outdoor Activities.

[1] Outdoor vacuuming areas are permitted in the side and rear yards.

[2] Washing areas are not permitted outside.

[3] Repair or service activities or equipment are not permitted outside.

[4] Outdoor storage of vehicles awaiting service is not permitted. Vehicles awaiting pick up are permitted on site for up to three (3) days and shall be located in the rear or side yard.

(d) Screening. Perimeter landscaping or fencing is required along side and rear yards.

(e) Over-sized Vehicles. Services for semi-trucks and other oversized vehicles is not permitted.

(f) Lot Types. Gas Stations shall follow the Outdoor Market Lot Type and have the front facade of the building located within the Build-to Zone. Refer to 5.6.G Outdoor Market Lot Type.

D. Industrial.

(1) Craftsman Industrial. A use involving small scale manufacturing, production, assembly, and/or repair that includes a showroom or retail space open to the public with no environmental or nuisance impact; may also be referred to as maker spaces. Refer to table 4.4-2 for examples of uses permitted in Craftsman Industrial. In the districts where Craftsman Industrial is Permitted with Development Standards ("PD"), the following standards apply.

(a) Retail Component.

[1] At least ten (10) percent of the floor area must be public showroom or retail space.

[2] Retail and/or showroom component shall be located along the front facade of the building and utilize a

storefront or stoop entrance treatment. Refer to 5.5 Street Facing Facades.

(b) Size Requirements. Maximum facility size of 10,000 square feet is permitted in Live-Work 1 (LW1), Node, Downtown 1 (D1), and Downtown 2 (D2) districts.

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 and Community Commercial (CC) with Craftsman Industrial uses provided the area used for storage is less than or equal to five (5) percent of the site's lot area. Refer to 4.5.C(9) for additional requirements.

(2) Industrial. A category of uses that allow for the production, processing, assembling, and packaging of goods. This category of uses does not have environmental or nuisance conditions that are detectable at the property lines of the site. Associated with the category are uses such as offices, warehousing, and loading or service bays. In the districts where Industrial is Permitted with Development Standards ("PD"), the following standards apply.

(a) Entrance Bays. Entrance bays are not permitted on facades facing primary streets unless they are located more than fifty (50) feet beyond the building's front facade.

(b) Outdoor Activities.

[1] Fuel pumps are not permitted.

[2] Outdoor Storage is permitted. Refer to 4.5.C(7) for additional requirements..

(c) Size. Maximum size of manufacturing facility is 20,000 square feet, this calculated area excludes office, showroom, or retail space. Larger facilities require review through a special use permit.

Table 4.4-2. Examples of Craftsman Industrial

Craftsman Industrial
Apparel, Accessories, & Finished Fabrics
Art, Glass, Textiles, Ceramics, Pottery, Woodworking
Brewing, Distilling, & Roasting
Commercial Copying & Printing
Construction, Special Trades
Electronic Assembly
Food Preparation & Production- Bakery, Beverages, Desserts, Canning, Preserving, Pasta, Dairy, etc
Furniture & Fixtures, Household Textiles, Home Furnishing & Accessories
Metal Products - Engraving, welding
Music Instruments, Recording Studio
Small Good Manufacturing & Repair

(3) Warehouse and Distribution. An industrial use involving significant commercial vehicle access and large-scale storage, both indoors and outside. In the districts where Warehouse and Distribution is Permitted with Special Use Permit ("S"), the following standards apply.

(a) Size Requirements. Maximum facility size is 20,000 square feet.

(b) Outdoor Activity. Fuel pumps and outdoor storage are permitted as follows.

[1] Must be located in the rear yard.

[2] Must be screened from all adjacent uses according to 6.2 Landscaping and Open Spaces in Appendix A.

[3] Outdoor Storage shall follow the standards in 4.5.C(9).

(c) Vehicle Entrance Bays. Entrance bays are not permitted on facades facing primary streets.

E. Adult-Use Marihuana. A category of uses permitting adult use establishments licensed pursuant to the MRTMA and Chapter 20B of the City Ordinances.

(1) General Provisions. The following apply to all adult use marihuana establishments, unless otherwise noted.

(a) General Requirements.

[1] All location criteria and required separation distances apply to both new marihuana establishments and to any proposed change in the location of an existing marihuana establishment.

[2] All location criteria and required separation distances apply to both marihuana establishments and similar protected uses located in adjacent governmental jurisdictions.

[3] A marihuana establishment is prohibited from operating in any residential zoning district or in a residential unit.

[4] Drive throughs are not permitted with any establishment.

[5] Co-Location. Where permitted, marihuana establishments may operate from a location shared with an equivalent licensed marihuana establishment. The following are required for this co-location.

[a] Entrances to each establishment shall be physically separated.

[b] Each establishment must have distinct and identifiable areas designated within the structure.

[c] Each establishment suite or tenant space must have a separate address

[d] Each establishment must have separate inventory, record keeping, and point of sale operations.

[5] A licensee may not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

[6] A licensee must operate the licensed establishment in compliance with all applicable State and City regulations for that type of establishment.

(b) Location Criteria. All marihuana establishment types must meet the following location criteria, except Safety Compliance Operations:

[1] Required Distance.

[a] A marihuana establishment must not operate within one thousand (1,000) feet of a pre-existing private or public school, providing education in kindergarten or any grades 1 through 12.

[b] A marihuana establishment must not operate within five hundred (500) feet of a pre-existing State-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the Required Distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana establishment is located.

(c) Shared Location. Marihuana establishments may operate from a location shared with an equivalent licensed marihuana facility, except where a separation distance is required.

(2) Grower Establishments. Growers are licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. The three (3) grower license types are Class A (authorized to grow up to 100 plants); Class B (authorized to grow up to 500 plants); and Class C authorized to grow up to 2000 plants). An Excess Grower holds five (5) Class C Adult Use Marihuana Grower & at least two (2) Class C Medical Marihuana Grower licenses. In the zoning districts where a Grower Establishment is Permitted with Development Standards, the following standards apply:

(a) Class A Grower Establishments are permitted as follows:

[1] In Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

[2] In Zone CC, all grow operations must be conducted within an enclosed building.

(b) Class B and Class C Grower Establishments are permitted in Zones Limited Manufacturing (M-1), and General Manufacturing (M-2).

(c) Excess Grower Establishments are permitted in Zone General Manufacturing (M2).

(d) Permitted Outdoor Activities. All Grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

[3] Marihuana plants cannot grow above the height of the fence or barrier.

[4] The fence is secured and only accessible to authorized persons and emergency personnel.

[5] Area is located at least five hundred (500) feet from a residential zone district.

(3) Processor Establishments. Processors are licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments. In the zoning districts where a Processor Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in Limited Manufacturing (M1), and General Manufacturing (M2).

(b) All processing operations must be conducted within an enclosed building.

(4) Safety Compliance Operations Establishment. Safety Compliance Establishments are licensed to test marihuana, including certification for potency and the presence of contaminants. In the Districts where Safety Compliance Facility is Permitted with Development Standards, the following standards apply.

(a) Permitted in the following zones. Community Commercial (CC), Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in the occupied

space along a Priority Street side of a building.

(5) Secure Transporter Establishment. Secure Transporter Establishments are licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. In the zoning districts where Secure Transporter Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted Secure Transporter use.

(6) Retailer Establishment. Retailer Establishments are licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. In the zoning districts where a Retailer Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in the following Zones

[1] Live Work 1 (LW1) when located on a SubUrban, Connector, or Main Street street type.

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a Priority, SubUrban, Connector, or Main Street street type.

[3] Community Commercial (CC).

(b) Permitted in Zones Limited Manufacturing (M-1) and General Manufacturing (M-2) when operated as part of a single establishment engaged in Grower and Processor operations.

(c) All Retailer activities must be conducted within an enclosed building.

(d) A Retailer is not permitted on the same property or parcel or within the same building where any of the following are located:

[1] A package liquor store.

[2] A convenience store that sells alcoholic beverages.

[3] A fueling station that sells alcoholic beverages.

(e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, except when the retailer is co-located with a provisioning center, as provided by state regulations and this ordinance, and except in the following situations.

[1] A separation distance of five hundred (500) feet is permitted when an applicant or a group of applicant-owners with 51% or more ownership in the Retailer Establishment is one of the following

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three (3) years

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] A location shared with a licensed Provisioning Center

(f) A Retailer is not allowed within six hundred sixty (660) feet of the following intersections: E. Cork St. and S. Burdick St., the intersection of E. Cork St. and Portage St., and the intersection of W. Ransom St. and N. Westnedge Ave.

(g) The consumption of marijuana products is not permitted on the premises of at a retail establishment.

(7) Microbusiness Establishment. Microbusiness Establishments are licensed to cultivate not more than one hundred and fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments. In the zoning districts where a Microbusiness Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in Zones Community Commercial (CC), Live Work 2 (LW/2), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zones CC and LW/2 the following requirements apply:

[1] All business activities must be conducted within an enclosed building.

[2] The use of any substances with a flashpoint below one hundred (100) degrees Fahrenheit for processing is prohibited.

(c) A separation distance of five hundred (500) feet is required from another Microbusiness Establishment with the following exceptions:

[1] A separation distance of two hundred and fifty (250) feet is permitted when an applicant or a group of applicant-owners with 51% or more ownership in the Microbusiness Establishment is one of the following.

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three (3) years.

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] No separation distance is required within Zones Limited Manufacturing (M-1) or General Manufacturing (M-2).

(8) Designated Consumption Establishment. A designated Consumption Establishment is a commercial space that is licensed for the consumption of marihuana products by persons 21 and older. In the zoning districts where a Designated Consumption Establishment is Permitted with Development Standards, the following standards apply.

(a) Permitted in the following Zones

[1] Community Commercial (CC)

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a Priority, SubUrban, Connector, or Main Street type.

(b) Indoor Activities. Consumption of marihuana products must occur indoors.

(d) A Consumption Establishment is not permitted on the same property or parcel or within the same building where any of the following uses are located:

- [1] A package liquor store.
- [2] A convenience store that sells alcoholic beverages.
- [3] A fueling station that sells alcoholic beverages.

F. Medical Marihuana. A category of uses permitting medical marihuana facilities licensed to operate pursuant to the MMFLA and Chapter 20B of the City ordinances.

(1) General Provisions. The following apply to all medical marihuana facilities, unless otherwise noted.

(a) General Requirements.

- [1] All location criteria and required separation distances apply to both new medical marihuana facilities and to any proposed change in the location of an existing medical marihuana facility.
- [2] All location criteria and required separation distances apply to both medical marihuana facilities and similar protected uses located in adjacent governmental jurisdictions.
- [3] A medical marihuana facility must not operate in any residential zoning district or in a residential unit.

[4] Drive throughs are not permitted with any facility.

[5] Co-Location. Where permitted, marihuana facilities may operate from a location shared with an equivalent licensed marihuana facility. The following are required for this co-location.

[a] Entrances to each facility shall be physically separated.

[b] Each facility must have distinct and identifiable areas designated within the structure.

[c] Each facility suite or tenant space must have a separate address

[d] Each facility must have separate inventory, record keeping, and point of sale operations.

[6] A licensee may not operate a marihuana facility at any place in the City other than the address provided in the application on file with the City Clerk.

[7] A licensee must operate the licensed facility in compliance with all applicable state and City regulations for that type of facility.

(b) Location Criteria. All marihuana facility types must meet the following location criteria from protected uses, except Safety Compliance Facilities.

[1] Required Distance.

[a] A marihuana facility must not operate within 1,000 feet of a preexisting private or public school, providing education in kindergarten or any grades 1 through 12.

[b] A marihuana facility must not operate within 500 feet of a preexisting state-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the Required Distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana facility is located.

(c) **Shared Location. Marihuana establishments may operate from a location shared with an equivalent licensed marihuana facility, except where a separation distance is required.**

(2) Grower Facility. A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marihuana for sale to a processor or provisioning center. The three (3) grower license types are Class A (authorized to grow up to 500 plants); Class B (authorized to grow up to 1,000 plants); and Class C authorized to grow up to 1,500 plants). In the Districts where Grower Facility is Permitted with Development Standards, the following standards apply:

(a) Grower Facilities are permitted in Limited Manufacturing (M1) and General Manufacturing (M2).

(b) Permitted Outdoor Activities. All Grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

[3] Marihuana plants cannot grow above the height of the fence or barrier.

[4] The fence is secured and only accessible to authorized persons and emergency personnel.

[5] Area is located at least five hundred (500) feet from a residential zone district.

(c) Multiple Facilities on a Lot. The following applies for multiple facilities on one lot.

[1] Except as permitted by State regulatory rules for Class C growers, only one (1) Medical Marihuana Grower facility license is allowed per parcel or lot.

[2] Licensees may occupy the same premises if holding separate Grower and Processor licenses for the premises.

(3) Processor Facility. A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center. In the Districts where Processor Facility is Permitted with Development Standards, the following standards apply:

(a) Processor Facility is permitted in Limited Manufacturing (M1) and General Manufacturing (M2)

(b) Only one Medical Marihuana Processor facility license permitted per parcel or lot

(c) All Processing operations must be conducted within an enclosed building

(d) Licensees may occupy the same premises if holding a separate Grower and Processor licenses for the premises.

(4) Secure Transporter Facilities. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. In the Districts where Secure Transporter Facility is Permitted with Development Standards, the following standards apply:

- (a) Secure Transporter Facility is permitted in Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).
- (b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted Secure Transporter use.

(5) Safety Compliance Facility. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. In the Districts where Safety Compliance Facility is Permitted with Development Standards, the following standards apply:

- (a) Permitted in the following zones. Community Commercial (CC), Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).
- (b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in a building's occupied space fronting a Priority Street.

(6) Provisioning center. A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL § 333.26421 et seq., is not a provisioning center for purposes of this article. In the districts where provisioning center facility is permitted with development standards, the following standards apply:

- (a) Permitted in the following zones:
 - [1] Community Commercial (CC).
 - [2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a priority, suburban, connector, or main street type.
- (b) Only one provisioning center license is permitted per parcel or lot.
- (c) All provision center activities must be conducted within an enclosed building.
- (d) A provisioning center is not allowed within 660 feet of the following intersections: East Cork Street and South Burdick Street, the intersection of East Cork Street and Portage Street, and the intersection of West Ransom Street and North Westnedge Avenue.

(e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, except when the provisioning center is co-located with a retailer as provided by state regulations and this ordinance.

(f) A provisioning center is not permitted on the same property or parcel or within the same building where any of the following are located:

- [1] A package liquor store.
- [2] A convenience store that sells alcoholic beverages.
- [3] A fueling station that sells alcoholic beverages.

(g) The consumption of marijuana products is not permitted on the premises of retail facility.

50-4.5 Accessory Uses and Structures.

A. Table. Table 4.5-1 outlines the permitted accessory uses and structures by district. Accessory Uses and Structures are permitted in the following ways.

- (1) Permitted. Uses in the table noted with "P" are permitted by right in the zoning district(s) in which they are listed.
- (2) Permitted, Development Standards Required. Uses in the table noted with "PD" are permitted by right in the zoning district(s) in which they are listed provided they are developed with the listed development standards. The development standards listed for a use are intended to manage any potential impacts associated with it, making it appropriate in a location where it might otherwise have not been allowed.
- (3) Special Use. Uses in the table noted with "S" are permitted with the approval of a special use permit from the Planning Commission in the zoning district(s) in which they are listed.

Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District							Key
	Node	LV1	LV2	D1	D2	D3	CC	
Accessory Dwelling Units (ADU)	PD	PD	PD		PD	PD	PD	P
Agriculture	PD	P	P	PD	PD	PD	PD	S
Drive Through	PD	PD	PD		PD	PD	PD	PD
Food Truck	PD	PD	PD		PD	PD	PD	
Home Occupation	PD	PD	PD	PD	PD	PD	PD	
Kiosk	PD	PD	PD		PD	PD	PD	
Outdoor Storage	PD	PD	PD				P	
Secondary Building	PD	PD	PD	PD	PD	PD	PD	
Sidewalk Café	PD	PD	PD	PD	PD	PD		

P Permitted
 S Special Use
 PD Permitted - Development Standards Required

B. Development Requirements. All accessory structures will meet the following standards, unless otherwise noted.

(1) Front Yard. Accessory structures are not permitted in the front yard unless otherwise noted.

(2) Corner Side Yard. Accessory structures cannot be located closer to the corner-side property line than a principal structure.

(3) Setback. Accessory structures shall be setback three (3) feet from side and rear property lines.

(4) Height. Accessory structures shall not exceed the height of the principal structure.

(5) Lot Coverage. Accessory structures count toward a lot's impervious coverage. Placement of an accessory structure cannot make a lot exceed its impervious coverage requirement.

C. Use Definition and Standards. The following details the accessory uses and structures listed in Table 4.5-1 and detail any development standards necessary.

(1) Accessory Dwelling Unit. Secondary dwelling unit(s) on a lot; may be located in a secondary building or interior to the principal building.

(a) Units in secondary buildings.

[1] Quantity. One (1) accessory dwelling unit in a secondary structure is permitted per lot.

[2] Maximum Unit Size. Maximum unit size is 950 square feet.

(b) Interior Units. An interior accessory dwelling unit is defined as one with a separate exterior entrance. When located interior to the principal structure the following are required.

[1] Quantity. One (1) accessory dwelling unit interior to a principal building is permitted.

[2] Maximum Unit Size. Maximum unit size is less than or equal to thirty (30) percent of the square footage of the primary residential unit or 600 square feet, whichever is larger.

(c) Parking. Space for 1 car per accessory dwelling unit is required. On-street parking, if available overnight, can meet this requirement if located within 660 feet.

(2) Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes as an accessory use on the lot. In the districts where agriculture is Permitted with Development Standards ("PD"), the following standards apply,

(a) Agriculture as an accessory use shall not prevent a lot from meeting its lot type or dimensional requirements, refer to Article 5 Zoning Standards.

(b) Agriculture as an accessory use is permitted in all yards.

(c) Agriculture as an accessory use is permitted within a building, provided that it is not in the occupied space of a building; it is permitted on a buildings roof.

(3) Drive Through. Drive throughs provide service to customers who remain in their vehicle and may be used in conjunction with variety of uses including financial institutions and restaurants. In the districts where a drive

through is Permitted with Development Standards ("PD"), the following standards apply. Refer to Figure 4.5-1 Drive Throughs.

(a) Permitted Locations. A drive through is permitted as follows.

[1] Nodes, Downtown 2, and Downtown 3. A drive through is permitted only in the rear yard, fully screened from property lines by structure or landscaping.

[2] Other Districts. A drive through is permitted in the rear yard. If the lot does not front a Priority or Main street, a drive through is also permitted in the side yard, and in Community Commercial (CC) it is also allowed in the corner yard.

(b) Landscape Screening. Adjacent to the drive through along the rear and/or side property lines shall be screened by a landscaping as defined by Appendix A 6.2 Landscaping and Open Spaces.

(c) Stacking Space. A minimum of three (3) stacking spaces are required, measured from the drive-through window or entrance into the stall or loading area.

(4) Food Truck. Vehicle or trailer used to prepare and/or serve food. In the districts where a food truck is Permitted with Development Standards ("PD"), an approved Site Plan is required as follows.

(a) Single Food Truck. Site Plan approval is required when one (1) food truck operates on a lot three (3) or more days a week and utilizes the lot's utilities, such as electrical or water services.

(b) Multiple Food Trucks. Site plan approval is required if multiple food trucks operate on a lot three (3) or more days a week.

(c) Permanent Food Truck Lot. The Outdoor Market Lot Type standards shall be followed. Refer to 5.6.G Outdoor Market Lot Type.

(5) Home Occupation. Types of work that can be conducted in a residence with little to no impact on the surrounding lots. Home occupations are secondary to the primary use of the lot, residential.

(a) Prohibited Uses. Prohibited uses include animal boarding, dispatch center, restaurants, vehicle or large equipment storage and repair, and all uses listed under High Hazard Group H Uses in Building Code.

(b). Resident-Operator. The operator of the home occupation must be a full time resident of the lot in which the business is associated.

(c) Employees. A maximum of two (2) nonresident employees are permitted on premises at one time.

(d) Signs. No more than one nameplate sign permitted with a maximum size of one (1) square foot. It may not be internally illuminated.

(e) Secondary Building. Home occupation may be located in a secondary building.

(f) Exterior Building Appearance. No exterior building changes are permitted; there must be no visible evidence of the existence of a home occupation beyond the permitted signage, including outdoor storage of materials related to the use.

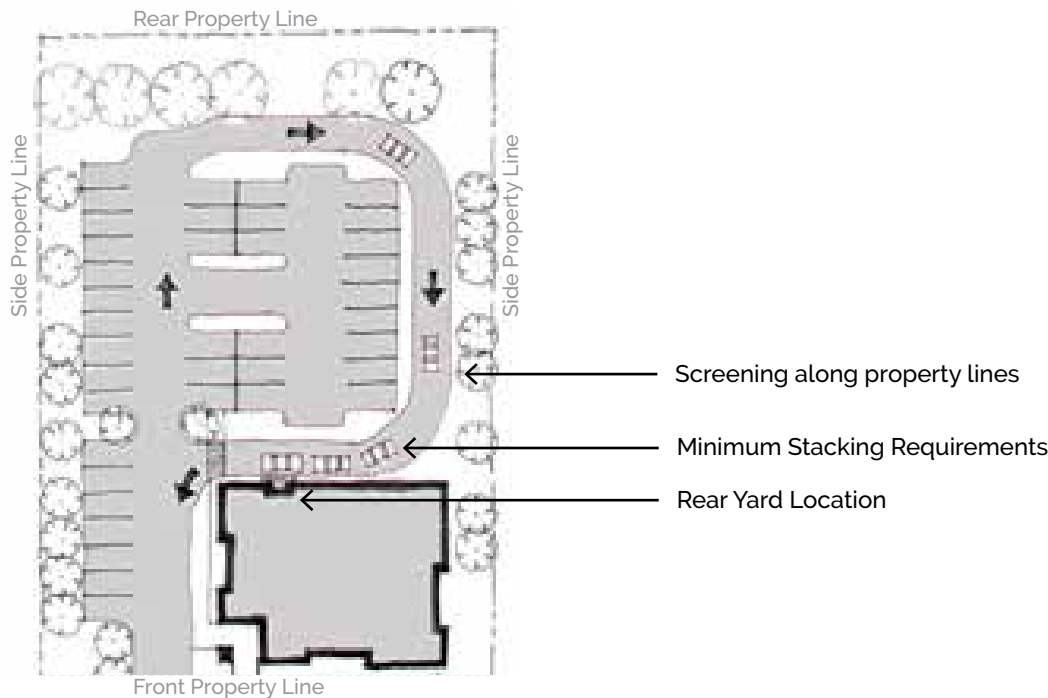


Figure 4.5-1. Drive Through Design

(g) Operational Impacts. No home occupation or equipment used with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage measured at the lot line.

(h) Customers. Customers or clients are permitted at the home occupation during the hours of 8:00 AM to 8:00 PM.

[1] No more than two (2) customers or clients are permitted at a given time, except in the case of a classes, such as art, music, cooking, or fitness classes, where up to four (4) clients are permitted at one time.

[2] A Special Use Permit is required for a home occupation providing classes with five (5) or more clients at a time.

(i). Customer Parking. Customer parking may occur off-street or on-street, where permitted.

(j) Deliveries. Deliveries are permitted during the hours of 8:00 AM to 8:00 PM and are permitted through the common residential delivery services.

(k) Medical Marihuana. Medical Marihuana is a permitted home occupation when a primary caregiver who has agreed and is registered with the State of Michigan to assist with a qualifying patient's use of medical marihuana. In the districts where medical marihuana is permitted is Permitted with Development Standards, the following standards apply:

[1] Michigan Medical Marihuana Act Compliance. The medical use of marihuana and marihuana-infused products shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, 2008 Initiated Law #1, MCL 333.26421 et seq. ("Act") and the Administrative Rules promulgated by the State of

Michigan ("Administrative Rules") pursuant to the Act, as they may be amended from time to time.

[2] Location Criteria. Medical Marihuana as a home occupation must comply with the following location criteria.

[a] A primary caregiver must be located 1000' from an existing public or private elementary, vocational, or secondary school; public or private college, junior college, or university; playground; housing facility owned by a public housing authority; or public library or private library open to the public.

[b] A primary caregiver must be 100' from an existing public or private youth center, public swimming pool, or video arcade facility to ensure community compliance with State and Federal "Drug-Free School Zone" requirements.

[3] Number of Caregivers. One primary caregiver is permitted within a dwelling unit to service qualifying patients, who do not reside with the primary caregiver.

[4] Number of Patients Permitted. A primary caregiver is permitted up to five qualifying patients.

[5] Consent of the Property Owner. If the primary caregiver is not the owner of the property in which they live and operate from, written consent must be obtained from the property owner to ensure the owner's knowledge of the use of the premises as permitted and the primary caregiver shall maintain written proof that the use of the property as a home occupation under this section is not prohibited by the property owner.

[6] Growing. All medical marihuana plants shall be secured in one of the following ways.

[a] Contained within a structure that is an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.

[b] Plants cultivated outdoors must be fully enclosed by fences or barriers that blocks the plants from public view, with no plants visibly growing above the fence or barrier, and the fence or barrier is locked or otherwise secured to limit access only to the primary caregiver or qualifying patient engaged in cultivating the plants.

[7] Processing. The separation of plant resin from a marihuana plant using any substances with a flashpoint below one hundred (100) degrees Fahrenheit for processing is prohibited.

[8] Lighting. If a room with windows is utilized as a marihuana-growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties

[9] Required Permits. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.

[10] Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. Also, since federal law is not affected by that Act or the

Administrative Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

(6) Kiosk. Non-permanent structure that permits a variety of general retail and service uses, may be associated with the use of shipping containers or pop up shops and sheds. In the districts where a kiosk is Permitted with Development Standards ("PD"), the following is required.

(a) Site Plan. An approved Site Plan is required when two (2) or more kiosks are being located on a lot for a period of more than two (2) weeks or when a kiosk is used with the Outdoor Market Lot Type, refer to 5.6.G Outdoor Market Lot Type.

(7) Outdoor Storage. Storage of goods for sale or items related to the use(s) on the lot located outside of a structure. In the districts where a outdoor storage is Permitted with Development Standards ("PD"), the following is required.

(a) Site Plan. A site plan is required to review the size and placement on a lot.

(b) Maximum Size. Outdoor storage is permitted in an area no greater than ten (10) percent of the total lot area; in Live Work 1 (LW1) no greater than five (5) percent is permitted..

(c) Location. Storage is permitted in the rear yard or side yard.

(d) Screening. Storage must be screened from view from view from all property lines.

(8) Secondary Building. Secondary buildings include such structures as detached garages, sheds, accessory dwellings, green houses, and hoop houses. In the districts where secondary Buildings are Permitted with Development Standards ("PD"), the following standards apply.

(a) Height. Secondary buildings can be up to two (2) stories in height. Refer to 5.3-1 Measuring Height.

(b) Agricultural Uses. A secondary building associated with a principal agriculture use, such as a green house, hoop house, or shed, shall set back at least ten (10) feet from the Front and Corner Property Lines.

(g) Sidewalk Cafe. Outdoor eating areas permitted within the right-of-way and on the property in question. In the districts where a sidewalk cafe is Permitted with Development Standards ("PD"), the following standards apply,

(a) Clear Pedestrian Pathway. A minimum pedestrian pathway width of five (5) feet must be maintained free of all obstacles. This clear pedestrian pathway shall be located adjacent to the building facade unless otherwise approved through the City Planner.

(b) Permit. If located in the right-of-way, a Right-of-Way Permit is required from the City of Kalamazoo.

Article 5. Zoning Standards

50-5.1 General Requirements.

A. Applicability. The following shall apply to all new construction and renovation of existing structures in the Zoning District in alignment with the parameters in 50-1.4 Nonconformances.

B. General Standards. The following standards apply in all Zoning Districts.

- (1) Uses. Refer to Table 4.1-1 Use Table for permitted uses per district.
- (2) Right-of-way Improvements. Projects must follow the City' Street Design Manual when developing adjacent to a public street.
 - (a) Sidewalk. Installation of new sidewalk is required for all development and redevelopment projects. Repair of existing sidewalk to meet American Disability Association (ADA) City requirements is also required for all projects requiring Site Plan Review.

C. Development Standards. Development and redevelopment in zoning districts shall follow the standards in this section.

- (1) Standards Defined. The standards that regulate development are generally defined in sections 50-5.2-5, which include Building Siting, Height, Use, Street Facing Facades.
- (2) Districts with Lot Type Standards (refer to Table 5.1-1 Permitted Lot Type by District) follow the standards for the selected lot type, as outlined beginning with 50-5.6 Lot Type Standards.
- (3) Districts with Dimension Standards follow the standards listed in Table 5.1-2 Dimension Standards by District.

Table 5.1-1 Permitted Lot Types By District
(Refer to 50-5.6 Lot Type Standards for details)

Lot Type	Zoning District					
	Node	LV1	LV2	D1	D2	D3
Commerce	P			P	P	
Flex		P	P		P	P
Cottage Commercial	PD	P	P			P
Civic		P	P		P	P
Warehouse			P			
Yard-Attached		P	P			P
Yard-Detached		P	PD			PD
Outdoor Market		P	P			P

Key

- P Permitted
 S Special Use
 Permitted -
 PD Development
 Standards Required

Table 5.1-2 Dimension Standards by District

Dimension Standard	Zoning District			
	CC			
Lot Area				
Min. Lot Area for Rezoning	1 acre			
Max. Lot Area for Rezoning	-			
Min. Lot Area	-			
Setbacks				
Front	-			
Corner Side	-			
Side	0', 25' next to R District			
Rear	0', 25' next to R District			
Max. Lot Coverage	80%, 10% semi-pervious			
Multiple Principal Buildings Allowed	Yes			
Max. Height	6 stories			
Facade				
Vehicle Entrance Bays	-			
Entrance Type & Transparency	Storefront, Stoop, or Arcade on street facing facades within 25' of front & corner side property lines; Min. transparency per entrance type.			
Access				
Driveway Quantity	1/street frontage less than 100' in width; additional permitted for every 75' of frontage			
Driveway Location	Shared access across parcels & shared driveways are encouraged			

50-5.2 Building Siting.

A. Street Frontage. Refers to locating the building(s) on a lot. Refer to Figure 5.2-1 Building Siting.

- (1) Multiple Principal Buildings. The allowance for more than one (1) principal structure on a lot.
- (2) Front Lot Line Coverage. The minimum percentage of building façade required along the front property line.
 - (a) Measurement. The standard is calculated by taking the width of the principal structure, measured in the build-to zone, divided by the total width of the lot's build-to zone.
 - (b) Multiple Buildings. Multiple principal buildings can be located on the lot. The minimum front lot line coverage must be met.
- (3) Occupation of the Corner. Occupying the corner, the area where the front and corner build-to zones meet, with a principal structure/or building entrance.

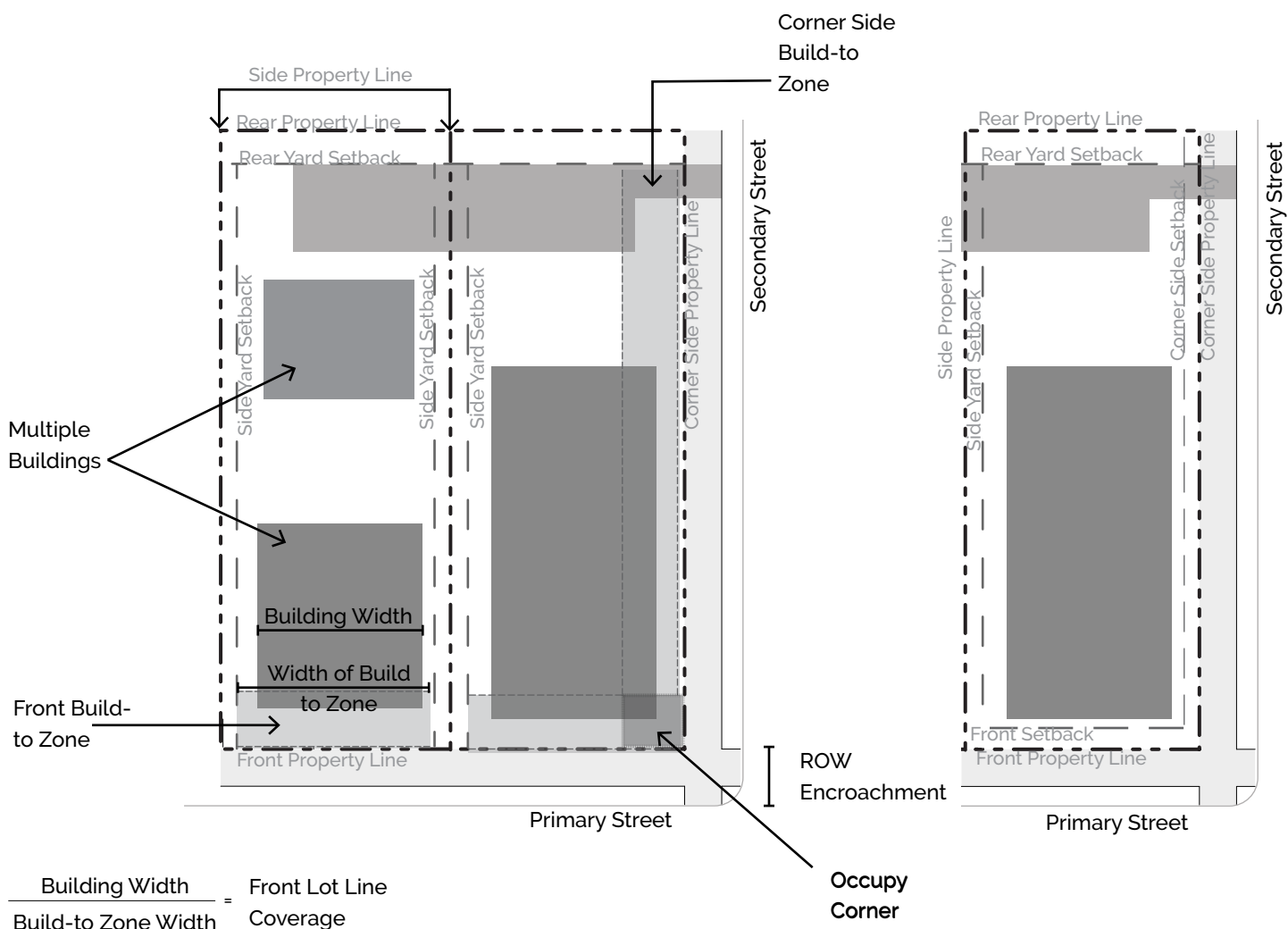


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

(4) Front Build-to Zone. The build-to zone located parallel to the front property line.

(a) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.

(b) Vehicular parking is not permitted in the front build-to zone unless otherwise noted.

(5) Corner Build-to Zone. The build-to zone located parallel to the corner side property line.

(a) Building facades must be located in the Corner Build-to Zone for the first twenty (20) feet, measured from a lot's corner(s).

(b) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.

(c) Vehicular parking is not permitted unless otherwise noted.

(6) Encroachment. Certain building elements, such as balconies, awnings, or signage may be permitted to encroach into the right-of-way.

(a) Where permitted, an encroachment agreement with the City is required.

(b) Encroachments shall not extend closer than two (2) feet from the back of the curb line.

(c) A minimum height clearance of eight (8) feet must be maintained.

B. Lot Area.

(1) Side Yard Setback. The minimum required setback along a side property line.

(a) Driveways are permitted in the side yard setback.

(2) Rear Yard Setback. The minimum required setback along a rear property line.

(a) Driveways are permitted in the rear yard setback.

(3) Minimum Lot Area for Rezoning. Measured in square feet, it is the minimum size a lot can be to be zoned this district.

(4) Maximum Lot Area for Rezoning. Measured in square feet, it is the maximum size a lot can be to be zoned this district.

(5) Minimum Lot Size. Measured in square feet, it is the smallest square footage allowed for the creation of a new lot in a zoning district.

C. Lot Coverage. The maximum percentage of a lot permitted to be covered with not pervious surfaces and the additional amount of semi-pervious surface permitted. Refer to Figure 5.2-2 Lot Coverage.

D. Parking, Loading, and Site Access. .

- (1) **Parking Location.** The yard in which a parking area and associated drive are permitted.
- (2) **Service and Loading Locations.** The façade on which access is permitted for servicing, loading, and unloading activities related to that building's use.
- (3) **Vehicle Entrance Bay.** The façade of the building on which an entrance bay to interior parking or other use is permitted.
- (4) **Driveway Location.** The permitted locations for vehicular access.
 - (a) If an alley is available, driveway access shall be located from the alley.
 - (b) If an alley is not available, driveway location is noted by Lot Type (refer to 5.6 Lot Types) or District (refer to Table 5.5-2 Dimension Standards).
 - (c) Driveways on corner lots must be at least twenty (20) feet from the crosswalk; if no crosswalk is present, the distance is measured from the stop bar..

50-5.3 Height.**A. Height.** Building height is measured as follows. Refer to Figure 5.3-1 Measuring Height

- (1) **Minimum and Maximum Height.** The minimum and maximum overall height of a structure.
 - (a) **Measurement.** Building height is measured in stories.
 - [1] A minimum and/or maximum height may be given.
 - [2] This measurement does not include rooftop mechanicals,
 - (b) **Half stories.** Half stories can be found either completely within the roof structure with street-facing windows or in a visible basement exposed up to ½ story above grade.
- (2) **Floor Height.** Each Lot Type permits a range of height expressed in feet for each story.
 - (a) **Floor to Floor.** The height of a story is measured between floors; top of floor to top of floor.. If the building is one (1) story, use the floor of the story to the tallest point of the ceiling.
 - (b) **Application.** Floor height requirements apply only to principal buildings on street facing facades.

50-5.4 Use.**A. Uses.** Permitted uses are outline in Table 4.1-1 Use Table. Refer to the Lot Type Standards (50-5.6) for specific requirements by Lot Type. See Figure 5.4-1 Permitted Uses per Floor.

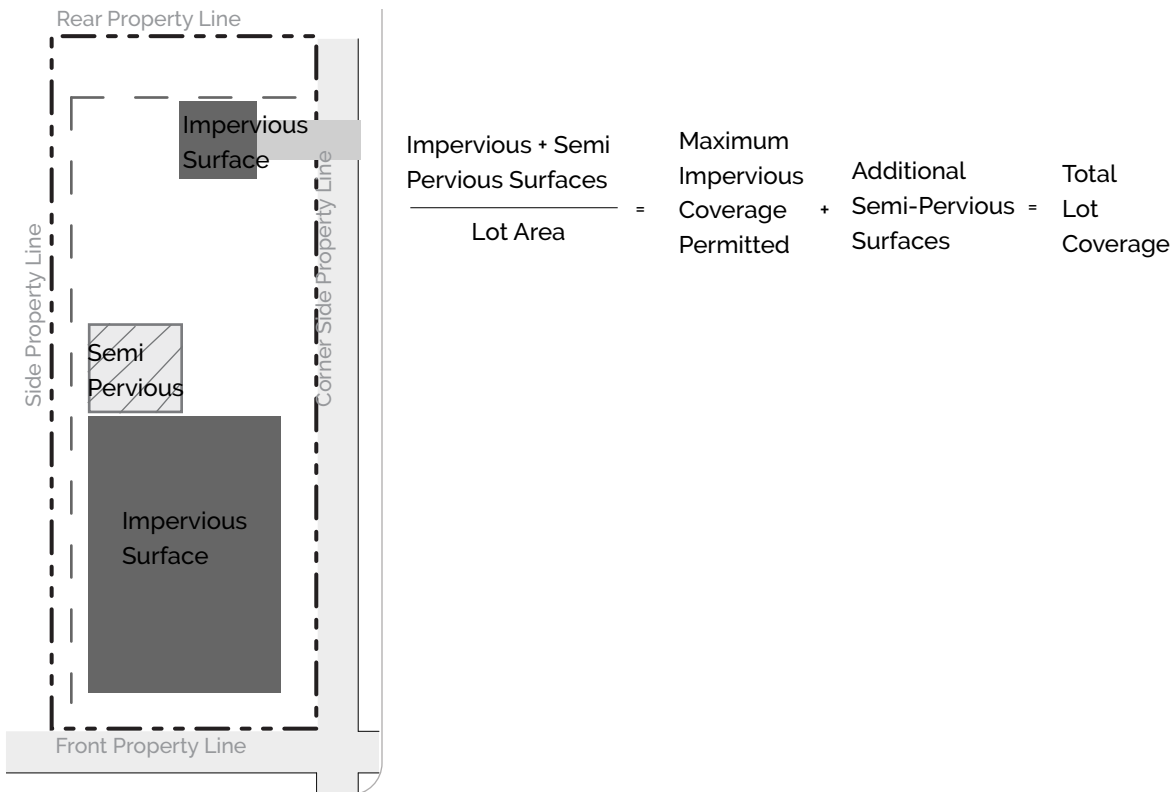


Figure 5.2-2 Lot Coverage

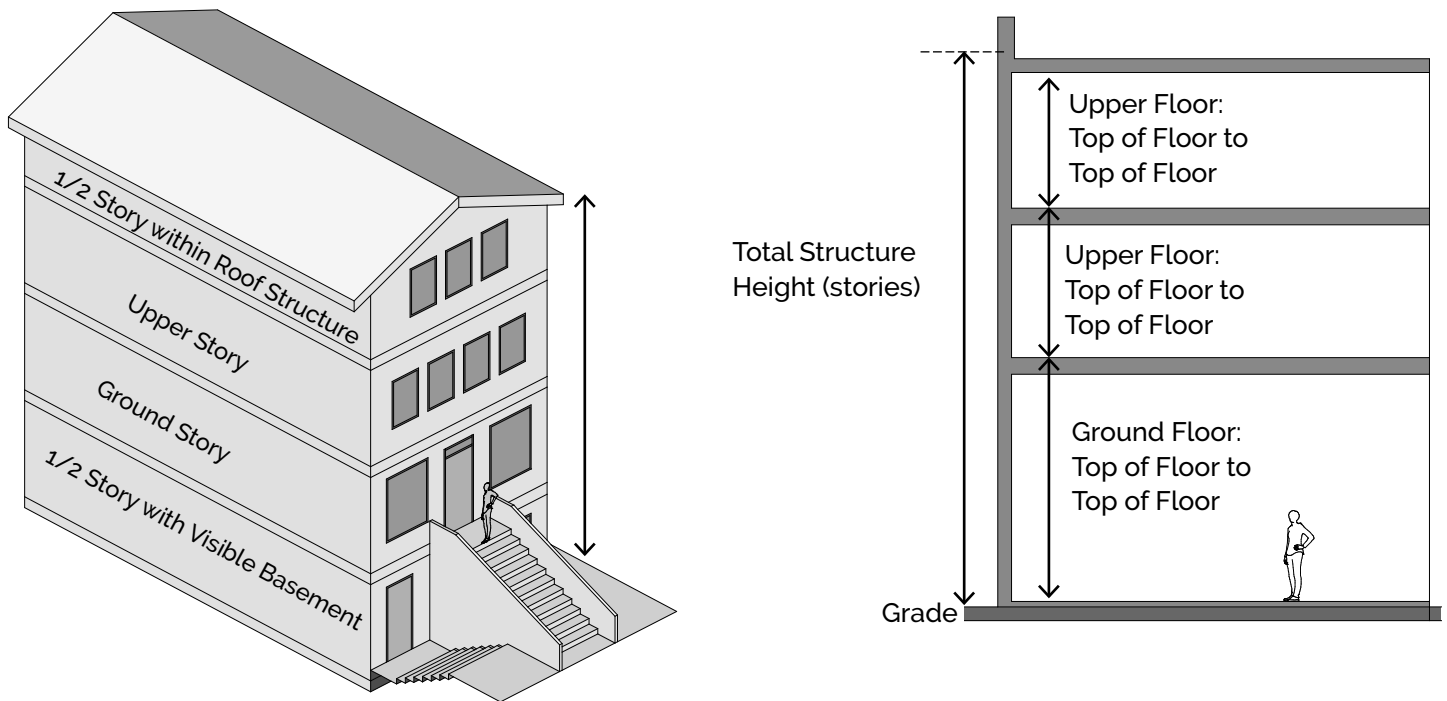


Figure 5.3-1. Measuring Height

- (1) Ground and Upper Floor. The permitted uses may vary between ground and upper floors.
- (2) Occupied Space. The restriction of internal parking, residential units, storage areas, and utility areas in the occupied space of a building's ground and/or upper floors in the following locations unless otherwise stated in the Lot Types. Refer to 50.1-3.DD Occupied Space for additional information on occupied space.
 - (a) Front façades,
 - (b) Corner-side facades when fronting a Priority or Main Street.
 - (c) Corner-side facades on other street types for at least the minimum required building placement for the corner façade (refer to 50-5.2A(5)(a))

50-5.5 Street Facing Facades.

A. Street Facing Façade. The following are requirements on street facing building facades.

- (1) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a building of at least four (4) feet. It is expressed as a percentage windows to total facade area. Refer to Figure 5.5-1 Measuring Transparency.
 - (a) Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted.
 - (b) Upper Floor. Transparency is noted by Lot Type.
 - (c) Full Façade. Transparency measured using the entire front façade rather than only one (1) story of the building.
- (2) Blank Wall Limitations. The maximum area on a façade permitted to be windowless.

B. Entrance. Required entrance locations and treatments.

- (1) Location. Location of the primary, functioning, public entrance of the principal building, noted by façade.
- (2) Entrance Treatment. The entrance treatments required on street facing facades. Entrance treatment standards apply to the entire ground story of all front facades, and corner side facades.
 - (a) Storefront. Storefronts are a highly transparent ground story treatments typically used as display areas for retail and other commercial uses. Refer to Figure 5.5-2 Storefront Entrance Type.
 - [1] Transparency. Minimum transparency is seventy (70) percent, measured between two (2) and eight (8) feet above the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.
 - [2] Elevation. Storefronts shall be located no more than one (1) foot above the sidewalk.
 - [3] Recess. Entrances may be recessed up to eight (8) feet.
 - [4] Building Entrance. Primary building entrance shall be located off the storefront.
 - [5] Interior Access. Additional entrances to access uses in the upper stories or rear of the ground floor are

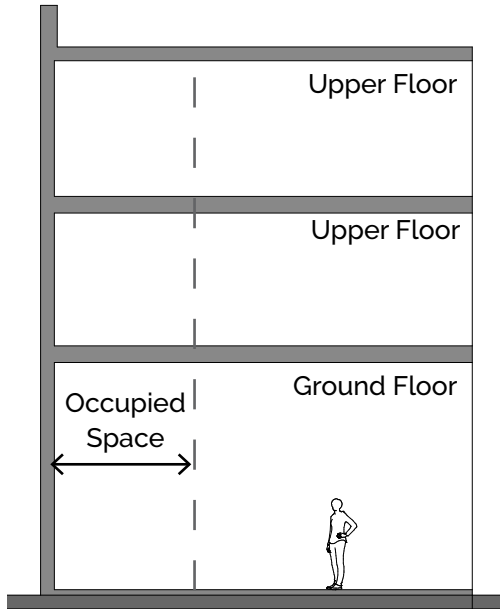


Figure 5.4-1 Permitted Uses Per Floor

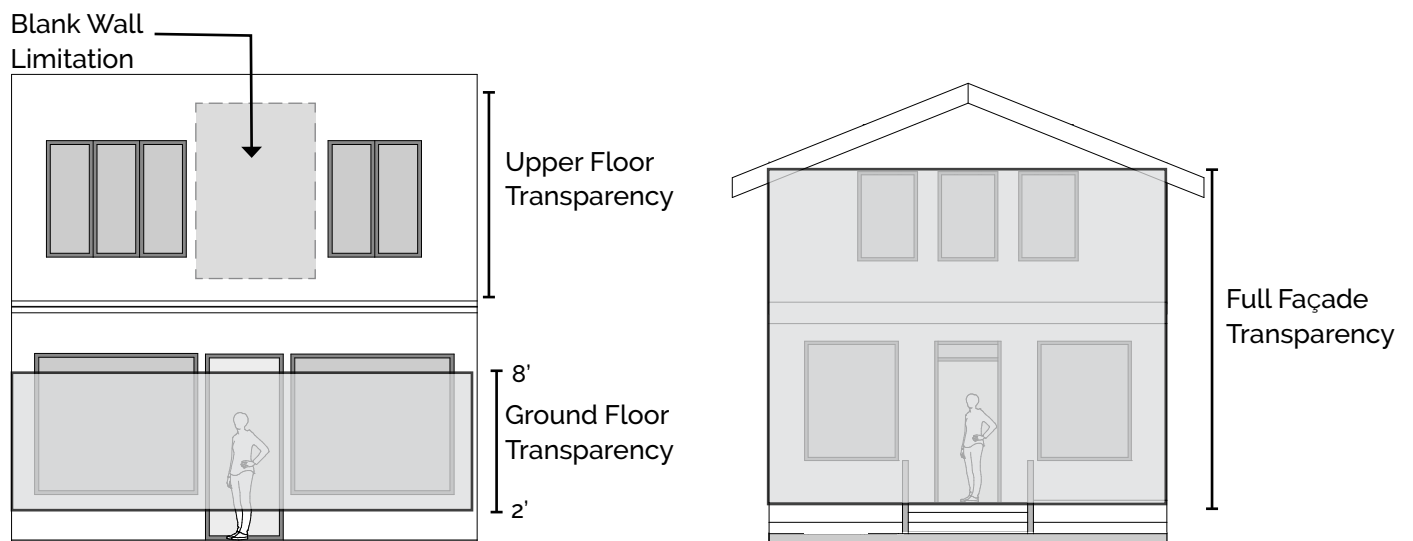


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

permitted without having to adhere to the above requirements.

(b) Stoop. Refer to Figure 5.5-3 Stoop.

[1] Transparency. Minimum transparency is fifty (50) percent, measured between two (2) and eight (8) feet above the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.

[2] Elevation. Stoops shall be not be elevated more than 3' 6" above the sidewalk, except with a visible basement.

[3] Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.

[4] Recess. Entrances may be recessed up to five (5) feet

[5] Building Entrance. Entrances shall be located off the stoop.

[6] Interior Access. Additional entrances to access uses in the upper stories or rear of the ground floor are permitted without having to adhere to the above requirements.

(c) Arcade. An arcade is a covered pedestrian walkway within the recess of a ground story. Refer to Figure 5.5-4 Arcade.

[1] Interior Treatment. Arcades must be used in conjunction with storefront or stoop treatment.

[2] Arcade Width. Open air public walkway must be a minimum of six (6) feet.

[3] Columns Spacing. Columns shall be spaced between ten (10) and twelve (12) feet on center.

[4] Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.

(d) Porch Entrance Type. A porch is a raised, roofed platform. Porches can be fully enclosed. Refer to Figure 5.5-5 Porch Entrance Type.

[1] Transparency. Per Lot Type or District; unless the porch is fully enclosed in which case a minimum of forty (40) percent is applied. Refer to Figure 5.5-1. Measuring Transparency.

[2] Elevation. Porches shall be located a maximum of 4'6" above the sidewalk or average grade measured at the front facade.

[3] Height. A porch may be up to two (2) stories in height to provide a balcony for the second story.

[4] Building Entrance. Primary building entrance shall be located off the porch.

(3) Entrances on Street Facing Facades. The maximum spacing between entrances on a street facing building façade.

(4) Entrances on Other Facades. An entrance is required on side and rear facades when fronting parking areas

C. Roof Type. All roof styles are permitted in the Lot Types, provided that a defined roof style is utilized; special roof types, tower and spire, are permitted per Lot Type.

(1) Tower. A tower is a rectilinear or cylindrical, vertical building element. Refer to Figure 5.5-6 Tower.



Figure 5.5-2. Storefront.

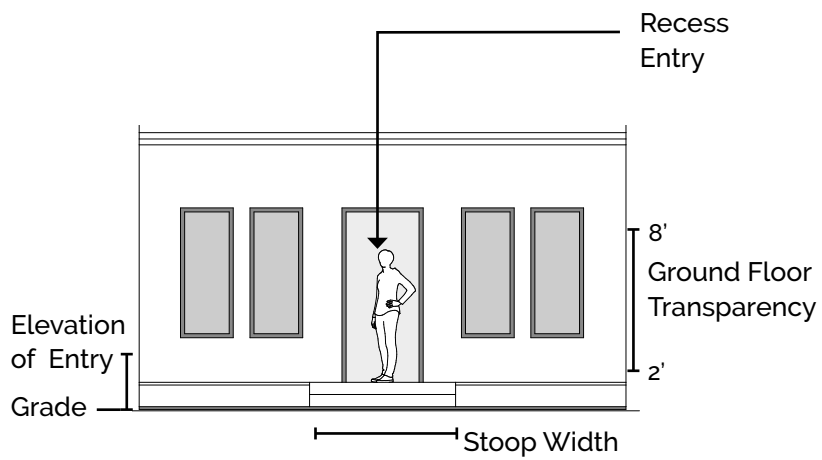


Figure 5.5-3. Stoop.

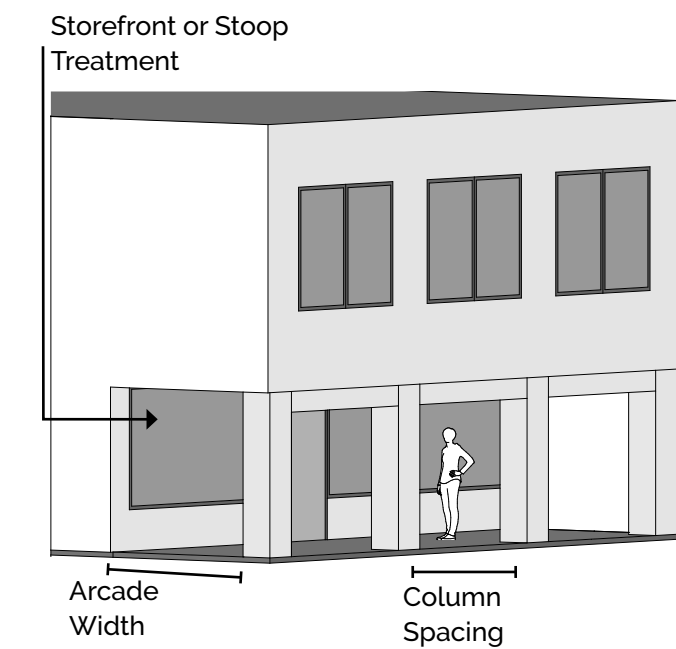


Figure 5.5-4. Arcade

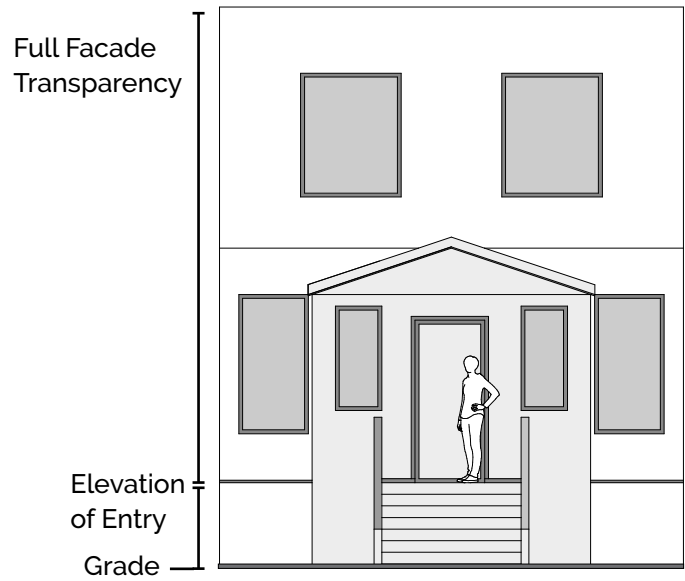


Figure 5.5-5. Porch.

- (a) Height. Maximum tower height is equal to the height of one (1) upper story floor of the building onto which the tower is applied.
- (b) Width. Maximum tower width along all facades is one-third ($1/3$) the width of the building or thirty (30) feet, whichever is less.
- (c) Use. Towers may be utilized by the same uses allowed in the upper stories of the front type in which it is located.

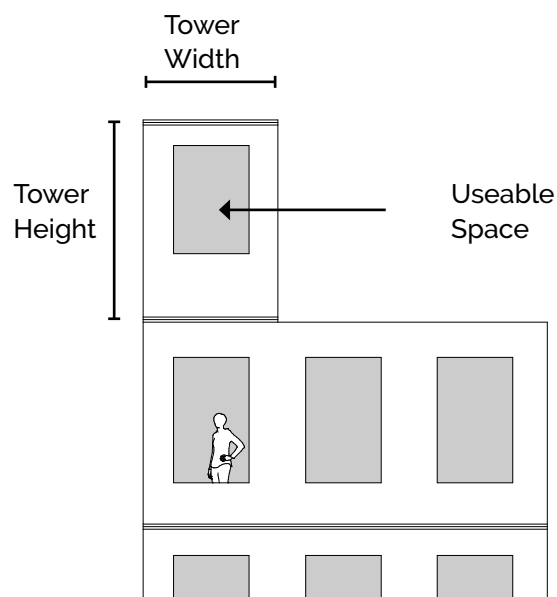


Figure 5.5-6. Tower.

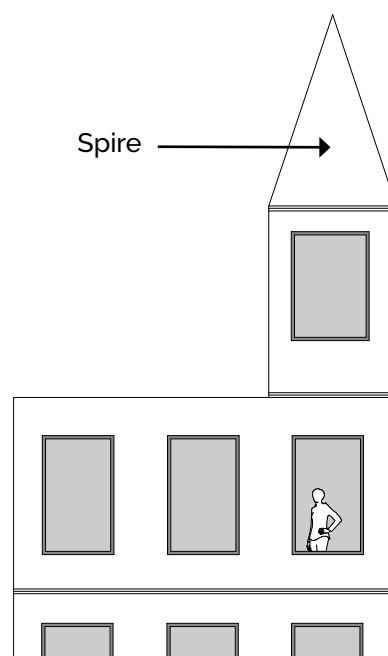


Figure 5.5-7. Spire

(2) Spire. A spire is a long, tapering design element attached to a tower or the roof of a building. Refer to Figure 5.5-7 Spire.

(a) Use. Spire may not contain an occupied space.

50-5.6 Lot Type Standards.

A. Lot Type Descriptions. The following Lot Types are defined and detailed for use in development and redevelopment in the Node, Live-Work 1, and Live-Work 2 Districts. Refer to Table 5.5-1 Permitted Lot Types by Zoning District.

(1) Commercial Lot Type. A Lot Type with a high level of transparency on the ground floor that is located at or near the front property line of a lot. This type is ideal for active ground floor uses such as retail or a community center and a mix of uses including residential and commercial on upper stories.

(2) Flex Lot Type. A Lot Type that promotes buildings constructed in a narrow front build-to zone with a range of entrance treatments that can support a wide variety of uses including commercial, industrial, and residential.

(3) Cottage Commercial Lot Type. A Lot Type that recognizes that many structures residential in character can be used for commercial purposes, at least on the ground floor. These typically have a higher transparency and impervious coverage than the Yard - Detached Lot Type. In the Districts where the Cottage Commercial Building is Permitted with Development Standards ("PD"), the lot type is only permitted in Neighborhood Nodes, as designated in the 2025 Master Plan, Future Land Development Map

(4) Civic Lot Type. A Lot Type that allows for the development of unique buildings for civic and institutional uses through flexible building siting and facade treatment standards.

(5) Warehouse Lot Type. A Lot Type that maintains the urban character of an area while considering the needs of commercial and industrial uses.

(5) Yard - Attached Lot Type. A Lot Type that supports the development of buildings that are slightly set back from the front property line and typically contains residential uses. In the Districts where the Yard-Attached Lot Type is Permitted with Development Standards ("PD"), the lot type is only permitted when it contains two or more units. Refer to 50-4.4A(4).

(6) Yard - Detached Lot Type. A residential Lot Type that allows for detached buildings that are set back from the street. Typically it supports residential uses.

(7) Outdoor Market Type. A Lot Type that focuses on the use of outdoor spaces on a lot for such uses as gardening, seating, dining, gathering, and retail. May include limited indoor areas in non-permanent or open air structures, such as shipping containers, kiosks, or pergolas, for the sale of items or preparation of food items for sale, but with limited or no indoor seating. Permanent buildings are also permitted with this Lot Type, provided they account for a small percent of the total lot area.

B. Lot Type: Commerce

(1) Building Siting (Figure 5.6-1)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	80% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-5'; 0-10' if for public space, such as wider sidewalks, on-street parking, or cafes ²	4
Corner Build-to Zone		
ROW Encroachment	Yes	5

(b) Lot Area

Side Yard Setback	0'	6
Rear Yard Setback	0', 0' off alley 10' next to R district	7

(c) Lot Coverage

Impervious Surface (max)	100%	8
Semi-Impervious Surface	n/a	9

(d) Parking, Loading, & Access

Parking Location	Rear Yard	10
Loading & Service Location	Rear, Side, Corner Side Facades ³	11
Vehicle Entrance Bay		
Driveway Location	Alley; 1 on Corner Side ^{3,4} , or 1 on Front if an interior lot not located in D1 ^{3,4}	12

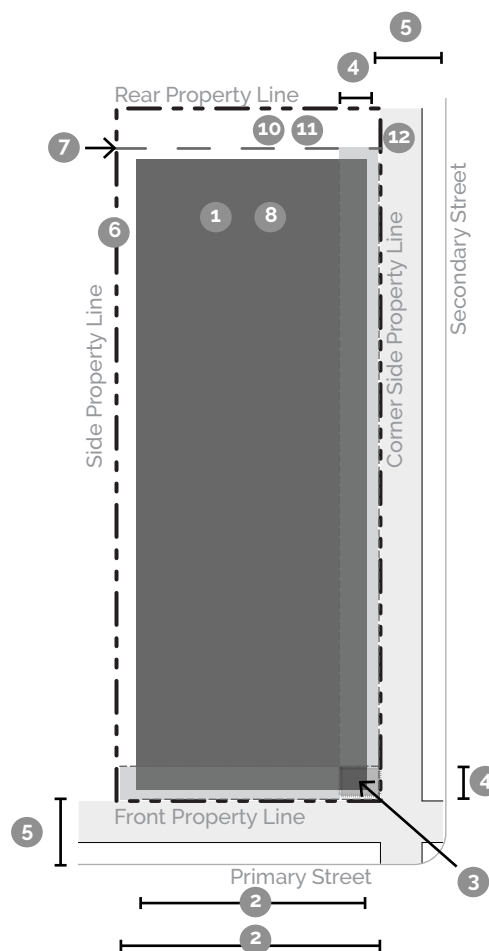


Figure 5.6-1 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage.

Lots less than 60' in width, without alley access, and not on a corner have a minimum coverage requirement of 65%.

² Larger BTZ requires review and approval through the site plan review process. Larger BTZ is not permitted in D1.

³ Entrance bays for parking and loading not permitted on primary streets. Entrance bays and driveways are not permitted on a Priority Street.

⁴ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-2)

Minimum Height	2 stories ⁷	14
Maximum Height ⁵	Node: 3 stories or up to height of tallest building within 330' ⁶ ; D1 & D2: no max. height;	15
Ground Floor	14'-24' ⁷	16
Upper Floor(s)	9'-14'	17

(3) Uses (Table 4.1-1)

Ground Floor	All uses permitted per district	18
Upper Floor	All uses permitted per district	19
Occupied Space Restrictions	Yes, first two floors, except Residential/Lodging is permitted per Table 4.1-1	20
Accessory Uses & Structures	See Table 4.5-1	

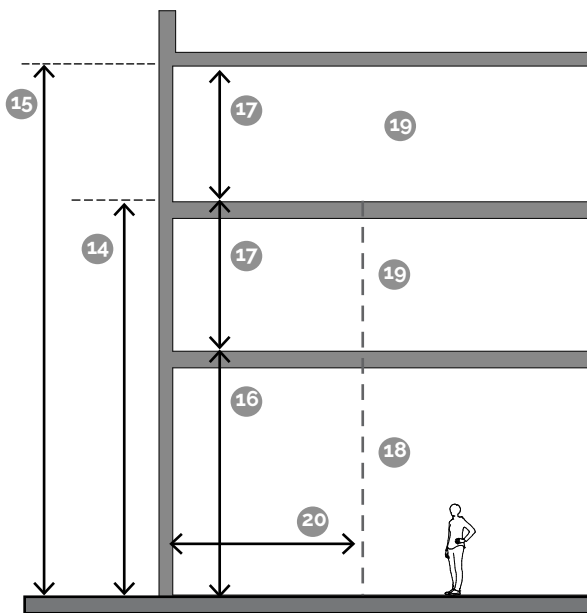


Figure 5.6-2 Height & Use

Notes:

⁵ Tower is allowed to be one (1) story taller than the overall building height.⁶ 330' is measured from outer lot line of the Node District. The height increase is capped at no more than two (2) stories taller than the tallest building in the Node.⁷ A Ground Floor height of 20' or greater will be counted as two (2) stories for overall building height.**(4) Street Facing Facades (Figure 5.6-3)****(a) Transparency (minimum)**

Ground Floor	Per entrance type, see 5.5.B	21
Upper Floor(s)	20% per floor	22
Blank Wall Limitations	Yes	23

(b) Entrance

Location	Front Facade, Building Corner	24
Entrance Treatment (see 5.5.B)	Storefront; Stoop permitted on corner or other facades	25
Entrances on Street Facing Facades	1 per 50' of building length	26
Entrances on Other Facades	Yes	

(c) Roof Type

Tower	Permitted	27
Spire	Not Permitted	

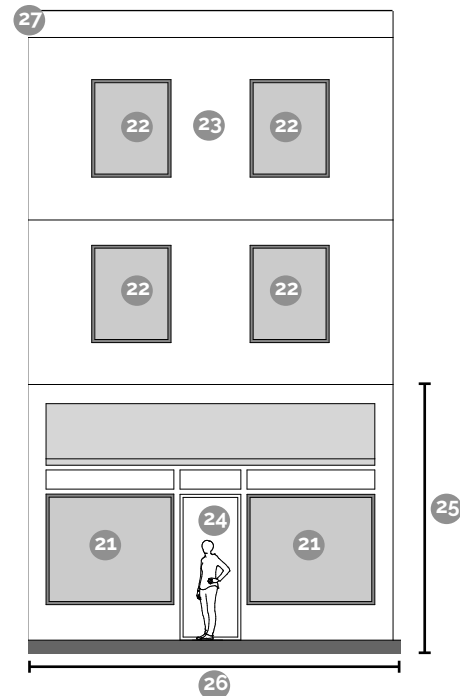


Figure 5.6-3 Street Facing Facades.

C. Lot Type: Flex

(1) Building Siting (Figure 5.6-4)

(a) Street Frontage		
Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	70% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-10'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6
(b) Lot Area		
Side Yard Setback	0'	7
Rear Yard Setback	0', 0' off alley 10' next to R district	8
(c) Lot Coverage		
	75%; 85% in Live	
Impervious Surface (max)	Work 2; 100% in D2 & D3	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear Yard	11
Loading & Service Location	Rear, Side, Corner Side	12
Vehicle Entrance Bay	Facades ²	
Driveway Location	Alley; 1 on Corner Side ³ , or 1 on Front if an interior lot not located in D1 ²	13

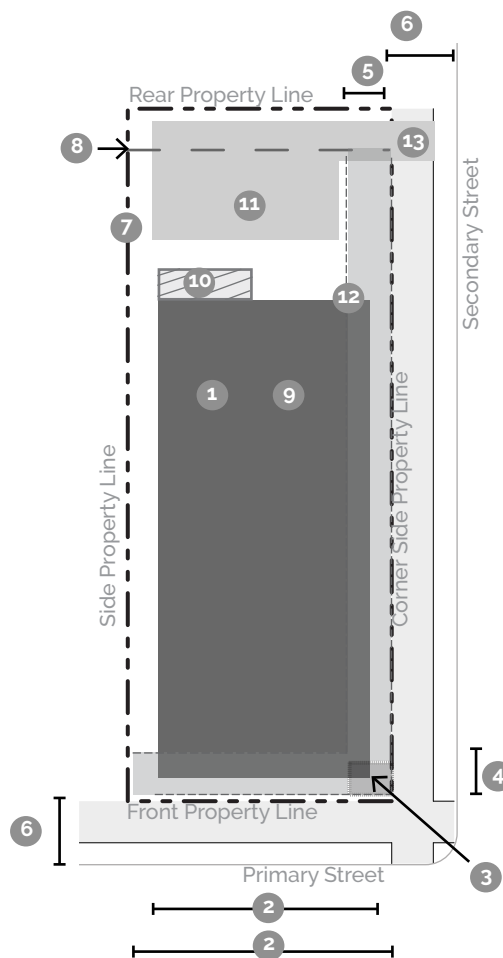


Figure 5.6-4 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage. Lots less than 60' in width, without alley access, and not on a corner have a minimum coverage requirement of 65%

² Entrance bays for parking and loading purposes not permitted on primary streets. Entrance bays and driveways are not permitted on a Priority Street.

³ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-5)

Min. Height ⁵	1 story; 2 story min in D2 & D3	14
Max. Height ⁴	3 stories; LW-2 on a Connector & D3: up to 5 stories D1 & D2: no max. height	15
Ground Floor	12'-24' ⁵	16
Upper Floors	9'-14'	17
(3) Uses (Table 4.1-1)		
Ground Floor	All uses permitted per district	18
Upper Floor		
Occupied Space Restrictions	Yes; first two floors; except Residential/Lodging permitted per Table 4.1-1	19
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-6)**(a) Transparency (minimum)**

Ground Floor	Per entrance type, see 5.5.B	20
Upper Floor(s)	20% per floor	21
Blank Wall Limitations	Yes	22

(b) Entrance

Location	Front Facade, Building Corner	23
Entrance Treatment (see 5.5.B)	Storefront, Stoop	24
Entrances on Street Facing Facades	1 per 60' of building length	25
Other Facade Entrances	Yes	

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

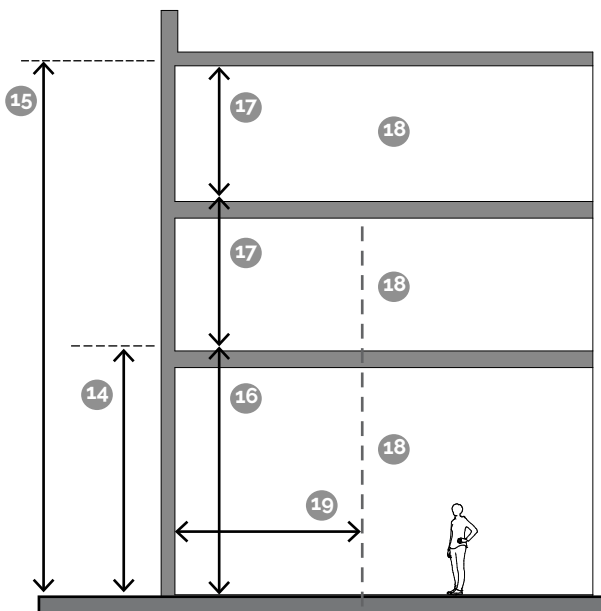


Figure 5.6-5 Height & Use

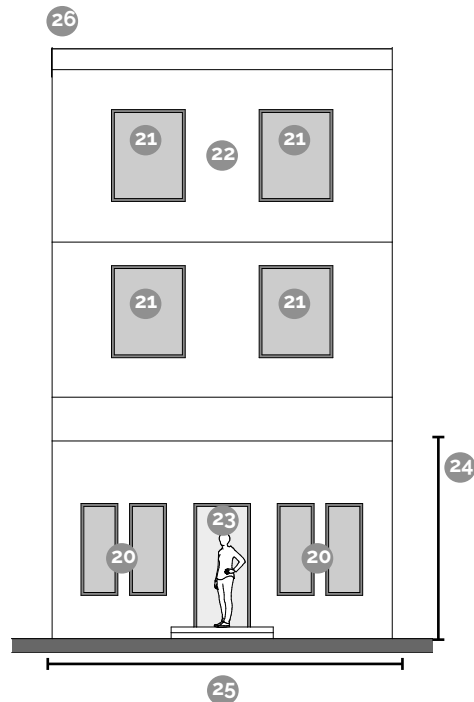


Figure 5.6-6 Street Facing Facades.

Notes:

⁴ Tower is allowed to be one (1) story taller than the overall building height.

⁵ A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

D. Lot Type: Cottage Commercial

(1) Building Siting (Figure 5.6-7)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	
Occupation of Corner	Not required	2
Front Build-to Zone	5'-20'; 0-10' in Nodes ¹	3
Corner Build-to Zone	5'-20' 5-15' in Nodes ¹	4
ROW Encroachment	Yes	5

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	65%	9
Semi-impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ²	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

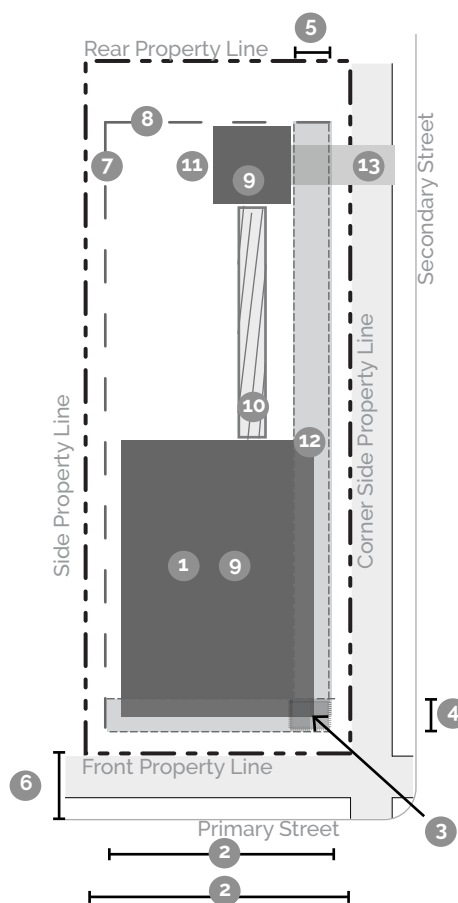


Figure 5.6-7 Building Siting Attached and Detached

Notes:

¹ Stoops and porches may be located in the build-to zone.

² Parking entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-8)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	2.5 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging, Commercial, Craftsman	17
Occupied Space Restrictions	Yes	18
Accessory Uses & Structures	See Table 4.5-1	

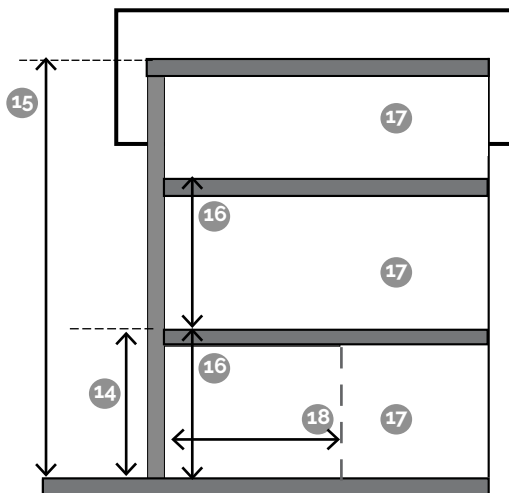


Figure 5.6-8 Height & Use

(4) Street Facing Facades (Figure 5.6-9)**(a) Transparency (minimum)**

Facade Transparency (min)	40% for Stoops and Porches; Storefronts per 5.5.B(2)(a)	19
Blank Wall Limitations	No	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch, Storefront	22
Entrances on Street Facing Facades	1 per building	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

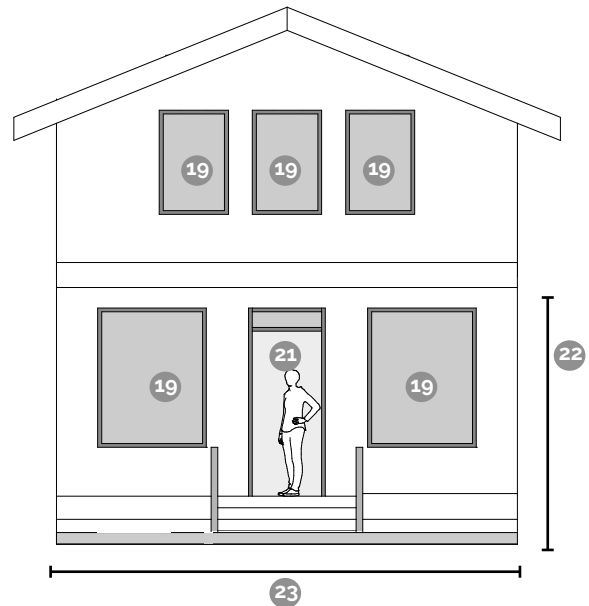


Figure 5.6-9 Street Facing Facades.

(2) Height (Figure 5.6-11)

Minimum Height ⁴	1 stories; 2 story min in D2 & D3	14
Maximum Height ³	3 stories; D2: no max. height; D3: up to 6 stories	15
Ground Floor	15'-30' ⁴	16
Upper Floor	9'-14'	17

(3) Uses (Table 4.1-1)

All Floors	Civic/ Institutional ⁵	18
Occupied Space Restrictions	Yes ⁵	19
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-12)**(a) Transparency (minimum)**

Facade Transparency (min)	15% per street facing Facade	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop	23
Entrances on Street Facing Facades	1 per 60' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted	26
Spire	Permitted	27

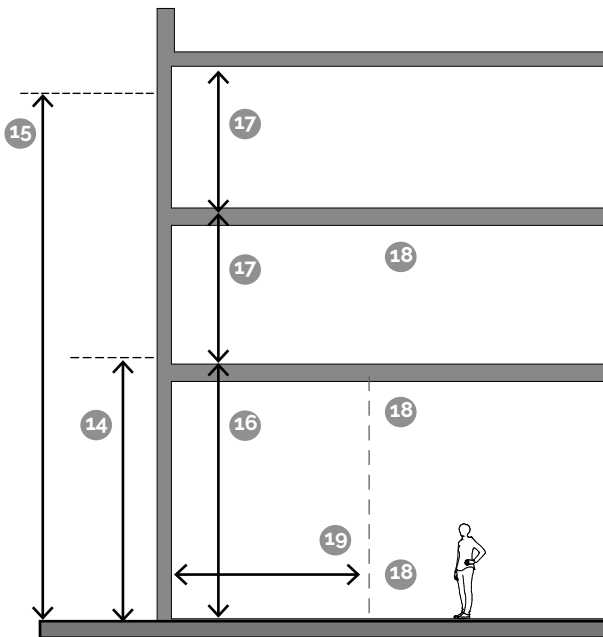


Figure 5.6-11 Height & Use

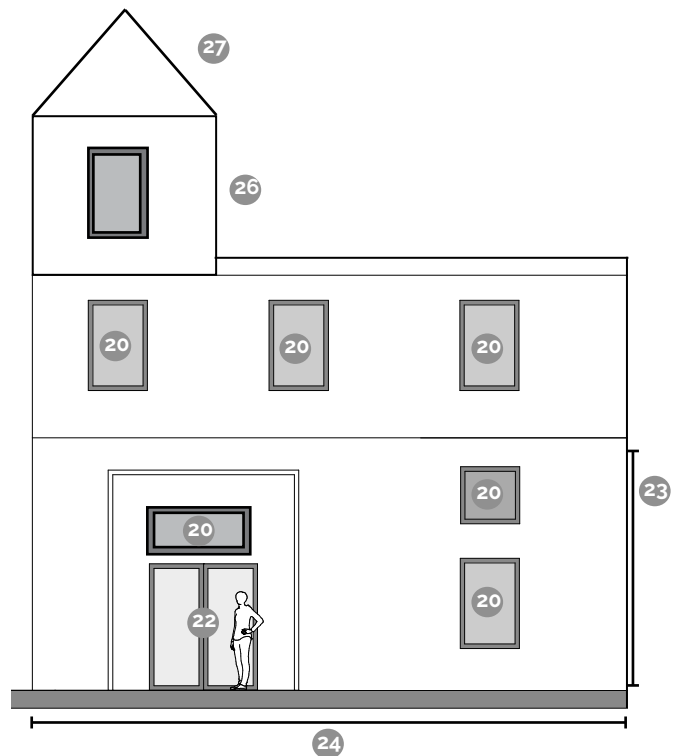


Figure 5.6-12 Street Facing Facades.

Notes:

4 A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

5 Civic Lot Types existing at the time of this Ordinances' approval may contain any use permitted in the District in which it is located.

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-15'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15', 0' off alley,	8

(c) Lot Coverage

Impervious Surface (max)	80%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side, Corner Side Facades ² , & 1 on Front Facade ²	12
Vehicle Entrance Bay	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13

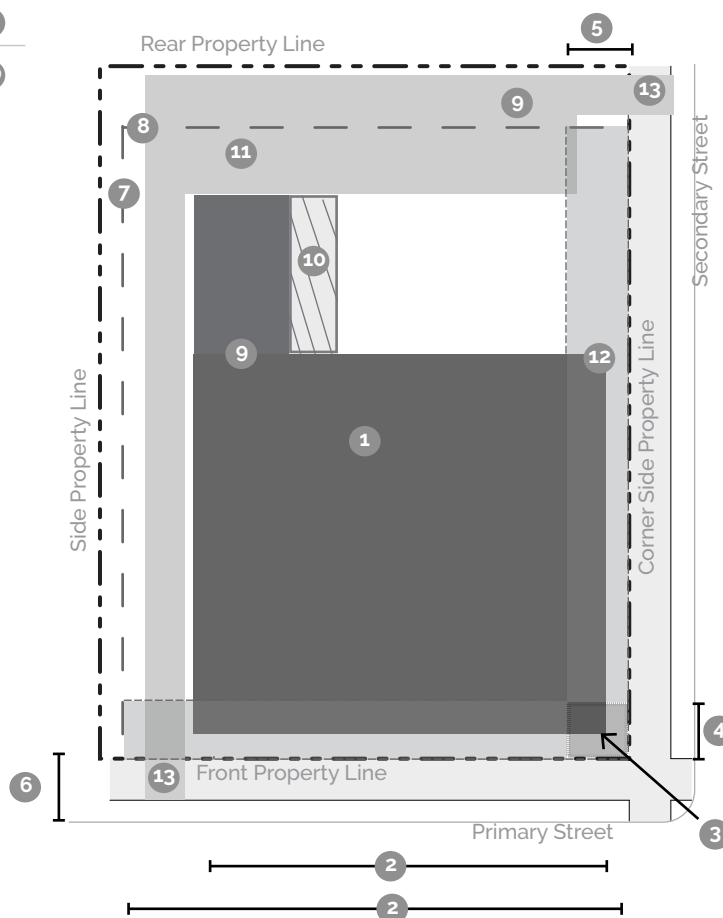


Figure 5.6-13 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage.

² Entrance bays for parking and loading not permitted on primary streets unless located at least fifty (50) feet behind the front facade.

³ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-14)

Minimum Height ⁵	1 stories	
Maximum Height ⁴	3 stories	15
Ground Floor	12'-30'	16
Upper Floor	9'-15'	17

(3) Uses (Table 4.1-1)

All Floors	Industrial	18
	Not Required,	
	except Craftsman	19
Occupied Space Restrictions	Industrial retail/ showroom uses	
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-15)**(a) Transparency (minimum)**

Ground Floor (min)	40% ⁶	19
Upper Floor(s)	10%	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop, Storefront	23
Entrances on Street Facing Facades	1 per 75' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

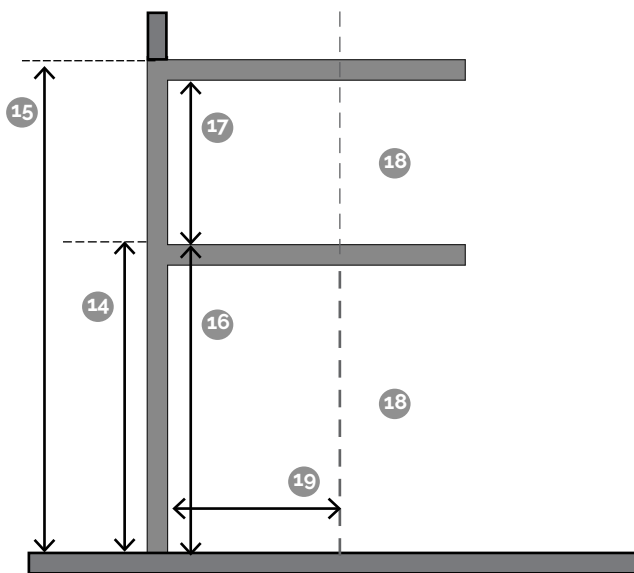


Figure 5.6-14 Height & Use

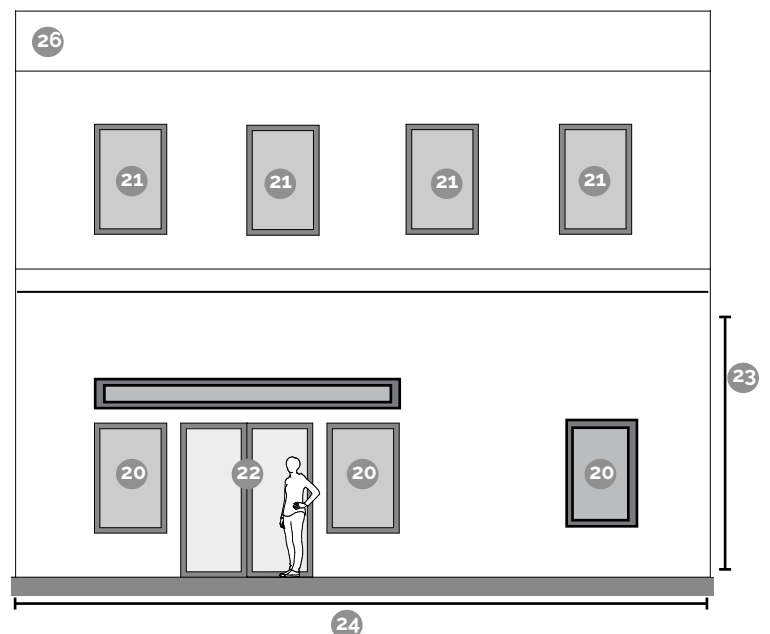


Figure 5.6-15 Street Facing Facades.

Notes:

⁴ Tower is allowed to be one (1) story taller than the overall building height.

⁵ A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

⁶ Craftsman Industrial uses follow transparency for either the storefront or stoop entrance type. To determine transparency, the measurement can be taken in the location of the retail or showroom element and not along the entire ground floor facade.

G. Lot Type: Yard - Attached

(1) Building Siting (Figure 5.6-16)

(a) Street Frontage

Multiple Principal Buildings	Yes; Up to 5 units may be connected	1
Front Lot Line Coverage (min)	60%	2
Occupation of Corner	Not required	3
Front Build-to Zone	5'-15' ¹	4
Corner Build-to Zone	5'-15' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5' ²	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	60%	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

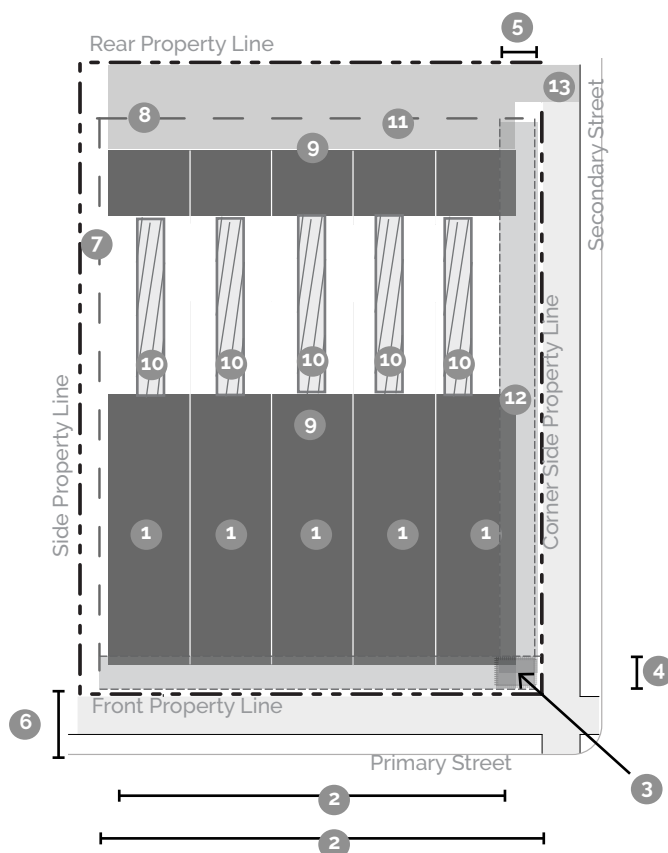


Figure 5.6-16 Building Siting

Notes:

¹ Stoops and unenclosed porches may be located in the build-to zone.

² If buildings are attached, side yard setbacks apply to the set or row of buildings, not each individual building.

³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-17)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space Restrictions	Not Required, except for internal parking	18
Accessory Uses & Structures	See Table 4.5-1	

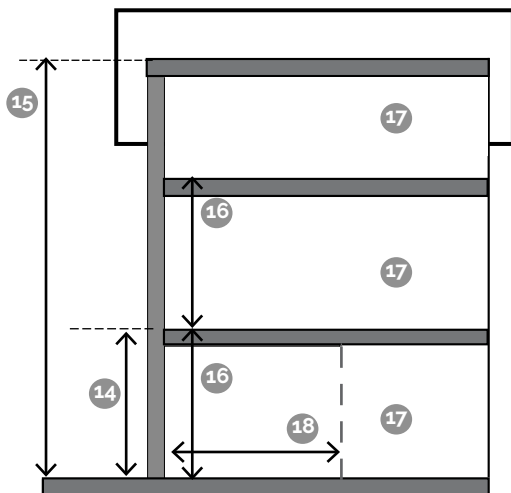


Figure 5.6-17 Height & Use

(4) Street Facing Facades (Figure 5.6-18)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

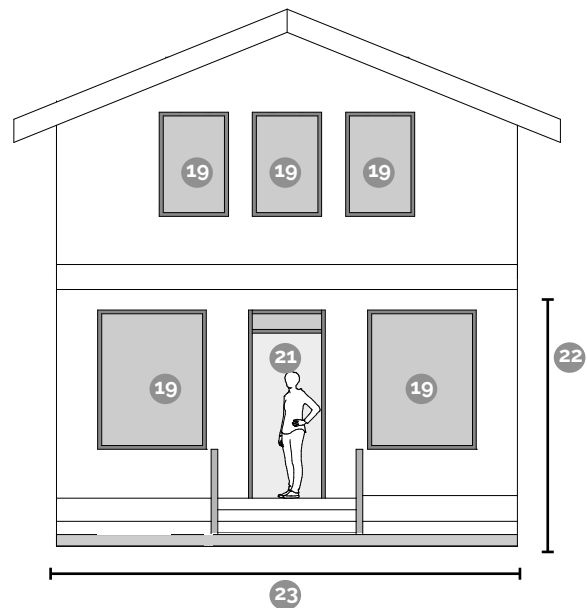


Figure 5.6-18 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

H. Lot Type: Yard - Detached

(1) Building Siting (Figure 5.6-19)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	2
Occupation of Corner	Not required	3
Front Build-to Zone	10'-25' ¹	4
Corner Build-to Zone	10'-20' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	10'	8

(c) Lot Coverage

Impervious Surface (max)	50% ²	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

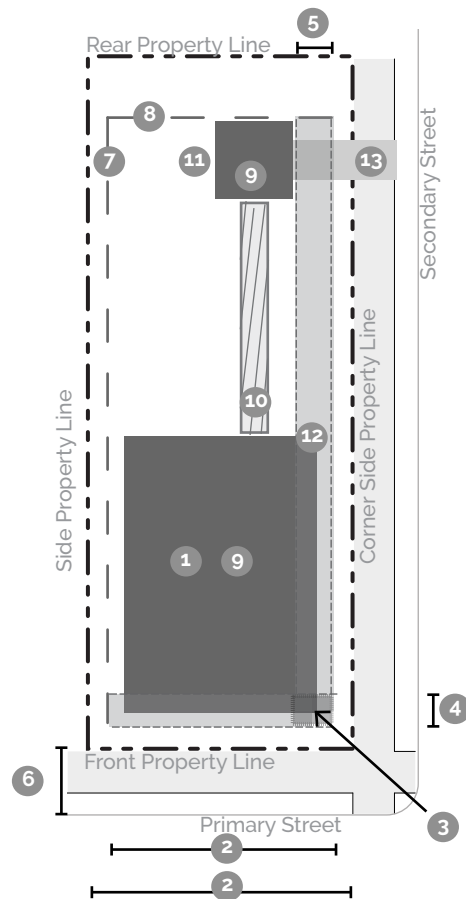


Figure 5.6-19 Building Siting Attached and Detached

Notes:

¹ Stoops and unenclosed porches may be located in the build-to zone.

² 60% impervious surface permitted when two or more principal buildings are on a lot.

³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-20)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space Restrictions	Not Required, except for internal parking	18
Accessory Uses & Structures	See Table 4.5-1	

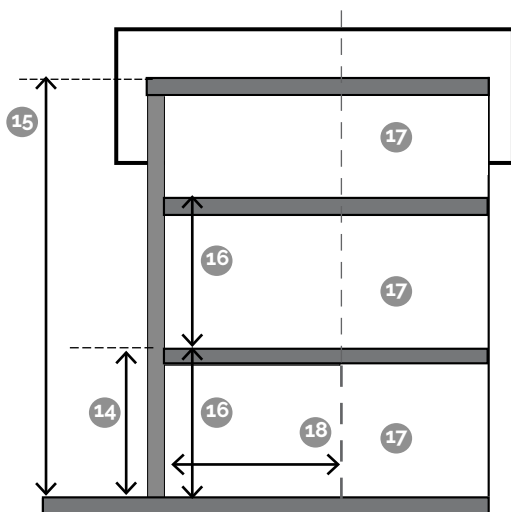


Figure 5.6-20 Height & Use

(4) Street Facing Facades (Figure 5.6-21)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Not Permitted
Spire	Not Permitted

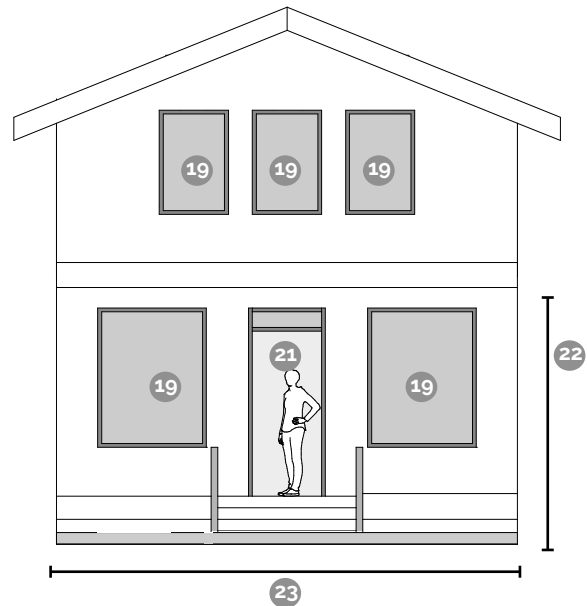


Figure 5.6-21 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

I. Lot Type: Outdoor Market

(1) Building Siting (refer to Figure 5.6-22)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage	Not Required	
Occupation of Corner	Not Required	
Front Build-to Zone		
Corner Build-to Zone	Not Required ¹	2
ROW Encroachment	Yes	3

(b) Lot Area

Side Yard Setback	10'	4
Rear Yard Setback	15'	5

(c) Lot Coverage

Impervious Surface (max)	65% ²	6
Semi-impervious Surface	15%	7

(d) Parking, Loading, & Access

Parking Location	Rear Yard	8
Loading & Service Location	Side or Rear Yard	9
Interior Parking Entrance Bay	Not Permitted	
Driveway Location	Alley; 1 on Corner Side; 1 on Front if an interior lot	10

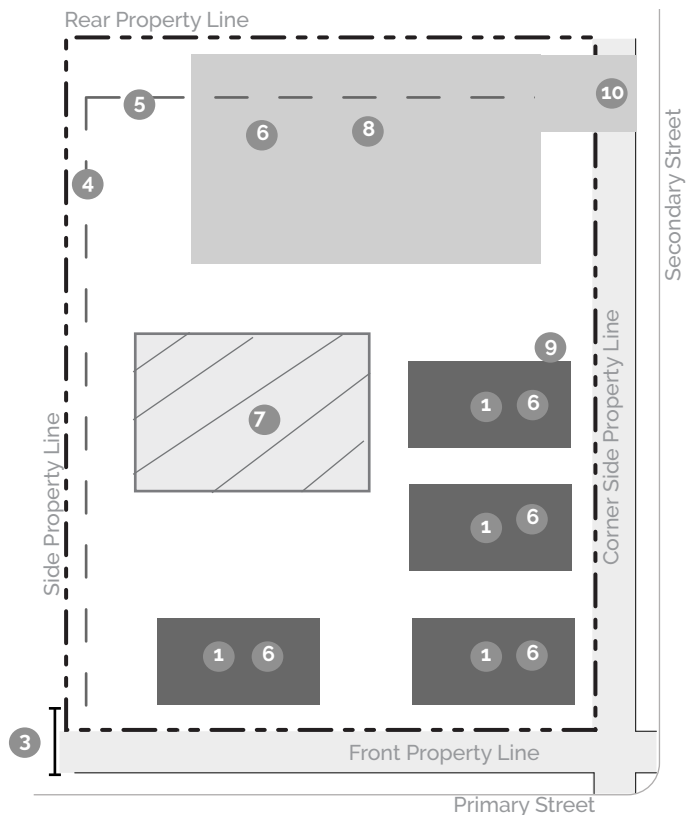
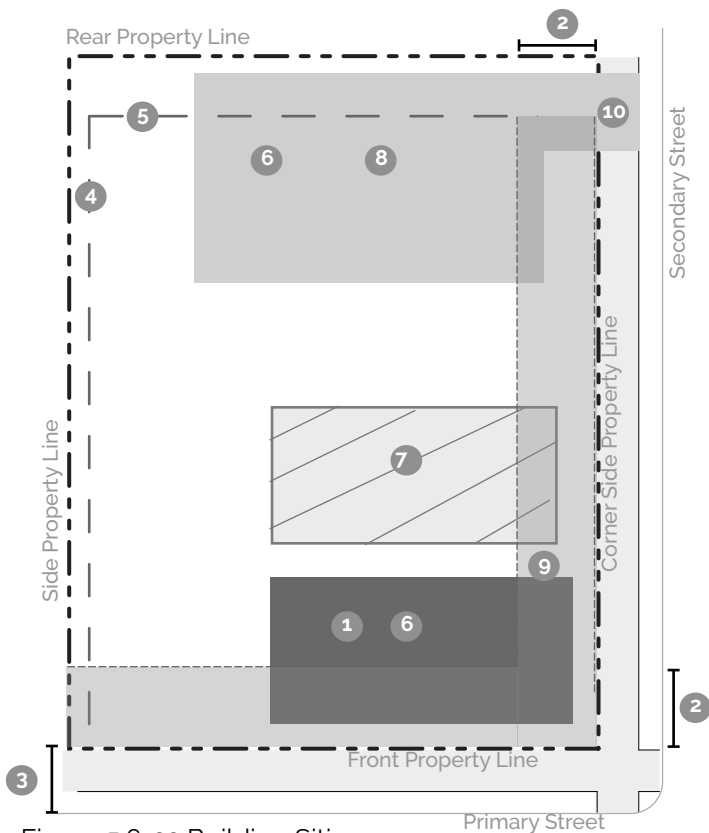


Figure 5.6-22 Building Siting.

(2) Height (Figure 5.6-23)

Minimum Height	1 Story	11
Maximum Height	1 Story	12
Ground Floor	Not Required	
Upper Floor(s)	Not Required	

(3) Uses (Table 4.1-1)

All Floors	Commercial, Park/Open Space	13
Occupied Space	Not Required	14
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-23)**(a) Transparency (minimum)**

Ground Floor	Not Required ³	15
Upper Floor(s)	Not Required	
Blank Wall Limitations	Not Required	

(b) Entrance/Counter

Location	Not Required ³	16
Entrance Treatment (see 5.5.B)	Not Required ³	
Entrances on Street Facing Facades	Not Required ³	17
Other Facade Entrances	Not Required	

(c) Roof Type

Tower	Not Permitted	
Spire	Not Permitted	

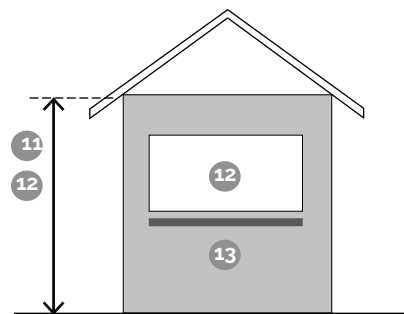


Figure 5.6-23 Street Facing Facades.

Notes:

¹ Except: 0-10' BTZ is required for Outdoor Sales & Storage and Vehicle Service.

² A permanent building shall account for no more than twenty-five (25) percent of the impervious coverage allowance. This does not apply to such structures as kiosk, shipping container, greenhouse, or hoop house, which are considered not permanent for the purposes of impervious coverage.

³ When a building is located in the 0-10' Front or Corner Side Build-to Zones, it must have an entrance, windows, or service window/counter on the facade facing the adjacent street. Outdoor Sales & Storage & Vehicle Service uses must be in buildings with a stoop or storefront entrance treatment.

Article 6. Zoning Standards: Overlay District Standards

50-6.1 Overlay District Requirements.

A. Applicability. Overlay Districts are applied to parcels in addition to the base or underlying Zoning District as mapped in the Zoning Map. Unless otherwise provided, an overlay zoning district shall include and be applicable to whole parcels and any parcels subsequently joined or combined with a parcel subject to any overlay zone regulations.

B. Intent. Overlay Districts provide an additional set of requirements for the development and use of parcels with the Overlay

C. Conflict. If a conflict arises between the Overlay District regulations and those of the Base Zoning District, the Overlay District regulations control.

50-6.2 Natural Features Protection Overlay Standards

A. Intent. The NFP Overlay District is intended to protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

B. Applicability. The NFP Overlay District standards apply as follows.

- (1) The Natural Features Standards are divided by defined Natural Feature. When a parcel is developed, redeveloped, or the Natural Feature is impacted due to any site alterations, the standards for all applicable Natural Features are applied.
- (2) The Site Development Standards shall be applied to all parcels in the NFP Overlay District.
- (3) Overlay standards shall not eliminate the need to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) or any other State, Federal, or regional permitting agency, if required.
- (4) Structures existing on the effective date of the ordinance creating the NFP Overlay District that do not meet the setbacks required in this Article are permitted and may be altered or expanded provided that they do not increase the amount of their non-conformance with the standards in this Article.

C. Natural Feature Standards: Wetlands. A Wetland is any area, regardless of parcel boundaries, that is characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, or otherwise defined in Part 303 of the NREPA.

(1) Wetland Determination. If any area on a parcel appears to be supporting wetland vegetation or is identified on the National Wetlands Inventory (NWI) map, one of the following is required.

- (a) The area in question shall be treated as a Wetland and the standards of this Section apply.

(b) A Wetland Determination shall be completed by a qualified professional, such as a Professional Wetland Scientist to confirm whether the area in question is a Wetland.

(2) Altering a Wetland. Alteration to a Wetland is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Wetland must be submitted to the City.

(3) Wetland Setbacks. Setback distance is measured from the outer edge of wetland vegetation. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Wetland setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The follow activities are permitted in the setback.

- [1] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local, State, and/or Federal agencies.
- [2] Restoration activities, such as planting with native vegetation with approval from all applicable local, State, and/or Federal agencies.
- [3] Mitigation activities required under the NREPA.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

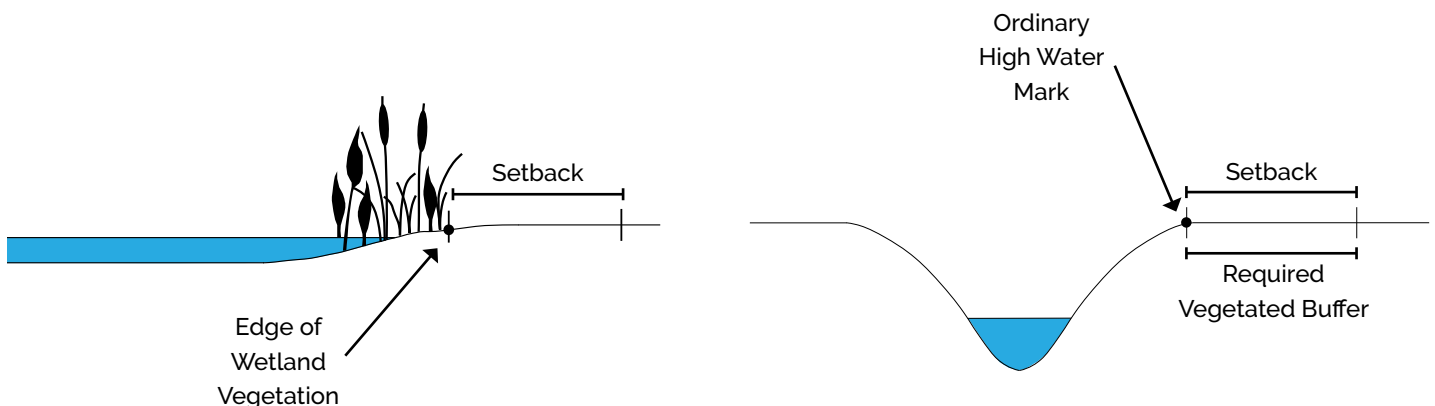


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

D. Natural Feature Standards: Water Resources. A Water Resource is any lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has defined banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or as otherwise defined in Part 301 of the NREPA.

(1) Altering a Water Resource. Alteration to a Water Resource is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Water Resource must be submitted to the City.

(2) Water Resource Setbacks. Setback distance is measured from the Ordinary High Water Mark of all Water Resources, including when the Water Resource is located off the parcel but within the setback distance. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Water Resource setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The following activities are permitted in the setback.

- [1] Up to twenty (20) percent of the setback area may be developed with semi-pervious materials, such as paths or mowed Turf Grass.

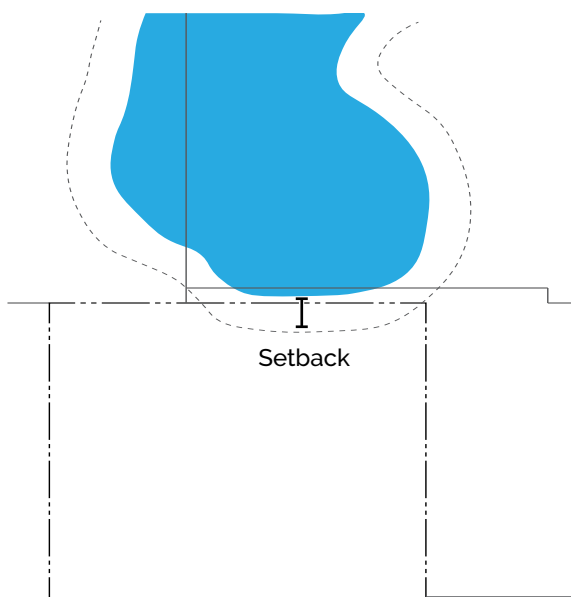


Table 6.2-1 Wetland and Water Resources Setbacks

Size of Parent Parcel	Minimum Required Setback
Greater than 1 acre	25 feet
1/2 acre - 1 acre	20 feet
Less than 1/2 acre	15 feet

Figure 6.2-2 Setbacks Across Parcel Boundaries

[2] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Water Resource setback with approval from all applicable local, State, and/or Federal agencies.

[3] Disturbance to the bank or shoreline, as expressly allowed under State law, is permitted when a restoration plan is prepared by a qualified professional, such as a Michigan Certified Natural Shoreline Professional or Professional Engineer.

[4] Operation and maintenance of existing flood control facilities or Stormwater BMPs.

(3) Required Planting. The setback must contain Natural Vegetation, including a combination of trees, shrubs, grasses, and Forbs to form a Vegetated Buffer in a Riparian area. The Vegetated Buffer must meet one (1) of the following.

(a) Where the bank or shoreline contains Natural Vegetation.

[1] Existing vegetation must remain undisturbed during and after construction activities.

[2] Supplemental planting or seeding is allowed when Native Species are used. Mowed turf grass does not qualify as Natural Vegetation.

[3] Removal of invasive species and/or dead or diseased woody species are allowed, if they are replaced according to the parameters in 50-6.2D(3)(b)[3].

(b) Where the bank or shoreline is not covered in Natural Vegetation.

[1] A Vegetated Buffer must be planted and maintained in the setback.

[2] Soil preparation for planting is allowed with proper soil erosion controls.

[3] A diverse mix of appropriate native species is required, as follows.

[a] At least twelve (12) different species must be planted.

[b] At least two (2) species from each of the following plant types must be planted: shrubs, Graminoids, and Forbs. Refer to Table 6.2-2 Example Plants for Vegetated Buffers.

[c] Trees may be planted if appropriate to the site. Refer to Table 6.2-5 Replacement Tree List.

[4] Any combination of native seed mix, plant plugs, bare root trees or shrubs, and/or container plants, trees, or shrubs are permitted.

(c) Exceptions. The Vegetated Buffer is not required when a structure or parcel is being redeveloped unless the project increases the site's impervious coverage on the parcel by more than ten (10) percent or if the project is being conducted within twenty (20) feet of the Water Resource setback.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

(5) Operation and Maintenance Agreement. The Vegetated Buffer must be included in the Stormwater Operation and Maintenance Agreement, if an Agreement is required for the project.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
Gray Dogwood	<i>Cornus foemina, syn. C racemosa</i>	Shrub
Steeplebush/Meadowsweet	<i>Spiraea alba</i>	Shrub
Hardback/Steeplebush	<i>Spiraea tomentosa</i>	Shrub
Lake Sedge	<i>Carex lacustris</i>	Graminoid
Tussock Sedge	<i>Carex stricta</i>	Graminoid
Bottlebrush Sedge	<i>Carex hystericina</i>	Graminoid
Bebb's Sedge	<i>Carex bebbii</i>	Graminoid
Common Fox Sedge	<i>Carex vulpinoidea</i>	Graminoid
Prairie Cordgrass	<i>Spartina pectinata</i>	Graminoid
Dark-Green Bulrush	<i>Scirpus atrovirens</i>	Graminoid
Cottongrass Bulrush/Wool Grass	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Wood Reedgrass	<i>Cinna arundineacea</i>	Graminoid
Fowl Mannagrass	<i>Clyceria striata</i>	Graminoid
New England American Aster	<i>Symphyotrichum novae-angliae</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Tall Sunflower	<i>Helianthus giganteus</i>	Forb
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
Canada Anemone	<i>Anemone canadensis</i>	Forb
Common Boneset	<i>Eupatorium perfoliatum</i>	Forb
Swamp Milkweed	<i>Asclepias incarnata</i>	Forb
Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	Forb
Pin Oak	<i>Quercus palustris</i>	Tree
Swamp White Oak	<i>Quercus bicolor</i>	Tree
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Tree
Tamarack, American Larch	<i>Larix laricina</i>	Tree

E. Natural Feature Standards: Floodplains. Reserved.

F. Natural Feature Standards: Trees. Trees that provide special value to the community or ecosystem are protected through the NFP Overlay District.

(1) Tree Criteria. When Trees meet any of the following criteria and are not counted as part of a Woodland, the Tree is considered a Protected Tree and the standards of this Overlay apply.

(a) Trees on the Protected Tree List in Table 6.2-4.

(b) Any Tree larger than twenty-four (24) inches DBH.

(2) Tree Protection. Protected Trees and their CRZ shall be protected during site development and construction.

(a) Disturbance. No disturbance is allowed within a CRZ, except as follows.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of other Protected Trees or Woodlands with a plan by a qualified professional, such as an International Society of Arboriculture (ISA) Certified Arborist.

(b) Protection During Construction. The CRZ of Protected Trees shall be protected following the standards of 50-6.2K(8) Protection During Construction.

(3) Protected Tree Removal. Protected Trees may be removed in the following circumstances.

(a) Protected Tree is located such that it impedes access to the site, prevents utility connections, or prevents the use of a property for its zoned purpose.

(b) There is clear evidence a Protected Tree is diseased, dying, or has sustained substantial damage prior to site work.

(c) Location of the Protected Tree presents a threat to the structural integrity of an existing structure or infrastructure.

(4) Replacement. Any Protected Tree which is removed from a parcel as part of a development project that requires site plan review must be replaced at a ratio of 1:1, where for every Protected Tree removed a Replacement Tree must be planted as follows:

(a) Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context and site condition should be taken into consideration when selecting a Replacement Tree.

(b) Replacement Trees shall be located as follows.

[1] Replacement Trees shall be located on the site from which they are removed.

[2] The NFP Review Board can approve alternative locations, if on-site replacement is not possible provided that the alternative is within the City of Kalamazoo.

[3] Replacement Trees cannot be located within a parking lot.

G. Natural Feature Standards: Woodlands. Woodlands provide important ecosystem services and habitat corridors and are protected by the NFP Overlay District.

(1) Woodland Criteria. When trees located on a parcel meet the following criteria, the area shall be considered a Woodland and the standards of this Overlay apply.

(a) Minimum Area. Trees cover a minimum area of 21,780 square feet or a half (1/2) acre, regardless of parcel boundaries. Refer to Figure 6.2-3 Defining and Delineating a Woodland.

(b) Tree Count. The area contains the equivalent of at least forty (40) trees per acre of at least two (2) inches DBH and reach or at maturity will reach at least fifty (50) feet in height.

(c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed turf grass.

(2) Woodland Delineation and Assessment. Refer to Figure 6.2-3 Defining and Delineating a Woodland. Existing Woodland coverage on the parcel shall be delineated and assessed as follows.

(a) Gaps. Areas without trees or that have sparse trees are common within a Woodland and should be included in area and density measurements except when the gap is larger than 8,000 square feet.

(b) Woodland Assessment Tools. A Woodland must be assessed using a Basal Area, Woodland Ecosystem Assessment, or tree survey conducted by a qualified professional, such as an ISA Certified Arborist.

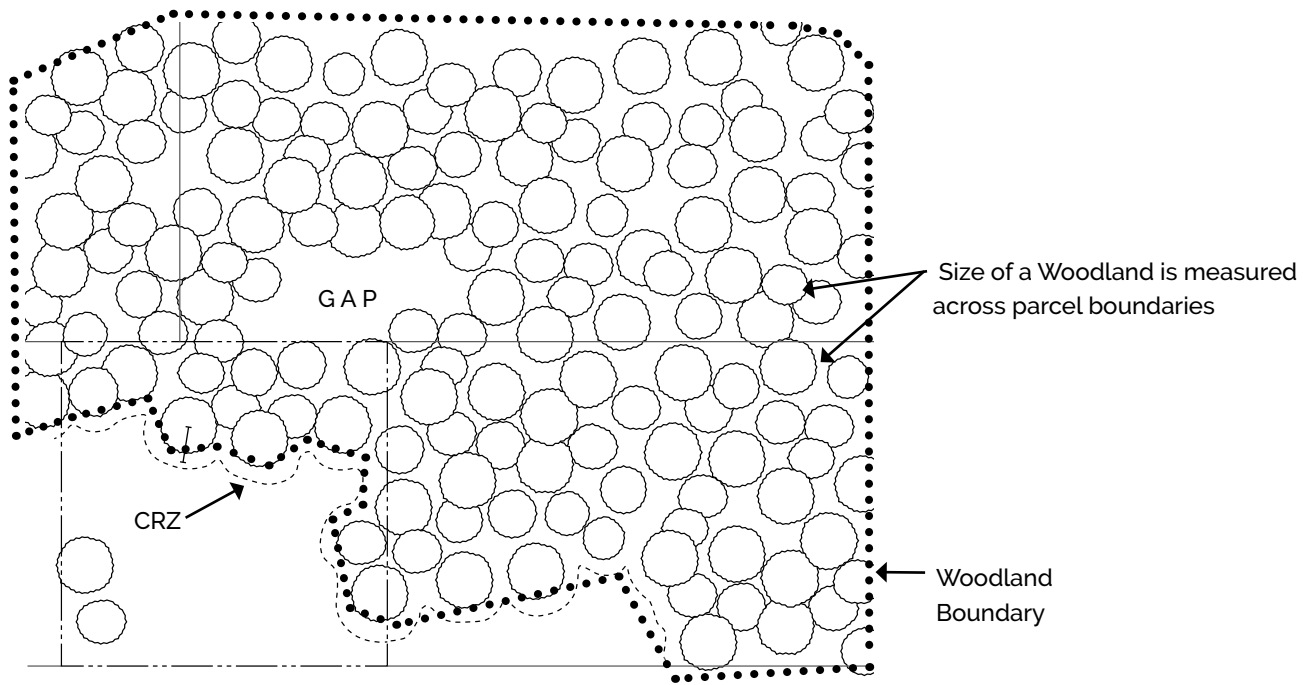


Figure 6.2-3 Defining and Delineating a Woodland

(3) Woodland Protection. For areas meeting the definition of a Woodland, a portion of the Woodland on the parcel must be preserved as follows.

(a) Woodland Preservation Minimums. Woodlands shall be preserved following the coverage requirements in Table 6.2-3 Woodland Preservation.

(b) Criteria for Woodland Preservation. In determining which areas of a Woodland are to be preserved, the following priorities shall be applied.

[1] Woodlands contiguous to Woodlands on adjacent parcels or areas serving as Habitat Corridors.

[2] Woodlands on or adjacent to another Natural Feature(s), floodplain, or a publicly accessible open space.

[3] Woodlands in the best condition as determined by a qualified professional, such as an ISA Certified Arborist, and based upon the Basal Area score or another Woodland Ecosystem Assessment.

[4] Woodlands with older growth, higher DBH trees, or trees noted in 6.2-4 Protected Tree List and 6.2-5 Replacement Trees List.

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by the CRZ of trees along its edges, except for the following activities.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of the Woodland vegetation with a plan by a qualified professional, such as an ISA Certified Arborist.

(b) Stormwater. No new Stormwater BMPs within the CRZ.

(5) Permitted Activities. Operation and maintenance of public utilities is permitted within the CRZ. Directional boring shall be used whenever possible.

(6) Construction Protection. Woodlands trees and their CRZ shall be protected during site construction following the standards of 50-6.2K(8) Protection During Construction.

Table 6.2-3 Woodland Preservation

Woodland Coverage of Parent Parcel	Minimum Required Woodland Coverage to be Preserved
75% to 100%	25%
50% up to 75%	50%
25% up to 50%	75%
Less than 25%	90%

Table 6.2-4 Protected Tree List

Common Name	Scientific Name	DBH (inches)*
Ash	<i>Fraxinus spp. (not cultivars)</i>	18"
Basswood, Linden	<i>Tilia americana</i>	18"
Beech	<i>Fagus spp.</i>	18"
Buckeye (Horsechestnut)	<i>Aesculus spp.</i>	18"
Cherry, Black	<i>Prunus serotina</i>	18"
Elm, American	<i>Ulmus americana</i>	18"
Elm, Slippery	<i>Ulmus rubra</i>	18"
Elm, Winged	<i>Ulmus alata</i>	18"
Fir	<i>Abies spp.</i>	18"
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple, Red	<i>Acer rubrum</i>	18"
Maple, Silver	<i>Acer saccharinum</i>	18"
Maple, Sugar	<i>Acer saccharum</i>	18"
Pine, Red	<i>Pinus resinosa</i>	18"
Pine, White	<i>Pinus strobus</i>	18"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American	<i>Plantanus occidentalis</i>	18"
Tuliptree	<i>Liriodendron tuliperifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	18"
Honey Locust	<i>Gleditsia triacanthos</i>	16"
Oak, Black	<i>Quercus velutina</i>	16"
Oak, Bur	<i>Quercus macrocarpa</i>	16"
Oak, Northern Red	<i>Quercus rubra</i>	16"
Oak, White	<i>Quercus alba</i>	16"
Arbor-vitae, Eastern White Cedar	<i>Thuja occidentalis</i>	12"
Birch	<i>Betula spp.</i>	12"
Birch, River	<i>Betula nigra</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Hickory, Bitternut	<i>Carya cordiformis</i>	12"
Hickory, Pignut	<i>Carya glabra</i>	12"
Hickory, Shagbark	<i>Carya ovata</i>	12"
Hickory, Shellbark	<i>Carya laciniosa</i>	12"

Common Name	Scientific Name	DBH (inches)*
Oak, Chinkapin	<i>Quercus muehlenbergii</i>	12"
Oak, Northern Pin	<i>Quercus ellipsoidalis</i>	12"
Oak, Swamp White	<i>Quercus bicolor</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus spp.</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweet Gum	<i>Liquidambar styraciflua</i>	12"
Willow	<i>Salix spp.</i>	12"
American Chestnut	<i>Castanea dentata</i>	8"
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	8"
Butternut	<i>Juglans cinerea</i>	8"
Cedar, Eastern Red	<i>Juniperus virginiana</i>	8"
Hackberry	<i>Celtis occidentalis</i>	8"
Larch/Tamarack	<i>Larix laricina</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
American Hophornbeam	<i>Ostrya virginiana</i>	4"
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	4"
Dogwood, Flowering	<i>Cornus florida (native only)</i>	4"
Pagoda Dogwood	<i>Cornus alternifolia</i>	4"
Dwarf Hackberry	<i>Celtis tenuifolia</i>	4"
Eastern Redbud	<i>Cercis canadensis</i>	4"
Pawpaw	<i>Asimina triloba</i>	4"
Serviceberry	<i>Amelanchier spp.</i>	4"

*Tree species with DBH greater than or equal to the values in this column of the table require replacement with any species on the Replacement Tree List if removed for construction/development.

Table 6.2-5 Replacement Tree List

Common Name	Scientific Name	Condition Code
Basswood, Linden	<i>Tilia americana</i>	Cs
American Chestnut	<i>Castanea dentata (hybrid)</i>	Cr, F, Cul
American Hophornbeam	<i>Ostrya virginiana</i>	P, Cr
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	Cr, P
Arborvitae, Eastern White Cedar	<i>Thuja occidentalis</i>	Cv, Cs
Birch	<i>Betula spp.</i>	Cv
Birch, River	<i>Betula nigra</i>	P, Ri
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Cr, Ri
Cedar, Eastern Red	<i>Juniperus virginiana</i>	Cr, P
Cherry, Wild Black	<i>Prunus serotina</i>	
Cherry, Flowering	<i>Prunus spp.</i>	
Dogwood, Flowering	<i>Cornus florida (native only)</i>	Cr
Eastern Redbud	<i>Cercis canadensis</i>	Cr, P
Elm, American	<i>Ulmus americana (resistant variety)</i>	Cul, Cs
Elm, Slippery	<i>Ulmus rubra</i>	
Hackberry	<i>Celtis occidentalis</i>	Cr
Hickory, Bitternut	<i>Carya cordiformis</i>	Cr, F, Ri, Cs
Hickory, Pignut	<i>Carya glabra</i>	Cr, F, Cs
Hickory, Shagbark	<i>Carya ovata</i>	Cr, F, Cs
Hickory, Shellbark	<i>Carya laciniosa</i>	F, Ri, Sc
Honey Locust	<i>Gleditsia triacanthos</i>	Cr
Kentucky Coffeetree	<i>Gymnocladus dioica</i>	Cr
Larch/Tamarack	<i>Larix laricina</i>	Ri, Cs
Maple, Red	<i>Acer rubrum</i>	Cv, Cs
Maple, Sugar	<i>Acer saccharum</i>	Cv, Cul
Oak, Black	<i>Quercus velutina</i>	Cr, Cs
Oak, Bur	<i>Quercus macrocarpa</i>	Cr, Cul, Cs
Oak, Chinquapin	<i>Quercus muehlenbergii</i>	Cr, Cs
Oak, Pin	<i>Quercus palustris</i>	Cr, Ri, Cs
Oak, Northern Red	<i>Quercus rubra</i>	Cr, Sc
Oak, Swamp White	<i>Quercus bicolor</i>	Cr, Ri, Cs
Oak, White	<i>Quercus alba</i>	Cr, Cul, Cs
Pawpaw	<i>Asimina triloba</i>	Cr, F
Persimmon	<i>Diospyros virginiana</i>	Cr, F

Common Name	Scientific Name	Condition Code
Pine, Red	<i>Pinus resinosa</i>	
Pine, White	<i>Pinus strobus</i>	
Sassafras	<i>Sassafras albidum</i>	
Serviceberry	<i>Amelanchier spp.</i>	P, F
Sycamore, American	<i>Plantanus occidentalis</i>	Cr
Tuliptree	<i>Liriodendron tuliperifera</i>	Cr, Cs
Willow, Black	<i>Salix nigra</i>	Ri
Pecan Tree	<i>Carya illinoensis</i>	
Sweetgum Tree	<i>Liquidambar styraciflua</i>	
Oak Post	<i>Quercus stellata</i>	

Condition Codes:

Cr = Climate Resilient

Cs = Carbon sequestration

Cul = Culturally significant

F = Food source

P = Suitable for parking lots and roadways

Ri = Suitable for riparian/wet plantings

Cv = Climate vulnerable

H. Natural Feature Standards: Slopes. Slopes associated with Water Resources and other Natural Features are protected by the NFP Overlay District.

(1) Slope Criteria. Slopes protected by the NFP Overlay District are those with a grade of twenty (20) percent or greater and meet at least one (1) of the following.

- (a) Slope Face contains a Woodland, refer to 50-6.2G.
- (b) Slope Face contains Natural Heritage Area, refer to 50-6.2I.
- (c) Any portion of the Slope Face is within five-hundred (500) feet of a Wetland or Water Resource, refer to 50-6.2C and 50-6.2D.
- (d) Any portion of the Slope Face extends onto adjacent parcels.

(2) Slope Determination. If any area on a parcel appears to meet the Slope Criteria, one (1) of the following is required.

- (a) A Slope Analysis by a professional is not completed and the area is assumed to meet the slope criteria; the standards of this Overlay are applied.
- (b) A Slope Analysis shall be completed by a licensed surveyor, licensed professional engineer, or a geologist certified by the American Institute of Professional Geoscientists (AIPG) following all acceptable practices to determine whether any part of the Slope Face meets the Slope Criteria.

(3) Slope Protection. Slopes shall be maintained and protected as follows.

- (a) Setbacks. A setback is required from the Top of Slope and the Toe of Slope equal to half ($1/2$) the height of the Slope, regardless of whether or not the entire Slope is contained within the parcel, or ten (10) feet, whichever is greater. Refer to Figure 6.2-4 Slope Setbacks.
- (b) Permitted Activities in the Setbacks. Setback areas from the Top or Toe of Slope shall remain undisturbed except as follows.
 - [1] Any work necessary to maintain the stability of the Slope.
 - [2] Restoration and management of other Natural Features provided that they meet the requirements of this

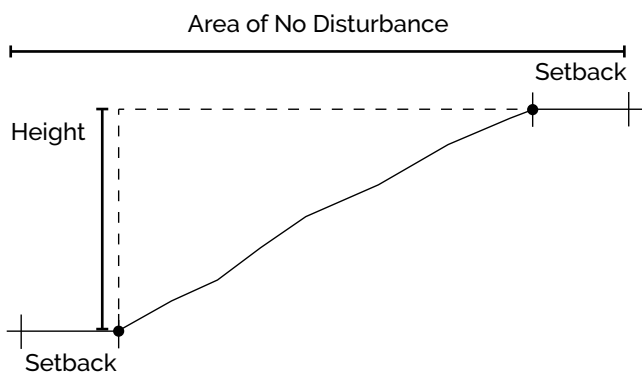


Figure 6.2-4 Protected Slope Setbacks

Overlay.

[3] Fences are permitted when they meet all other applicable zoning standards.

[4] Normal maintenance that does not disturb existing terrain.

[5] Maintenance of existing impervious surfaces and structures.

[6] In addition to the requirements in 50-6.2B(4), existing structures located in the setback may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion does not disturb the Slope Face.

[b] Ground disturbance is the minimum needed for the expansion.

(c) Permitted Activities in the Slope Face. The Slope Face shall remain undisturbed except as follows.

[1] Any work necessary to maintain the stability of the Slope Face, including the Top and Toe of Slope.

[2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.

[3] Normal maintenance that does not disturb existing terrain.

[4] Maintenance of existing impervious surfaces and structures.

[5] In addition to the requirements in 50-6.2B(4), existing structures where a portion of the structure is in the Slope Face may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion can only occur on Slopes with a grade of thirty (30) percent or less.

[b] Expansion in the Slope Face is limited to no more than fifteen (15) percent of the existing building footprint.

[c] Ground disturbance is the minimum needed for expansion.

(d) Prohibited Activities. The following activities are prohibited.

[1] Surface water shall not be directed toward any Slope regulated by this Overlay.

[2] Stormwater BMPs are not permitted within the Slope Face or the setbacks, including storm sewer outlets.

[3] No new underground utilities may be placed within the Slope Face or setbacks.

(e) Construction Protection. The Slope Face and setbacks shall be protected during site development and construction following the standards of 50-6.2K(8) Protection During Construction.

I. Natural Feature Standards: Natural Heritage Areas. Rare species and remnants of historically and culturally significant ecosystems are protected by the NFP Overlay District.

(1) Natural Heritage Area Criteria. A Natural Heritage Area is defined by the presence of either of the following.

(a) Any species considered to be rare, threatened, or endangered by the State of Michigan, Federal government, or listed on the Michigan Natural Features Inventory (MNFI) Database.

(b) Any remnant of a Natural Community listed on the MNFI Michigan's Natural Communities List.

- (2) Determination of Natural Heritage Area. The MNFI Natural Heritage Database shall be used to determine if any rare species have been located within a two (2) mile radius of the parcel.
- (3) On-Site Survey. When a database search indicates a rare species has been identified within two (2) miles of the parcel, an on-site survey shall be conducted. The survey must be conducted by a consultant with a Michigan Endangered Species Permit or another qualified professional approved by the City Planner.
- (4) Natural Heritage Area Protection. If the on-site survey confirms that a Natural Heritage Area exists on the parcel, all State and Federal protections and/or mitigation activities must be followed. A copy of any required permit obtained from a State or Federal agency must be submitted to the City.

J. Site Development Standards. The following standards apply to all properties within the NFP Overlay District.

- (1) Building Setbacks. When a conflict exists between meeting the 50-6.2C-J NFP Standards and the required placement of structures, the setbacks or built-to zones or lines may be adjusted to eliminate or reduce the conflict provided that the adjustment is the minimum required to meet the NFP standards.
- (2) Use. In addition to the uses permitted in the Base Zoning District, the following apply.
 - (a) Appendix A 3.5 Wellhead Protection Overlay 10-year use restrictions.
 - (b) Outdoor storage of loose materials is prohibited within five hundred (500) feet of a Water Resource or Wetland.
 - (c) Appendix A 3.5 Wellhead Protection Overlay 1-year use restrictions apply within five hundred (500) feet of a Water Resource or Wetland.
- (3) Lot Coverage. Areas designated to meet the pervious surface requirement of a the Base Zoning District shall meet the following requirements.
 - (a) Natural Features. Areas left undisturbed per the standards in 50-6.2C-J can be applied to a parcel's pervious lot coverage requirement, except that Stormwater BMPs shall count at a ratio of two (2) square feet of BMP to one (1) square foot of pervious coverage ratio or at a rate of fifty (50) percent.
 - (b) Undisturbed Areas. All areas designated to meet a parcel's overall pervious lot coverage requirement must remain undisturbed except in the following circumstances.
 - [1] Restoration or maintenance of the pervious area when guided by a plan developed by a qualified professional.
 - [2] Planting or restoration of plants or trees per 50-6.2 Natural Features Standards.
 - [3] Installation of stormwater BMPs from the Michigan Low Impact Development (LID) Manual BMP Matrix Table in the Runoff Volumes and Infiltration categories.
 - (c) Location. Areas designated to meet a parcel's overall pervious lot coverage requirement shall be located as follows.
 - [1] Contiguous. Pervious areas shall be located in one (1) contiguous area or clustered into areas that each equal

at least twenty (20) percent of the total pervious area.

[2] Adjacent to Natural Features. Pervious areas shall be located adjacent to defined Natural Features.

(d) Construction. Pervious areas shall be protected during construction and site development through barrier fencing as described in 50-6.2K(8).

(e) Semi-Pervious Allowance. A semi-pervious allowance of up to fifteen (15) percent may be utilized to meet the lot coverage requirement.

(4) Landscape and Screening. Additional landscape and screening activities apply within the NFP Overlay District.

(a) Relief. A reduction in a parcel's required building perimeter, parking lot, loading zone, perimeter screening, or interior landscaping requirements (refer to Appendix A. 6.2 Landscaping and Open Space) may be permitted to eliminate conflicts with meeting the requirements of 50.6-2 Natural Features Standards.

[1] Relief shall be the minimum required to meet the NFP standards.

[2] Landscaping serving as a buffer between residential and non-residential uses and between a vehicular parking lot and a street shall not be reduced.

(b) Plant Selection. Native species must be used for all site landscaping required under Appendix A. Section 6.2, Landscaping and Open Space, or required elsewhere in Chapter 50. When additional landscaping is proposed on the site plan beyond the minimum requirements of Chapter 50, the NFP Review Board may allow the use of non-native, non-invasive species which have been determined not to cause adverse environmental impacts. Plants in Table 6.2-6 Prohibited Planting List or species recognized by the Midwest Invasive Species Network as non-native invasive shall not be planted on any portion of a parcel.

(c) Existing Vegetation. When a parcel's existing vegetation is being preserved and utilized to meet landscaping requirements in Appendix A 6.2 Landscaping and Open Space the following applies.

[1] Existing nonnative plants must be contained within the planting areas.

[2] Existing invasive plants must be removed. Refer to *Meeting the Challenge of Invasive Plants* by MNFI or Table 6.2-6 Prohibited Planting List.

(5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a Preserve.

(6) Stormwater Management Criteria. Refer to the City of Kalamazoo Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones for additional information and definitions.

(a) Channel Protection Performance Standard. Parcels half (1/2) acre or greater shall maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the ten (10) year, twenty-four (24) hour event.

(b) Water Quality Treatment Runoff Volume Standard. The first one (1) inch of runoff generated from the entire parcel must be treated using one of the following.

[1] Multiple Methods. Two or more BMPs shall be utilized with at least twenty-five (25) percent of the required

Table 6.2-6 Prohibited Planting List

Common Name	Scientific Name
Trees	
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Silktree	<i>Albizia julibrissin</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Callery Pear	<i>Pyrus calleryana</i>
Princess Tree	<i>Paulownia tomentosa</i>
Black Alder	<i>Alnus glutinosa</i>
Shrubs	
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Glossy Buckthorn	<i>Frangula alnus</i>
Common or European Privet	<i>Ligustrum vulgare</i>
Showy Fly Honeysuckle (or hybrid)	<i>Lonicera x.bella</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Multiflora Rose	<i>Rosa multiflora</i>
Japanese Meadowsweet	<i>Spiraea japonica</i>
European Cranberrybush	<i>Viburnum opulus</i>
Vines	
Asian Bittersweet	<i>Celastrus orbiculatus</i>
Black Swallow-wort	<i>Cynanchum louiseae</i>
European Swallow-wort	<i>Cynanchum rossicum</i>
English Ivy	<i>Hedera helix</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Mile-A-Minute Weed	<i>Persicaria perfoliate</i>
Kudzu	<i>Pueraria montana</i>
Grasses	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>
Japanese Stiltgrass	<i>Microstegium vimineum</i>

Miscanthus	<i>Micanthus, spp.</i>
Wintercreeper	<i>Euonymus fortunei</i>
European or Common Spindle	<i>Euonymus europeus</i>
Burning Bush	<i>Euonymus alata</i>
Common Name	Scientific Name
Herbs	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knapweed	<i>Centaurea biebersteinii</i> or <i>C. maculata</i>
Canada Thistle	<i>Cirsium arvense</i>
Bull Thistle	<i>Cirsium vulgare</i>
Leafy Spurge	<i>Euphorbia esula</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
Crown Vetch	<i>Securigera varia</i>
Baby's Breath	<i>Gypsophila paniculate</i>
Goutweed	<i>Aegopodium podagraria</i>
Lesser Celandine	<i>Ficaria verna</i>
Moneyplant	<i>Lunaria annua</i>
Sweet Woodruff	<i>Galium odoratum</i>
Sweet Clovers	<i>Melilotus, spp.</i>

runoff volume treated by BMPs from the Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table from "Runoff Volume/Infiltration" and "Runoff Volume/Non-infiltration" categories.

[2] Underground Methods. All required runoff shall be treated by underground detention or infiltration BMPs.

[3] Non-Infiltration Methods. Sites requiring non-infiltration BMPs, such as those with contamination or within A3.5 Wellhead Protection Overlay, use BMPs from Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table, "Runoff Quality/Non-infiltration" category.

(c) Maintenance Agreement. A Stormwater Operation and Maintenance Agreement is required by and between the City of Kalamazoo and the owner of the property when Stormwater BMPs are used.

(d) Exceptions. Development or redevelopment of a single family home or duplex is exempt from these Stormwater standards.

(7) Fill Materials. Use of fill material containing regulated substances above any State and/or Federal cleanup criteria for soils is prohibited. Fill material shall be sourced as follows.

(a) Fill material shall not be sourced from industrial or commercial sites where hazardous materials were used, handled, or stored or from unpaved parking areas.

(b) Fill material shall not be sourced from sites that contain species that are legally designated by the State of Michigan as prohibited or restricted.

(8) Protection During Construction. A temporary construction fence is required to protect Natural Features and not-to-be disturbed areas, such as those designated to meet pervious lot coverage requirements, during the duration of any site work or construction,

(a) Fence Construction. Construction fences shall be erected as follows.

[1] Fencing must be built using posts six (6) feet in height, spaced no more than eight (8) feet apart on center and buried at least two (2) feet below grade.

[2] Fence must have two (2) cross beams placed approximately at two (2) and six (6) feet above grade.

[3] Plastic mesh barrier fence shall be affixed to the front of the posts.

(b) Fence Placement. Refer to Figure 6.2-5 Placement of Construction Fencing. Fencing shall be located no closer than the required setback or edge of a not-to-be disturbed area.

[1] Where a tree is located in the setback or not-to-be disturbed area, the fencing shall be placed to protect the CRZ. Refer to Figure 6.2-5 Placement of Construction Fencing.

[2] Trees and Woodlands protected through 50-6.2F and 50-6.2G shall have construction fencing placed outside of the CRZ.

(c) Prohibited Activities. The following activities are prohibited within the construction fencing.

[1] Spreading of soil spoils.

[2] Heavy equipment and vehicle traffic.

[3] Storage of construction materials and debris.

[4] Site grading changes that increase or decrease the moisture conditions within a CRZ on a temporary or permanent basis.

K. NFP Review Bodies and Processes. Projects located in the NFP Overlay District require special review.

(1) Project Review. Review of projects in the NFP Overlay District shall occur as follows.

(a) Where Site Plan is not required. Administrative review of the site development or construction permit request shall be completed by the City Planner or designee.

(b) Where Site Plan is required. The NFP Review Board shall review the NFP Plan in conjunction with the Site Plan Review process. NFP Review Board approval is required for a project to achieve Site Plan approval.

(c) Where Site Plan is required and a zoning review and/or variance from the Planning Commission and/or Zoning Board of Appeals is requested or the site is located adjacent to land publicly used for open space or recreation, the following shall occur prior to review by the NFP Review Board.

[1] Owner or developer shall send notice by first class postage paid of a project in the NFP Overlay District to all property owners and occupants within three hundred (300) feet of the parcel and the neighborhood association or contact.

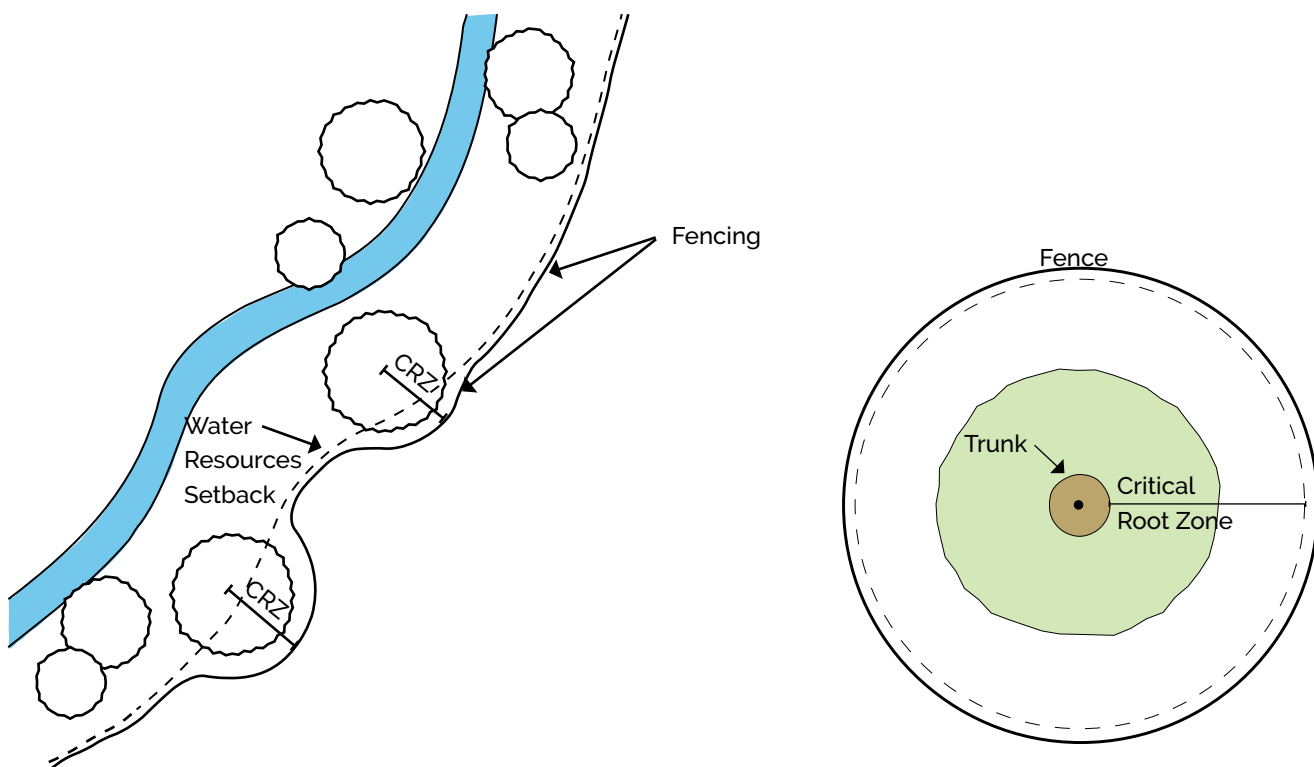


Figure 6.2-5 Placement of Construction Fencing

[2] Notice shall at a minimum include information on the proposed project, a location (physical or digital) where plans can be reviewed, instructions on how to provide comments, and a timeline for project review and construction.

[3] Notice shall be postmarked a minimum of fourteen (14) days before application is made for review by the NFP Review Board.

(2) NFP Review Board. A board will be formed to review projects in the NFP Overlay District.

(a) Intent. The NFP Review Board will review projects to ensure the standards of the NFP Overlay District are met and assist the City with regular review of the NFP standards, map, outreach, and City-wide education.

(b) NFP Review Board Members.

[1] Board will be comprised of seven (7) members.

[2] Members will be those who live or work in the greater Kalamazoo community.

[3] At a minimum, the Board must have at least one (1) member with education or experience in each of the following features in this Chapter: 1) water resources/wetlands, 2) plants/trees, 3) slopes, and 4) site development/building construction.

[4] Board members are to be appointed by the Mayor and approved by the City Commission.

[5] A City staff will be appointed by the City Planner to be the Board's liaison.

(c) The NFP Review Board is subject to the Open Meetings Act, MCL 15.261 et seq. and shall establish its own by-laws and meeting procedures.

(3) Relief from NFP Overlay District Standards. Relief from the NFP Overlay District Standards may be sought from the Zoning Board of Appeals.

(a) Criteria. Relief from the NFP Overlay District Standards in 50-6.2 may be granted when all the following conditions are met.

[1] The parcel cannot be reasonably utilized for its zoned use without the requested relief.

[2] The extent of relief requested is the minimum needed to permit reasonable utilization of the site.

[3] It is demonstrated that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the NFP Overlay District.

[4] The requested relief is balanced by the use of conservation and/or green development tools and actions, such as utilizing Stormwater BMPs from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a Natural Feature on the site, or use of Wild-type native plants or desired trees as detailed in Table 6.2-5 Replacement Trees.

(b) Process. The following process shall be followed when relief is sought from 50.6-2 NFP Overlay District.

[1] NFP Review Board shall review the request using the NFP Site Plan documentation and make a recommendation on the requested relief to the Zoning Board of Appeals.

[2] Application for relief from the Zoning Board of Appeals must include the NFP Review Board's recommendation.

L. Bonding of Projects.

(1) Intent. To ensure the protection of Natural Features, a financial assurance will be required when seeking site development permits for a lot or structure from the City of Kalamazoo.

(2) Applicability. During the review and approval of all NFP site plans the NFP Review Board will determine whether a bond or lien is required for NFP projects based on:

(a) Whether Natural Features are present on the site such that the cost of replacement or restoration if damaged or destroyed during construction would place an undue burden on the City if not remediated in a reasonable timeframe.

(b) The activities proposed on the site present a reasonable threat of damaging or destroying Natural Features.

(3) Financial Assurance Amount. The amount of the assurance shall be in an amount satisfactory to the City to restore and/or stabilize a Natural Features that has been disturbed, not properly managed during site work or construction, or has been abandoned for more than six (6) months.

(4) Release of Financial Assurance. The assurance shall be released when a Certificate of Occupancy is granted. Except when a project includes a vegetated buffer or required tree planting where the assurance may be reduced by sixty (60) percent at the time of the Certificate of Occupancy is granted with the remaining percentage released no sooner than three (3) years after the granting of the Certificate of Occupancy.

M. Penalty. A violation of the provisions of this Chapter is a municipal civil infraction punishable as follows.

(1) Any person, firm, or corporation violating any provision of this Chapter is responsible for a municipal civil infraction and shall be fined up to \$2,500 for each violation. A civil infraction citation for a violation of this Chapter may be issued by the Building Official, or by such person as the City Commission or City Manager may designate.

(2) Each day a violation exists or continues shall be deemed as a separate offense.

(3) Any person, firm, or corporation found responsible for a subsequent violation of this Chapter within two years of having been found or admitted responsible for a violation of this Chapter shall be responsible for a civil fine of up to \$5,000.

(4) Imposition of court-imposed costs.

(5) Issuance of an order by the court to replace, mitigate, or restore a Natural Feature damaged or destroyed by a violation.

Article 7. Parking & Loading Regulations

50-7.1 General Requirements.

A. Applicability. Unless otherwise stated, parking and loading shall be provided as is outlined in this Chapter.

B. General Provisions.

(1) Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state and federal building or accessibility requirements, including quantity, size, location, and accessibility.

(2) Requirements for Unlisted Uses. Parking spaces will be provided as detailed in Table 7.2-1. If a use is not listed, the City Planner is authorized to apply standards for a use deemed as similar. In the instance where an equivalent may not be clearly determined, the City Planner may require a parking study, transportation management plan, or other evidence that will help determine the appropriate requirements.

C. Exempt Areas.

(1) Downtown. Lots located in the Downtown Exempt Parking Area (refer to Figure 7.1-1) are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements including design, layout, and landscaping.

(2) Nodes. Lots in the Node Districts are permitted a twenty-five (25) percent reduction of the required off-street parking. Spaces that are provided must adhere to all applicable requirements, including design, layout and landscaping.

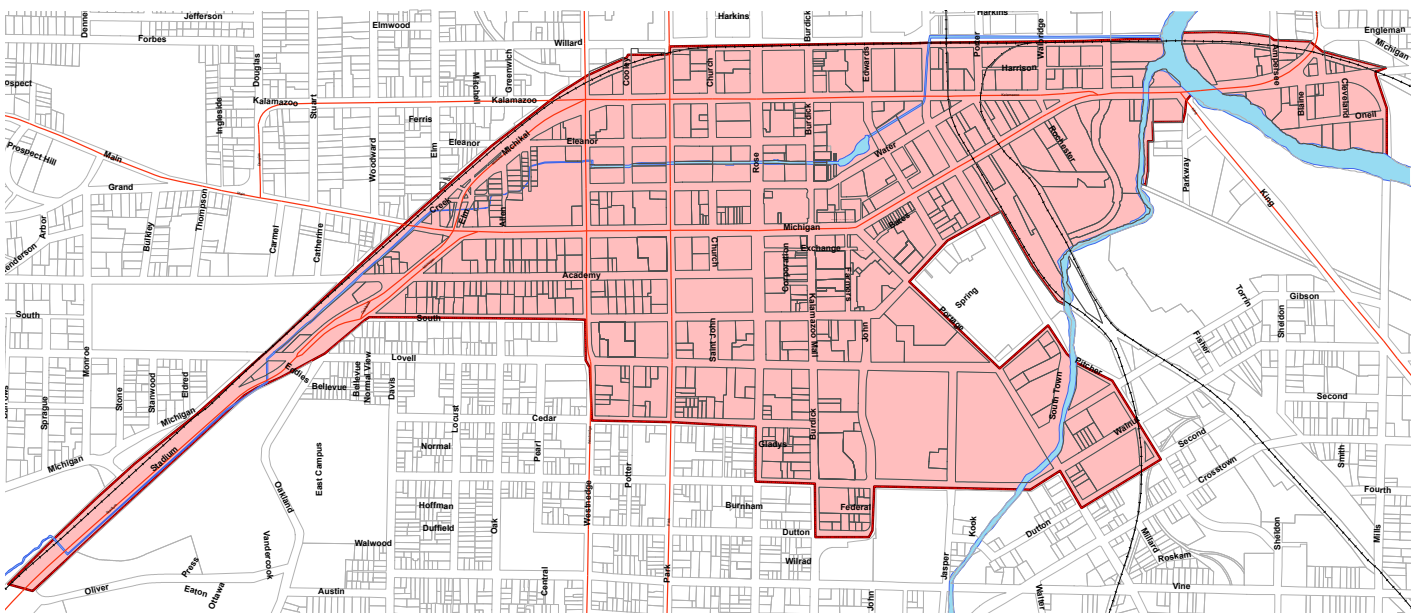


Figure 7.1-1 Downtown Exempt Parking Map

(3) Small Commercial Establishments. A commercial establishment, including the non-manufacturing element of craftsman industrial, containing up to 2,000 square feet of floor area, located in a building constructed on or before October 18, 2005, and not located in the Community Commercial zoning district, shall be exempt from all requirements to provide off-street parking spaces.

50-7.2 Required Vehicular Off-Street Parking Spaces.

A. Required Parking Table. Table 7.2-1 outlines the required off-street parking spaces. Total required vehicular parking spaces should be determined using the following parameters in addition to Table 7.2-1.

(1) Fractions. In determining the number of spaces required, any fraction of spaces required under $\frac{1}{2}$ shall be disregarded; a fraction equal to or greater than $\frac{1}{2}$ shall be rounded up to count as one (1) space.

(2) Maximum Parking Spaces Provided. Off-street parking may not be provided in an amount greater than 110% of the minimum parking requirement.

(3) On-Street Parking Credit.

(a) Up to twenty (20) percent of the parking requirement for commercial and industrial-craftsman uses can be met with on-street parking located within 660' of the site.

(b) Up to twenty (20) percent of the parking requirement for residential uses can be met with on-street parking located within 660' of the site where overnight parking is permitted.

(4) Shared Parking. Credit for shared off-street parking is calculated as follows.

(a) Off-Site Location. Spaces in off-site parking facilities within 660' can be applied to the parking requirements for a lot.

(b) Multiple Uses Credit. When multiple uses share parking facilities, the quantity of spaces provided should be calculated as follows.

[1] Shared Peak Demand Times. Businesses with the same peak parking demand times that share parking facilities shall reduce the quantity provided by five (5) percent.

[2] Different Peak Demand Times. Business with different peak parking demand times, can reduce their required parking spaces using Table 7.2-2 Parking Times Per Use Category.

[a] Determine the required number of spaces per use, following Table 7.2-1 Required Parking Table.

[b] Applying the percentages in Table 7.2.2, determine the number of spaces needed per use in each of the six (6) time periods.

[c] For each time period, add the number of spaces needed for all applicable use categories to obtain a total for each of the six (6) time periods.

[d] The time period with the highest total of parking spaces, is the number of spaces required for the site.

Table 7.2-1 Required Parking Table

Use	Required Spaces
Residential/Lodging	
Hotel/Motel	.75 spaces/1 guest room plus 1 space/employee on largest shift; CC District: 1 space/1 guest room plus 1 space/employee on largest shift
Bed & Breakfast	1 space/guest room, 1 space for innkeeper/home occupant
Dormitory	1 space/3 beds or per City Approved Campus Master Plan
Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care	1 space/employee on largest shift, 1 space/facility vehicle, 1 space/5 beds
Residential	1 space/dwelling unit ¹
Residential: Senior Housing	.5 space/dwelling unit
Residential: Off-Campus Student Housing/RM-15C	2 spaces/dwelling unit
Rooming House	1 space/unit or bedroom
Transitional Residence	1 space/2 employees on largest shift
Civic/Institutional Uses	
Assembly/Theatre	1 space/3 persons permitted at maximum occupancy
Assembly, Religious	1 space/6 seats in worship area or 1 space/40 square feet without seats
College and University	Based on similar use or per City Approved Campus Master Plan
Hospital	1 space/3 beds or per City Approved Campus Master Plan
Library & Museum	1 space/3 persons permitted at maximum occupancy
Police & Fire Station/Utilities & Public Services	1 space/employee on largest shift
School	2 spaces/3 employees as largest shift, plus 1 space/10 students enrolled in grades 10-12

¹ For detached and attached dwelling units, up to 2 spaces per unit are permitted.

Use	Required Spaces
Commercial	
Agriculture	1 space/employee on largest shift
Day Care	1 space/employee on largest shift, in addition commercial facilities: 1 space/5 children permitted at maximum occupancy
Eating & Drinking Establishments	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Participant)	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Spectator)	1 space/6 fixed seats or 1 space/40 square feet without seats
Retail/Services	1 space/330 square feet
Kennels	1 space/employee on largest shift, 1 space/3 animals permitted at maximum occupancy
Office	1 space/300 square feet
Outdoor Sales & Storage	1 space/employee at largest shift, 1 space/2,500 square feet outdoor sales area
Vehicle Service	1 space/200 square feet floor area; in addition vehicle repair 2 spaces/repair bay or area
Vehicle Service: Car Wash	1 space/employee on largest shift
Industrial	
Craftsman Industrial	1 space/employees on largest production shift, 1 space/500 square feet retail
Industrial	1 space/2 employees on largest shift

Table 7.2-2 Parking Times Per Use Category

Uses Category	Weekdays			Weekends		
	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight
Residential	100%	50%	80%	100%	80%	80%
Hotel/Motel/Bed & Breakfast	100%	65%	100%	100%	65%	100%
Assembly- Religious	0%	30%	50%	0%	100%	75%
Retail & Services	5%	100%	80%	5%	100%	60%
Eating & Driving Establishments	50%	70%	100%	70%	60%	100%
Entertainment (Spectator, Participant) & Assembly	5%	30%	100%	5%	80%	100%
Office	5%	100%	5%	5%	5%	5%

(5) Bicycle Facilities. For every ten (10) required bicycle parking spaces, the required number of vehicular spaces may be reduced by one (1). Refer to 50-7.3 Required Bicycle Parking.

(6) Administrative Reduction. City Planner may reduce the number of required parking spaces by up to ten (10) percent if the applicant can document that the required number of parking spaces will not be fully utilized.

B. Vehicular Parking Design and Location. Vehicular parking facilities shall be provided using the following standards.

(1) Design. Vehicular parking shall be designed as follows.

(a) Space Dimension. Parking space design shall follow the dimensions in Table 7.2-3 Parking Space and Aisle Dimensions and Figure 7.2-1 Parking Space and Drive Aisle Dimensions

(b) Wheel Stops. Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to site or in public right-of-way.

(c) Tandem Spaces. Tandem spaces are permitted as follows.

[1] Two (2) spaces may be placed in tandem provided one (1) space is accessible by an aisle, driveway, or alley.

[2] Tandem spaces are permitted for use by residential units only and must be utilized by the occupants of the same dwelling unit.

(d) Slope. All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.

(e) Materials. Parking areas may be designed with impervious or semi-pervious materials, such as concrete, asphalt, macadam, brick, and stone.

[1] Gravel and crushed stone are permitted for parking lots for residential parking areas up to ten (10) spaces and for all parks and open space uses. Additional application of these types of material may be permitted with approval of the City Planner.

(f) Landscape Areas.

[1] Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.

[2] The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines following Appendix A 6.2 Landscaping and Open Spaces

(g) Lighting. Parking areas with fifty (50) or more spaces must be lit per Appendix A 6.4 Lighting.

(h) Pedestrian Access. Parking lots with more than two (2) double-loaded aisles will provide internal pedestrian access both through the lot, and if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s).

[1] Dimension. The pedestrian access pathway shall be at least six (6) feet in width.

[2] Location. The pathway(s) shall be centrally located.

Table 7.2-3 Parking Space & Aisle Dimensions

Angle of Parking	Stall Dimensions			Drive Aisle Width	
	Curb Length	Stall Width	Stall Depth	One-Way	Two-Way
0 Degrees (Parallel)	18'	8'	18'	12'	20'
45 Degrees	12'	8.5'	18'	12'	20'
60 Degrees	10'	8.5'	18'	18'	20'
90 Degrees	8.5'	8.5'	18'	20'	20'

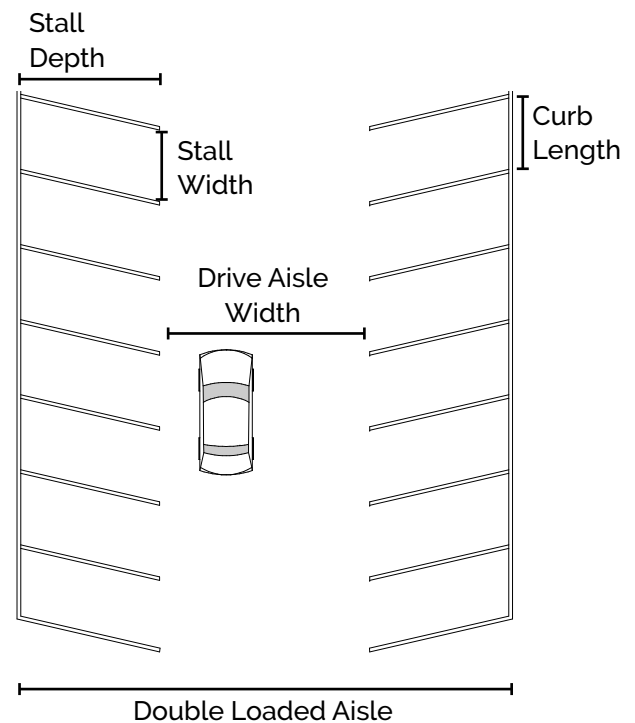


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

[3] Buffer. The pathway shall be buffered from drive aisles with landscaping or designated parking stalls and delineated with paint where it crosses drive aisles.

(2) Vehicular Parking Location. If located in a district with lot type standards, refer to these standards for parking lot location. In addition the following applies.

(a) Access. All spaces, unless otherwise noted, shall front an drive aisle, driveway, or right-of-way, providing direct access the parking space.

(b) Parking in Yards. Parking of motorcycles and personal vehicles are not allowed in front yards except on driveways, permitted parking area, or within structures.

(c) Recreational Vehicles. Trailers, motor homes, recreational vehicles, boats, or other similar vehicles may be parked as follows.

[1] Recreational Vehicles shall not be stored in a front yard or front or corner build-to zone unless in a garage or carport; except vehicles may be parked for up to seventy-two (72) hours for loading and unloading purposes.

[2] Recreational Vehicles can be stored in the side or rear yards.

[3] Recreational Vehicles must be kept in good repair and carry a current license and registration.

[4] A maximum of two (2) recreational vehicles can be stored out of doors on a lot at a time; there is no limit as it relates to vehicles within fully enclosed structures.

Table 7.3-1 Required Bicycle Parking Table

Use	Required Spaces
Residential/Lodging	
Bed & Breakfast/Hotel/Motel	1 space/7 employees
Dormitory	1 space/5 beds or per City Campus Master Plan
Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care	1 space/7 employees
Residential	1 space/5 dwelling units
Civic/Institutional Uses	
Assembly/Theatre	1 space/50 persons permitted at maximum occupancy
Assembly, Religious	1 space/50 seats in worship area or 100 square feet without seats
College and University	Based on similar use or per City Approved Campus Master Plan
Hospital	1 space/15 employees or per City Approved Campus Master Plan
Library & Museum	1 space/7 employees
Parks & Open Space	1 space/5,000 square feet of land area or per City Parks & Recreation Plan
School	2 spaces/classroom
Commercial & Industrial	
Agriculture	1 space/5 employees or gardeners
Eating & Drinking Establishments & Entertainment Sports (Participant)	1 space/15 persons permitted at maximum occupancy
Office/Employment Uses/Other	1 space/7 employees
Parking, Stand Alone Surface Lot or Garage/Ramp	1 space/15 parking spaces
Retail/Services	1 space/7 employees

50-7.3 Required Bicycle Parking.

A. Required Bicycle Parking Table. Table 7.3-1 outlines the required spaces for bicycle parking. Total required bicycle parking spaces should be determined using the following parameters in addition to Table 7.3-1.

(1) Calculation. At least one (1) space is required. Beyond the first space, in determining the number of spaces required, any fraction of spaces required under 1/2 shall be disregarded; a fraction greater than 1/2 shall be rounded up to count as one (1) space.

(2) Public Bicycle Parking Spaces. Parking facilities within public spaces, such as street rights-of-way, can count toward the requirement for non-residential uses. All facilities located within a public right-of-way, require review and approval of an encroachment agreement with the City.

B. Bicycle Parking Design and Location. Bicycle parking facilities shall be provided using the following standards.

(1) Design. Bicycle parking shall be designed as follows.

(a) Space Size. Each bicycle parking space must be at least six (6) feet long and two (2) feet wide with a five (5) foot access aisle.

(b) Bicycle Racks. Bicycle racks must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Provide at least two (2) points of contact to allow locking of frame and at least one (1) wheel.

[3] Be constructed of materials that resist cutting, rusting, bending, or deformation.

(c) Lockers. Lockers must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Be secured by means of a lockable door or configured internally to allow locking of the frame and at least one (1) wheel.

(2) Location. Bicycle parking shall be located as follows.

(a) Visible Location. If not visible from the street or public entrance, a directional sign must be posted indicating location. Adherence to the Manual On Uniform Traffic Control Devices for signage is recommended.

(b) Structured Parking. If more than fifty (50) percent of a site's vehicular parking is in a covered area or structure, the required spaces shall also be located in the covered area or structure or otherwise protected from the weather.

50-7.4 Off-Street Loading Requirements.

A. Off-Street Loading. Construction of new buildings that are expected to have deliveries by vehicles rated as heavy duty must provide off-street loading facilities as follows.

(1) Design. Each loading space shall be a minimum of ten (10 feet) in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

(2) Location. Loading areas shall be located as follows.

(a). All off-street loading areas. Regardless of truck type, loading areas shall not be located in the front build-to zone and may not occupy any part of a required front or corner yard.

(b) Loading areas shall not be located closer than fifty (50) from a residentially zoned lot unless it is wholly enclosed within the building or by walls.

(c) Loading areas must be separate from pedestrian facilities and pathways.

50- 7.5 Driveway Access Design.

A. Driveways. Driveways will be designed as follows.

- (1) Driveway Width. Driveway width is measured at the front property line and shall adhere to the following.
 - (a) Single-lane Driveways. Single-lane driveways shall be between eight (8) feet and twelve (12) feet.
 - (b) Double-lane Driveway. Double-lane driveways shall be between twenty (20) feet and twenty-four (24) feet, unless the driveway serves the off-street loading area, where a larger driveway may be required based on site plan review.
- (2) Double Track Driveways. Double-track, wheel strip, or ribbon driveways are permitted as follows.
 - (a) The first two (2) feet of the entire driveway width, measured from the property line, must paved or covered with a permitted material..
 - (b) Wheel strip shall be at least eighteen (18) inches in width
 - (c) Area between the wheel strips must be landscaped with living ground cover.
- (3) Materials. Driveways may be designed with impervious or semi-pervious materials. such as concrete, asphalt, macadam, brick, and stone.
 - (a) Gravel and crushed stone are permitted for residential driveways accessing parking areas up to ten (10) spaces. Additional application of these types of material may be permitted with approval of the City Planner.
- (4) Maximum Coverage of Front Yard. Driveways cannot account for more than thirty (30) percent of the front yard of a lot.

The updated text is in RED. These edits resulted from applying the standards over the last 3-years and the need to clarify the wording of some standards

Chapter 50-4.4

E. Adult-use marihuana. A category of uses permitting adult use establishments licensed pursuant to the MRTMA and Chapter 20B of the City ordinances.

(1) General provisions. The following apply to all adult use marihuana establishments, unless otherwise noted.

(a) General requirements.

[1] All location criteria and required separation distances apply to both new marihuana establishments and to any proposed change in the location of an existing marihuana establishment.

[2] All location criteria and required separation distances apply to both marihuana establishments and similar protected uses located in adjacent governmental jurisdictions.

[3] A marihuana establishment is prohibited from operating in any residential zoning district or in a residential unit.

[4] Drive throughs are not permitted with any establishment.

[5] Co-Location. Where permitted, marihuana establishments may operate from a location shared with an equivalent licensed marihuana establishment. The following are required for this co-location.

[a] Entrances to each establishment shall be physically separated.

[b] Each establishment must have distinct and identifiable areas designated within the structure.

[c] Each establishment suite or tenant space must have a separate address

[d] Each establishment must have separate inventory, record keeping, and point of sale operations.

[6] A licensee may not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

[7] A licensee must operate the licensed establishment in compliance with all applicable state and City regulations for that type of establishment.

(b) Location criteria. All marihuana establishment types must meet the following location criteria, except safety compliance operations:

[1] Required distance.

[a] A marihuana establishment must not operate within 1,000 feet of a preexisting private or public school, providing education in kindergarten or any grades 1 through 12.

[b] A marihuana establishment must not operate within 500 feet of a preexisting state-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the required distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana establishment is located.

(c) Shared location. Marihuana establishments may operate from a location shared with an equivalent licensed marihuana facility, **except where a separation distance is required.**

(2) Grower establishments. Growers are licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. The three grower license types are Class A (authorized to grow up to 100 plants); Class B (authorized to grow up to 500 plants); and Class C (authorized to grow up to 2,000 plants). An excess grower holds five Class C adult use marihuana grower and at least two Class C medical marihuana grower licenses. In the zoning districts where a grower establishment is permitted with development standards, the following standards apply:

(a) Class A grower establishments are permitted as follows:

[1] In Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

[2] In Zone CC, all grow operations must be conducted within an enclosed building.

(b) Class B and Class C grower establishments are permitted in Zones Limited Manufacturing (M1), and General Manufacturing (M2).

(c) Excess grower establishments are permitted in Zone General Manufacturing (M2).

(d) Permitted outdoor activities. All grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

- [3] Marihuana plants cannot grow above the height of the fence or barrier.
- [4] The fence is secured and only accessible to authorized persons and emergency personnel.
- [5] Area is located at least 500 feet from a residential zone district.

(3) Processor establishments. Processors are licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments. In the zoning districts where a processor establishment is permitted with development standards, the following standards apply:

(a) Permitted in Limited Manufacturing (M1) and General Manufacturing (M2).

(b) All processing operations must be conducted within an enclosed building.

(4) Safety compliance operations establishment. Safety compliance establishments are licensed to test marihuana, including certification for potency and the presence of contaminants. In the districts where safety compliance facility is permitted with development standards, the following standards apply:

(a) Permitted in the following zones. Community Commercial (CC), Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) Street type limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in the occupied space along a priority street side of a building.

(5) Secure transporter establishment. Secure transporter establishments are licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. In the zoning districts where secure transporter establishment is permitted with development standards, the following standards apply:

(a) Permitted in Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted secure transporter use.

(6) Retailer establishment. Retailer establishments are licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. In the zoning districts where a retailer establishment is permitted with development standards, the following standards apply:

(a) Permitted in the following zones:

[1] Live Work 1 (LW1) when located on a suburban, connector, or main street type.

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a priority, suburban, connector, or main street type.

[3] Community Commercial (CC).

(b) Permitted in Zones Limited Manufacturing (M1) and General Manufacturing (M2) when operated as part of a single establishment engaged in grower and processor operations.

(c) All retailer activities must be conducted within an enclosed building.

(d) A retailer is not permitted on the same property or parcel or within the same building where any of the following are located:

[1] A package liquor store.

[2] A convenience store that sells alcoholic beverages.

[3] A fueling station that sells alcoholic beverages.

(e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, **except when the retailer is co-located with a provisioning center, as provided by state regulations and this ordinance, and except in the following situations.**

[1] A separation distance of 500 feet is permitted when an applicant or a group of applicant-owners with 51% or more ownership in the retailer establishment is one of the following:

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three years.

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] A location shared with a licensed provisioning center.

(f) A retailer is not allowed within 660 feet of the following intersections: East Cork Street and South Burdick Street, the intersection of East Cork Street and Portage Street, and the intersection of West Ransom Street and North Westnedge Avenue.

(g) The consumption of marijuana products is not permitted on the premises of at a retail establishment.

(7) Microbusiness establishment. Microbusiness establishments are licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments. In the zoning districts where a microbusiness establishment is permitted with development standards, the following standards apply:

(a) Permitted in Zones Community Commercial (CC), Live Work 2 (LW2), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zones CC and LW2, the following requirements apply:

[1] All business activities must be conducted within an enclosed building.

[2] The use of any substances with a flashpoint below 100° F. for processing is prohibited.

(c) A separation distance of 500 feet is required from another microbusiness establishment with the following exceptions:

[1] A separation distance of 250 feet is permitted when an applicant or a group of applicant-owners with 51% or more ownership in the microbusiness establishment is one of the following:

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three years.

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] No separation distance is required within Zones Limited Manufacturing (M1) or General Manufacturing (M2).

(8) Designated Consumption Establishment. A designated consumption establishment is a commercial space that is licensed for the consumption of marihuana products by persons 21 and older. In the zoning districts where a designated consumption establishment is permitted with development standards, the following standards apply.

(a) Permitted in the following zones:

[1] Community Commercial (CC).

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a priority, suburban, connector, or main street type.

(b) Indoor activities. Consumption of marihuana products must occur indoors.

(c) A consumption establishment is not permitted on the same property or parcel or within the same building where any of the following uses are located:

[1] A package liquor store.

[2] A convenience store that sells alcoholic beverages.

[3] A fueling station that sells alcoholic beverages.

F. Medical marihuana. A category of uses permitting medical marihuana facilities licensed to operate pursuant to the MMFLA and Chapter **20B** of the City ordinances.

(1) General provisions. The following apply to all medical marihuana facilities, unless otherwise noted.

(a) General requirements.

[1] All location criteria and required separation distances apply to both new medical marihuana facilities and to any proposed change in the location of an existing medical marihuana facility.

[2] All location criteria and required separation distances apply to both medical marihuana facilities and similar protected uses located in adjacent governmental jurisdictions.

[3] A medical marihuana facility must not operate in any residential zoning district or in a residential unit.

[4] Drive throughs are not permitted with any facility.

[5] Co-Location. Where permitted, marihuana facilities may operate from a location shared with an equivalent licensed marihuana facility. The following are required for this co-location.

[a] Entrances to each facility shall be physically separated.

[b] Each facility must have distinct and identifiable areas designated within the structure.

[c] Each facility suite or tenant space must have a separate address

[d] Each facility must have separate inventory, record keeping, and point of sale operations.

[6] A licensee may not operate a marihuana facility at any place in the City other than the address provided in the application on file with the City Clerk.

[7] A licensee must operate the licensed facility in compliance with all applicable state and City regulations for that type of facility.

(b) Location criteria. All marihuana facility types must meet the following location criteria from protected uses, except safety compliance facilities.

[1] Required distance.

[a] A marihuana facility must not operate within 1,000 feet of a preexisting private or public school, providing education in kindergarten or any grades 1 through 12.

[b] A marihuana facility must not operate within 500 feet of a preexisting state-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the required distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana facility is located.

(c) Shared location. Marihuana facilities may operate from a location shared with an equivalent licensed marihuana facility, except where a separation distance is required.

(2) Grower facility. A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marihuana for sale to a processor or provisioning center. The three grower license types are Class A (authorized to grow up to 500 plants); Class B (authorized to grow up to 1,000 plants); and Class C (authorized to grow up to 1,500 plants). In the districts where grower facility is permitted with development standards, the following standards apply:

(a) Grower facilities are permitted in Limited Manufacturing (M-1) and General Manufacturing (M-2).

(b) Permitted outdoor activities. All grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

[3] Marihuana plants cannot grow above the height of the fence or barrier.

[4] The fence is secured and only accessible to authorized persons and emergency personnel.

[5] Area is located at least 500 feet from a residential zone district.

(c) Multiple facilities on a lot. The following applies for multiple facilities on one lot.

[1] Except as permitted by state regulatory rules for Class C growers, only one medical marihuana grower facility license is allowed per parcel or lot.

(2) Licensees may occupy the same premises if holding separate grower and processor licenses for the premises.

(3) Processor facility. A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center. In the districts where processor facility is permitted with development standards, the following standards apply:

(a) A processor facility is permitted in Limited Manufacturing (M-1) and General Manufacturing (M-2).

(b) Only one medical marihuana processor facility license permitted per parcel or lot.

(c) All processing operations must be conducted within an enclosed building.

(d) Licensees may occupy the same premises if holding separate grower and processor licenses for the premises.

(4) Secure transporter facilities. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. In the districts where a secure transporter facility is permitted with development standards, the following standards apply:

(a) A secure transporter facility is permitted in Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted secure transporter use.

(5) Safety compliance facility. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. In the districts where safety compliance facility is permitted with development standards, the following standards apply.

(a) Permitted in the following zones: Community Commercial (CC), Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business, Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) Street type limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in a building's occupied space fronting a priority street.

(6) Provisioning center. A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL § 333.26421 et seq., is not a provisioning center for purposes of this article. In the districts where provisioning center facility is permitted with development standards, the following standards apply:

(a) Permitted in the following zones:

[1] Community Commercial (CC).

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a priority, suburban, connector, or main street type.

(b) Only one provisioning center license is permitted per parcel or lot.

(c) All provision center activities must be conducted within an enclosed building.

(d) A provisioning center is not allowed within 660 feet of the following intersections: East Cork Street and South Burdick Street, the intersection of East Cork Street and Portage Street, and the intersection of West Ransom Street and North Westnedge Avenue.

(e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, **except when the provisioning center is co-located with a retailer as provided by state regulations and this ordinance.**

(f) A provisioning center is not permitted on the same property or parcel or within the same building where any of the following are located:

[1] A package liquor store.

[2] A convenience store that sells alcoholic beverages.

[3] A fueling station that sells alcoholic beverages.

(g) The consumption of marijuana products is not permitted on the premises of retail facility.

Proposed Updates to Chapter 50.

Updated text is in red.

Bed & Breakfast Definition. Proposed change based on variance requests for B&Bs and code application.

50-4.4A(1) Bed and Breakfast. An establishment providing short term lodging and service of at least one (1) meal per day to guests. **The owner or operator must live on the same lot or a lot directly adjacent to the lot containing the bed and breakfast.**

Occupied Space Definition. Proposed change based code application, definition didn't align with application in Article 5.

50-1.3MM. Occupied Space. The first fifteen (15) feet inside a building measured from the front facade and on corner side facades **[DELETE:when fronting a Priority or Main street]**. In this space, uses such as interior parking, residential units, storage, or utility areas may be restricted. Refer to Article 5 Zoning Standards for more information.

Zoning Districts. Proposed change is anticipation of adding a Commercial Node District, following the Master Plan, Future Land Development Map.

50-3.1(A) **Neighborhood** Node District. **Neighborhood** Nodes are intended to create walkable, vibrant mixed-use commercial areas in Kalamazoo neighborhoods with a focus on building forms that promote inviting public places. **Neighborhood** Nodes allow a wide range of commercial uses on the ground floor with commercial and residential uses allowed on upper floors. **Neighborhood** Node locations **generally align with those in the** Master Plan, Future Land Development Map.

Accessory Structures. Proposed change based upon the existing setback in Appendix A and is more in-line with existing accessory structures in many neighborhoods.

50-4.B(3) Setback. Accessory structures shall be setback **three (3) feet** from side and rear property lines.

Home Occupations. Proposed change is based on code application and the need for clarifying the text.

50-4.C.(5) (a) Prohibited Uses. Prohibited uses include animal boarding, dispatch center, restaurants, **sale or storage of firearms, outdoor storage**, vehicle or large equipment storage and repair, **and all uses listed under High Hazard Group H Uses in Building Code.**

50-4.C.(5) (e) Secondary Building. **Home occupation may be located in a secondary building.**

Corner Side. Proposed change is based on code application and the need for clarifying the text.

50-5.4 (2) Occupied Space. The restriction of internal parking, residential units, storage areas, and utility areas in the occupied space of a building's ground and/or upper floors **in the following locations** unless

otherwise stated in the Lot Types. Refer to 50.1-3.DD Occupied Space for additional information on occupied space.

- (a) Front façades,
- (b) Corner-side facades when fronting a Priority or Main Street.
- (c) Corner-side facades on other street types for at least the minimum required building placement for the corner façade (refer to 50-5.2A(5)(a))

Building Siting. Proposed change is based on code application and the need for clarifying the text.

50-5.2A (3) Occupation of the Corner. Occupying the corner, the area where the front and corner build-to zones meet, with structure and/or building entrance.

50-5.2A (4) (a) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.

50-5.2A (5) (a) Building facades must be located in (or cover) the Corner Build-to Zone for the first 20', measured from lot's corner(s).

50-5.2A (5) (b) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.

Parking. Proposed change is based on code application and the need for clarifying the text.

50-7.1C(1) Downtown & Neighborhood Nodes. Lots located in the Downtown Exempt Parking Area (refer to Figure 7.1-1) and zoned Neighborhood Node are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements including design, layout, and landscaping.

50-7.1C (2) Commercial Nodes. Lots in the Commercial Node District are permitted a twenty-five (25) percent reduction of the required off-street parking. Spaces that are provided must adhere to all applicable requirements, including quantity, design, layout and landscaping.

50-7.1C (3) Small Commercial Establishments. A commercial establishment, including the non-manufacturing element of craftsman industrial, containing up to 2,000 square feet of floor area, [DELETE located in a building constructed on or before October 18, 2005,] and not located in the Community Commercial (CC) zoning district, shall be exempt from all requirements to provide off-street parking spaces.

Table 7.2-1 Required Minimum Parking Table edit:

Industrial to 1/employee on largest shift (includes shift employees, office, and maintenance staff)

Self Storage: 1/employee on largest shift and 1/75 storage units

50-7.2B(2)(b) Parking in yards. Motorcycles and vehicles must be parked on driveways, permitted parking areas, or within a structure.

50-7.2B(2)(c) [1] Recreational Vehicles may be stored on a driveway in the front or corner yard between May 1 and October 15 and in the side and rear yards without restrictions.

Delete existing [2] and renumber [3] and [4] to [2] and [3]

General Code Edits: Shifting CC Community Commercial District to Chapter 50 with minor updates to use and dimensional standards. Moving the District to Chapter 50 required minor edits to several sections, as noted below.

50-3.1 Zone Districts.

(G) Community Commercial District. Community Commercial district supports medium to large-scale commercial and mixed-use development with a city-wide or regional market focus. This district is typically found on major corridors, such as community connectors, and often near highway access. A wide range of retail, service, and office uses are permitted. Residential uses are permitted with design standards.

50-4 Uses

Table 4.1-1 Use Table: *incorporate CC*

	Node	LW 1	LW2	D1	D2	D3	CC
Residential/Lodging							
Bed & Breakfast		P	P	PD	P	P	
Hotel/Motel	P	P	P	P	P	P	P
Nursing Home/Assisted Living/Rehabilitation Center/Adult Foster Care		PD	P	PD	P	P	P
Residential (1 & 2 units)	PD	P	PD	PD	PD	P	PD
Residential (3 & 4 units)	PD	P	P	PD	P	P	PD
Residential: Multifamily (5 & more units)	PD	P	P	PD	P	P	PD
Rooming House	PD	P	P	PD	P	P	PD
Transitional Residence		P	P				PD
Civic/Institutional Uses							
Assembly	PD	P	P	PD	P	P	P
Assembly, Religious	S	S	S		P	S	P
College and University	P	P	P		P	P	P

Hospital		P	P		P	P	P
Library & Museum	P	P	P	P	P	P	P
Parks & Open Space		P	P		PD	P	P
Police & Fire Station	P	P	P		P	P	P
School		P	P			P	P
Commercial							
Adult Regulated Use							PD
Agriculture		PD	PD				P
Day Care	PD	PD	PD		PD	PD	PD
Entertainment Sports (Participant - indoor)	P	P	P	P	P	P	P
Entertainment Sports (Participant - outdoor)		S	S		S	S	P
General Retail	P	P	P	P	P	P	P
General Services	P	P	P	P	P	P	P
Kennels			PD			PD	P
Office	P	P	P	P	P	P	P
Outdoor Sales & Storage		S	S				S
Package Liquor	PD			PD	PD	PD	PD
Parking (stand alone)		PD	PD		PD	PD	PD
Vehicle Service		PD	PD			PD	PD
Industrial							
Craftsman Industrial	PD	PD	PD	PD	PD	PD	PD
Industrial			PD				
Warehouse & Distribution			S				S
Marihuana – Adult Use							

Grower							PD
Processor							
Safety Compliance		P	P		PD	P	P
Secure Transporter							PD
Retailer		PD		PD	PD	PD	PD
Microbusiness			PD				PD
Designated Consumption Lounge				PD	PD	PD	PD
Marihuana, Medical							
Grower							
Processor							
Safety Compliance		P	P		PD	P	P
Secure Transporter							PD
Provisioning Center		PD		PD	PD	PD	PD

50-4.4 A. Residential/Lodging Uses

(4) Residential.

(c) In a CC district, residential is permitted except as follows:

(1) Detached, single unit residential is not permitted.

(2) Residential units are not permitted in the ground floor occupied space of a building that directly fronts the front property line.

50-4.4 A. Residential/Lodging Uses

(5) Residential, Multi Family. Five (5) or more dwelling units located within a primary structure on a lot. In the districts where Residential Multi Family is Permitted with Development Standards ("PD"), the following standards apply.

(a) Multi Family units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), Multiple Family units are not permitted in the ground floor occupied space that directly fronts the front property line.

50-4.4 A. Residential/Lodging Uses

(6) Rooming House. A type of group living use in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. In the districts where a rooming house is Permitted with Development Standards (“PD”), the following standards apply.

(a) Rooming House units are not permitted in a building’s ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), Rooming House units are not permitted in the ground floor occupied space that directly fronts the front property line.

50-4.4 A. Residential/Lodging Uses

(7) Transitional Residence. A residential facility that provides temporary accommodations and on-site management, including 24-hour care, for its residents. Transitional residences can accommodate both individuals and families and can serve a variety of populations, such as the homeless, domestic violence victims, or those recovering from addictions. Residency often requires attendance at classes, trainings, or counseling sessions which may occur on-site. Residents typically do not keep personal vehicles on site. In districts where a transitional residence is Permitted with Development Standards (“PD”), the following standard applies.

(a) In Community Commercial (CC), Transitional Residence units are not permitted in the ground floor occupied space that directly fronts the front property line.

50-4.4 C. Commercial

(1) Adult Regulated Uses.

(a) Purpose.

[1] In the development and execution of this ordinance, it is recognized that there are some uses, commonly known as adult uses or sexually oriented businesses, which, because of their very nature, have serious objectionable operational characteristics. The impacts

of these objectionable characteristics are exacerbated when several adult uses are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential use or zone, religious assembly, school, park, playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to prevent these adverse effects and to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls contained within this ordinance are for the purpose of preventing the negative secondary effects associated with adult uses and to prevent a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood.

[2] It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings.

[1] This Ordinance is based on evidence of the adverse secondary effects of adult uses that are within the common knowledge of municipalities and is widely reported in judicial opinions, media reports, land use studies, and crime impact reports made available to the City Commission, several of which are set forth in this Ordinance. Additionally, the City Commission relies on repeated judicial findings of municipalities' reasonable reliance on this body of secondary effects evidence to support time, place, and manner regulations of sexually oriented businesses. The City Commission relies upon and incorporates the findings of secondary effects discussed in the following nonexhaustive list of cases from the U.S. Supreme Court: *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v Alameda Books, Inc.*, 122 S. Ct 1728 (2002); *City of Renton v Playtime Theatres, Inc.* 475 U.S. 41 (1986); *Young v American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v City of Dallas*, 493 U.S. 215 (1990); *California v LaRue*, 409 U.S. 109 (1972).

[2] The City Commission also relies on relevant decisions of federal appellate and trial courts: *DLS, Inc. v City of Chattanooga*, 107 F 3d 403 (6th Cir. 1997); *Currence v City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v Nichols*, 137 F 3d 435 (6th Cir. 1998); *DejaVu v Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v City of Dayton*, 7923 F 2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v City of Akron*, 40 F 3d 129 (6th Cir. 1994); *O'Connor v City and County of Denver*, 894 F 2d 1210 (10th Cir. 1990); *DejaVu of Nashville, Inc., et al v Metropolitan Government of Nashville and*

Davidson County, 274 F 3d 377 (6th Cir. 2001); ZJ. Gifts D-2, LLC v City of Aurora, 136 F 3d 683 (10th Cir. 1998); ILQ Investments, Inc. v City of Rochester, 225 F 3d 1413 (Eighth Cir. 1994); World Wide Video of Spokane, Inc. v City of Spokane, 227 F 3d 1143 (E.D. Wash. 2002); Threesome Entertainment v Strittmother, 4 F. Supp. 2d 710 (N.D. Ohio 1998); Kentucky Restaurant Concepts, Inc v City of Louisville and Jefferson County, 209 F. Supp. 2d 672 (W.D. Ky. 2002).

[3] Additionally, the City Commission expressly relies upon Michigan cases relating to adult businesses, municipal regulatory authority, and public nuisances including, but not limited to, the following cases: Rental Property Owners Association of Kent County v City of Grand Rapids, 455 Mich 246, 566 NW2d 514 (1996); Michigan ex rel Wayne County Prosecutor v Dizzy Duck, 449 Mich 353, 535 NW2d 178 (1995); City of Warren v Executive Art Studio, 1998 Mich App LEXIS 2258 (1998); Tally v City of Detroit, 54 Mich App 328 (1974); Jatt, Inc v Clinton Township, 224 Mich App 513 (1997).

[4] The City Commission notes that media reports document the harms associated with adult businesses as well: See, e.g., Muskegon Man Convicted in Beating Death of Adult Bookstore Manager, Associated Press State & Local Wire, Sept. 9, 1999; Katie Merx, X-Rated Inkster Theater Razed: Officials, Cops, Residents Cheer Demolition of Melody, An Embarrassment for 22 Years, The Detroit News, August 19, 1999, at D3 (discussing documented sexual activity in and around adult business); Craig Garrett, Suburbs Declare War on Smut Shops, The Detroit News, June 30, 1999, at A1 (describing how adult theater patrons would solicit young people in the area for sex); Justin Hyde, Warren Leaders Want to Pursue Product Liability Against Porn

Shop, Associated Press State & Local Wire, Feb. 4, 1999 (child rapist arrested in peep show establishment).

[5] The City Commission further relies on reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona — 1984; Minneapolis, Minnesota — 1980; Houston, Texas — 1997; Indianapolis, Indiana — 1984; Amarillo, Texas — 1977; Garden Grove, California — 1991; Los Angeles, California — 1977; Whittier, California — 1978; Austin, Texas — 1986; Seattle, Washington — 1989; Oklahoma City, Oklahoma — 1986; Cleveland, Ohio — 1977; Dallas, Texas — 1997; McCleary Report, Alliance, Ohio — 2002; Tucson, Arizona — 1990; Testimony, Warner-Robins, Georgia — 2000; St. Croix County, Wisconsin — 1993; Bellevue, Washington — 1998; Newport News, Virginia — 1996; St. Cloud, Minnesota — 1994;; New York Times Square Study — 1994; Phoenix, Arizona — 1995-1998; and also on findings of physical abuse from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from “Sexually Oriented Businesses: An Insider’s View” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12,2000, and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota). Based on the cases and reports documenting the adverse impact of adult businesses, the City Commission finds:

[a] Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property

crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.

[b] Sexual acts, including masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, especially those that provide private or semi-private booths, rooms, or cubicles for viewing films, videos, or live sexually explicit shows.

[c] Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in preventing and/or abating.

(c) Applicability. The following adult regulated uses are subject to these controls:

- [1] Adult arcade or mini-motion-picture theaters;
- [2] Adult bookstores, adult novelty stores, or adult video stores;
- [3] Adult booths;
- [4] Adult cabarets;
- [5] Adult motels;
- [6] Adult motion-picture theaters;
- [7] Adult outdoor motion-picture theaters;
- [8] Adult model studios;
- [9] Adult physical culture businesses;
- [10] Adult theaters; and
- [11] Adult personal service businesses.

(d) Conditions. All adult regulated uses shall comply with all of the following conditions:

- [1] No person or entity shall operate or maintain or cause to be operated or maintained an adult regulated use within 750 feet of:

- [a] A religious assembly;
- [b] A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- [c] Family day care homes or group day care homes;
- [d] An entertainment use that has as its principal use children or family entertainment as demonstrated by business activity that caters predominantly to on-site patronage by minors and is open for such business at least 25 hours per week;
- [e] A lot or parcel of land in any zone primarily devoted to a residential use;
- [f] Any other adult regulated use as defined in this chapter.
- [g] A public park or recreational area that has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis court, wilderness areas, or other similar public land within the City that is under the control, operation, or management of the City or other unit of government;
- [h] A zoning district boundary of a residential district as defined in the City Zoning Ordinance.

[1] For purposes of the uses listed in Subsections 4.a.(1) through (6) above, the distance limitations above shall be measured in a straight line without regard to intervening

structures or objects from the lot occupied by the adult regulated use to the nearest point of the lot occupied by any of the uses so listed in Subsection 4.a.(1) through (6).

[2] For purposes of Subsections 4.a.(7) and (8), the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the property line of the lot occupied by the adult regulated use to the nearest point of the property line occupied by the public park or other recreational areas so listed in Subsection 4.a(7) or the zoning district boundary of the residential district as provided in Subsection 4.a(8).

[3] No building, premises, structure, or other facility that contains any adult regulated use shall contain any other kind of adult regulated use. The Zoning Board of Appeals may grant permission for more than one adult regulated use to operate in a single building, provided that an equal or greater number of adult regulated uses are removed from elsewhere in the City. The location where an adult regulated use is removed pursuant to this section shall not be reused for any adult regulated use in the future. If the Zoning Board of Appeals grants permission for more than one adult regulated use to operate in a single building, it shall not be construed to be a violation of Subsection 4.a(6).

[4] Adult regulated uses shall comply with all sign requirements in § 4.2.B: Adult Regulated Uses, and in Chapter 7: Signs.

[5] No advertisement, display of product or entertainment on the premises, signs or other

exhibits that display “specified sexual activities” and/or “specified anatomical areas” shall be displayed in window areas or other area where the same can be viewed by pedestrians and motorists on any street, sidewalk, or other public place.

[6] No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.

[7] No person operating an adult regulated use shall knowingly permit any person under the age of 18 to be on the premises of said business, either as an employee or as a customer.

[8] No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult regulated use without the express written permission of the owner of the property for such use and appropriate approvals from the City of Kalamazoo.

[9] The building and site, including building openings, entries, exits and windows, shall be designed, constructed, and maintained so that material, entertainment, and/or performances that display “specified sexual activities” and/or “specified anatomical areas” cannot be observed by pedestrians and motorists on any street, sidewalk, or public right-of-way, or from an adjacent land use.

[10] The adult regulated use shall satisfy all requirements for a full site plan and all landscaping requirements of the City Zoning Ordinance. The adult regulated use shall also demonstrate that the site meets all of the

traffic and access management standards of the City of Kalamazoo. The site plan shall include a diagram that shows all land use zoning districts and any of the uses described in Subsection 4.a above which are located within 750 feet of the proposed adult regulated use.

[11] No adult regulated use shall operate until it has satisfied all provisions of this chapter, all other applicable provisions of the Zoning Ordinance, and any other federal, state or local regulations.

(e) Change of Use by Lessee or Sublessee. No lessees or sublessee of any property shall convert that property from any other use to an adult regulated use unless the location of the property conforms to the standards in Subsection 4 above.

(f) Certain Uses Exempt. The following uses are exempt from the provisions of the terms and conditions of this chapter and are subject to the other provisions of the City Zoning Ordinance, and the following uses shall not be construed to be included in any of the definitions of this chapter:

[1] Accredited hospitals, nursing homes, sanitariums or other licensed health care facilities, physicians, surgeons, chiropractors, osteopaths, physical therapists, registered nurses, and other establishments or professionals duly licensed under the laws of the state while engaged in the activities for which they are so licensed.

[2] Barbers, beauticians, barber shops, and beauty parlors licensed under the laws of the state that also offer massages, provided that massages involved are limited to the head, shoulders, scalp, neck, hands, and feet. Such establishments that also provide activities that

fall under the definition of “adult personal service business” in this chapter shall, however, be governed by the provisions, terms, and conditions of this chapter.

[3] Public and parochial school and college or professional athletic coaches and trainers while acting within the scope of their school employment; and

[4] Professional massage therapy enterprises, where each massage therapist has met the following criteria:

- [a] Proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards, consisting of at least 500 classroom hours of instruction and practical training that include 300 hours of theory and practice of massage therapy, 100 hours of anatomy and physiology, and 100 hours of elective subjects; or proof of completion of a comprehensive course of study in a massage training program at an American community college or university that requires at a minimum the training and curriculum above; and
- [b] Proof of current professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification, including liability insurance and testing.

[5] Nonprofit organizations operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities that are used primarily for the welfare of the residents of the area.

[6] Unlawful Activities. Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities that are unlawful under state law or City ordinance.

Renumber rest of sections. (2) to (12)

50-4.4 D. Industrial (1) Craftsman Industrial

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 and Community Commercial (CC) with Craftsman Industrial uses provided the area used for storage is less than or equal to five (5) percent of the site's lot area. Refer to 4.5.C(9) for additional requirements.

Table 4.5-1 Accessory Uses & Structures Table:

Uses & Structures	District							All R
	Node	LV1	LV2	D1	D2	D3	CC	
Accessory Dwelling Units (ADU)	PD	PD	PD		PD	PD	PD	PD
Agriculture	PD	P	P	PD	PD	PD	PD	
Drive Through	PD	PD	PD		PD	PD	PD	
Food Truck	PD	PD	PD		PD	PD	PD	
Home Occupation	PD	PD	PD	PD	PD	PD	PD	PD
Kiosk	PD	PD	PD		PD	PD	PD	
Outdoor Storage	PD	PD	PD				P	

Secondary Building	PD	PD	PD	PD	PD	PD	PD	PD
Sidewalk Café	PD	PD	PD	PD	PD	PD		

50-4.5 Accessory Uses & Structures (2) Agriculture

- (a) Agriculture as an accessory use shall not prevent a lot from meeting its lot type **or dimensional requirements**, refer to Article 5 Zoning Standards.

50-4.5 Accessory Uses & Structures (3) Drive Through

- (a){2} Other Districts. A drive through is permitted in the rear yard. If the lot does not front a Priority or Main Street, a drive through is also permitted in the side yard, **and in Community Commercial (CC) it is also allowed in the corner yard.**

50-5 Zoning District Standards **Remove “Lot Types” from Article title**

50-5.1 General Requirements. **Remove “Lot Types” from this title**

- A. Applicability. The following shall apply to all new construction and renovation of existing structures in the Zoning District in alignment with the parameters in 50-1.4 Nonconformances.**
- B. General Standards. The following standards apply in all Zoning Districts.**
- (1) **Uses. Refer to Table 4.1-1 Use Table for permitted uses per district.**
- (2) **Right-of-way Improvements. Projects must follow the City’s Street Design Manual when developing adjacent to a public street.**
- (a) **Sidewalk. Installation of new sidewalk is required for all development and redevelopment projects. Repair of existing sidewalk to meet American Disability Association (ADA) City requirements is also required for all projects requiring Site Plan Review.**
- C. Development Standards. Development and redevelopment in zoning districts shall follow the standards in this section.**
- (1) **Standards Defined. The standards that regulate development are generally defined in sections 50-5.2-5, which include Building Siting, Height, Use, Street Facing Facades.**

(2) Districts with Lot Type Standards (refer to Table 5.1-1 Permitted Lot Type by District) follow the standards for the selected lot type, as outlined beginning with 50-5.6 Lot Type Standards.

(3) Districts with Dimension Standards follow the standards listed in Table 5.5-2 Dimension Standards by District.

Table 5.1-1 Permitted Lot Types By Zoning District (Refer to 50-5.6 Lot Type Standards).

<i>Lot Type</i>	<i>Zoning District</i>					
	<i>Node</i>	<i>LW1</i>	<i>LW2</i>	<i>D 1</i>	<i>D2</i>	<i>D3</i>
<i>Commerce</i>	<i>P</i>			<i>P</i>	<i>P</i>	
<i>Flex</i>		<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>
<i>Cottage Commercial</i>	<i>PD</i>	<i>P</i>	<i>P</i>			<i>P</i>
<i>Civic</i>		<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>
<i>Warehouse</i>			<i>P</i>			
<i>Yard-Attached</i>		<i>P</i>	<i>P</i>			<i>P</i>
<i>Yard - Detached</i>		<i>P</i>	<i>PD</i>			<i>PD</i>
<i>Outdoor Market</i>		<i>P</i>	<i>P</i>			<i>P</i>

Table 5.1-2 Dimension Standards by District

Standard	Zoning District
	CC
Lot Area	
Min. Lot Area for Rezoning	1 acre
Max. Lot Area for Rezoning	-
Min. Lot Area	-

Setbacks	
Front	-
Corner Side	-
Side	0', 25' next to R District
Rear	0', 25' next to R District
Max. Lot Coverage	80%, 10% semi-pervious
Multiple Principal Buildings Allowed	Yes
Max. Height	6 stories
Facade	
Vehicle Entrance Bays	-
Entrance Type & Transparency	Storefront, Stoop, or Arcade on street facing facades within 25' of front and corner side property lines; Minimum transparency per entrance type
Access	
Driveway Location	1/street frontage less than 100' in width; additional permitted for every 75' of frontage
	Shared access across parcels and shared driveways is encouraged

DELETE 50-5.1B Lot Type Requirements

50-5.2 Building Siting

- A. Street Frontage. Refers to locating the building(s) on a lot. Refer to Figure 5.2-1 Building Siting.

Figure 5.2-1 Building Siting

- B. Lot Area

(3) Minimum Lot Area for Rezoning. Measured in square feet, it is the minimum size a lot can be to be zoned this district.

(4) Maximum Lot Area for Rezoning. Measured in square feet, it is the maximum size a lot can be to be zoned this district.

(5) Minimum Lot Size. Measured in square feet, it is the smallest square footage allowed for the creation of a new lot in a zoning district.

- D. Parking, Loading, and Site Access.

(3) Vehicle Entrance Bay. The façade of the building on which an entrance bay to interior parking or other use is permitted.

(4) Driveway Location. The permitted locations for vehicular access.

(b) If an alley is not available, driveway location is noted by Lot Type (refer to 5.6 Lot Types) or District (refer to Table 5.5-2 Dimension Standards).

(c) Driveways on corner lots must be at least thirty (30) feet from the corner of the Lot.

50-5.3 Height

- A. Height. Building height is measured as follows. Refer to Figure 5.3-1 Measuring Height.

(1)(a) Measurement. Building height is measured by stories.

[1] A minimum and/or a maximum height may be given.

[2] This measurement does not include rooftop mechanicals.

50-5.4 Uses.

Permitted uses are outline in Table 4.1-1 Use Table. Refer to the Lot Type Standards (50-5.6) for specific requirements by Lot Type. See Figure 5.4-1 Permitted Uses per Floor.

50-5.5 Street Facing Facades.

(1) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a building of at least four (4) feet. It is expressed as a percentage of windows to total façade area. Refer to Figure 5.5-1 Measuring Transparency.

(a) Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted. Refer to 50-5.5(B) [DELETE in the Lot Type]

(b) Upper Floor. Transparency is noted by Lot Type.

(d) Porch Entrance Type.

[1] Transparency. Per Lot Type or District, unless the porch is fully enclosed in which case a minimum of forty (40) percent is applied. Refer to Figure 5.5-1. Measuring Transparency.