Agenda
Planning Commission

City of Kalamazoo

Thursday, September 7, 2023 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 meetings on July 20, 2023 and August 3, 2023.

D. COMMUNICATIONS AND ANNOUNCEMENTS

E. PUBLIC HEARINGS

1. PC 2023.05 A Recommendation to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map

F. DISCUSSION/ACTION ITEMS

G. REPORTS

1. City Planner's Report

2. Site Plan List

H. PUBLIC COMMENTS

I. CITY COMMISSION LIASON COMMENTS

J. PLANNING COMMISSIONER COMMENTS

K. ADJOURNMENT

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
July 20, 2023
DRAFT

Members Present: Gregory Milliken, Chair; Brian Pittelko; David Burgess; Jennifer Swan; Christine Dascenzo, Mitchell Curtiss

Members Excused: Michael Harrison; Shardae Chambers; James Pitts

City Staff: Bobby Durkee, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Charlie Bear, Assistant City Attorney

A. CALL TO ORDER/ROLL CALL

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

Planner Durkee proceeded with roll call and determined there was a quorum.

Commissioner Milliken welcomed new Planning Commissioners, Ms. Christine Dascenzo, and Mr. Mitchell Curtiss.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Burgess, moved approval of the July 20, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Pittelko, seconded by Commissioner Burgess, moved approval of the June 1, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee noted that the Planning Commissioners were sent an email from Ms. Judy Huxmann regarding changes to the zoning ordinance.

Planner Durkee shared that they were still going through comments and feedback from the zoning ordinance that was posted in June. He informed Planning Commissioners that the next updated draft would be available to them for the August 3rd meeting. Planner Durkee hoped they could give feedback at that time and staff would plan to bring the proposed ordinance to them for a decision at the September meeting. Planner Durkee clarified for Commissioner Milliken that the updated draft would be available prior to or at the August 3rd meeting. He shared that Planner Anderson presented the proposed zoning ordinance changes to the City Commission at the last Committee of the Whole (COW) meeting.

E. PUBLIC HEARINGS

Commissioner Milliken explained how and when the public could comment during the meeting.

1. P.C. #2023.03: Request for a Special Use Permit for a Group Daycare at 1108 N. Church Street.

Planner Durkee shared that the daycare was in a single-family home in the RM-36 zone district. He explained that a home daycare is a daycare operated out of a home for 1-6 children and it is a permitted use in our residential zones. Planner Durkee said that a group daycare (7-12 children) in a residential zone requires a Special Use Permit. He said it is part of the State licensing requirement to get zoning approval before moving forward. Planner Durkee reviewed maps and pictures of the area. He explained that the property was originally two lots that have been combined into one large lot. The daycare operates Monday-Friday 6:00am-6:00pm. The applicant has no intention of changing hours or days of operation. Planner Durkee explained that the property is approximately 1/3 acre. The side yard has the play equipment. He pointed out that the required fencing referenced in the staff report has since been installed. For access to the property, there is a gravel drive on the north side of the property with a turnaround area in the back. The property has two road frontages. Planner Durkee stated that the area is residential (RM-36), and the Future Land Use map is consistent with the current zoning. He indicated there is adequate room for the children to play outside. Both streets have very low traffic. Planner Durkee said there was one criterion that was not met. Currently, it is required that a group daycare be located on a collector or thoroughfare as defined in the Master Plan. Planner Durkee went through the standards for a Special Use Permit and showed that this request met all criteria except for being located on a collector or arterial roadway. He mentioned that standard was proposed to be removed in the updated zoning ordinance. Planner Durkee said that staff recommends approval of this request with the condition of a ZBA variance approval.

Ms. Jaqueline Fullerton, owner of the daycare, stated that she has done licensed daycare for over a year and had been babysitting for members of her family for a long time. She shared that she had been working for a bank, but after her daughter was murdered, she needed a change. Ms. Fullerton said there is a demand in her area for daycare and she has turned down many parents because of her capacity. She loves what she does, and she tries to incorporate a learning aspect as well as providing a loving environment. Ms. Fullerton said she wants to help her community and the parents who need to work.

Commissioner Milliken opened the public hearing.

No in-person comments.

Phone comment:
Ms. Tina McClinton called and spoke about the flooding in her neighborhood and that it is a health issue with rain and sewage. She said that they are trying to destroy the last green space at Lake and Stockbridge through development. Ms. McClinton mentioned the developer on the NFP Board and that the Mayor is the President of the Lift Foundation. She indicated there was conflict of interest with these boards. Ms. McClinton said they have protected species in this area that no one has checked on and they are destroying mature trees. She shared that the sewers on Stockbridge and Lake Street not working right. She believes the development should be built at 322 Stockbridge. Ms. McClinton asked the Planning Commissioners to start listening to their residents.

Commissioner Milliken noted that the comment was not related to the public hearing for the Special Use Permit, but they would remember that for later.

Commissioner Milliken closed the public hearing.

Commissioner Dascenzo, seconded by Commissioner Swan, moved approval of a Special Use Permit for a Group Daycare at 1108 N. Church Street with the condition of the ZBA granting relief from the standard related to street type.

Commissioner Dascenzo said she was glad to see the request meets criteria. There is a huge demand for childcare in the community and nationwide. She expressed appreciation that the applicant can do the work.

Commissioner Burgess thought the request clearly aligned with the community vision. He thanked Ms. Fullerton for service she provides.

Commissioner Milliken stated that the request meets zoning requirements with the condition for a variance.

A roll call vote was taken, and the motion passed unanimously.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. Site Plan Reports

No questions.

H. PUBLIC COMMENTS:

Commissioner Milliken reminded everyone of the caller's comment.

No in-person comments.

Phone comments:
Mr. Richard Stewart called regarding the Stockbridge properties. He thought the new Planning Commissioners needed to know they have been fighting this plan for six years and suggesting alternative sites for development. Mr. Stewart indicated the developer would not consider other sites. He said ten residents from the Southtown Neighborhood attended Lift's public meeting. All ten of the residents opposed developing this site. Mr. Stewart explained that the Mayor sits on the Board at Lift. He indicated that Lift's properties are managed by Lockhart Management which is partially owned by Alan Sylvester. Mr. Sylvester sits on the NFP Board. Mr. Stewart felt this led to disturbing conflicts of

interest. He said they have asked for a hold on developing this property. Mr. Stewart said they have asked the DNR to require an environmental study to identify the bat population. He said Lift refuses to do an environmental study. Mr. Stewart said they are attempting to map all existing trees. He asked that they take this site off the agenda until the DNR can clear the site.

Ms. Tina McClinton said she agreed with Mr. Stewart's comment. Ms. McClinton spoke about how the development of KVCC caused more flooding in their neighborhood. She has to replace her furnace and water heater every four years because of the flooding. Ms. McClinton said she doesn't care if they build apartments in the neighborhood, just don't make them flood more. She stated that the soil and water are contaminated. Ms. McClinton asked them not to take away their green space.

I. CITY COMMISSION LIAISON COMMENTS

None.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Pittelko suggested that people listen/watch the presentations on the revised ordinance. He felt the public feedback was helpful.

Commissioner Milliken welcomed the new Commissioners. He shared that he would not be at the August 3rd meeting. Commissioner Milliken expressed the importance of providing feedback and comments at that meeting. While they can give comments, or even pause the process at the September meeting, he hopes they will have a solid document for the public hearing at that time.

Commissioner Milliken stated that he would give Commissioners Curtiss and Dascenzo his contact information for any questions about what has happened before or process steps. Commissioner Dascenzo mentioned that Planner Anderson had given them a good orientation.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 7:36 pm.

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
August 03, 2023
DRAFT

Members Present: Brian Pittelko; David Burgess; Jennifer Swan; Christine Dascenzo; Michael Harrison; Shardae Chambers; *James Pitts

Members Excused: Gregory Milliken, Chair; Mitchell Curtiss

City Staff: Christina Anderson, City Planner; Bobby Durkee, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Charlie Bear, Assistant City Attorney

A. CALL TO ORDER/ROLL CALL

Commissioner Burgess called the meeting to order at 7:01 p.m.

Planner Durkee proceeded with roll call and determined there was a quorum.

Commissioner Burgess gave the phone number for public comment.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Chambers, moved approval of the August 3, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Minutes from the July 20, 2023 Planning Commission meeting will be voted on at the September 7, 2023 meeting.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

1. P.C.#2023.04 Request for a Special Use Permit for a Group Daycare at 3916 Bronson Blvd.

Planner Durkee shared that an existing licensed home daycare was seeking to expand its capacity to 7-12 children. He said the area was zoned as a single-family zone district (RS-5) and was surrounded by single-family homes. Planner Durkee stated that the hours of the daycare were not proposed to change. The home has a hammer head style turn-around to help manage traffic. There is room for about 4-6 vehicles in the driveway. Planner Durkee stated that there was a large play area that was fenced. The future land use map shows that it remains a single-family area. He said staff was recommending approval of the request. Planner Durkee went through the Special Use Permit criteria stating that the request met all the

requirements. He mentioned that the existing driveway is wide and would provide safe ingress and egress for drop-off and pick-up. The daycare owner indicated that she would stagger drop-off and pick-up times for child safety and traffic congestion.

Commissioner Dascenzo asked if there was any response to the notice letter. Planner Durkee said he spoke with five or six neighbors, one of which was outside of the mailing area. He shared that one neighbor said they were not in support of the application and the others were seeking more information. Planner Durkee stated that concerns/questions raised had to do with the age of the children, Bronson Blvd., drop-off, safety of the children, and noise concerns.

Commissioner Burgess noted that fencing is brought up when they talk about daycares. He asked if that was a requirement. Planner Durkee clarified that the area around the playground was not fenced, but the entire rear yard was fenced. He stated that it was required that the children's outdoor area be within a fenced and/or enclosed space. Planner Durkee believed that this play area meets the criteria.

Ms. Kenzie Clancy, applicant, said her daycare currently consists of her two children and four others. She is in good standing with the State and follows all the licensing requirements. Ms. Clancy explained her passion for early childhood education and her determination to provide a strong role model for children. Her bachelor's degree was in elementary education, and her masters was in educational leadership. Ms. Clancy was an elementary teacher for 12 years. She had difficulty finding daycare for her children when she moved to Michigan, so she decided to start her own. In her current daycare, she focuses on social emotional learning, showing kindness, taking turns, fine and gross motor skill development. The children try new skills and make their own healthy snacks. Ms. Clancy includes books and stories for literacy growth. She said her current plan was to open it up to six more kids and have more of a structured pre-school environment. Ms. Clancy said she was hoping to hire an assistant. She spoke with someone who has experience as a pre-school teacher and as an assistant director. She plans to bring on a couple of kids at a time to make sure they are set. Ms. Clancy said she did talk with neighbors and confirmed they have valid concerns. She stated that she will not be taking the kids to White's Lake. She is planning to do drop-off later and pick-up a little earlier to minimize traffic congestion. Noise is a valid concern, but she doesn't think it will be much more than it is now. Ms. Clancy thinks they can mitigate noise with an assistant. She confirmed that she wants to be good neighbors and be aware of the others around them.

Commissioner Burgess opened public comment time.

Mr. Jason Heystek said he had lived next door to Ms. Kenzie Clancy for seven years. He brought forward concerns of noise from the daycare. He and his wife live and work out of their home, and he said it was disruptive now with only six children. Mr. Heystek felt the doubling of the daycare would amplify the disruption.

Call-in Comment:

Mr. Richard Stewart called in support of the applicant. He felt she was very qualified and there was a need for these types of services throughout the City.

Ms. Nancy Eimers came forward and said that she also believed the candidate was amazingly qualified. However, she did have concerns about noise levels with an additional six children.

Commissioner Burgess closed the public meeting.

Commissioner Dascenzo, seconded by Commissioner Swan, moved to approve the Special Use Permit for a Group Daycare at 3916 Bronson Boulevard.

Commissioner Harrison wondered about measures that could be put in place to make sure neighbors' concerns are addressed. He also commented that because she wants more of a pre-school, they may being doing a disservice to Ms. Clancy to allow her to grow in this space. Commissioner Harrison commented about giving her resources to grow in another space instead.

Commissioner Swan confirmed the hours of operation: 7:30am-4:30pm.

Commissioner Chambers asked about fire and safety concerns. Ms. Clancy responded that the State requires a fire plan. They are remodeling their downstairs and will be moving the preschool to the downstairs area as soon as the remodeling is done and approved by the licenser. Commissioner Chambers asked about the current age range of children. Ms. Clancy said the youngest is 18 months, and typically the oldest is about four years old. Commissioner Chambers also asked about how long there is between each drop-off and each pick-up. Ms. Clancy said there was about ½ hour between drop-offs and pick-ups happen at about 4:00pm, 4:15pm or 4:30pm. She said pick-ups take about 5 minutes.

*James Pitts came into the meeting when Commissioner Chambers was asking questions.

Commissioner Dascenzo asked for a summary of the current day split between indoor and outdoor activities. Ms. Clancy said they usually have snack at 9:30 am, then go out and play, activities indoors, lunch at 11:30am, rest time, afternoon snack, then indoor or outdoor activities.

Commissioner Harrison asked about her start date of when she would add more children. He also asked if there was a complaint process. Ms. Clancy said they would start mid-October or early November. She said she was open to complaints or brainstorming solutions to the issues. The neighbors were welcome to knock on her door outside of daycare hours.

Commissioner Burgess summarized that he heard concerns about noise, but he also heard about a highly qualified person and a service that is needed in the community.

A roll call vote was taken, and the motion passed. Commissioner Harrison voted no.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report-Informational Presentation on the proposed Zoning Code & Map Update

Commissioner Burgess explained he wanted to insert a public comment period between the staff presentation and discussion. Planning Commissioners voiced no concerns.

Planner Anderson explained that they were going to move to an official approval process at the September meeting. She reviewed how the zoning code was a tool to implement the Master Plan vision. They have been working through specific goals and tasks related to updating the zoning code since the Master Plan approval. Planner Anderson said they chose to slowly update the zoning code and doing so allowed them to have a lot of engagement with the community. They have been bringing existing code language from Appendix A into Chapter 50 after it has been reviewed and updated.

Planner Anderson shared the process of updating this portion of the zoning code. They created a draft, conducted three public meetings, sent a notice to property owners/occupants, posted an online interactive map and the draft, set up 1:1s with property owners/occupants, gave presentations and had discussions with the NFP Review Board and the Planning Commission, released draft two, gave presentations and had discussions with the City Commission. She shared that the links to recorded meetings were on the Imagine Kalamazoo Zoning Code Update page.

Planner Anderson reviewed and explained the following changes to the zoning code.

General

- In the how to use the regulations portion of the code, they added that when you look at a zone district, you also have to look at your overlay district (if it falls in NFP).

- Updated definitions and clarified street types.

Zoning Districts & Map

- Map Changes (draft 2)
  - Drake and Stadium properties were removed from this process.
  - 904 Hotop was left off and needed to be put back on.
  - Lovell and Stadium – pulled Live Work zoning a couple of lots further from the Stadium intersection.
  - 2130 Parkview Avenue – property was originally included in commercial zoning but has since been changed to residential multi-family.

Tables

- Updated Use Tables and Standards with the new districts. Labeled them with more clarity. Classifications include permitted by right, special use permits, and permitted by right with development standards.

- Updated Accessory Use and Structure Table. This includes backyard chicken and rabbits.

New Cannabis License type

- Microbusiness class A license. This license type allows a different number of plants. It also allows people to grow, process, and sell their own product or other people's product. This change helps to make the businesses more economically viable.

Restrictions

- Added in restrictions to prevent more intense commercial uses on residential streets.

Vehicle Service

- Car washes will remain a special use.

Outdoor Sales and Service

- Clarified standards regarding loose materials, storage surfaces (concrete or asphalt), and added a 50' setback for loose materials near wetlands, and water resources.

In-Home Daycare

- Removed the street classification requirement for a group daycare.

Zoning Districts

- Removing CO, CNO, CN-1, CN-2, CMU, RMU
  - CMU, RMU will be replaced with LW-1 and LW-2.
- Added CC2 and C-Node

Overlay Districts

- Removing Overlay Districts: Neighborhood Conservation (NC-O), Historic Preservation (HP-O), Traditional Housing Development (THD-O) and River Front Overlay (RF-O).
  - Design guideline standards are now included in the code. The use of RF-O resulted in legitimate variance requests and very little development in those areas.
- Moving NFP and Planned Unit Development Overlays to Chapter 50.

Planner Anderson explained the differences between form-based districts and standard districts.

Institutional Campus

- Currently in Appendix A and moving to Chapter 50. Allows the adjustment of zoning standards and requirements based on a plan which has to be renewed every 10 years. An Institutional Campus could be a college, hospital, industrial or office campus.

Planner Anderson explained that overlay districts sit on top of base zoning. They either add additional requirements or adjust what is below.

NFP Overlay

- None of the standards or defined features in NFP were changed.
- Intent language was changed.
  - Worked with NFP Review Board and staff liaison to clarify language for intent. Planner Anderson explained that the intent is to protect defined natural features and to guide site development. This results in balancing growth and creating site designs that are responsive to existing natural features.

NFP Overlay - Lot Coverage (% of property allowed to be covered with pavement or buildings)

- Initially removed all NFP lot coverage guidance statements.
- Through conversations with the NFP Board and the community, they brought some of that language back. Want to think about property in the NFP in larger pieces or all one piece and what is contiguous to natural features.

Violations

- Added language for violations and will continue to review this in-house.

Parking

- Moving to a maximum parking requirement only. They will have one maximum for urban walkable areas and a larger overage allowed for areas that don't have on-road parking, shared parking, and are not as transit rich.

Landscaping and Screening

- Bringing from Appendix A to Chapter 50.
- Made changes to make sure it aligns with the Community Sustainability Plan and NFP ordinances. Planner Anderson spoke about a tree canopy requirement based on size of lot. They also incorporated NFP construction fencing requirements.
- Added site distance requirement at intersections, driveways. Added a standard about vegetation impeding access to the road and sidewalk.

Signs

- Moving from Appendix A to Chapter 50.
- Clarified definition of temporary signs due to Supreme Court Case – known as Reed vs. Town of Gilbert.
- Signs for residential districts (schools, churches, parks, some small commercial businesses).
- Added illustrations for sign types.
- Making sure sign standards match street types.

Lighting

- Moving from Appendix A to Chapter 50.
- Cleaned the code up, but code remains essentially the same.

- Sustainability Planner will do research and bring forward changes early next year.

Planner Anderson reviewed the timeline for this zoning update.

- August – Presentation to Planning Commission.
- September – Public Hearing at the Planning Commission
- October – Public Hearings at the City Commission

Commissioner Burgess acknowledged the incredible amount of work that this zoning update had been and thanked Planner Anderson.

Commissioner Harrison asked when they will be able to review the final document. He also asked about the notice mailing and how residents get to be a part of the process. Planner Anderson explained that version three of the update would be available online the next day. She would make sure to point out any additional changes at the September meeting. Planner Anderson explained the State required noticing for a rezoning. She said they have an estimate of 4,700 postcards they are sending out.

Commissioner Burgess asked if they would get notified of changes to the draft before the next meeting. Planner Anderson said that she would point out any changes and if there was anything major it would be listed in the next staff report.

Commissioner Burgess opened a public comment section specifically about the zoning and map update.

In-person Comments:
Ms. Tina McClinton came forward and spoke about wanting to save the last green space in their neighborhood. She spoke about the Lift Foundation wanting to build apartments and destroy that space. Ms. McClinton spoke about the benefits of preserving the green space for people, wildlife, and to help with flooding and temperature. She asked the Commissioners not to rezone the last green space in the Southtown neighborhood. Ms. McClinton asked for a non-biased party to do an environmental impact survey of their last green space and see what this new building would do to the environment.

Ms. Rochelle Habeck spoke in support of the changes to maintain the special use permits. She felt the new intent language for NFP diminishes the wording already there. It should be to protect and to balance, not just to minimize the disruption. Ms. Habeck asked them to consider adding a zoning designation for green space to our code. She suggested the Planning Commission, City Staff, City Commission, and the City Manager request a presentation of the Michigan Climate Resilience study. Ms. Habeck felt that would show where contiguous pieces are that have potential to create resilience in our county. Asylum Lake is among the final properties that could contribute to it. She suggested that hundreds of people would put together an effort to purchase Mr. Tehrani's properties as they are the City's last best green space.

Ms. Vicki Vanas spoke about the issue of flooding on her Lake Street property. She said it was expected that the weather would become more extreme over time with fewer trees to take up water. Ms. Vanas said the City has told them they have to run the sewer line under Lake Street. She felt that for every inch

they gain, the City and the Lift Foundation take a foot. Ms. Vanas indicated that the wealthy get better treatment from the City than the poor. She also asked for explanations as to why the Lift Foundation has to build on their property.

Mr. Tom Howes said he started a petition to establish one or more districts dedicated to preserving green spaces. He said the issue was raised because of proposed zoning changes to Oakwood Memorial Beach. It is currently split zoned, and they are proposing a solely residential zoning. Mr. Howes said they were proposing to add one or more districts that would be applied to this park and many other parcels. The community continues to emphasize environmental protection as one of their top concerns. He thought this would achieve what everyone wants. Mr. Howes cited some examples from other states and also spoke of a 2003 open space and parkland preservation millage in Ann Arbor.

Mr. Erich Kuzderschmidt came forward in support of zoning changes that would make the City more walkable.

Phone-in comments:

Mr. Richard Stewart called in and wanted to know how they define the term outreach. He expressed frustration in talking with Planner Anderson and not having his input included. Mr. Stewart said he rejected her offer to rezone his parcels to LW-1 and LW-2. He said it would rob him of a valuable M1 zoning. Mr. Stewart said he has attended public meetings and his neighbors have contacted Planner Anderson. He asked Planning Commissioners to hold her accountable for a racist, ableist policy. Mr. Stewart stated that Planner Anderson does blanket rezonings of LW-1 and LW-2 in neighborhoods which have predominately minority and disabled-owned parcels. He thought that CC is the most desirable and valuable zoning of commercial property. Mr. Stewart felt that Planner Anderson was targeting Portage Road and its diverse neighborhood. He also objected to the phrase, *walkable neighborhoods*, calling it an ableist term. Mr. Stewart stated that he asked her to stop using the term and get some ableist training.

Planner Anderson stated that she meant to touch on the petition that Tom mentioned in his comments. She said they currently have a P district which includes public uses (parks, schools, civic buildings, and government offices). Planner Anderson said that is currently in Appendix A and is not mapped. They will be reviewing that. She said some large cities which have a lot of green field development combine their zoning code with their subdivision code. She has seen parks districts in those codes that allow park development. They are not necessarily conservation districts, but they allow regional parks. Planner Anderson said the petition does have a lot of examples of conservation districts – they tend to include agriculture uses and allow residential development. She reminded Planning Commissioners that zoning is a document that is meant to guide development. Zoning as an environmental protection tool is limited. She cautioned they would have to be careful with property and development rights. If they did create a district, it would have to be by request or only used on City properties.

Planner Anderson clarified that the NFP is not a guideline, it is a standard that you have to follow.

Commissioner Burgess thought the idea/concept of a green space district was interesting. He would like to know more about it. Commissioner Burgess understood it would need to be down the line. Planner Anderson agreed that they would need to make sure they were tailoring it to the community correctly. She said that moving this zoning code update forward doesn't mean they can't explore those opportunities.

Commissioner Burgess felt that the changes to the NFP intent language was a clarification. He didn't think anyone needed to fear the word development. Commissioner Burgess said that having the NFP provides a balance over not having it. It provides a check on the growth and development by protecting existing natural features. He was not concerned about that wording. Planner Anderson added that the NFP Meetings where they discussed proposed changes were recorded and available for review.

Commissioner Dascenzo thought that review would only be triggered if development were to happen. She felt that addressing it in a development context seemed appropriate. Commissioner Dascenzo asked Planner Anderson to clarify removing properties from the zoning map. Planner Anderson shared that the properties at the corner of Drake and Stadium quickly became a point of conversation. They decided to remove the properties from the update so they could have time for further discussion on those. They also didn't want to limit discussion on the other topics. For now, those properties will remain as a mix of RM-15 and RS-5.

Commissioner Burgess commented that a lot of things were being moved over, cleaned up, text edited, along with common sense changes, and other substantive improvements (new districts, changing to parking maximums). He asked the other Planning Commissioners if they had concerns.

Commissioner Harrison indicated he gets stuck on how they look at the balance of seeing the City progressing vs. the impact on residents. He hoped they could have a residential focus to lead the work.

Commissioner Burgess asked if there were any changes to residential properties. Planner Anderson indicated that some properties were changed back to residential where they had remained residential in structure and use. She said there were slight changes to parking, home occupations and landscaping that may impact residential properties. Planner Anderson said that most residential work will happen starting this winter. She affirmed Commissioner Harrison's thoughts about the difficulty of zoning and balance. It impacts individuals and larger areas. Planner Anderson explained how thorough her process was in evaluating properties and trying to minimize non-conformities. She also indicated they go through Neighborhood Plans.

2. Site Plan Reports

No comments.

H. PUBLIC COMMENTS:

Call-in comments:

Mr. Richard Stewart called in regarding the green space related to the 209 E. Stockbridge development. He stated that the Imagine Kalamazoo Master Plan was illegitimate. Mr. Stewart stated they were using select neighborhood plans that ignore other residents. He shared that the Southtown Neighborhood Plan was refused by Planner Anderson. He said Southtown recognizes that site as green space. In 2018, Mayor Anderson informed them that the Lift Foundation wanted to build an apartment building. Mr. Stewart said they fought it from day one. He shared that Mr. Alan Sylvester and Ms. Lisa Wilcutt are owners of the management company for the Lift Foundation. Mr. Stewart also pointed out that Mr. Sylvester is on the NFP Board and was successful in rewording the guideline. He stated that this was not legitimate, and they are continually ignored. Mr. Stewart said that Ms. McClinton who spoke earlier was the head of the Southtown neighborhood.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel welcomed Commissioner Dascenzo. He shared that the local Michigan delegation brought $20 million to the region for Business Loop 131. Commissioner Praedel thought it would reduce congestion downtown and improve air quality. It was a huge win for the City. They also brought in $553,000 for mental health supports for Public Safety. That was another really big impact. Commissioner Praedel said the City Commission would see the Stuart Neighborhood Plan. He recognized the neighborhoods that did National Night Out. Commissioner Praedel commented on all the work done on the zoning code and updates. He invited people to watch the recordings of the meetings on June 29 and the July 17 Committee of the Whole (COW).

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Harrison spoke about moving forward and reflecting the interest of residents - not just businesses. He knew he was responsible to a network of individuals. Commissioner Harrison felt the role of the Planning Commission should be that of balance.

Commissioner Burgess noted that when they approved the daycare expansion earlier in the meeting, they neglected to say that the application was consistent with the ordinance and the Master Plan.

Commissioner Dascenzo mentioned that the KPS schedule was public, which could be useful information for those with school-aged kids.

K. ADJOURNMENT

Commissioner Burgess adjourned the meeting at 9:15 pm.

Date: **9/7/2023**
Item: **E.1.**

Planning Commission Staff Report

City of Kalamazoo

TO: City of Kalamazoo Planning Commission

FROM: Prepared by: Christina Anderson, AICP, City Planner/Deputy Director - CPED

DATE: September 7, 2023

SUBJECT: PC 2023.05 A Recommendation to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map

BACKGROUND:

This zoning update is part of the City's larger effort to overhaul its 2005 Zoning Code (found in Appendix A). This work started in 2018, following the 2025 Master Plan, and has been done incrementally or in small, focused sections at a time. These efforts at first focused on the biggest barriers in the Code, (including removing nonconformances related to lot size and area from most residential districts), following Neighborhood Plans, specific goals in Imagine Kalamazoo @ Work related to zoning, and other updates like those related to cannabis. As the City completes an update, it moves the regulations out of the 2005 Zoning Code in Appendix A and moves them to the Chapter 50 Zoning Ordinance. This means that there are regulations in two documents, but one is always getting smaller (Appendix A) and one is growing (Chapter 50). The large package of Zoning Code edits before the Planning Commission for review focuses on the commercial districts and related development standards. These changes include both new text and updates to text that already exists in either Appendix A or Chapter 50 Zoning Ordinance. These changes are also reflected in the Zoning Map, which is seeing changes to nearly 2,000 properties.

City staff released the first draft of this update to Chapter 50 and the Zoning Map this past winter. After several community meetings and additional research, staff made many changes to both the proposed language in Chapter 50 and to the Zoning Map. The second draft was released in early June and a community meeting was held at the end of June to discuss the changes. Additional feedback was collected both from the community and internal City staff in July, which resulted in draft three being released in early August.The fourth draft, which had few content related changes from draft three, was released with this agenda packet. The changes between draft three and four include updating numbering, the parking table, and edits from the City Attorney's office review.

Below is a brief summary of the updates by article that are before the Planning Commission for review and consideration.

How to Use These Regulations. This pre-code section details how one would use this document, including where one looks for specific information.This was updated with references to map links and to include the Natural Features Protection (NFP) Overlay District.

Article 1: General Requirements. This article saw many updates, including new definitions and a reorganization of the definition section. The nonconforming standards that were located in Appendix A are proposed to be moved to Chapter 50 with this work. This article references two maps that are to be updated with this process. First, the proposed Zoning Map would replace the existing map, upon approval, and the street type map will be updated to align with the Street Design Manual.

Article 3: Zoning Districts & Map. This article has the new commercial and mixed-use zoning district descriptions added. Existing districts from Apppendix A, including the Planned Unit Development (PUD) Overlay and the Institutional Campus (IC) District were reviewed, updated, and added to Chapter 50.

Article 4: Uses. This article has many changes proposed to it. Most importantly, the new commercial and mixed-use districts were added to Table 4.1-1 Use Table. The permitted development standards, listed as PD in the Use Table, were updated for many uses, including adding restrictions related to the new street types. An additional cannabis license type, Microbusiness License A, was added to the already permitted Microbusiness license type. Table 4.5-1 Accessory Uses & Structures also has the proposed new districts added to it and a new accessory use added: the keeping of poultry and rabbits. This language already exists in the Municipal Code, but is being moved to this location in the Zoning Code.

Article 5: Zoning Standards. This article has additions proposed related to the new districts, including in Table 5.1-2 Dimension Standards by District. The standards for the Institutional Campus (IC) District, which are being moved from Appendix A, are proposed to be added to this article.

Article 6: Zoning Standards: Overlay Districts. No changes were made to the defined natural features in this article.Text in the Intent section of 50-6.2A is proposed to be updated to provide greater clarity on NFP for property owners, adjacent residents, and the NFP Review Board. The updates represent a stronger connection to the language used during the establishment of NFP. Other changes were made to section J. Site Development Standards, including to uses related to the recently updated Wellhead Protection rules in Chapter 39 of the Municipal Code and to lot coverage. Additional language was also added to the M. Violation and Penalty section. The standards for the PUD Overlay, which are being moved from Appendix A, are proposed to be added to this article.

Article 7:Parking & Loading. The biggest proposed change in this article is removing the language requiring a minimum amount of parking required for each development. This article keeps a maximum parking amount for development. The existing parking rules have both a minimum and a maximum. The text detailing the maximum amount of parking that can be

provided has been updated to take the location of the project into consideration (urban vs sub-urban context). Several of the individual standards listed by use for parking were reviewed and updated.

Article 8: Landscape & Screening. This article is proposed to be moved from Appendix A to Chapter 50 with some updates based on recent court cases and the City's Community Sustainability Plan (CSP).

Article 9: Signs. This article is proposed to be moved from Appendix A to Chapter 50 with many updates based on recent court cases and the need to clarify the sign types and placement in both existing zoning districts and the proposed zoning districts. Updates in the height, size, and placement of signs in Downtown Kalamazoo are proposed to align with the Streets for All project, and especially the updates to Kalamazoo and Michigan Avenues.

Article 10: Lighting. This article is proposed to be moved from Appendix A to Chapter 50 with minimal updates. City staff will be reviewing other cities' Lighting Ordinances for future updates that bring them in alignment with the CSP.

The Zoning Map has changes proposed to about 2,000 parcels. Several changes were made to the map in June 2023 after the initial engagement process. The proposed Zoning Map can be found at: https://www.imaginekalamazoo.com/projects/zoningupdates/#draftmap

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:
Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.
Complete Neighborhoods - residential areas that support the full range of people's daily needs.
Connected City - A City networked for walking, biking, riding, and driving.
Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.
Environmental Responsibility - A green and healthy City.

The 2025 Master Plan specifically called out the need to update the Zoning Code and Map. This work is detailed in the Imagine Kalamazoo @ Work chapter in the Master Plan and is in alignment with the Strategic Vision, specifically the goal statements above. This zoning update is focused on commercial districts & standards and a review of commercially zoned properties and commercial corridors. The goal statements above shaped this work.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

Inform (one-way conversation) – 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.

Discussion: Staff developed a public participation plan that outlined the outreach & engagement activities for the zoning code update process. Staff put forth a draft code and map for discussion in winter 2023. The document evolved with the outreach process to be the draft before the Planning Commission for consideration.

Engagement/Communication Tools:
Online drafts & maps; 4 public presentations & discussions, 1:1 meetings with property owners, mailers, & presentations to boards/commissions between February 2023 and present

For information on the engagement process, go to:
https://www.imaginekalamazoo.com/projects/zoningupdates/#outreach

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.

> **The changes proposed are in alignment with the 2025 Master Plan and the Strategic Vision. Imagine Kalamazoo @ Work, the final chapter of the Master Plan, outlines the tasks related to the code update. The future land use plan guided the changes to the zoning map. The Public Participation Policy was used to guide outreach and engagement.**

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

> **These changes became necessary with the approval of the 2025 Master Plan to which the Zoning Code is meant to align. These changes are part of the City's overhaul of the 2005 Zoning Code. This process was started in 2018 and has been following an incremental work plan.**

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

The 2025 Master Plan defines the community's need to update the Zoning Code & Map.

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.

The proposed changes are compatible with existing and proposed uses on adjacent property. City staff updated the proposed map by reviewing each parcel individually to understand how it is used today and how those around it are used; size, scale, and area character; and its location. The dimensional standards proposed were tested on existing lots on commercial corridors to determine how they would work on different parcels.

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

The proposed amendment will result in logical and orderly development patterns as they are rooted in the 2025 Master Plan and Strategic Vision and in the size, scale, and context of Kalamazoo's lots, blocks, and streets.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval to the City Commission of the Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map

Chapter 50: Zoning Ordinance August '23

THE CITY OF KALAMAZOO | imagine kalamazoo 2025

Chapter 50 - Table of Contents

How to Use These Regulations

Article 1. General Requirements

Article 2. Review Bodies and Processes

Article 3 Zoning Districts & Map

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~~ *regardless of the type of Zoning District,* 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?

Locate your property on the Zoning Map (refer to ***Figure 1.2-1***) *or* ~~and~~ the City's Online GIS system ~~available from~~ *or from ka2666.zoninghub.com/zoningmap.aspx* ~~www.cityofkalamazoo.org/maps.~~

On what street type is your property located?

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

Are you in the NFP Overlay District?

Locate your property on the Zoning Map (refer to ***Figure 1.2-1****) or the City's Online GIS sytem or from ka2666.zoninghub.com/zoningmap.aspx. Refer to Article 6 Overlay Districts for more information on the Natural Features Protection Overlay requirements.*

Maps may be also obtained from the Planning Division offices.

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

- *T*hese are the standards for the form-based districts*, which are regulated by lot type*
- *I*n most districts, more than one Lot Type is permitted; Lot Type descriptions are found in **50.5-6 Lot Types**
- *E*ach 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

- *These are the standards for the non-form-based-code districts*
- *S*tandards 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.

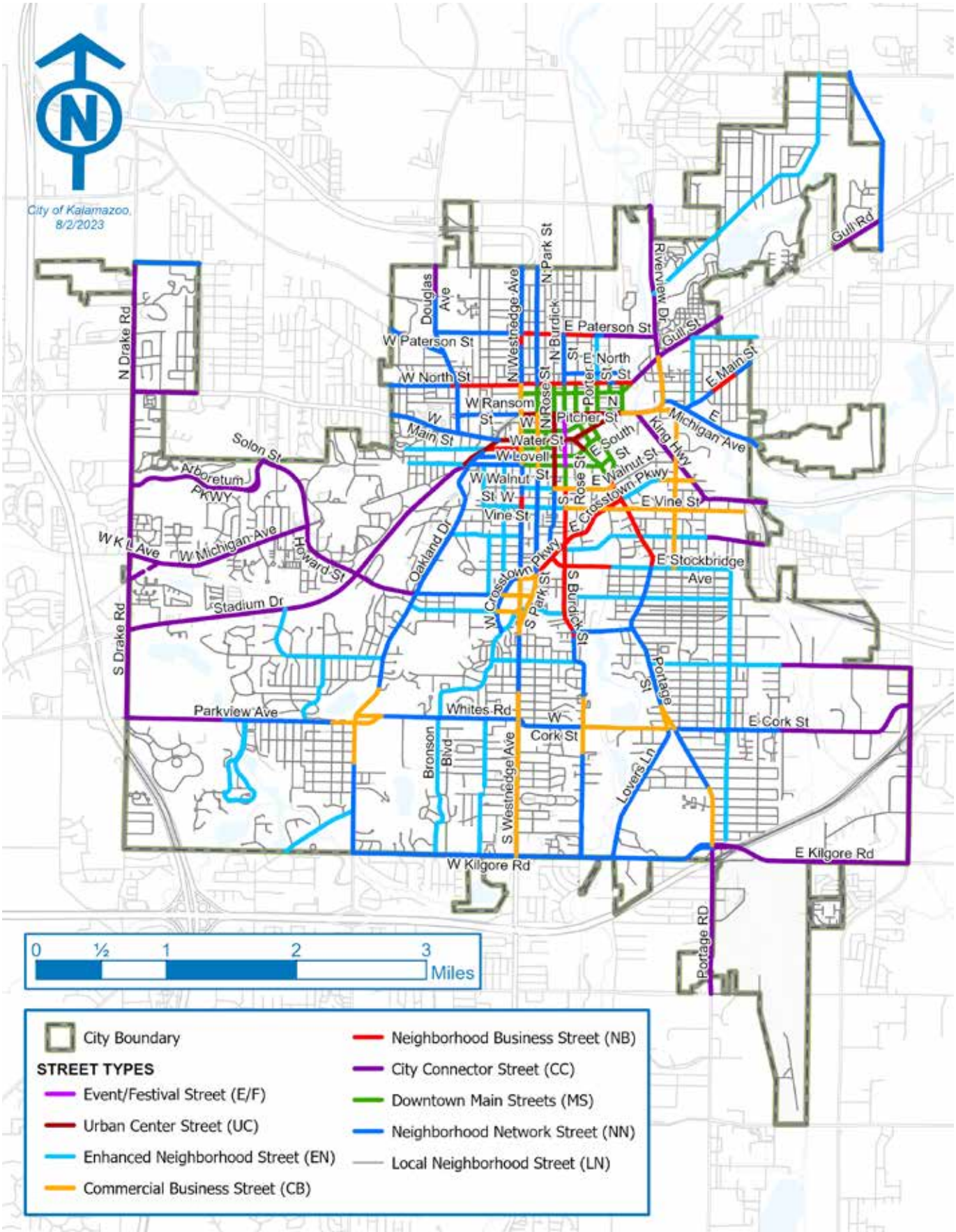
A. Zoning Maps. The zoning districts detailed in these regulations are mapped according to Figure 1.2-1. Throughout this Code, many standards are tied to both the mapped zoning districts and the street type, the street types are mapped according to Figure 1.2-2.

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 standards in this document apply to both new and existing buildings, as detailed in each Article.* 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.

insert approved zoning map here

Figure 1.2-1 Zoning Map. A digital version of this map is available online through the City's eCode and GIS sites; paper versions of the map can be found in the Planning Division's office.


City of Kalamazoo
8/2/2023
N
N Drake Rd
Douglas Ave
N Westnedge Ave
N Park St
N Burdick St
Riverview Dr
Gull Rd
W Paterson St
E Paterson St
W North St
E North St
Porter St
N Rose St
W Ransom St
W Main St
W Water St
W Lovell St
W Walnut St
E South St
E Walnut St
E Crosstown Pkwy
E Vine St
E Main St
E Michigan Ave
King Hwy
Solon St
Arboretum PKWY
W Michigan Ave
Howard St
Oakland Dr
S Rose St
S Park St
S Burdick St
E Stockbridge Ave
Stadium Dr
S Drake Rd
Parkview Ave
Whites Rd
W Cork St
E Cork St
Portage St
Bronson Blvd
S Westnedge Ave
Lovers Ln
W Kilgore Rd
E Kilgore Rd
Portage RD
0 ½ 1 2 3 Miles
City Boundary
STREET TYPES
Event/Festival Street (E/F)
Urban Center Street (UC)
Enhanced Neighborhood Street (EN)
Commercial Business Street (CB)
Neighborhood Business Street (NB)
City Connector Street (CC)
Downtown Main Streets (MS)
Neighborhood Network Street (NN)
Local Neighborhood Street (LN)

50-1.3 Definitions.

A. The following terms are defined for this Ordinance:

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

(2) ~~B.~~ Alley. A public or private right-of-way intended for accessing rear, and occasionally side yards, utilities, trash pick up, and vehicular access to parking or loading areas. The City Planner can approve having existing courts court streets serve the same functions as Alleys, as it relates to the requirements of this Ceode.

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

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

(5) ~~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.

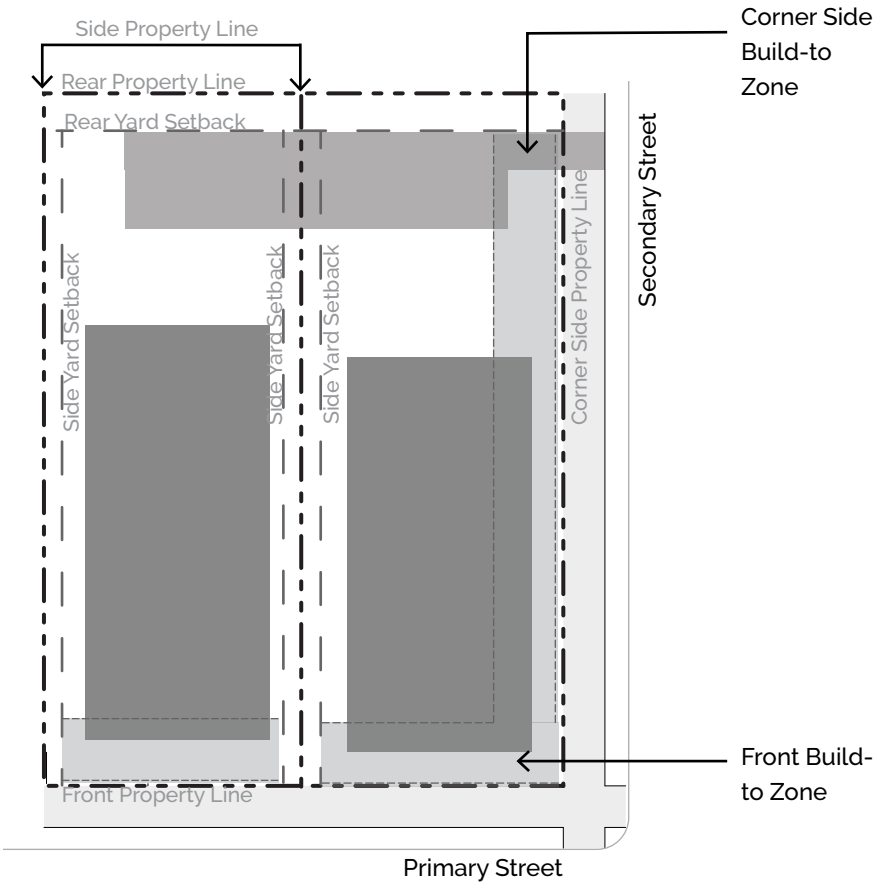


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

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

(7) ~~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.

(8) ~~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.

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

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

(11) ~~K.~~ Diameter at Breast Height (DBH). The diameter of a tree trunk measured at four and a half (4.5) feet above ground level. Refer to Figure 1.3-3 Measuring DBH.

(12) ~~L.~~ Disturbance. Includes any of the following: 1) placement or removal 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.

(13) ~~M.~~ Eating and Drinking Establishment. A type of General Service Use (refer to 50-4.4C(6)) for the sale of prepared food and beverages to be consumed on or off-site. Examples of eating and drinking establishments include: cafes, coffee shop, brewpub, tavern, lounge, restaurant, and take-out.

(14) Ecosystem. A biological community of interacting organisms and their physical environment.

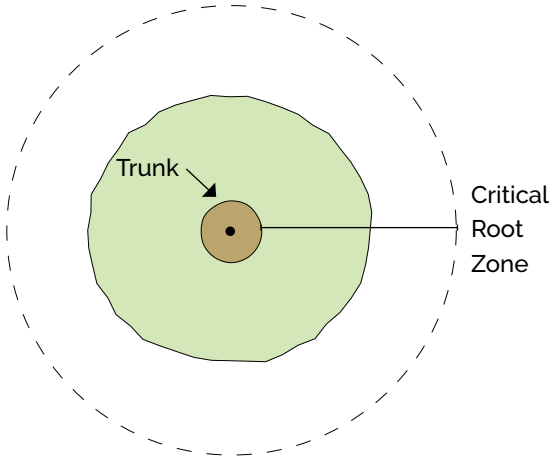


Figure 1.3-2 Measuring Critical Root Zone

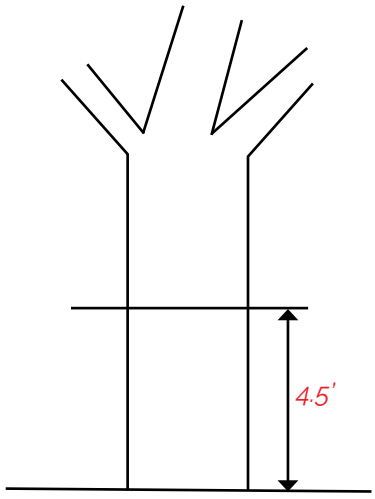


Figure 1.3-3 Measuring Diameter at Breast Height

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

(16) ~~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.

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

(18) ~~Q.~~ Equivalent License, Marihuana Establishment. Any of the following when held by a single licensee:

(a) grower license of any class under both the MRTMA and MMFLA;

(b) processor licenses under both the MRTMA and MMFLA;

(c) secure transporter licenses under both the MRTMA and MMFLA;

(d) safety compliance facility licenses under both the MRTMA and MMFLA; and

(e) a retailer license under the MRTMA and a provisioning center license under the MMFLA

(19) ~~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.

(20) ~~S.~~ Façade, Street Facing. Façade of a building facing a public or private space, such as a street or park. Facades facing a non-motorized trail or pedestrian pathway will also be treated as a street facing facade when adjacent to a Downtown, Live Work, Node, or Residential-Multiple Family Zoning District. This does not include building facades along alleys, which would be considered rear facades.

(21) ~~T.~~ Footcandle. A unit of illumination or light intensity defined as one lumen per square foot.

(22) Graminoids. Grasses, sedges, and rushes.

(23) ~~V.~~ Grocery Store. A grocery store is a type of retail use that includes the sale of food, food products, beverages, and household items. A grocery store has a minimum total square footage of five thousand (5,000) square feet of which at least thirty (30) percent or three thousand (3000) square feet, whichever is greater, is dedicated to the sale of a combination of food, including fresh fruit, fresh vegetables, and dairy; food products; non-alcoholic beverages; and household items, such as pet supply, hardware, and over-the-counter medical items.

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

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

(26) Industrial Hemp. As defined in Section 3 of the MRTMA MCL 33327953. ~~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.~~

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

(28) Lot Type. ~~A l~~Lot Type describes the set of standards that regulate development in the form-based Zoning Districts, such as the Downtown and Live Work Districts, including ~~is defined by the combination of~~ building siting, form, façade treatment, parking and access, and use. Refer 50-5.6 Lot Types ~~to Chapter 5~~.

(29) ~~BB.~~Lot of Record. A lot created in a subdivision plat as shown on the records of the Kalamazoo County register of deeds or a lot or parcel which is described by metes and bounds and has been recorded at the office of the Kalamazoo County register of deeds.

(30) Marihuana. As defined in Section 3 of the MRTMA MCL 33327953. ~~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 the following:~~

~~(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.~~

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

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

(33) 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.

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

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

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

(37) Nativar. A cultivar of a native plant species.

(38) 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 Code ~~Article~~, a particular place is defined as Kalamazoo County.

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

(40) Natural Features. Features defined in the Natural Feature Protection Overlay in 50.6.1 specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridor ~~Habitat Corridors~~.

(41) Natural Vegetation. Plants that grow naturally, especially but not limited to those that provide: Habitat ~~habitat~~ for wildlife; deep-roots to stabilize banks, shorelines, and slopes; or canopy for shade.

(42) NREPA. The acronym for Michigan's Natural Resources and Environmental Protection Act, 451 of 1994, as amended, MCL 324.101 - 324. 90106.

(43) 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 50-5.4 Use. ~~Article 5 Zoning Standards for more information~~.

(44) Orbs. Non-woody plants and wildflowers other than grasses.

(45) 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.

(46) Parcel, Parent. The parcel or tract of land lawfully in existence on the effective date of the Natural Features Protection Overlay District. As used in this definition the terms "parcel" and "tract" are as defined in Land Division Act, MCL 560.102.

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

(48) 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.

(49) Process or Processing. A term related to marihuana production. 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.

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

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

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

(b) 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.

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

(53) Riparian Area. The area adjacent to a Water Resource or Wetland.

(54) Runoff. The portion of precipitation that does not soak into the ground or evaporate.

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

(56) 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.

(57) Sign. A structure, device, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, poster, trade flag or representation, illuminated or non-illuminated, that is visible from a public place, including, but not limited to, highways, streets, ~~alleys~~ or public property, or is located on private property and exposed to the public, that directs attention to a product, service, place, activity, person, institution, business or solicitation. Refer to 50-9 Signs.

(58) Sign, Abandoned. A sign that no longer correctly advertises or directs a person to an active business, person, goods, product, activity or service.

(59) Sign, Changeable Copy. Changeable copy signs include both those with a message changed manually or automatically, the latter being defined as Electronic Message Displays.

(60) Sign, Cold-Air Inflatable Balloon. A temporary and portable sign composed of a nonporous bag of tough, light-weight material filled with unheated oxygen that may or may not float in the atmosphere.

(61) Sign, Electronic Message Display. A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays. The following definitions are related to Electronic Message Displays

(a) Dissolve or Fade. A type of message transition on an Electronic Message Display sign created by varying the light intensity or pattern, where the first message gradually appears to fade away while another message appears.

(b) Flash. A mode of message transition on an Electronic Message Display sign created by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.

(c) Scroll. A mode of message transition on an Electronic Message Display sign accomplished by the movement of a message.

(62) Sign, Helium-Inflatable Balloon, A temporary and portable sign composed of a nonporous bag of tough, light material filled with helium that may or may not float in the atmosphere.

(63) Sign, Multiple Tenant. A freestanding sign that is comprised of a sign structure that includes multiple panels or signs for multiple users.

(64) Sign, Off-Premises. A sign other than an on-premises sign.

(65) Sign, Off-Premises Structures. A freestanding column, including associated supports and framework, that supports an off-premises sign independent of any building.

(66) Sign, On-Premises. A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

(67) 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.

(68) ~~BBB~~ Slope. The area of the ~~ground~~ ground's surface where there is a change in elevation over a horizontal distance.

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

(70) ~~DDD.~~ Slope Face. The surface area of the slope from Top to Toe of Slope. Refer to Figure 1.3-~~43~~ Parts of a Slope.

(71) ~~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.

(72) ~~FFF.~~ Slope, Toe of. The lowest part of a slope. Refer to Figure 1.3-43 Parts of a Slope. ~~Refer to Figure 1.3-3 Parts of a Slope.~~

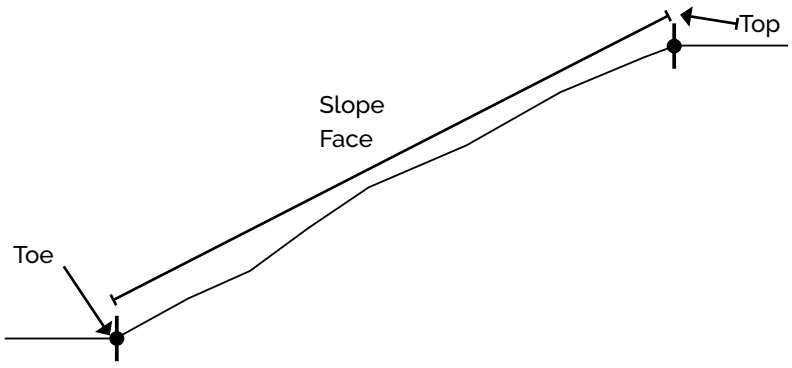


Figure 1.3-~~43~~ Parts of a Slope

(73) ~~GGG.~~ Slope, Top of. The highest part of a slope. Refer to Figure 1.3-~~43~~ Parts of a Slope. ~~Refer to Figure 1.3-3 Parts of a Slope~~

(74) ~~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.

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

(76) ~~JJJ.~~ Street, Types. The types of rights-of-ways and associated treatment of vehicular, transit, bicycle, and pedestrian ways within, as envisioned ~~illustrated~~ by the 2025 Master Plan and detailed in the Street Design Manual. The Street Types are defined and illustrated in the Street Design Manual and include City Connector, Event/ Festival, Urban Center, Downtown Main, Commercial Business, Neighborhood Business, Neighborhood Network, Enhance Neighborhood, and Local Streets. ~~are: Priority Street, Main Street, Connector Street, SubUrban Street, and Neighborhood Street.~~ Refer to Figure 1.2-2 Street Types Map.

(77) Street Type, City Connector. City Connector Street Types are located near the edges of the City, often serving as a transition from highways or more rural roadways into the city proper. They support an intense auto-oriented mix of land uses that are designed to be predominantly accessed by personal vehicle. Refer to the Street Design Manual for design standards.

(78) Street Type, Commercial Business. Commercial Business Street Types are located on significant transportation corridors, often passing through commercial nodes that are more suburban or auto-oriented, compared to Neighborhood Business Street Types and Neighborhood Nodes. They are designed to balance auto-oriented areas with those that are transitioning to more pedestrian friendly and mixed use. Refer to the Street Design Manual for design standards.

(79) Street Type, Enhanced Neighborhood. Enhanced Neighborhood Street Types are found in the interior of neighborhoods, often serving as an internal spine for neighborhood connections by all travelers. Enhanced Neighborhood Streets provide access to and through neighborhoods and often have higher traffic volumes than the adjacent local neighborhood streets. Predominantly residential in nature, these street can also support limited locations of additional uses, such as civic and institutional uses. Refer to the Street Design Manual for design standards.

(80) Street Type, Event/Festival. Event/Festival Street Types are special streets within the city that are dominated by pedestrian-centric activity. Typically, they are curbless or designed as shared spaces, between cars, bikes, and pedestrian, enabling flexible use of the entire street corridor for special events. Event/Festival Streets support mixed land use development. Refer to the Street Design Manual for design standards.

(81) Street Type, Local Neighborhood. Local Neighborhood Street Types are lowest speed and volume street type. They predominantly support residential land uses. Refer to the Street Design Manual for design standards.

(82) Street Type, Main Street. Main Street Types balance a broad range of needs and demands: an inviting pedestrian-oriented streetscape, supportive spaces for adjacent businesses, parking, loading, cyclists, and transit riders. Main Streets constitute the majority of downtown and downtown-adjacent streets. Refer to the Street Design Manual for design standards.

(83) Street Type, Neighborhood Business. Neighborhood Business Street Types are typically major connecting streets in the city where clusters of small-scale, mixed-use nodes are located. These areas are walkable, supporting a mix of uses and travel modes. Refer to the Street Design Manual for design standards.

(84) Street Type, Neighborhood Network. Neighborhood Network Street Types are primary transportation corridors that provide connectivity between neighborhoods. Predominantly residential in nature, they can support limited areas of additional uses. Refer to the Street Design Manual for design standards.

(85) Street Type, Urban Center. Urban Center Street Types are highly active streets with an intense combination of active ground-floor uses, pedestrian activity, and vehicle volumes. Urban Center Streets are found in Downtown Kalamazoo. Refer to the Street Design Manual for design standards.

~~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 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.~~

(86) ~~NNN.~~ Street, Primary. Not a Street Type, but a tool that guides the designation of front or corner side property lines or yards, locating building entrances, and facade treatments. A Primary Street has ~~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 or their designee. ~~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.~~

~~HHHH. PPP.~~

(87) Street, Secondary. Not a Street Type, but a tool that guides the designation of front or corner side property lines or yards, locating building entrances, and facade treatments. 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 building facade requirements, refer to 50.5-6 Lot Type Standards.

~~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~~.

(88) Street Wall. The collection of building facades along a street. These facades help to define the area of the street.

(89) ~~RRR.~~ Story, Ground. Also referred to as ground floor. The first floor of a structure that is level to or slightly elevated above the finished grade, measured at the front and corner facades. This excludes partially above-ground basement areas, considered a half-story. Refer to Figure 5.3-1 Measuring Height and 50-5.3 Height.

(90) ~~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. Refer to Figure 5.3-1 Measuring Height and 50-5.3 Height.

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

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

(93) ~~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.

(94) ~~WWW~~. Surface, Pervious. An area that allows for the absorption of water into the ground or vegetation, including grass, dirt, landscaping, or natural areas. Also referred to as permeable area.

(95) ~~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, walkways and structures.

(96) ~~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.

(97) ~~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.

(98) ~~AAAA.~~ Turf Grass. Any variety of commercial grasses grown and maintained to form turf.

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

(100) Usable Outdoor Space. Outdoor open space that can be functionally used by tenants or residents of a building with which it is associated. Examples include: private or shared balconies, patios, porches, dog run, play area, and other similar outdoor spaces.

(101) ~~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.

(102) ~~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.

(103) ~~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.

(104) ~~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.

(105) ~~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.

(106) ~~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.

(107) ~~III.~~ Zoning District, Base. Also referred to as underlying zoning. The zoning regulations applied to a parcel according to the Zoning Map. Refer to 50.3 Zoning Districts.

(108). ~~JJJJ.~~ Zoning District, Overlay. A set of standards placed on a parcel in addition to the standards of the Base Zoning District. Refer to 50.3 Zoning Districts.

50-1.4 Nonconformances.

A. General Requirements. This section establishes rules governing uses, structures, lots, and such elements as signs, landscape, and parking that were legally established before the approval of this Zoning Ordinance but that do not conform to one or more requirements of this Ordinance.

(1) Authority to Continue. Nonconforming uses, structures, and lots that legally existed on INSERT MONTH DAY 2023, or that become nonconforming after an amendment to this Ordinance may be continued only in accordance with the provisions of this section.

(2) Determination of Nonconforming Status. The burden of establishing that a nonconformance is a legal nonconformity is the responsibility the owner of the nonconformity.

(3) Repairs and Maintenance. Incidental repairs and normal maintenance of nonconformities is permitted unless such repairs increase the extent of the nonconformance or are otherwise specifically prohibited by this Ordinance. Except as provided in 50-1.4(C), nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(4) Change of Tenancy or Ownership. A nonconformance is not affected by changes of tenancy, ownership or management.

~~(5) The rRegulations of Chapter 50 shall be met in the following circumstances.~~

~~(a) 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.~~

~~(b) 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 Uses. Nonconforming uses were legally established but no longer comply with the use regulations of the Zone District in which they are located. The following rules apply to nonconforming uses:

(1) Expansion. A nonconforming use may be increased in size within its structure provided that the structure is not also increased in size and is in compliance with the standards in this section.

(2) Conversion of Conforming Use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

(3) Loss of Nonconforming Status.

(a) Change of a Nonconforming Use. The use nonconformance exception ends when a change of use results in a fifty (50) percent or greater change in capacity or intensity, such as an increase in gross floor area, seating, or residential

units.

(b) Damage and Restoration of Structure Containing a Nonconforming Use. If a conforming structure containing a nonconforming use is damaged by more than fifty (50) percent of its actual cash value at the time damage occurs as determined by the City Assessor, the nonconforming use shall not be reestablished unless in compliance with the standards of this Ordinance.

[1] Exceptions. When reconstructed within one (1) year of the damage, the following nonconforming uses can continue when damaged:

[a] A nonconforming use in a conforming structure damaged by less than fifty (50) percent.

[b] Nonconforming uses in a conforming structure containing up to four (4) residential units.

(c) Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed.

[1] A nonconforming use shall be presumed abandoned and its rights as a nonconforming use ended when any one of the following has occurred:

[a] The owner has in writing or by public statement indicated intent to abandon the use.

[b] A conforming use has replaced the nonconforming use.

[c] The structure containing the nonconforming use has been removed.

[d] The structure or its permanent equipment has changed in a manner that clearly indicates a change in use or activity to something other than the nonconforming use.

[e] The non-conforming use has been discontinued, vacant, or inactive for a continuous period of at least one (1) year, regardless of ownership.

[2] Evidence of abandonment, may be rebutted upon a showing any of the following:

[a] The land and structure have been maintained in accordance with all applicable regulations.

[b] Owner or operator has been engaged in other activities that would demonstrate there was not intent to abandon.

[c] All applicable licenses have been maintained.

[d] Tax documents have all been filled.

C. Nonconforming Structures. Nonconforming structures were legally established but no longer comply with the standards of the Zone District in which they are located. The following rules apply to nonconforming uses:

(1) Use. A nonconforming structure may be used for any use permitted in the Zone District in which it is located. Refer to 50-4 Uses.

(2) Change in Structure. A nonconforming structure may be enlarged or changed if the expansion does not increase the amount of nonconformity or incrementally brings the structure closer to conformity.

(3) Loss of Nonconforming Status.

(a) Change in Structure. The structural nonconformance exception ends when the structure is modified to increase the gross floor area by fifty (50) percent or more.

(b) Damage and Restoration of Structures. Primary structures damaged by more than fifty (50) percent of its actual cash value at the time damage occurs as determined by the City Assessor, shall not be reestablished except in compliance with all regulations applicable to the zone district in which it is located.

(c) Exceptions. When reconstructed within one (1) year of the damage, the following nonconforming structures can continue when damaged:

[1] A nonconforming structure damaged by less than fifty (50) percent.

[2] Nonconforming structures containing up to four (4) residential units.

[3] Nonconforming accessory structures in existence on INSERT MONTH DAY 2023 associated with a residential use.

D. Nonconforming Lot. Nonconforming lots were legally established, such as lots of record, but no longer comply with the minimum area or width standards of the Zone District in which they are located.

(1) Vacant Lots. If a nonconforming lot was vacant at the time it became legally nonconforming, it may be used for any use allowed in the underlying Zone District provided that setback or build-to zone standards can be met.

(2) Developed Lots. If a nonconforming lot contained a structure at the time it became nonconforming, then the building or structure may be maintained or expanded in accordance with the standards of 50-1.4(C) Nonconforming Structures.

E. Nonconformities Created by Government Action. When the Michigan Department of Transportation, the Kalamazoo County Road Commission, the City of Kalamazoo, or any other governmental entity acquires additional right-of-way for the purpose of street construction, street relocation, street widening, or utilities, and the result creates a structural nonconformity, any existing lot or structure is permitted to be altered, enlarged, or rebuilt in accordance with the standards of 50-1.4(C) Nonconforming Structures.

F. Nonconforming Site Characteristics. Site characteristics*, which include site elements such as signs, landscaping, fences, parking, and lighting,* 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 *in this Ordinance*.

(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.

G. Street Facing Façades. 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 (*N-Node*). Neighborhood Nodes are intended to create walkable, vibrant*, and* 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 *and are often associated with the Neighborhood Business Street Type*.

B. Live-Work 1 District (*LW1*). 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 (*LW2*). 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 *in areas of transition*

between commercial or industrial and neighborhoods. ~~traditional industrial areas,~~ Live-Work 2 is similar to Live-Work 1, but allows for more urban scaled development.

D. Downtown 1 *(D1)*. 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 *core* ~~principle~~ blocks that focus on retail, entertainment, and service uses*;* storefronts*;* pedestrian-scaled signage*;* and access to shared parking facilities. *Typically found on Urban Center or Festival/Event Street Types.*

E. Downtown 2 *(D2)*. 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. *Typically found on Main Street or Festival/Event Street Types.*

F. Downtown 3 *(D3)*. Promotes a wide mix of uses, including residential, commercial, and civic uses in building forms that support the scale and intensity of Downtown Kalamazoo. *Typically found on Main Street or Commercial Business Street Types.*

G. Commercial Node (C-Node). Commercial Node district supports the development and redevelopment of medium-sized commercial and mixed-use centers serving the adjacent neighborhood and other neighborhoods in the City, as noted in the 2025 Master Plan. The district is typically found at or near the intersection of major corridors, typically including Commercial Business Street Types. A wide range of retail, service, and office uses are permitted; residential uses are permitted with design standards. While much of the current development in these districts is set back with parking along the front property lines, the zoning standards encourage new development to be closer to the sidewalk recognizing that these centers serve those traveling by car on the major corridors, as well as on foot, bike, and in buses.

H. Community Commercial District 2 (CC2). Community Commercial 2 district supports small to medium-scale commercial and mixed-use development typically found on major corridors where they intersect with residential streets and blocks. Retail, service, and office uses are permitted; residential uses are permitted with design standards. Though much of the existing development in this district is set back with parking in the front; the scale of the buildings and the location at the end of residential blocks makes these areas ripe for increased walkability. The zoning standards in this district reflect this to support users traveling by foot, bike, bus, and car.

I. Community Commercial District *(CC)*. 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~~ *specifically City* ~~community~~ *Connectors* ~~connectors~~, and often near highway access. A wide range of retail, service, and office uses are permitted. Residential uses are permitted with design standards.

J. Institutional Campus (IC). Institutional Campus District supports the development and continued growth and evolution of institutions or businesses in a campus setting, such as a college or university, institutional uses such as hospitals or large religious assemblies, and large office and/or industrial campuses. This district requires the approval of a campus master plan that establishes a framework for growth and development and standards. Refer to 50-6.3.

50-3.2 Overlay Zone Districts. ~~Refer to Figure 3.2-1 Zoning Overlay District Map of the following overlay districts~~ *The following are the Overlay Districts regulated by this Ordinance. Refer to 50-6 for the standards associated with these 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.

B. Planned United Development (PUD). Planned United Development Overlay District is an overlay district that can be used for any type of project, residential, commercial, public, or industrial or a mix of uses, to support unique projects that do not align with anyone base zoning district. This overlay district requires the review and approval of a PUD Plan that outlines how the development will differ from the base district over which it is applied. Refer to 50-6.3.

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~~*Uses not listed in Table 4.1-1* 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 *that is*~~in the~~ permitted,

Table 4.1-1 Use Table

	NNode	LW1	LW2	D1	D2	D3	CNode	CC2	CC
Residential/Lodging									
Bed & Breakfast		P	P	PD	P	P		*P*	
Hotel/Motel	P	P	P	P	P	P	*P*		P
Nursing Home/Assisted Living/Rehabilitation Center/ Adult Foster Care		PD	P	PD	P	P		*PD*	P
Residential (1 & 2 units)	PD	P	PD	PD	PD	P	*PD*	*P*	PD
Residential (3 & 4 units)	PD	P	P	PD	P	P	*PD*	*P*	PD
Residential: Multifamily (5 & more units)	PD	P	P	PD	P	P	*PD*	*P*	PD
Rooming House	PD	P	P	PD	P	P	*PD*	*P*	PD
Transitional Residence		P	P					*P*	PD
Civic/Institutional Uses									
Assembly	PD	P	P	PD	P	P	*P*	*P*	P
Assembly, Religious	~~S~~	S	S		P	S		*PD*	P
College and University	~~*P*~~	P	P		P	P		*P*	P
Hospital		P	P		P	P			P
Library & Museum	P	P	P	P	P	P	*P*	*P*	P
Parks, Open Space & Preserve		P	P		P~~D~~	P		*P*	P
Police & Fire Station	~~*P*~~	P	P		P	P		*P*	P
School		P	P			P		*P*	P
Commercial									
Adult Regulated Use									PD
Agriculture		PD	PD			*PD*		*PD*	P
Day Care *Center*	PD	PD	PD		PD	PD	*PD*	*PD*	PD
Entertainment Sports (Participant - indoor)	P	P	P	P	P	P	*P*	*P*	P
Entertainment Sports (Participant - outdoor)		S	S		S	S		*PD*	P
General Retail	P	P	P	P	P	P	*P*	*P*	P
General Services	P	P	P	P	P	P	*P*	*P*	P
Kennels		*PD*	PD			PD		*PD*	P
Office	P	P	P	P	P	P	*P*	*P*	P
Outdoor Sales & Storage		S	S			*S*		*S*	~~S~~*PD*
Package Liquor	PD	*PD*		PD	PD	PD	*PD*	*PD*	PD
Parking (stand alone)		PD	PD		PD	PD		*PD*	PD
Vehicle Service		PD/*S*	PD/*S*			PD/*S*		*PD/S*	PD/*S*
Industrial									
Craftsman Industrial	PD	PD	PD	PD	PD	PD	*PD*	*PD*	PD
Industrial			PD						
Warehouse & Distribution			S						*S*

	NNode	LW1	LW2	D1	D2	D3	CNode	CC2	CC
Marihuana, Adult-Use Establishments									
Grower - *All classes*									*PD*
Processor									
Safety Compliance		~~P~~ *PD*	~~P~~ *PD*		PD	~~P~~ *PD*		*PD*	~~P~~ *PD*
Secure Transporter									*PD*
Retailer		PD		PD	PD	PD		*PD*	*PD*
Microbusiness- *All classes*			PD					*PD*	*PD*
Designated Consumption Lounge				PD	PD	PD			*PD*
Marihuana, Medical									
Grower - *All classes*									
Processor									
Safety Compliance		~~P~~ *PD*	~~P~~ *PD*		PD	~~P~~ *PD*		~~P~~ *PD*	~~P~~ *PD*
Secure Transporter								*PD*	*PD*
Provisioning Center		PD		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

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 *Z*oning *D*istrict(s) in which they are listed.

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 *standards apply* ~~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 *standards apply:* ~~applies~~*:*

(a) In Nodes~~,~~ *and* Downtown 1 (D1) *Districts*, 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~~ *the building(s)* contains two *(2)* or more units.

(c) In Community Commercial (CC), residential is permitted ~~except~~ as follows*:*

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

[2] Residential uses in the CC District are only permitted in conjunction with a commercial use(s), creating a mix of uses on the site.

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

(d) In Community Commercial (CC) and Community Commercial 2 (CC2) Districts, residential units must have access to Usable Outdoor Space on site.

(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), *Multi-Family residential is permitted as follows:*

[1] Residential uses in the CC District are only permitted in conjunction with a commercial use(s), creating a mix of uses on the site.

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

(c) In Community Commercial (CC) and Community Commercial 2 (CC2) Districts, residential units must have access to usable outdoor space on site.

(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), *a rooming house is permitted as follows:*

[1] Rooming houses in the CC District are only permitted in conjunction with commercial uses, creating a mix of uses on the site.

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

(c) In Community Commercial (CC) and Community Commercial 2 (CC2) Districts, residential units must have access to usable outdoor space on site.

(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*s apply* ~~applies~~*:*

(a) In Community Commercial (CC), *a transitional residence is permitted as follows:*

[1] Transitional residences in the CC District are only permitted in conjunction with commercial uses, creating a mix of uses on the site.

[2] 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 *standards apply:* ~~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 Space and Preserve. An area of land designed and equipped for passive or active recreation, open air gathering, and/or natural areas. This use may include secondary uses such as retail or service uses, community center, and museum or interpretative center. ~~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.

(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. 20901); 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)~~ *(b)* 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 *refer to Article 9 Signs.*~~*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 *Section* ~~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 *(Refer to 4.5.E and F for Marihuana regulations)*. 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~~ *applies* unless a hoop house, green house, or farm stand are constructed, then 5*0*.6.~~G~~ Outdoor Market Lot Type *shall* 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 *Center*. 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. *Refer to 50-5.5D(5)(k) for In-Home Day Care.* In the districts where a day care *center* is Permitted with Development Standards ("PD") the following is required.

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

[1] Size. The size of this play area will be measured at a rate of *one hundred (*100*)* square feet for each child the

facility is permitted to have at maximum attendance.

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

[3] Shared Space. In Downtown, Live Work, and Node Districts, public parks or private parks with written permission, can be used to meet the outdoor play area requirement, provided that the park is located within a walkable distance of the day care facility.

~~(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 *entertainment,* sports, and recreation activities for participants. These may occur indoor, including such indoor facilities as bowling alleys, escape rooms, pool, billiards, arcade*, theatre*, 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") or Permitted with Development Standards ("PD"), the following is requried:*

(a) Outdoor Market Lot Type. Entertainment and Sports-Outdoor uses require the use of the Outdoor Market Lot Type.

(b) Street Type Restriction. Entertainment and Sports - Outdoor uses are not permitted to primarily front Local Neighborhood Street Types.

(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 *Live Work 1 (LW1), Community Commercial 2 (CC2), and* 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 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. *Sale or rental of vehicles over 10,000 pounds gross cargo weight is considered an Industrial use, refer to 50-4.4D.* In the districts where outdoor sales and storage is Permitted with Special Use Permit ("S") *or Permitted with Development Standards ("PD")*, the following standard applies.

(a) Street Type Restriction. Outdoor Sales and Storage uses are not permitted to primarily front on Local or Enhanced Neighborhood Street Types.

(b) Setback of Items or Materials. Outdoor sales and storage items or materials, including both vehicles and loose items, shall adhere to the following setback requirements:

[1] A side and rear setback of twenty-five (25) feet is required unless the adjacent property is zoned Manufacturing (M).

[2] Outdoor Sales and Storage materials are not permitted in any required setback or build-to zone.

[3] Outdoor storage of loose items is not permitted within fifty (50) feet of a Wetland or Water Resource, as defined in Article 50-6.2C and D.

(c) Minimum Lot Size. Outdoor vehicle sales lots are only permitted in Live Work 1 (LW1) or Community Commercial 2 (CC2) on lots larger than half an acre.

(d) Improved Surface. Storage of items or materials must be on an improved surface, such as concrete or asphalt.

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
Veterinarian Services

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

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

(e) Loose items. The following standards apply to the storage of loose items or materials, including, but not limited to rocks, dirt, stone, and other landscape materials and scrap or recycling materials.

[1] Outdoor storage of loose items is not permitted in Downtown 3 (D3), Live Work 1 (LW1), and Community Commercial 2 (CC2).

[2] Outdoor storage of loose items may not be stacked higher than the fencing or wall surrounding the material; except in Manufacturing 2 District (M2).

(f) Structure. *Structures associated with Outdoor Sales and Storage shall adhere to the following:*

[1] A building is required to house the office, sales management, on-site security, or other similar functions.

~~[2] Structure Location.~~ *Except in Community Commercial (CC) District, the Outdoor Market Lot Type standards must be followed and* 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.

(f) Screening. Storage outdoor items or material must be screened from view as follows:

[1] Storage of all items or materials shall be screened on the side and rear property lines per 50-8.3(E) Side and Rear Landscape Screening.

[2] Storage of loose items must be screened from view of adjacent streets, except in the Community Commercial (CC)and Manufacturing (M) Districts.

(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 and Grocery Store.* ~~eating and drinking establishment or G~~grocery ~~S~~stores. In the districts where packaged liquor is Permitted with Development Standards ("PD"), the following *standards apply:* ~~is required.~~

(a) A minimum distance of ~~2,460~~ *2,640* feet is required between locations of packaged liquor uses.

(b) A minimum distance of *five-hundred (*500*) feet* 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.

(d) Street Type Restriction. Package Liquor is not permitted to primarily front on Local Neighborhood or Enhanced Neighborhood Street Types.

(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 *standards apply:* ~~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), *Community Commercial 2 (CC2)*, Downtown 2 (D2), and Downtown 3 (D3), a parking lot is not permitted on a corner lot.

(c) *Street Type Limitations.*

[1] Prohibited Locations. ~~Priority Streets~~. A parking lot is not permitted on a lot that fronts a ~~Priority~~ *Event/Festival and Urban Center* Street.

[2] ~~Required~~ Treatment When Fronting on a Street.

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

(d) Landscape and Screening. Landscape and screening are required, refer to 50-8.5. Fences, Walls, and Screening.~~-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]~~ *Street Type Restriction. Vehicle Service uses are not permitted to primarily front on Local Neighborhood or Enhanced Neighborhood Street Types.*

(b) Screening. Perimeter landscaping or fencing is required along side and rear yards. Refer to 50-8.5. Fences, Walls, and Screening.

(c) Lot Types. In Live Work 1 (LW1), Downtown 3 (D3), and Community Commercial 2 (CC2) Gas Stations shall follow the Outdoor Market Lot Type and have the front facade of the building located within fifteen (15) feet of the front property line. Refer to 5.6.G Outdoor Market Lot Type.

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

(e) Outdoor Activities. Outdoor activities are permitted as follows:

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

[2] Outdoor vacuuming is not permitted in the following locations:

[a] Lots adjacent to an open space, park, or preserve.

[b] Lots adjacent to a residential Zoning District.

[3] Washing areas are not permitted outside.

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

[5] 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.

(f) Gas Stations.

[1] Gas stations require a special use permit.

[2] Gas stations not permitted in Live Work 2

[3] ~~[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.~~

(g) Car Wash.

[1] 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.~~

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

(h) Over-sized Vehicles. Services for semi-trucks and other oversized vehicles is *only* permitted *in Community Commercial (CC) and Manufacturing (M) Districts*.

D. Industrial. *Industrial uses are not permitted to front on Local Neighborhood or Enhanced Neighborhood Street Types.*

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

(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 *districts*, *Community Commercial 2 (CC2),* 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~~*9*) 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.

(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. *Refer to 50-8.5. Fences, Walls, and Screening.* ~~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 *in the Live Work 2 (LW2) District.*

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 *Z*oning *D*istrict or in a residential unit.

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

[5] Street Type Restriction. Adult-Use Marihuana uses are not permitted to primarily front on Local Neighborhood or Enhanced Neighborhood Street Types.

[6] 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.

[7] ~~[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.

[8] ~~[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 *Z*one *D*istrict.

(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), *Community Commercial 2 (CC2),* 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~~ *Event/Festival and Urban Center* 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~~ *Community Commercial (CC), Community Commercial 2 (CC2), Live Work 1 (LW1), and Downtown Districts 1-3.*

~~[1] Live Work 1 (LW1) *and Community Commercial 2 (CC2)* when *not* located on a*n Enhanced Neighborhood or Local* SubUrban, Connector, or Main Street street type.~~

~~[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when *not* located on a*n Enhanced Neighborhood or Local* 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 *fifty-one (*51*) percent* ~~%~~ 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 marihuana products is not permitted on the premises of *Retailer.* ~~at a retail establishment~~.

(7) Microbusiness Establishment. *There are two types of Microbusiness licenses. A* Microbusiness *is* licensed to cultivate not more than one hundred and fifty (150) marihuana plants; process and package *their own-grown* 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. *Class A Microbusinesses are similar, except that they are licenses to cultivate not more than three hundred (300) marihuana plants; process and package either their own plants or marihuana products obtained from other licensed processors.* In the *Z*oning *D*istricts where a Microbusiness Establishment is Permitted with Development Standards, the following standards apply:

(a) *Permitted Districts.*

[1] Class A Microbusinesses are permitted in Zones Community Commercial (CC), Live Work 2 (LW2), Limited Manufacturing (M1), and General Manufacturing (M2).

[2] Microbusiness License are permitted in permitted in +Community Commercial (CC), Community Commercial 2 (CC2), Live Work 2 (LW2), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zones *Community Commercial (CC), Community Commercial 2 (CC2), Live Work 2 (LW2)* ~~CC and LW2~~ the following *standards* ~~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 *fifty-one (*51) *percent* ~~%~~ 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 (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 *not* located on a*n Enhanced Neighborhood or Local Neighborhood* ~~SubUrban, Connector, or Main Street street type~~ *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] Street Type Restriction. Medical Marihuana uses are not permitted to primarily front on Local Neighborhood or Enhanced Neighborhood Street Types.

[6] 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.

[7] 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.

[8] 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 facilitates 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), *Community Commercial 2 (CC2),* 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*n Event/Festival or Urban Center* ~~Priority~~ Street.

(6) Provisioning *Center* ~~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), Live Work 1 (LW1), and Community Commercial 2 (CC2) districts.

[a] Live Work 1 (LW1) and Community Commercial 2 (CC2) when not located on an Enhanced Neighborhood or

Local Neighborhood Street street type.

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when *not* located on a*n Enhanced Neighborhood or Local Neighborhood* ~~SubUrban, Connector, or Main~~ Street 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. General Provisions. Accessory Uses and Structures listed in Table 4.5-1 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.

B. Unlisted Uses and Structures. Uses not listed in Table 4.1-1 shall be interpreted as follows:

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

(2) Unlisted Dissimilar Uses. If a use or structure is not listed and cannot be interpreted as similar to one listed, the use is not permitted.

~~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.~~

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

Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District									
	Nhood Node	LW1	LW2	D1	D2	D3	*Com Node*	*CC2*	CC	All R
Accessory Dwelling Units (ADU)	PD	PD	PD		PD	PD	*PD*	*PD*	*PD*	PD
Agriculture	PD	*PD*	*PD*	PD	PD	PD	*PD*	*PD*	*PD*	
Drive Through	PD	PD	PD		PD	PD	*PD*	*PD*	*PD*	
Food Truck	PD	PD	PD		PD	PD	*PD*	*PD*	*PD*	
Home Occupation	PD	PD	PD	PD	PD	PD	*PD*	*PD*	*PD*	PD
Kiosk	PD	PD	PD		PD	PD	*PD*	*PD*	*PD*	
Outdoor Storage	PD	PD	PD				*PD*	*PD*	*P*	
Poultry/Rabbits	*PD*	*PD*	*PD*	*PD*	*PD*	*PD*	*PD*	*PD*	*PD*	*PD*
Secondary Building	PD	PD	PD	PD	PD	PD	*PD*	*PD*	*PD*	PD
Sidewalk Café	PD	PD	PD	PD	PD	PD	*PD*	*PD*		

Key

P	Permitted
S	Special Use
PD	Permitted - Development Standards Required

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

(2) Corner Side Yard. Accessory structures *shall be setback fifteen (15) feet from a corner side property line or the setback distance of the principal structure if it is less than fifteen (15) feet, unless otherwise stated in this Article.* ~~cannot be located closer to the corner-side property line than a principal structe~~.

(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 *unless otherwise stated in this Article.*

(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.

D~~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 *and* ~~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 *located in the primary dwelling structure with* ~~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 building's 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*, screening, and/*or landscaping.

[2] *Community Commercial (CC). A drive through is permitted in the side and rear yards, screened from property lines by structure, screening, and/or landscaping, and corner side yards.*

[3] Other Districts. A drive through is permitted in the rear yard. If the lot does not front a *Neighborhood Network and Neighborhood Business Streets* ~~Priority or Main street~~, a drive through is also permitted in the side yard *when screened from property lines by structure, screening, and/or landscaping*~~, and in Community Commercial (CC) it is also allowed in the corner yard.~~

(b) Landscape Screening. *Screening is required, refer to 50-8.4.* ~~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

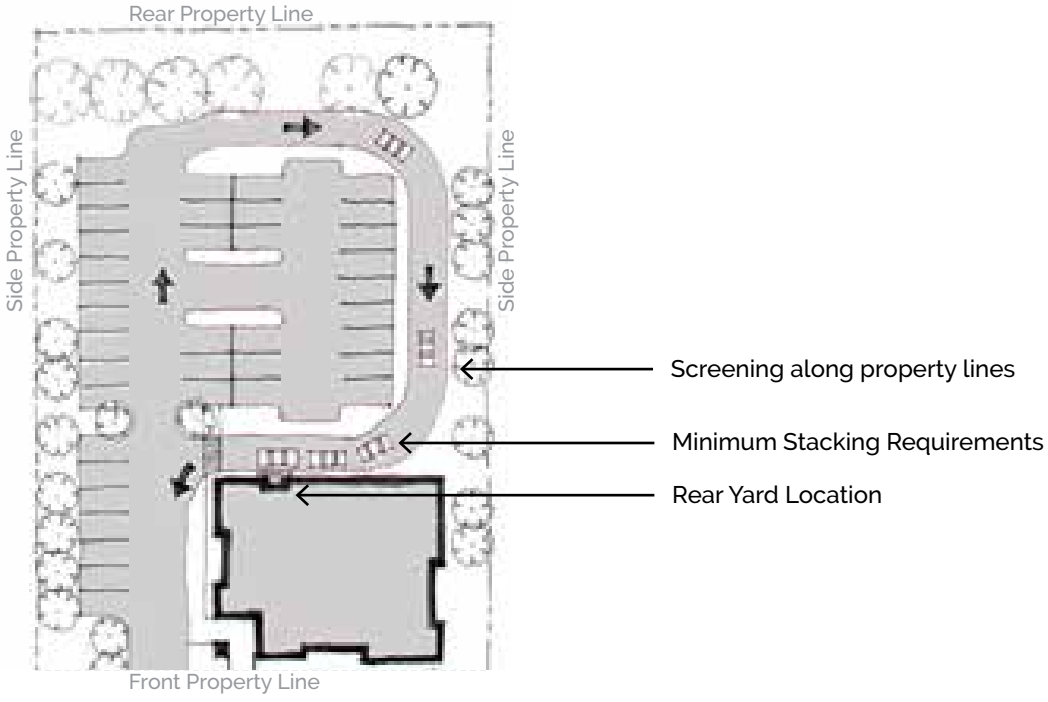


Figure 4.5-1. Drive Through Design

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 *for a period of five (5) or more consecutive weeks* 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 *for a period of five (5) or more consecutive weeks*.

(c) Permanent Food Truck Lot. *Permitted permanently with or without a primary structure.* 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, sale or *storage*~~stoarge~~ of firearms, outdoor storage, 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.

(g) Operational Impacts. No home occupation or equipment used with a home occupation may cause odor, vibration, noise, electrical *interference* 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) In-Home Day Care Facility. In-Home Day Care Facility is a permitted home occupation. There are two types, a family day care serving up to six (6) participants and a group day care serving seven (7) to twelve (12) participants.

[1] An active license is required to operate any size in-home day care.

[2] Group day care facilities requires approval through a special use permit.

[2] Refer to 50-4.4C(3) Day Care for outdoor play area requirements.

(l) 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 *or* is Permitted with Development Standards *(PD)* , 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. *Semi*-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. *May also be referred to as vendor pods.* 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 *four (4) weeks.* ~~two (2)~~ weeks. ~~or when a kiosk is used with the Outdoor Market Lot Type, refer to 5.6.G Outdoor Market Lot Type.~~

(b) Permanent Kiosk Lot. Permitted permanently with or without a primary structure. The Outdoor Market Lot Type, refer to 50-5.6G.

(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~~ *standards apply:*

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

~~(b)~~ *(a)* 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)~~ *(b)* Location. Storage is permitted in the rear yard or side yard.

~~(d)~~ *(c)* Screening. Storage must be screened from view from view from all property lines. *Refer to 50-8.4.*

(8) Poultry and Rabbits. Poultry and rabbits are permitted as follows:

(a) Location. Coop, hutch, or pen must be located as follows:

[1] Permitted in the side or rear yards.

[2] Must be set back ten (10) feet from all property lines.

[3] Must be located a minimum of fifteen (15) feet from an adjacent lot's primary structure.

(b) Sanitary Conditions. Coop or pen must be kept in a sanitary condition, free of odors.

(c) Roosters. Keeping of roosters is not permitted.

(9) 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 *Side* Property Lines.

(c) Garage. Secondary buildings serving as garages or car ports are permitted in Corner Side Yards with a setback of ten (10) feet from the Corner Side Property Line or the setback distance of the principal structure if it is less than fifteen (15) feet,

~~(9)~~ *(10)* 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 *public* right-of-way, a *Temporary Encroachment Permit* ~~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 *and Chapter 42 Tree Ordinance* when developing adjacent to a public street. *To be in compliance may require the following:*

(a) Sidewalk. *The following is required for new construction and repair projects:*

[1] Installation of new sidewalk *and street crossings that meets minimum design and width requirements and the American Disability Association (ADA) City requirements* is required for all development and redevelopment projects.

[2] Repair of existing sidewalk *and street crossings* to meet American Disability Association (ADA) City requirements is also required for all projects requiring Site Plan Review.

(b) Street Trees. All projects requiring Site Plan and with the construction of any new single-family or duplex unit must meet the street tree requirements of Chapter 42, including, size, spacing, species, and installation and care practices.

Table 5.1-1 Permitted Lot Types By District

(Refer to 50-5.6 Lot Type Standards for details)

Lot Type	Zoning District					
	Nhood Node	*LW1*	*LW2*	*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[1]		*P*	*P*			*P*

Key

P	Permitted
S	Special Use
PD	Permitted - Development Standards Required

[1] Outdoor Market Lot Type may be required for specific uses (refer to 50.4-4 Use Definitions and Standards) in the non-form based districts regulated in Table 5.1-2 Dimension Standards by District

Table 5.1-2 Dimension Standards by District

Dimension	*Zoning District*		
	C-Node	*CC2*	*CC*
Lot Area			
Min. Lot Area for Rezoning	-	-	1 acre
Max. Lot Area for Rezoning	-	*1 acre; larger parcels permitted provided they are subdivded into smaller parcels before development*	-
Min. Lot Area	-	*Newly created lots must be no larger than 1 acre.*	-
Setbacks & Build-to Zone (range)			
Front	*5'-15'*	*10'-20'*	-
Corner Side	*0-15'*	*5'-15'*	-
Side	*0', 5' next to R District*	*0', 5 next to R District*	0', 25' next to R District *& Park/Open Space/Preserve*
Rear	*0', 15' next to R District*	*0', 15' next to R District & Park/Open Space/Preserve*	0', 25' next to R District *& Park/Open Space/Preserve*
Max. Lot Coverage	*85%, add'l 10% semi-pervious*	*80%, add'l 10% semi-pervious*	80%, ~~10% semi-pervious~~
Multiple Principal Buildings Allowed	*Yes*	*Yes*	Yes
Max. Height	*5 stories*	*3 stories*	6 stories
Facade			
Vehicle Entrance Bays (*Facades*)	*Side & Rear*	*Corner Side, Side & Rear*	-
Parking Location		*Not permitted between structure(s) & the front & corner side property lines.*	
Entrance Type & Transparency	*Storefront, Stoop, or Arcade on street facing facades within 15' of front & corner side property lines; in CC 25' of front & corner side property lines; Min. transparency per entrance type.*		
Access			
Driveway Quantity	*1/street frontage less than 100' in width; permitted for every add'l 75' of frontage*	*1/street frontage; Drive aisles not permitted between structure(s) and the front & corner side property lines.*	1/street frontage less than 100' in width; ~~additional~~ permitted for every *add'l* 75' of frontage
Driveway Location	*Shared access across parcels & shared driveways are encouraged.*		

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 50-5.2-5.5, which include Building Siting, Height, Use, *and* 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.

50-5.2 Building Siting.

A. Street Frontage. Refers to locating the building(s) on a lot *in relationship to adjacent streets*. Refer to Figure 5.2-1

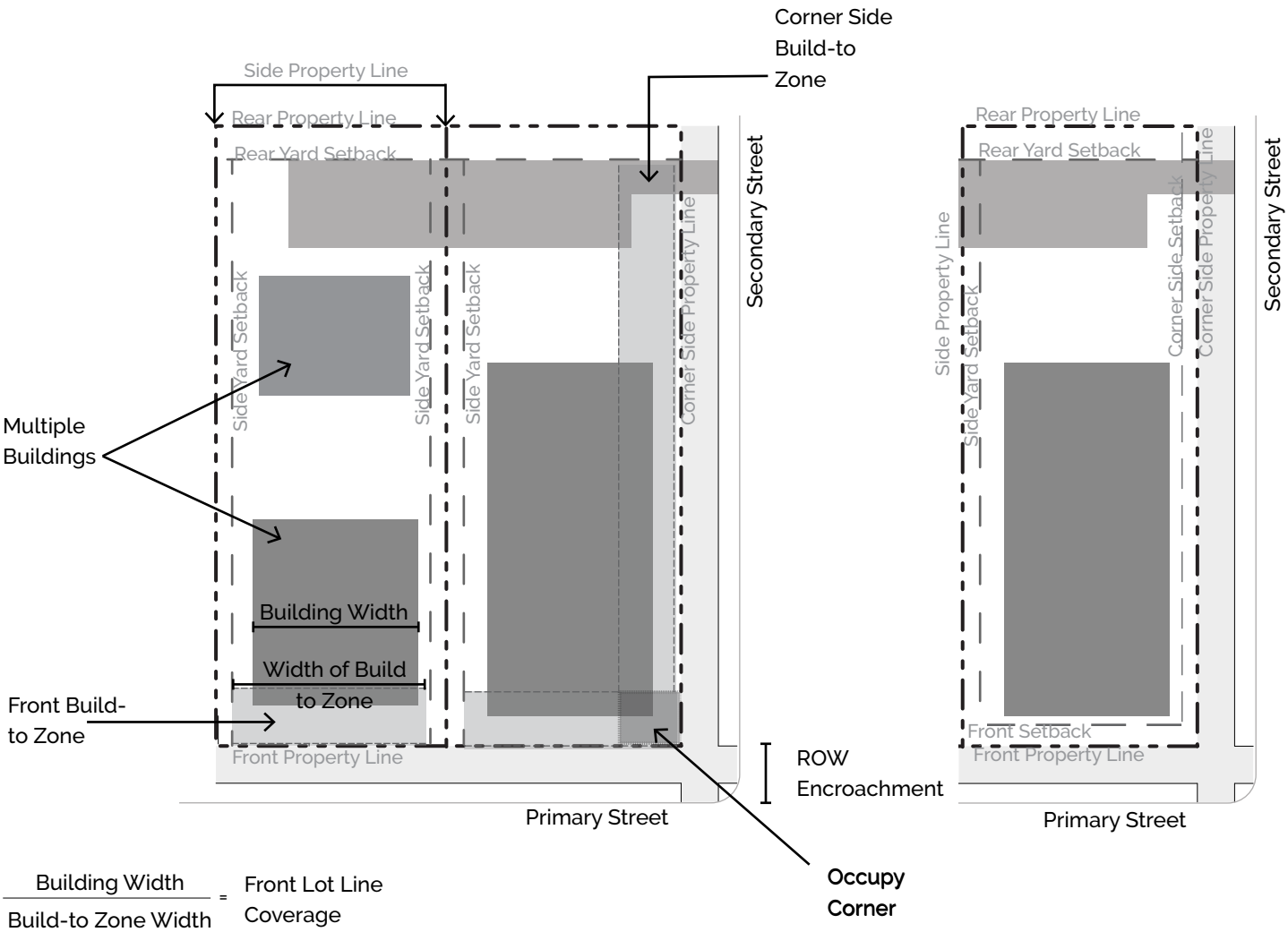


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

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.

(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) *Setback. The minimum distance a structure can be located from the front or corner side property line. It is measured to the building facade (wall) and not to projections, overhangs, porches, stoops, or stairs.*

(7) 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. *The following standards relate to lot area:*

(1) Side Yard Setback. *The minimum distance a structure can be located from the* ~~The minimum required setback along a~~ side property line.

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

(2) Rear Yard Setback. *The minimum distance a structure can be located from the* ~~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. *The following standards relate to parking loading and access on a lot:*

(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.~~.~~

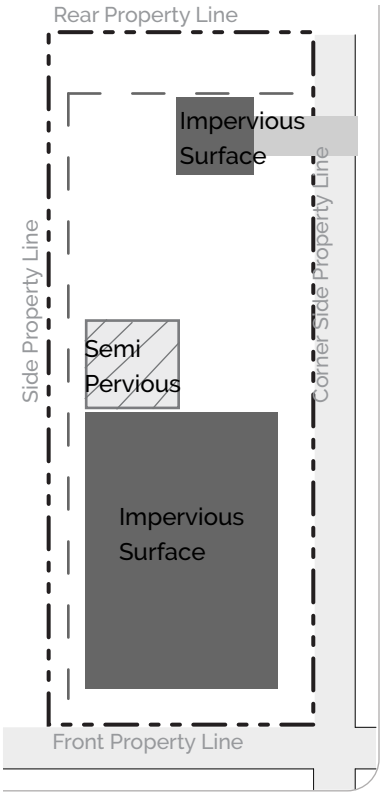
50-5.3 Height.

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.

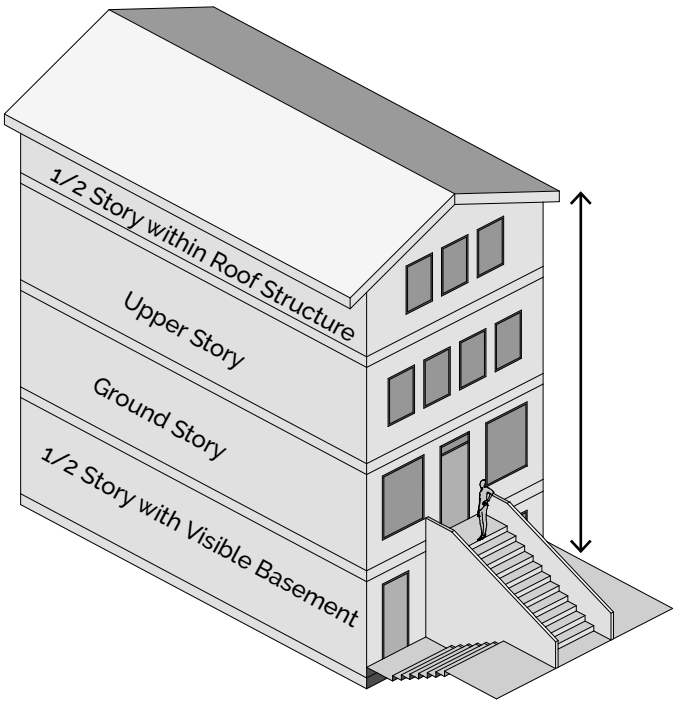
(a) Measurement. Building height is measured in stories.

[1] A minimum and/or maximum height may be given.



$$\frac{\text{Impervious + Semi Pervious Surfaces}}{\text{Lot Area}} = \text{Maximum Impervious Coverage Permitted} + \text{Additional Semi-Pervious Surfaces} = \text{Total Lot Coverage}$$

Figure 5.2-2 Lot Coverage



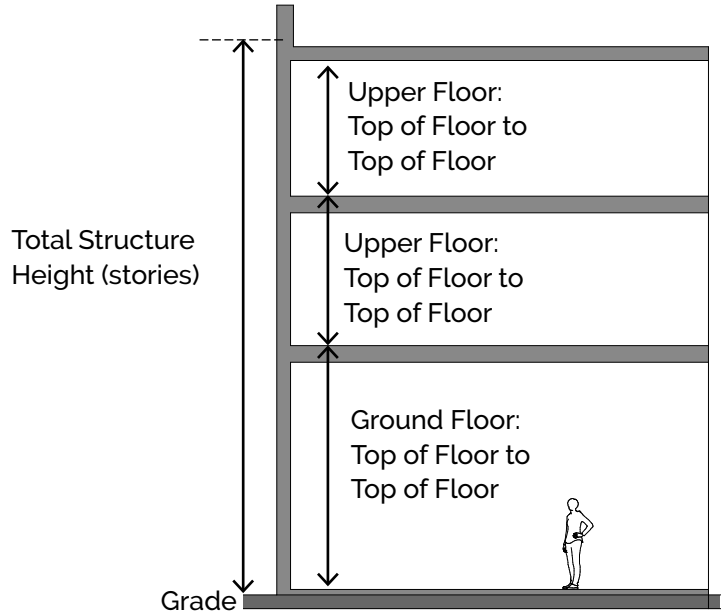


Figure 5.3-1. Measuring Height

[2] This measurement does not include rooftop mechanicals.

[3] A ground floor with a floor-to-floor height of twenty (20) feet or more will be counted as two (2) stories for overall height of a structure.

[4] Development in the Districts regulated by Table 5.1-2 Dimension Standards by District, the maximum upper floor floor-to-floor measurement is twelve (12) feet.

(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~~ *and 50-4.4 Use Definition and Standards for specific standards by use or by Lot Type*. See Figure 5.4-1 Permitted Uses per Floor.

(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*n Event/Festival, Urban Center, and Downtown Main* ~~Priority or Main Street~~ *Street Types.*

(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 *apply to* ~~on~~ street facing building facades:

(1) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a

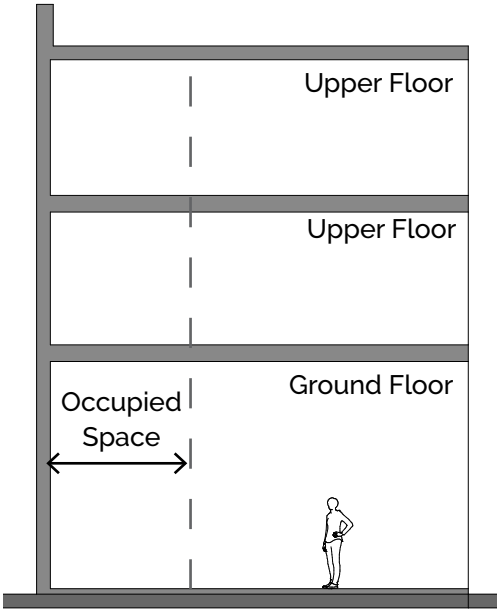


Figure 5.4-1 Permitted Uses Per Floor

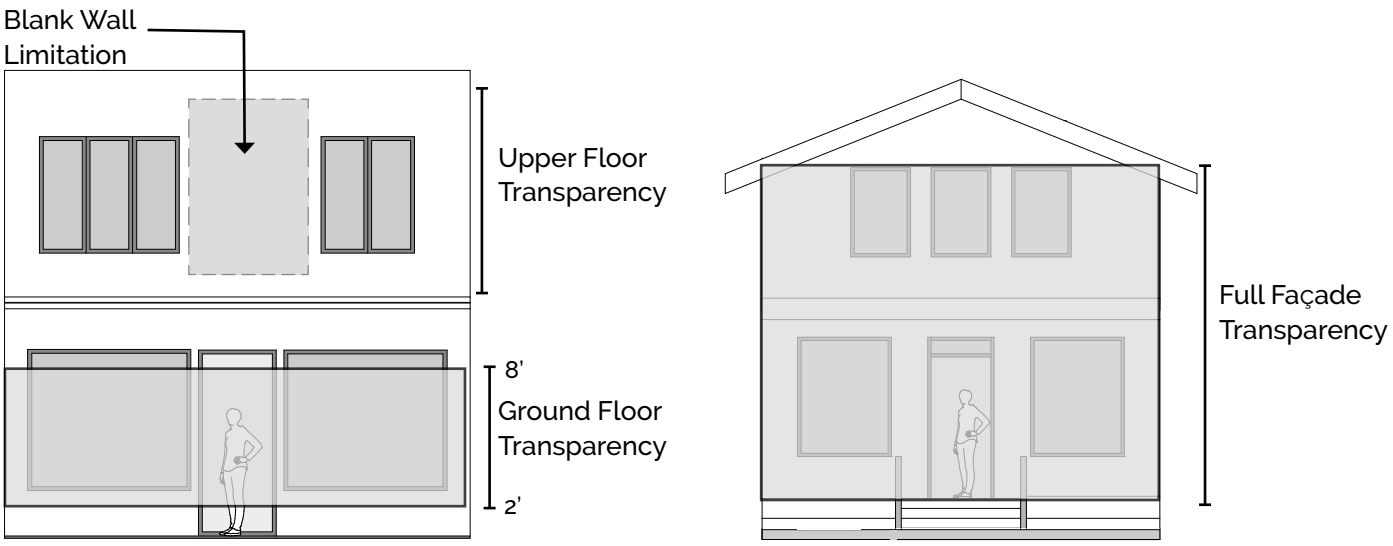


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Facade

building of at least four (4) feet. It is expressed as a percentage *of* 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~~ *The following standards relate to* 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 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 *not* ~~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.

Figure 5.5-2. Storefront.

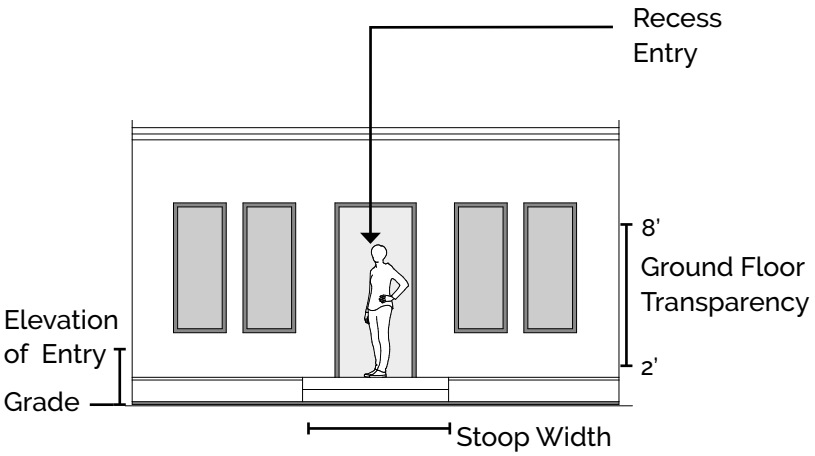


Figure 5.5-3. Stoop.

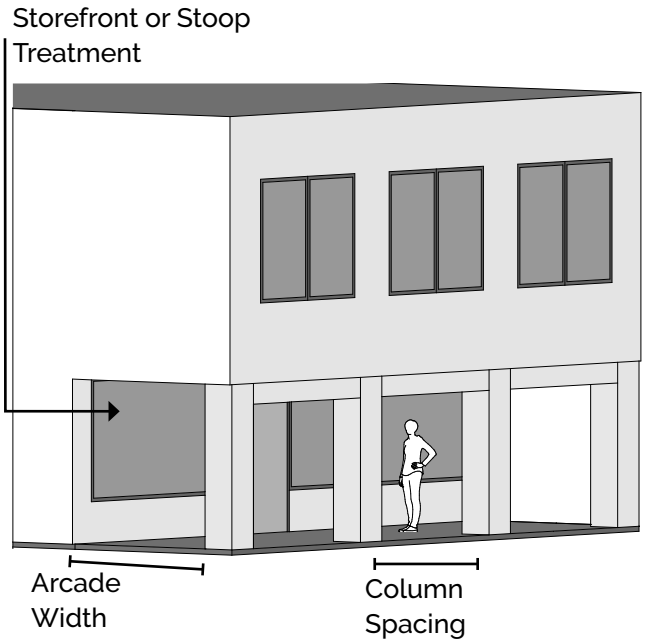


Figure 5.5-4. Arcade

[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

[5] Enclosed Porch. Enclosed porches are not permitted to extend more than eight (8) feet from the building facade.

(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.

(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.

(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.~~

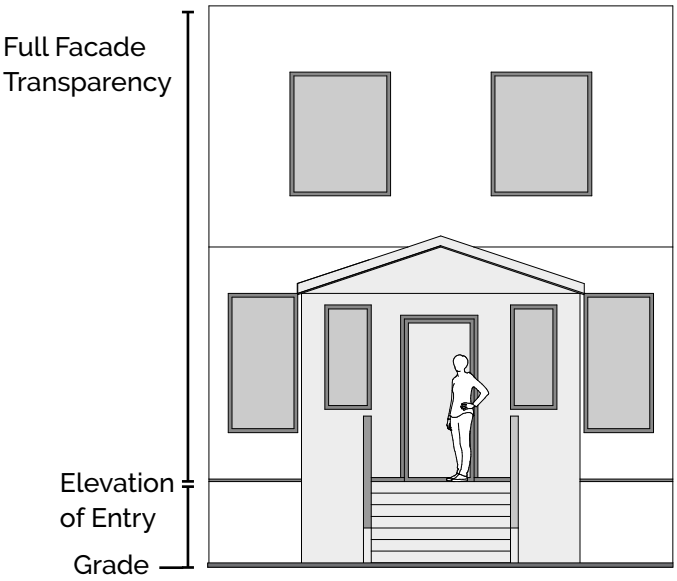


Figure 5.5-5. Porch.

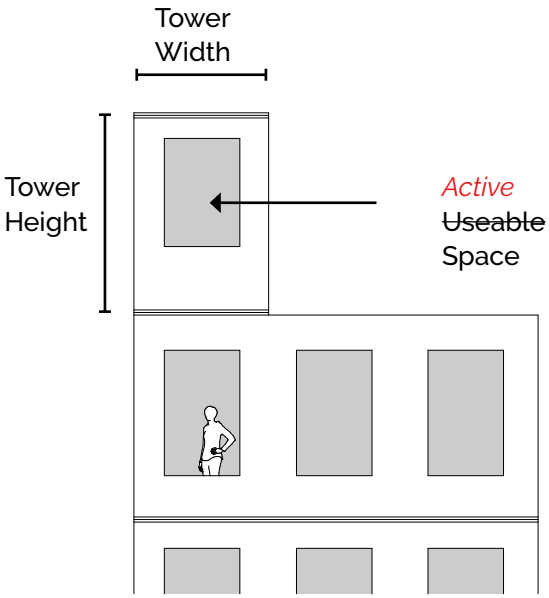


Figure 5.5-6. Tower.

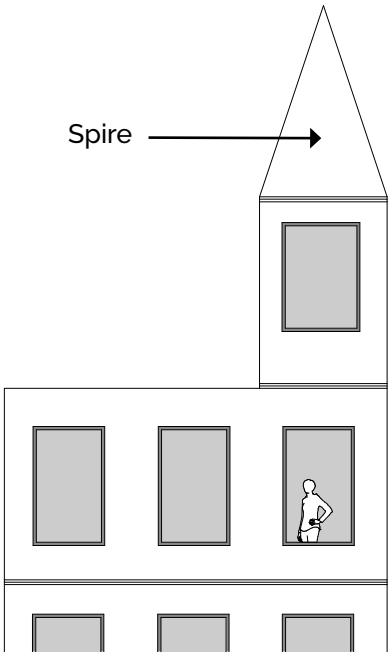


Figure 5.5-7. Spire

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 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. *This Lot Type m*~~M~~ay 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

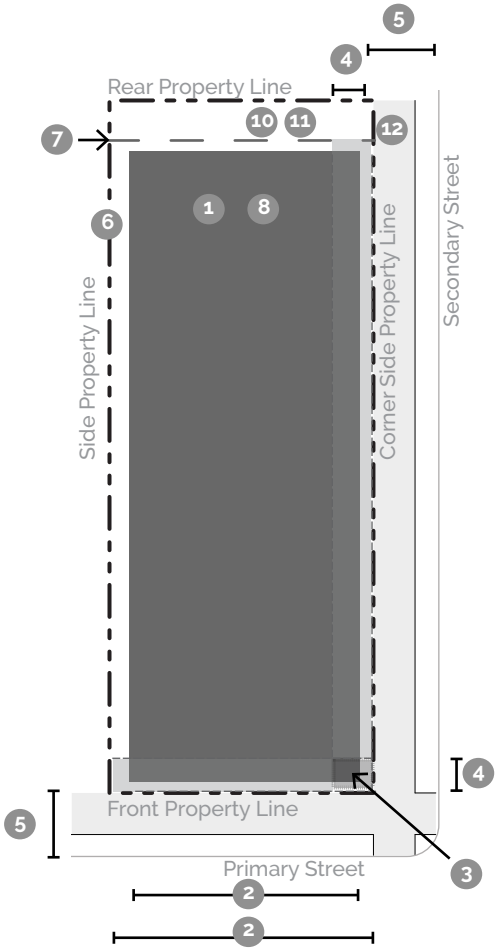


Figure 5.6-1 Building Siting.

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~~ *Event/Festival and Urban Center* Street.

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

(2) Height (Figure 5.6-2)

Minimum Height	2 stories	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'	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	

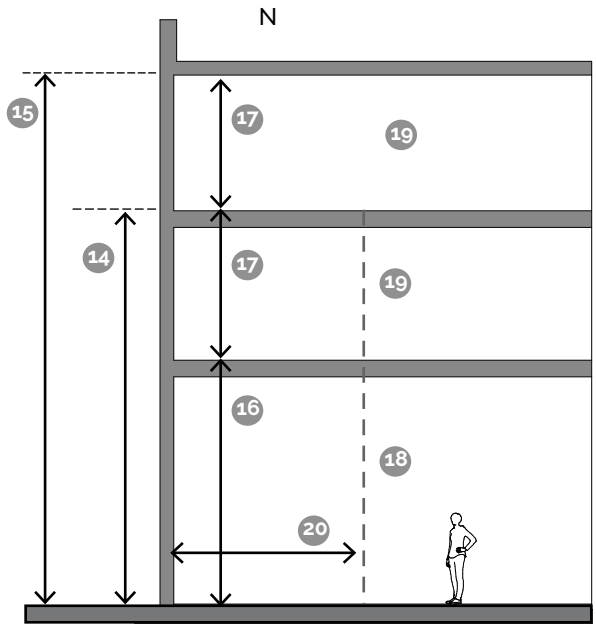


Figure 5.6-2 Height & Use

(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	

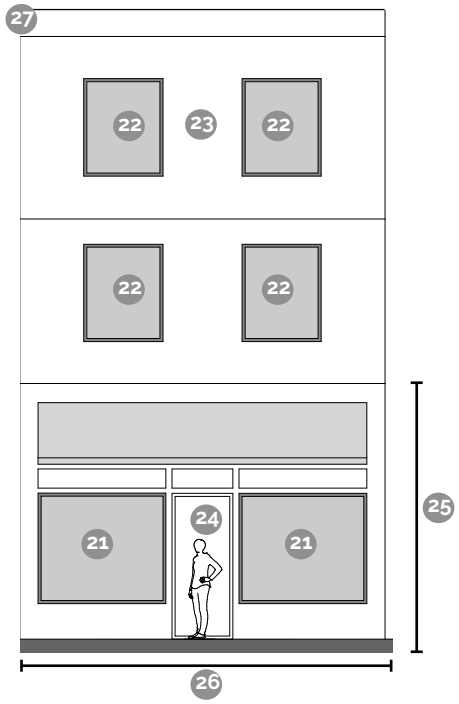


Figure 5.6-3 Street Facing Facades.

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 N-Node District. The height increase is capped at no more than two (2) stories taller than the tallest building in the Node.

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		
Impervious Surface (max)	75%; 85% in Live 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 Facades[2]	12
Vehicle Entrance Bay		
Driveway Location	Alley; 1 on Corner Side[3], or 1 on Front if an interior lot not located in D1[2]	13

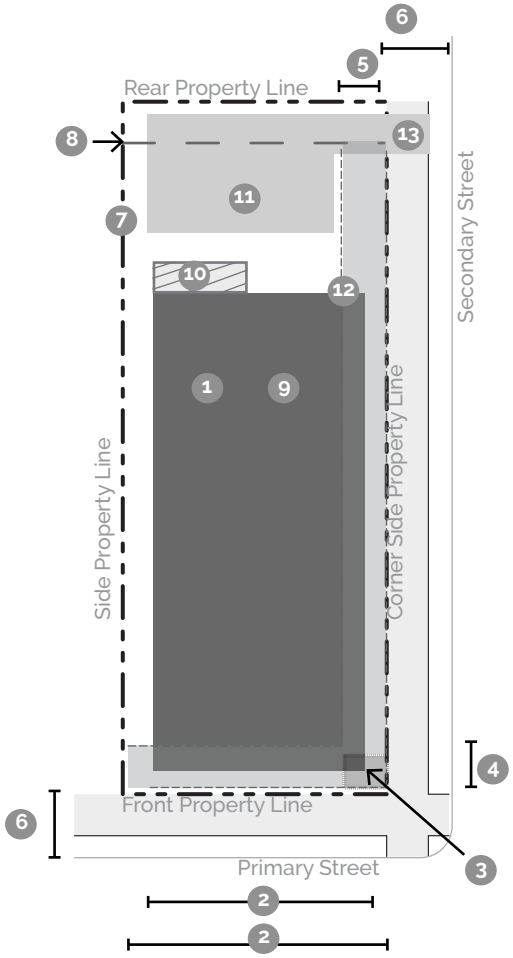


Figure 5.6-4 Building Siting.

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~~ *an Event/Festival and Urban Center* Street.

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

(2) Height (Figure 5.6-5)

Min. Height	1 story; 2 story min in D2 & D3	14
Max. Height[4]	3 stories; ~~LW2 on a Connector~~ *LW2 on Main Street, Commercial & N'hood Business Street Types* & D3: up to 5 stories D1 & D2: no max. height	15
Ground Floor	12'-24'	16
Upper Floors	9'-14'	17

(3) Uses (Table 4.1-1)

Ground Floor Upper Floor	All uses permitted per district	18
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	

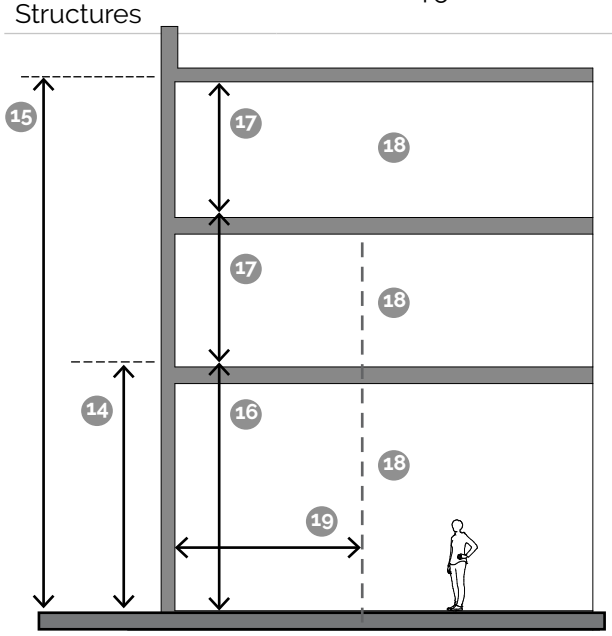


Figure 5.6-5 Height & Use

(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	

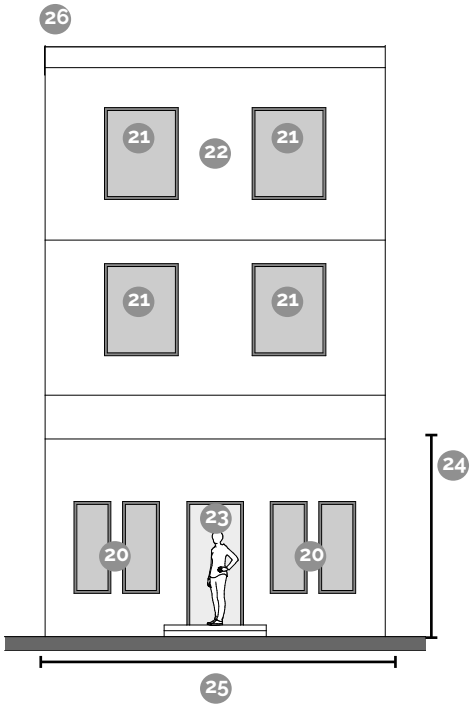


Figure 5.6-6 Street Facing Facades.

Notes:

[4] Tower is allowed to be one (1) story taller than the 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
		6

(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

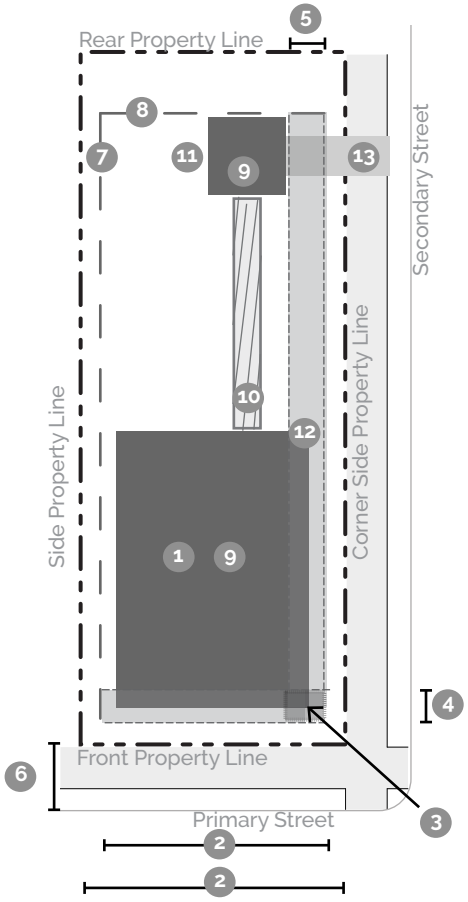


Figure 5.6-7 Building Siting Attached and Detached

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	

(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

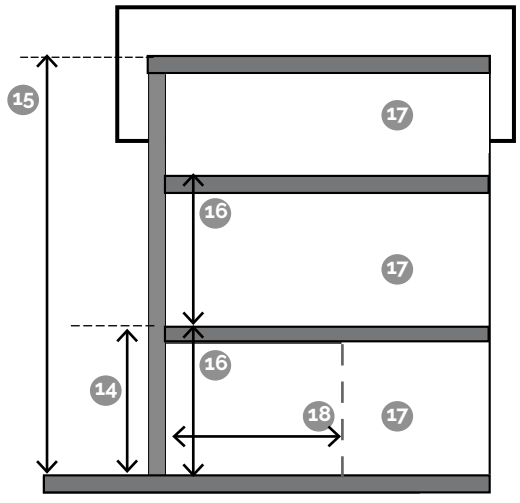


Figure 5.6-8 Height & Use

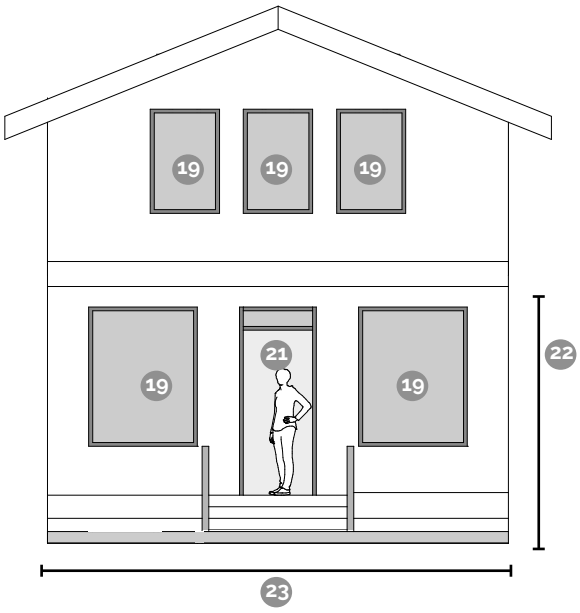


Figure 5.6-9 Street Facing Facades.

E. Lot Type: Civic

(1) Building Siting (Figure 5.6-10)

(a) Street Frontage		
Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	Not Required	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-25'; 0-15' in D2	4
Corner Build-to Zone	0'-15'	5
ROW Encroachment	Yes	6

(b) Lot Area		
Side Yard Setback	0'	7
Rear Yard Setback	5', 0' off alley, 10' next to R district	8

(c) Lot Coverage		
Impervious Surface (max)	70%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access		
Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side Corner Side Facades[1]	12
Vehicle Entrance Bay		
Driveway Location	Alley, 1 on Corner Side[2], 1 on Front if an interior lot except in D2[1]	13

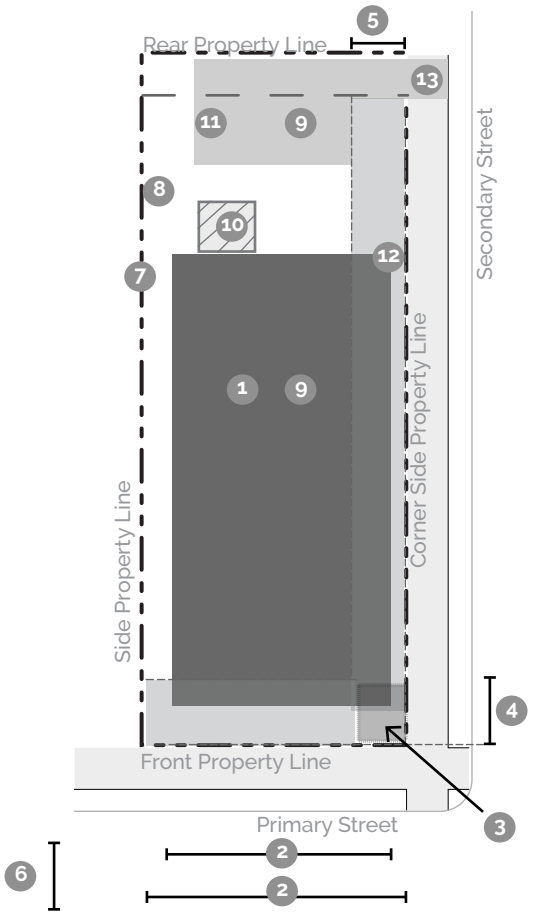


Figure 5.6-10 Building Siting.

Notes:

[1] Entrance bays for parking and loading are not permitted on primary streets. *Entrance bays and driveways are not permitted on ~~a Priority~~ an Event/Festival and Urban Center Street.*

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

[3] A Tower or a spire is allowed to be one (1) story taller than the overall building height; a tower and a spire can add an additional one and a half (1 1/2) stories to the overall permitted height.

(2) Height (Figure 5.6-11)

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

(3) Uses (Table 4.1-1)

All Floors	Civic/ Institutional[4]	18
Occupied Space Restrictions	Yes[4]	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

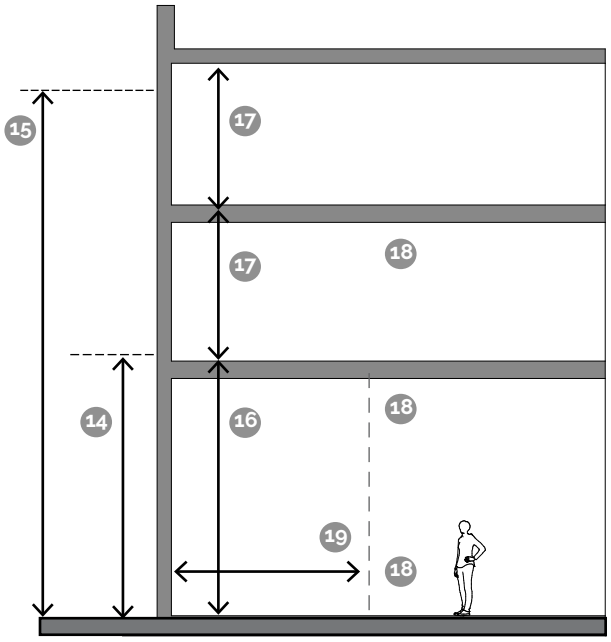


Figure 5.6-11 Height & Use

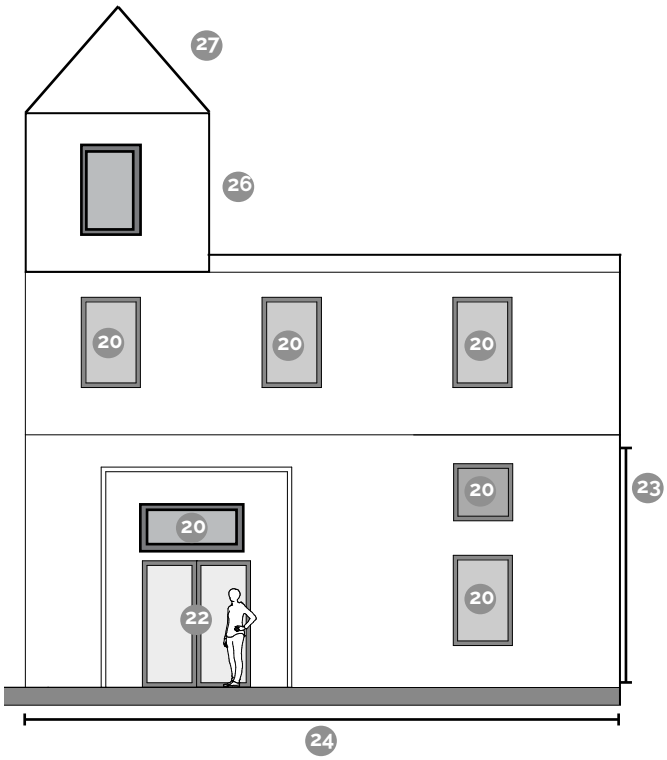


Figure 5.6-12 Street Facing Facades.

Notes:
4 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		
Driveway Location	Alley, 1 on Corner Side, 1 on Front if an interior lot[3]	13

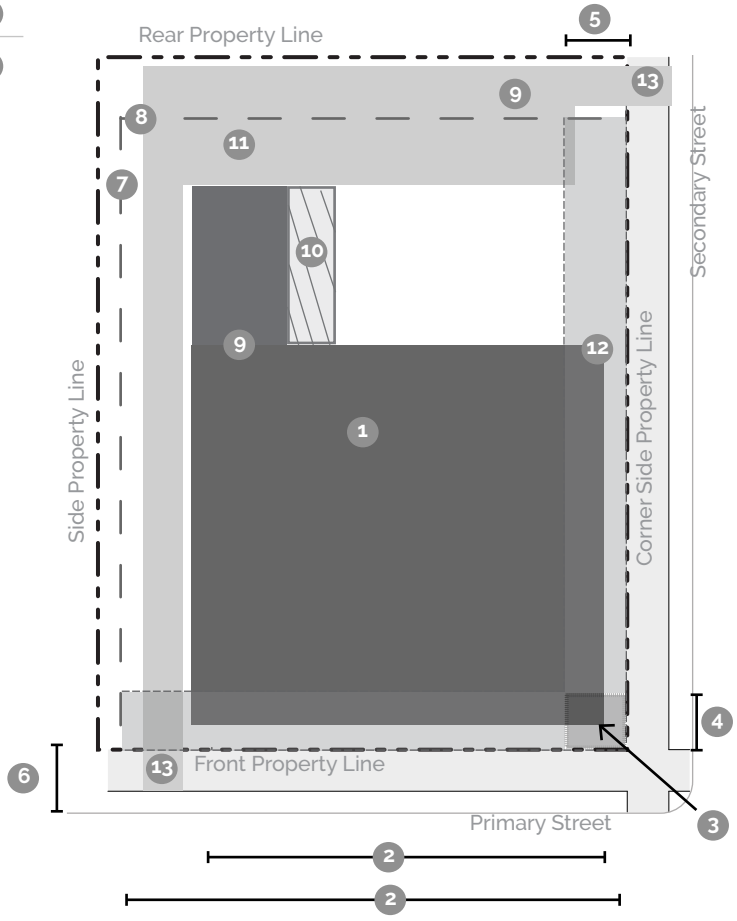


Figure 5.6-13 Building Siting.

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	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
Occupied Space Restrictions	Not Required, except Craftsman Industrial retail/ showroom uses	19
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-15)

(a) Transparency (minimum)		
Ground Floor (min)	40% [5]	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	

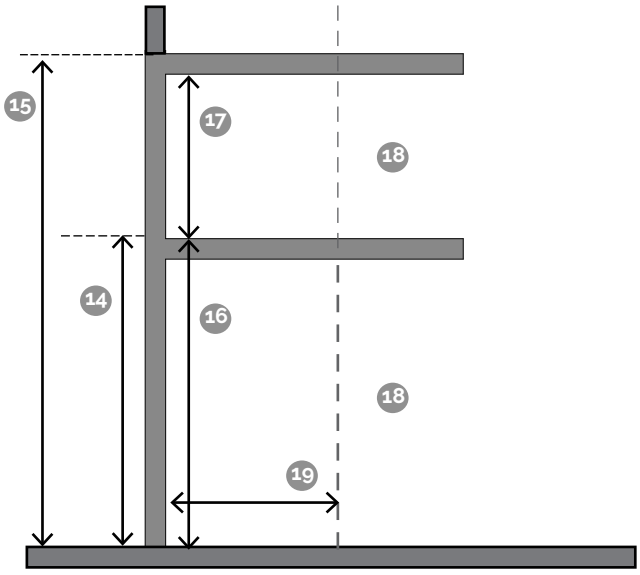


Figure 5.6-14 Height & Use

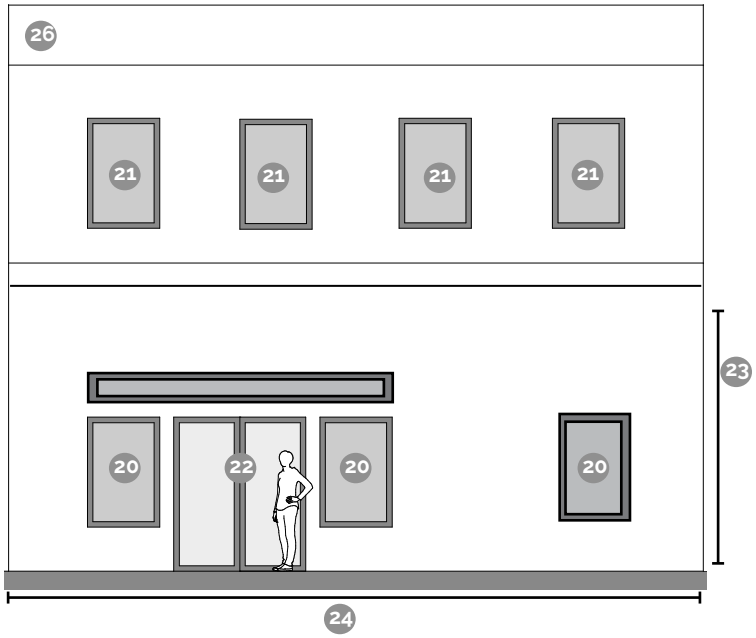


Figure 5.6-15 Street Facing Facades.

Notes:

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

[5] 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

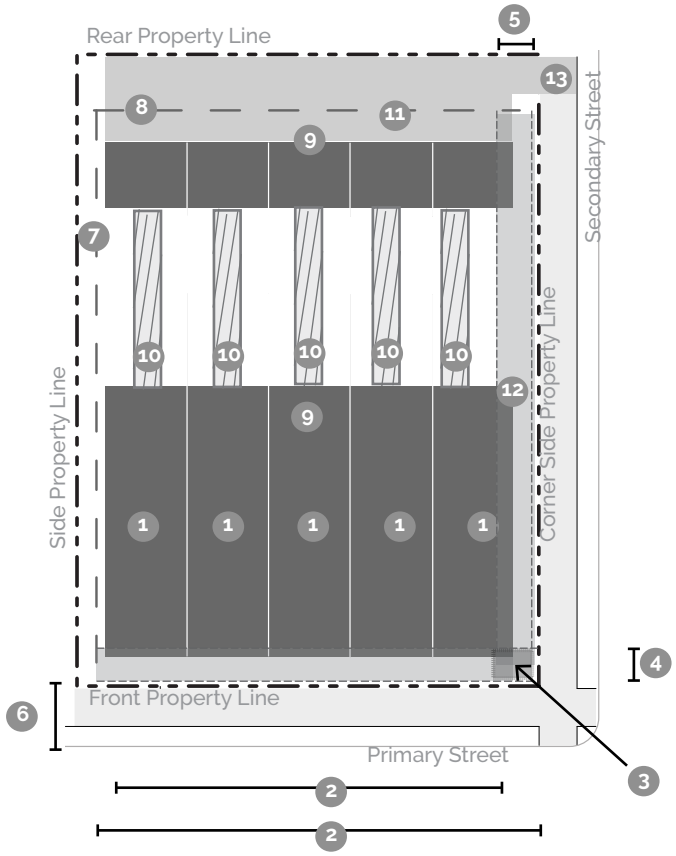


Figure 5.6-16 Building Siting

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	

(4) Street Facing Facades (Figure 5.6-18)

(a) Transparency (minimum)		
Facade Transparency (min)	~~30%~~ 12%	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	

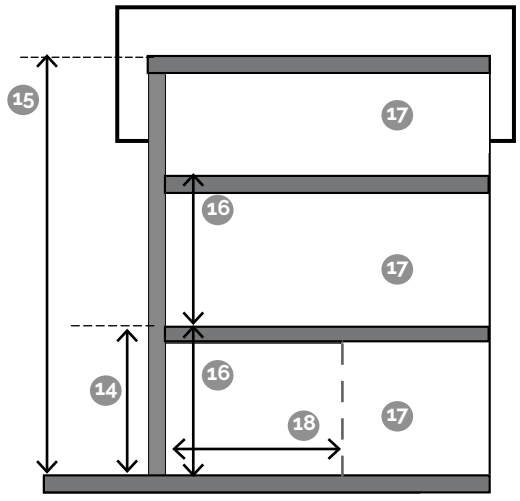


Figure 5.6-17 Height & Use

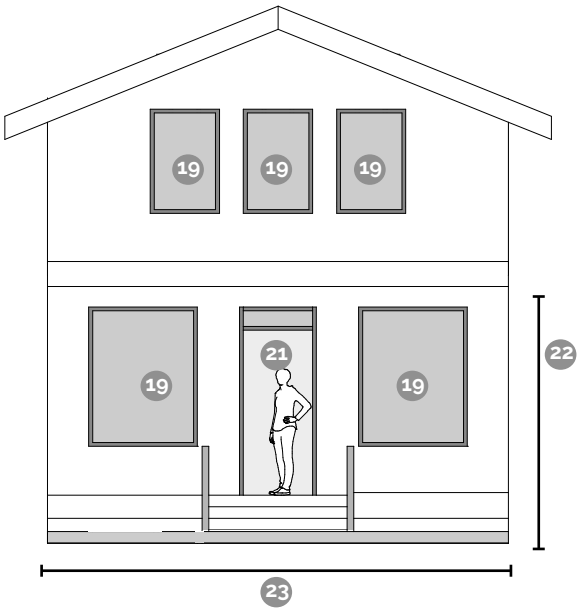


Figure 5.6-18 Street Facing Facades.

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

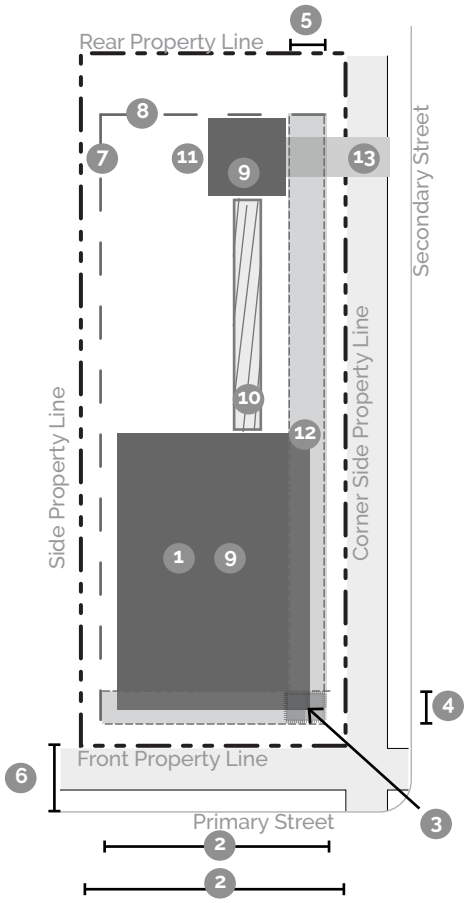


Figure 5.6-19 Building Siting Attached and Detached

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	

(4) Street Facing Facades (Figure 5.6-21

(a) Transparency (minimum)		
Facade Transparency (min)	~~30%~~ 12%	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	

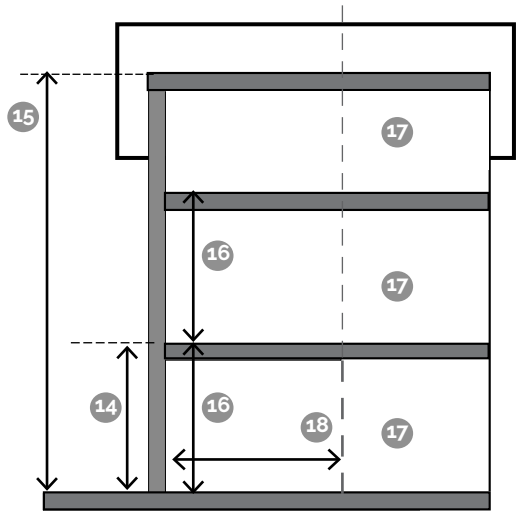


Figure 5.6-20 Height & Use

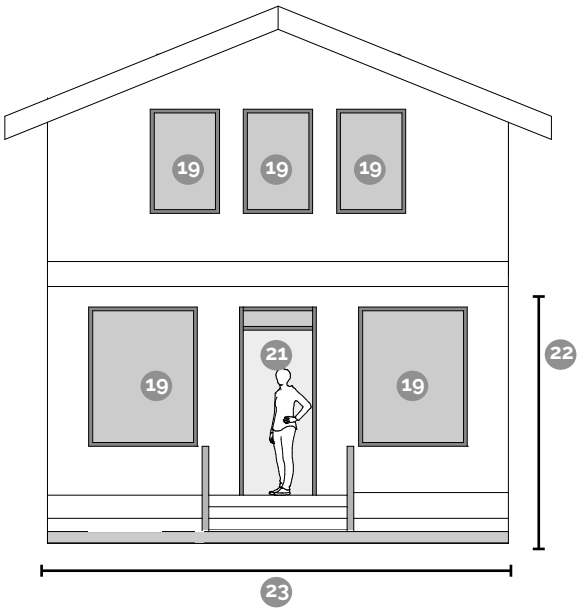


Figure 5.6-21 Street Facing Facades.

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

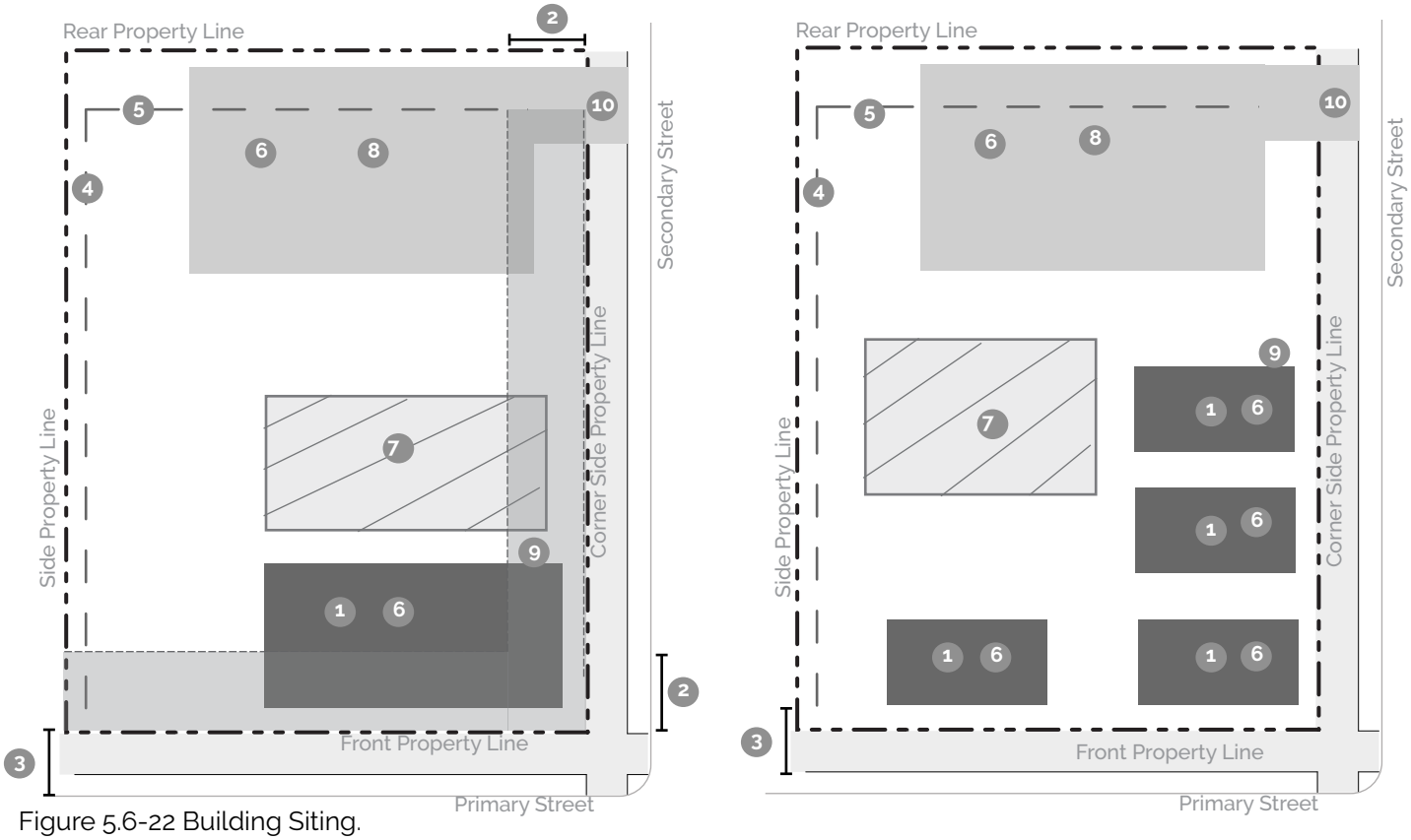


Figure 5.6-22 Building Siting.

(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

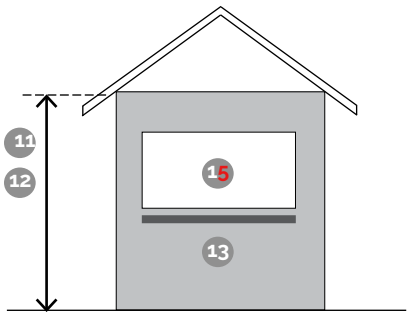


Figure 5.6-23 Street Facing Facades.

Notes:

1 Except: 0-10' BTZ is required for Outdoor Sales & Storage, ~~and~~ Vehicle Service, *and Permanent Food Truck and Kiosk Lot per 50-4.4 and 4.5.*

[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.

50-5.7 Institutional Campus (IC) District.

A. Intent. The purpose of the Institutional Campus (IC) District is to support the development, continued growth, and evolution of institutions or businesses in a campus setting, such as a college or university, institutional uses such as hospitals or large religious assemblies, and large office and/or industrial campuses. The Institutional Campus district is intended to promote and enhance the development and expansion of these uses, considering their unique characteristics and their location.

B. General Provisions. The Institutional Campus (IC) District requires an up-to-date Campus Master Plan to guide the growth and development of the campus.

(1) Campus Master Plan. Properties within an IC District follow the development standards detailed in an approved Institutional Campus Master Plan The purpose of the Campus Master Plan is as follows:

(a) Establish a framework for the use, growth, and development of the campus.

(b) Set standards that consider the campus' location in the neighborhood or adjacent street network.

(c) Create public expectations for an evolving campus and location of structures and uses.

(d) Establish zoning and project standards for the campus, including for such development elements as buildings, uses, parking, signage, mobility, open space, and stormwater management.

(2) Project Review and Approval. Unless otherwise stated in the Campus Master Plan, development projects require Site Plan review and approval prior to seeking any construction permits.

C. Approval Process. Creating and maintaining an IC District and Master Plan is done through the following steps:

(1) Establishing the IC District. There are two parts to establishing an IC District, applying the IC District to the campus properties and the creation of the IC Master Plan.

(a) Creating the IC District. Mapping the IC District onto the campus properties is achieved through a map amendment or rezoning process by the Planning Commission and City Commission.

(b) Campus Master Plan Approval. The institutional campus puts forth for review a Campus Master Plan that was created through an open and transparent process with the campus community, adjacent neighborhood(s) and/or institutions, and the City. The Campus Master Plan is reviewed and approved by the Planning Commission and the City Commission through a concurrent review to the rezoning process. Refer to 50-6.3D for the Master Plan requirements.

(2) Renewal of the Institutional Campus Master Plan. The Campus Master Plan must be reviewed and re-approved as follows.

(a) Campus Master Plans reviewed and updated every ten (10) years, unless the Campus Master Plan was approved with a different timetable.

(b) Renewal of the updated Campus Master Plan is done by the Planning Commission, who approve or deny the renewal request at a public hearing.

D. Campus Master Plan. The following is included in the Campus Master Plan unless otherwise noted by the City Planner.

(1) Outreach and Engagement. The institution is responsible for establishing and following, in alignment with the City's Public Participation Policy, an engagement plan which will be reviewed and approved by the City Planner prior kicking off the Campus Master Plan creation or renewal process.

(2) Master Planning Area. The Campus Master Plan must include all properties designated within the IC District and an area extending out at least three (300) feet from the boundary of the district.

(3) Plan Elements.

(a) Organizational mission statement.

(b) Master plan objectives, including how all development contemplated or defined by the institutional master plan advances the goals and objectives of the institution.

(c) Public Participation Plan. Plan outlining how the campus, adjacent neighborhood(s) and/or institutions, and the City provided input on and shaped the Campus Master Plan document.

(d) Alignment with relevant City policies and plans, including, but not limited to the Master Plan, Street Design Manual, Community Sustainability Plan, and Complete Streets Policy,

(e) Campus location and context, including adjacent neighborhoods, transportation network, institutions, and other public facilities or land.

(f) Location and description of campus buildings and uses. including the following details:

[1] Building footprints with gross floor area in square feet.

[2] [Height and setback or build-to zone information.

[3] Site characteristics such as signs, landscaping, and lighting.

[4] Transportation network through and adjacent to the campus.

[5] Parking and loading facilities, including parking count of on and off-street parking, parking permit systems, and any transportation demand management tools applied.

(g) Summary and projection of current and future facility needs for the institutions, such as academic, service, research, office, housing, patient care, manufacturing, assembly, transportation, and parking.

(h) Future development, renovation, and expansion of campus uses, including such details as building location, height, use, architectural design, and relationship to adjacent streets and buildings.

(i) Open space and stormwater facilities.

(j) Transportation and parking management, including for vehicles, bicycles, pedestrians, transit riders, delivery and shipping of goods, and loading.

(k) Relationship with adjacent institutions and public facilities.

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 *intent of the* NFP Overlay District is *as follows:*

(1) ~~intended t~~*T*o protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

(2) To guide site development, balancing growth and redevelopment with the protection of our existing natural features.

(3) To create site designs that are responsive to the existing natural features and minimize impacts to the extent possible.

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,

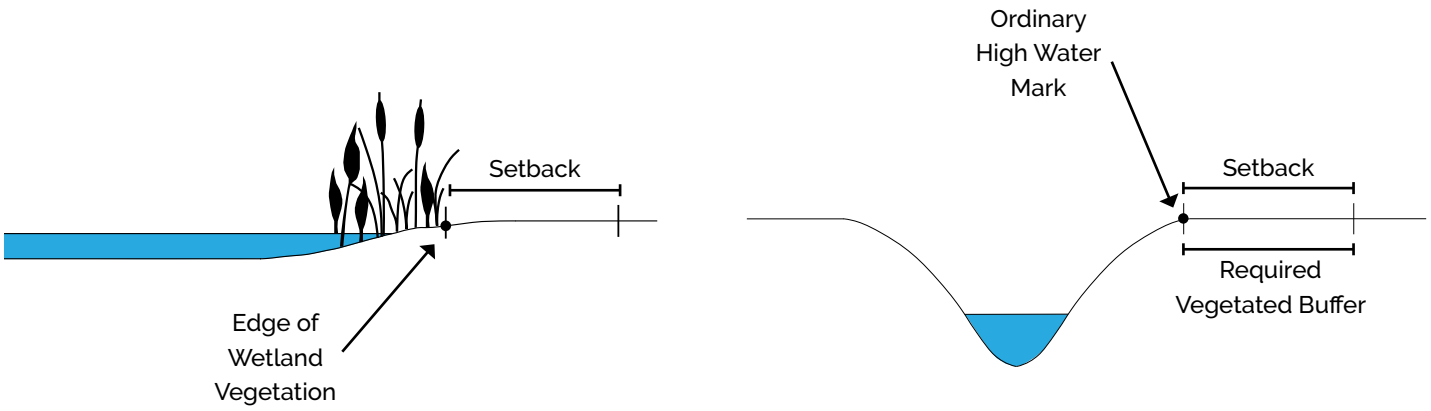


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

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.

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.

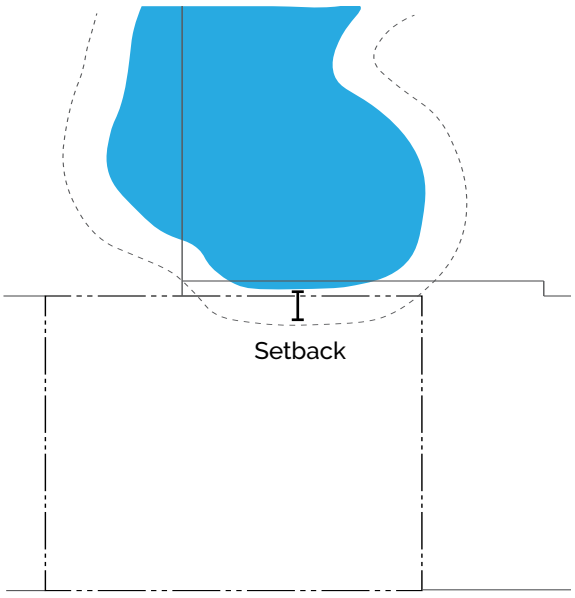


Figure 6.2-2 Setbacks Across Parcel Boundaries

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

(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.

[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.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	*Cornus amomum*	Shrub
Red Osier, Red Twig Dogwood	*Cornus stolonifera, sericea*	Shrub
Common Elderberry	*Sambucus canadensis*	Shrub
Atlantic Ninebark	*Physocarpus opulifolius*	Shrub
Common Winterberry	*Ilex verticillata*	Shrub
Northern Spicebush	*Lindera benzoin*	Shrub
Highbush Blueberry	*Vaccinium corymbosum*	Shrub
Gray Dogwood	*Cornus foemina, syn. C racemosa*	Shrub
Steeplebush/Meadowsweet	*Spiraea alba*	Shrub
Hardback/Steeplebush	*Spiraea tomentosa*	Shrub
Lake Sedge	*Carex lacustris*	Graminoid
Tussock Sedge	*Carex stricta*	Graminoid
Bottlebrush Sedge	*Carex hystericina*	Graminoid
Bebb's Sedge	*Carex bebbii*	Graminoid
Common Fox Sedge	*Carex vulpinoidea*	Graminoid
Prairie Cordgrass	*Spartina pectinata*	Graminoid
Dark-Green Bulrush	*Scirpus atrovirens*	Graminoid
Cottongrass Bulrush/Wool Grass	*Scirpus cyperinus*	Graminoid
Bluejoint Grass	*Calamagrostis canadensis*	Graminoid
Common Rush	*Juncus effusus*	Graminoid
Wood Reedgrass	*Cinna arundineacea*	Graminoid
Fowl Mannagrass	*Clyceria striata*	Graminoid
New England American Aster	*Symphytotrichum novae-angliae*	Forb
Flat-Topped White Aster	*Doellingeria umbellate*	Forb
Tall Sunflower	*Helianthus giganteus*	Forb
Spotted Joe-Pye-Weed	*Eutrochium maculatum*	Forb
White Turtlehead	*Chelone glabra*	Forb
Canada Anemone	*Anemone canadensis*	Forb
Common Boneset	*Eupatorium perfoliatum*	Forb
Swamp Milkweed	*Asclepias incarnata*	Forb
Cutleaf Coneflower	*Rudbeckia laciniata*	Forb
Pin Oak	*Quercus palustris*	Tree
Swamp White Oak	*Quercus bicolor*	Tree
Black Tupelo, Black Gum	*Nyssa sylvatica*	Tree
Tamarack, American Larch	*Larix laricina*	Tree

(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.

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 50-6.2J(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

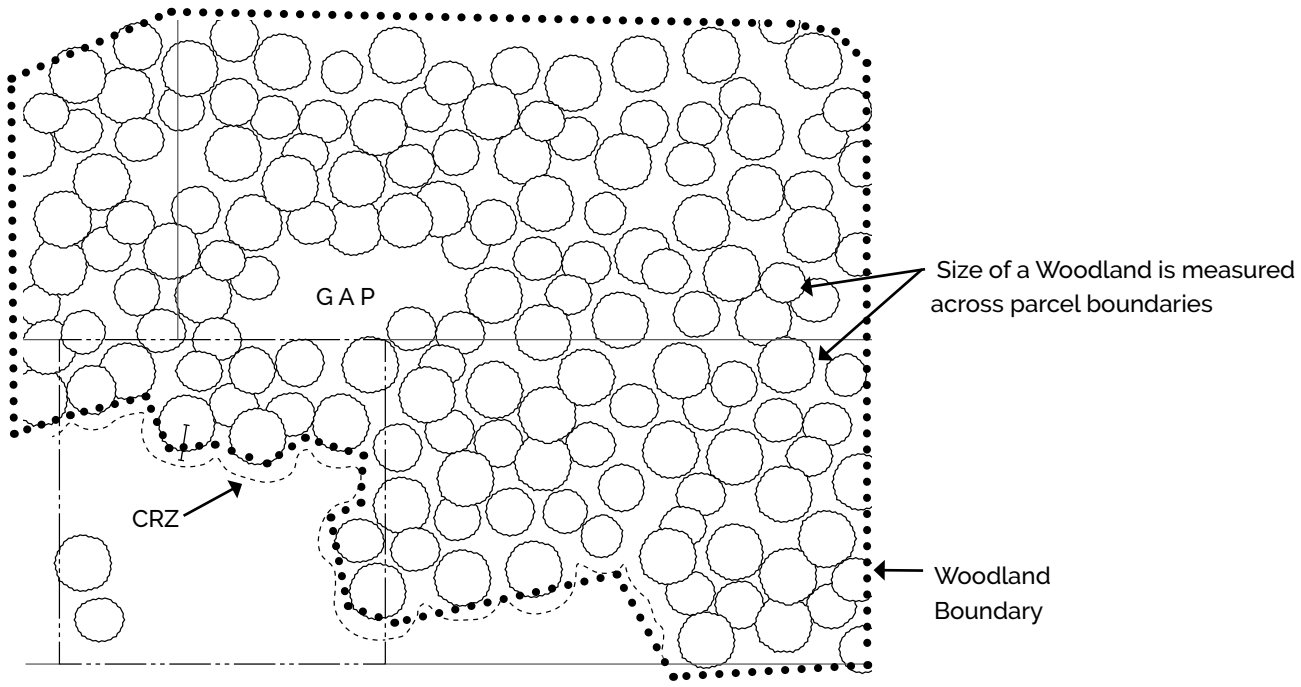


Figure 6.2-3 Defining and Delineating a Woodland

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.

(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

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	*Fraxinus spp. (not culivars)*	18"
Basswood, Linden	*Tilia americana*	18"
Beech	*Fagus spp.*	18"
Buckeye (Horsechestnut)	*Aesculus spp.*	18"
Cherry, Black	*Prunus serotina*	18"
Elm, American	*Ulmus americana*	18"
Elm, Slippery	*Ulmus rubra*	18"
Elm, Winged	*Ulmus alata*	18"
Fir	*Abies spp.*	18"
Fir, Douglas	*Pseudotsuga menziesii*	18"
Kentucky Coffeetree	*Gymnocladus dioicus*	18"
Maple, Red	*Acer rubrum*	18"
Maple, Silver	*Acer saccharinum*	18"
Maple, Sugar	*Acer saccharum*	18"
Pine, Red	*Pinus resinosa*	18"
Pine, White	*Pinus strobus*	18"
Spruce	*Picea spp.*	18"
Sycamore, American	*Plantanus occidentalis*	18"
Tuliptree	*Liriodendron tuliperifera*	18"
Walnut, Black	*Juglans nigra*	18"
Honey Locust	*Gleditsia triacanthos*	16"
Oak, Black	*Quercus velutina*	16"
Oak, Bur	*Quercus macrocarpa*	16"
Oak, Northern Red	*Quercus rubra*	16"
Oak, White	*Quercus alba*	16"
Arbor-vitae, Eastern White Cedar	*Thuja occidentalis*	12"
Birch	*Betula spp.*	12"
Birch, River	*Betula nigra*	12"
Cherry, Flowering	*Prunus spp.*	12"
Eastern Hemlock	*Tsuga canadensis*	12"
Hickory, Bitternut	*Carya cordiformis*	12"
Hickory, Pignut	*Carya glabra*	12"
Hickory, Shagbark	*Carya ovata*	12"
Hickory, Shellbark	*Carya laciniosa*	12"

Common Name	Scientific Name	DBH (inches)*
Oak, Chinkapin	*Quercus muehlbergii*	12"
Oak, Northern Pin	*Quercus ellipsoidalis*	12"
Oak, Swamp White	*Quercus bicolor*	12"
Persimmon	*Diospyros virginiana*	12"
Poplar	*Populus spp.*	12"
Sassafras	*Sassafras albidum*	12"
Sweet Gum	*Liquidambar styraciflua*	12"
Willow	*Salix spp.*	12"
American Chestnut	*Castanea dentata*	8"
Black Tupelo, Black Gum	*Nyssa sylvatica*	8"
Butternut	*Juglans cinerea*	8"
Cedar, Eastern Red	*Juniperus virginiana*	8"
Hackberry	*Celtis occidentalis*	8"
Larch/Tamarack	*Larix laricina*	8"
Maple, Mountain/Striped	*Acer spicatum/pensylvanicum*	8"
American Hophornbeam	*Ostrya virginiana*	4"
American Hornbeam, Blue Beech	*Carpinus caroliniana*	4"
Dogwood, Flowering	*Cornus florida (native only)*	4"
Pagoda Dogwood	*Cornus alternifolia*	4"
Dwarf Hackberry	*Celtis tenuifolia*	4"
Eastern Redbud	*Cercis canadensis*	4"
Pawpaw	*Asimina triloba*	4"
Serviceberry	*Amelanchier spp.*	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	*Tilia americana*	Cs
American Chestnut	*Castanea dentata (hybrid)*	Cr, F, Cul
American Hophornbeam	*Ostrya virginiana*	P, Cr
American Hornbeam, Blue Beech	*Carpinus caroliniana*	Cr, P
Arborvitae, Eastern White Cedar	*Thuja occidentalis*	Cv, Cs
Birch	*Betula spp.*	Cv
Birch, River	*Betula nigra*	P, Ri
Black Tupelo, Black Gum	*Nyssa sylvatica*	Cr, Ri
Cedar, Eastern Red	*Juniperus virginiana*	Cr, P
Cherry, Wild Black	*Prunus serotina*	
Cherry, Flowering	*Prunus spp.*	
Dogwood, Flowering	*Cornus florida (native only)*	Cr
Eastern Redbud	*Cercis canadensis*	Cr, P
Elm, American	*Ulmus americana (resistant variety)*	Cul, Cs
Elm, Slippery	*Ulmus rubra*	
Hackberry	*Celtis occidentalis*	Cr
Hickory, Bitternut	*Carya cordiformis*	Cr, F, Ri, Cs
Hickory, Pignut	*Carya glabra*	Cr, F, Cs
Hickory, Shagbark	*Carya ovata*	Cr, F, Cs
Hickory, Shellbark	*Carya laciniosa*	F, Ri, Sc
Honey Locust	*Gleditsia triacanthos*	Cr
Kentucky Coffeetree	*Gymnocladus dioicus*	Cr
Larch/Tamarack	*Larix laricina*	Ri, Cs
Maple, Red	*Acer rubrum*	Cv, Cs
Maple, Sugar	*Acer saccharum*	Cv, Cul
Oak, Black	*Quercus velutina*	Cr, Cs
Oak, Bur	*Quercus macrocarpa*	Cr, Cul, Cs
Oak, Chinquapin	*Quercus muehlenbergii*	Cr, Cs
Oak, Pin	*Quercus palustris*	Cr, Ri, Cs
Oak, Northern Red	*Quercus rubra*	Cr, Sc
Oak, Swamp White	*Quercus bicolor*	Cr, Ri, Cs
Oak, White	*Quercus alba*	Cr, Cul, Cs
Pawpaw	*Asimina triloba*	Cr, F
Persimmon	*Diospyros virginiana*	Cr, F

Common Name	Scientific Name	Condition Code
Pine, Red	*Pinus resinosa*	
Pine, White	*Pinus strobus*	
Sassafras	*Sassafras albidum*	
Serviceberry	*Amelanchier spp.*	P, F
Sycamore, American	*Plantanus occidentalis*	Cr
Tuliptree	*Liriodendron tuliperifera*	Cr, Cs
Willow, Black	*Salix nigra*	Ri
Pecan Tree	*Carya illinoinensis*	
Sweetgum Tree	*Liquidambar styraciflua*	
Oak Post	*Quercus stellata*	

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

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.

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~~ *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

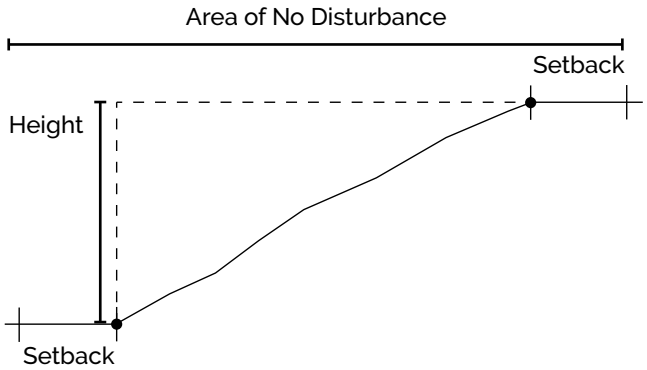


Figure 6.2-4 Protected Slope Setbacks

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 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.~~

(2) Use. In addition to the uses permitted in the Base Zoning District, the following apply.

(a) Ten-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within three-hundred (300) feet of a wetland or water resource.

(b) One-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within five-hundred (500) feet of a wetland or water resource.

(3) Lot Coverage. Areas designated to meet the *lot coverage* ~~pervious surface~~ requirement of ~~a~~ the Base Zoning District shall *located as follows:* ~~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.~~

(a) Contiguous. *Areas required to be left as pervious* ~~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.

(b) Adjacent to Natural Features. Pervious areas shall be located adjacent to ~~defined~~ *existing* Natural Features *on the site(s)*.

~~(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 *50-8 Landscape and Screening* ~~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.

Table 6.2-6 Prohibited Planting List

Common Name	Scientific Name
Trees	
Norway Maple	*Acer platanoides*
Tree-of-Heaven	*Ailanthus altissima*
Silktree	*Albizia julibrissin*
Russian Olive	*Elaeagnus angustifolia*
Black Locust	*Robinia pseudoacacia*
Siberian Elm	*Ulmus pumila*
Callery Pear	*Pyrus calleryana*
Princess Tree	*Paulownia tomentosa*
Black Alder	*Alnus glutinosa*
Shrubs	
Japanese Barberry	*Berberis thunbergii*
Common Barberry	*Berberis vulgaris*
Autumn Olive	*Elaeagnus umbellata*
Glossy Buckthorn	*Frangula alnus*
Common or European Privet	*Ligustrum vulgare*
Showy Fly Honeysuckle (or hybrid)	*Lonicera x.bella*
Amur Honeysuckle	*Lonicera maackii*
Morrow Honeysuckle	*Lonicera morrowii*
Tatarian Honeysuckle	*Lonicera tatarica*
Common Buckthorn	*Rhamnus cathartica*
Multiflora Rose	*Rosa multiflora*
Japanese Meadowsweet	*Spiraea japonica*
European Cranberrybush	*Viburnum opulus*
Vines	
Asian Bittersweet	*Celastrus orbiculatus*
Black Swallow-wort	*Cynanchum louiseae*
European Swallow-wort	*Cynanchum rossicum*
English Ivy	*Hedera helix*
Japanese Honeysuckle	*Lonicera japonica*
Mile-A-Minute Weed	*Persicaria perfoliate*
Kudzu	*Pueraria montana*
Grasses	
Reed Canary Grass	*Phalaris arundinacea*
Common Reed	*Phragmites australis*
Japanese Stiltgrass	*Microstegium vimineum*
Miscanthus	*Micanthus, spp.*
Wintercreeper	*Euonymus fortunei*
European or Common Spindle	*Euonymus europeus*
Burning Bush	*Euonymus alata*
Common Name	**Scientific Name**
Herbs	
Garlic Mustard	*Alliaria petiolata*
Spotted Knapweed	*Centaurea biebersteinii or C. maculata*
Canada Thistle	*Cirsium arvense*
Bull Thistle	*Cirsium vulgare*
Leafy Spurge	*Euphorbia esula*
Dame's Rocket	*Hesperis matronalis*
Creeping Jenny or Moneywort	*Lysimachia nummularia*
Purple Loosestrife	*Lythrum salicaria*
Japanese Knotweed	*Polygonum cuspidatum*
Giant Knotweed	*Polygonum sachalinense*
Crown Vetch	*Securigera varia*
Baby's Breath	*Gypsophila paniculate*
Goutweed	*Aegopodium podagraria*
Lesser Celandine	*Ficaria verna*
Moneyplant	*Lunaria annua*
Sweet Woodruff	*Galium ordoratum*
Sweet Clovers	*Melilotus, spp.*

[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 *Midwest Invasive Species Network* ~~***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 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~~ *Chapter 39* 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~~ *detached unit* 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.

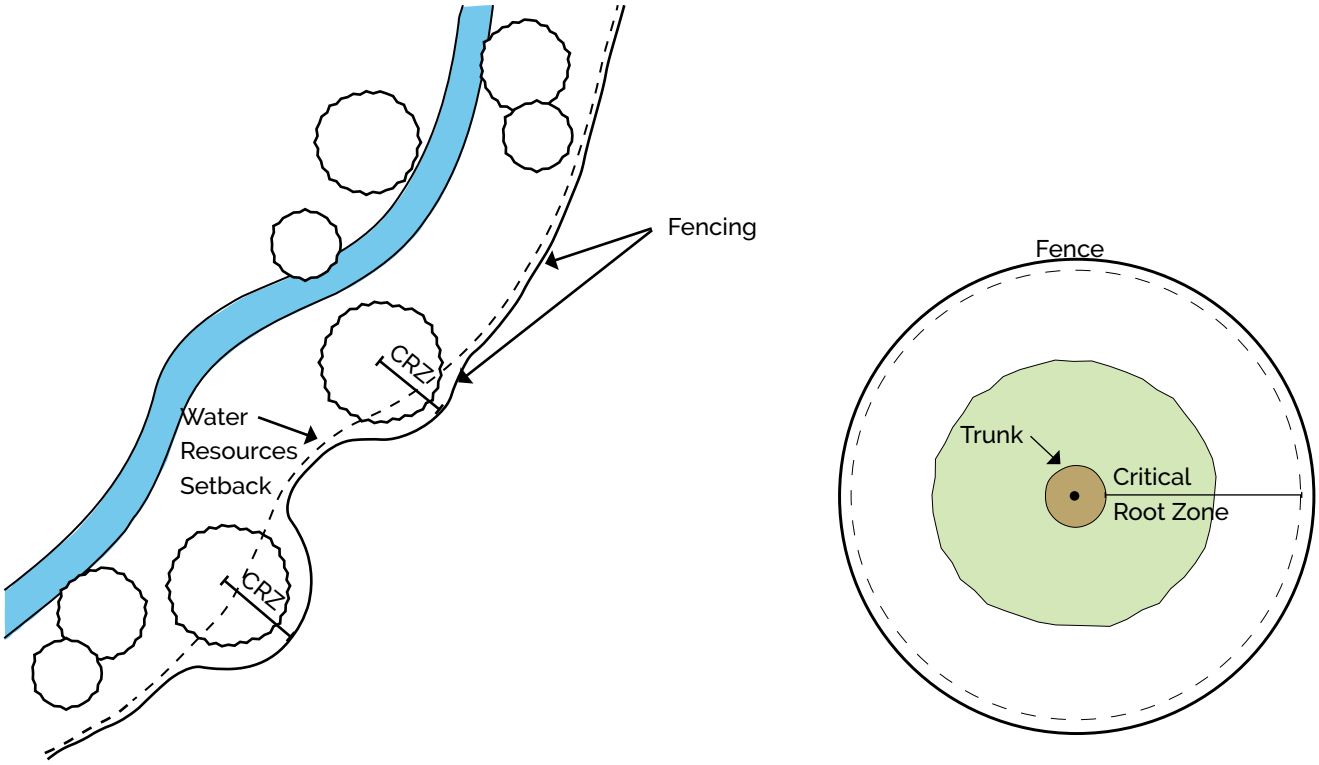


Figure 6.2-5 Placement of Construction Fencing

[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.

[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 *requested* ~~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* ~~plansl~~ 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. *Violation and* 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 *Article* ~~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 *Article* ~~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) Once a violation notice is issued, the responsible party must appear within sixty (60) days before the NFP Review Board, who shall determine whether the proposed remediation of the violation is in alignment with best environmental practices and the standards of this Article.

(4) 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.

(5) Imposition of court-imposed costs.

(6) Issuance of an order by the court to replace, mitigate, or restore a Natural Feature damaged or destroyed by a violation.

50-6.3 Planned Unit Development (PUD) Overlay.

A. Intent The Planned Unit Development (PUD) Overlay District is intended to promote the following:

(1) Consistency with the City's Master Plan.

(2) Development that can be conveniently, efficiently, and economically served by existing and planned utilities and services.

(3) Design flexibility that results in greater public benefits than could be achieved using conventional district regulations.

(4) Preservation of environmental and historic resources;

(5) A mix of attractive and functional residential and nonresidential developments that are compatible with surrounding development.

B. General Provisions. The development standards of a PUD are detailed in the PUD Plan and PUD agreement that are approved at the time of the Planned Unit Development (PUD) Overlay district designation.

C. Planned Unit Development Overlay District Considerations. A Planned Unit Development Overlay District may be considered when the following criteria are met:

(1) Minimum Land Area. PUDs must meet the following minimum land are requirements:

(a) A PUD proposed to contain only residential and related land uses must be located on a minimum of five (5) contiguous acres or a contiguous city block, if less than five (5) acres.

(b) A PUD proposed to contain commercial uses or a mix of commercial and residential uses does not have a minimum land area to be designated with the PUD Overlay District.

(2) Unified Ownership or Control.

(a) A PUD proposed to contain only residential and related land uses, must have the title to all land that is part of the proposed PUD development containing only residential and related land uses must be owned or controlled by one person at the time of application and approval. A person will be considered to control all lands in the proposed PUD district either through ownership or by written consent of all owners of land,

(b) A PUD proposed to contain commercial uses or a mix of commercial and residential uses does not need to be owned or controlled by one person at the time of application and approval.

(3) Developer's Statement. The developer's statement must include the following:

(a) A comparison of the proposed development with the standards of underlying district and the otherwise applicable standards of this Ordinance with justification for deviation from the underlaying or otherwise applicable standards.

(b) A statement describing how the proposed development provides greater benefits to the City and adjacent neighborhood(s) than would development following the underlying district regulations.

(4) Standards and Procedures. All standards and procedures in Appendix A 8.3C. Planned Unit Development Overlay Zone District can be met with the proposed development.

(5) Additional Design Requirements. Building design and site development standards beyond the requirements of the underlying zoning district that the City requires to ensure that the proposed Planned Unit Development is compatible with the adjacent neighborhood, street network, and environment.

(6) Demonstrated Benefit. Proposed PUD is determined by the City to result in a greater benefit to the City and adjacent neighborhood(s) than would development following the underlying district regulations.

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 *Article*~~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) Maximum Vehicle Parking. This Article establishes the maximum number of vehicular parking spaces that can be provided for each use; there are no minimum number of parking spaces, except as noted.

(3) Minimum Bicycle Parking. This Article establishes minimum requirements for bicycle parking.

(4) Parking Design. This Article details the parking design and location for vehicle and bicycle parking spaces.

(5) 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.

50-7.2 Required Vehicular Off-Street Parking Spaces.

A. ~~Required~~ Parking Table. Table 7.2-1 outlines the maximum off-street parking spaces per use, unless otherwise noted. 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 1/2 shall be disregarded; a fraction equal to or greater than 1/2 shall be rounded up to count as one (1) space.

(2) Maximum Occupancy. Maximum occupancy of the usable areas is determined by the building official or their designee.

(3) Exceeding the Maximum Parking Spaces Provided. Off-street parking may exceed the amounts in Table 7.2-1 by up to ten (10) percent except as follows.~~may not be provided in an amount greater than 110% of the minimum parking requirement.~~

(a) Up to twenty-five (25) percent over the amounts in Table 7.2-1 permitted by-right when the property is located on a City Connector Street Type or in the Community Commercial (CC) District.

Table 7.2-1 ~~Maximum Required~~ Parking Table

Use	~~Required~~ Parking 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 *Institutional* 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]~~ *detached & attached units may 2 spaces/dwelling unit*
Residential: Senior Housing	*.7*5 space/dwelling unit *plus 1 space/employee on largest shift*
Residential: Off-Campus Student Housing~~/RM-15C~~	2 spaces/dwelling unit*, minimum 1 space/dwelling unit*
Rooming House	1 space/unit or bedroom
Transitional Residence	1 space/~~2~~ employee~~s~~ 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 *Institutional* Campus Master Plan
Hospital	1 space/3 beds or per City Approved *Institutional* 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*, .75/space per fleet vehicle*
School	2 spaces/3 employees ~~as~~ *at* 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.~~

(b) Consideration of relief in the maximum overage allowances will take the following into account in addition to the variance review criteria outlined by the State.

[1] Availability of on-street and shared parking opportunities within walking distance.

[2] Location in or adjacent to walkable, mixed use areas of Downtown and Node Districts.

[3] Impact on the ability of the property to meet the maximum impervious coverage requirements as detailed in 50-5.

[4] Existing funding from the state or other federal source tied to design standards with a minimum parking requirement.

[5] Presence of the Natural Features Protection (NFP) Overlay, as detailed 50-6, on the property in question..

Table 7.2-1 ~~Maximum Required~~ Parking Table (cont.)

Use	Required Spaces
Commercial	
Agriculture	1 space/employee on largest shift, *1 space/330 square feet of retail*
Day Care	1 space/employee on largest shift, in addition commercial facilities: 1 space/5 *4* children ~~permitted at maximum occupancy~~
Eating & Drinking Establishments	1 space/5 *4* 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
Services - Medical Services/Offices	1 space/employee on largest shift; 1 space/patient at max. patient capacity
Kennels	1 space/employee on largest shift, 1 space/3 animals permitted ~~at max. 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
Self Storage/Mini Storage	1 space/employee on largest shift, 1 space/75 storage units
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/1 employee on largest shift (includes shift, office, and maintenance staff)

C. 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 *Article 8 Landscape & Screening* ~~Appendix A 6.2 Landscaping and Open Spaces~~

(g) Lighting. Parking areas with fifty (50) or more spaces must be lit *per Article 10 Lighting.* ~~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

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 [1]
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'

[1] *One 26' aisle width is permitted when designated as the site's Fire Lane through Site Plan Review.*

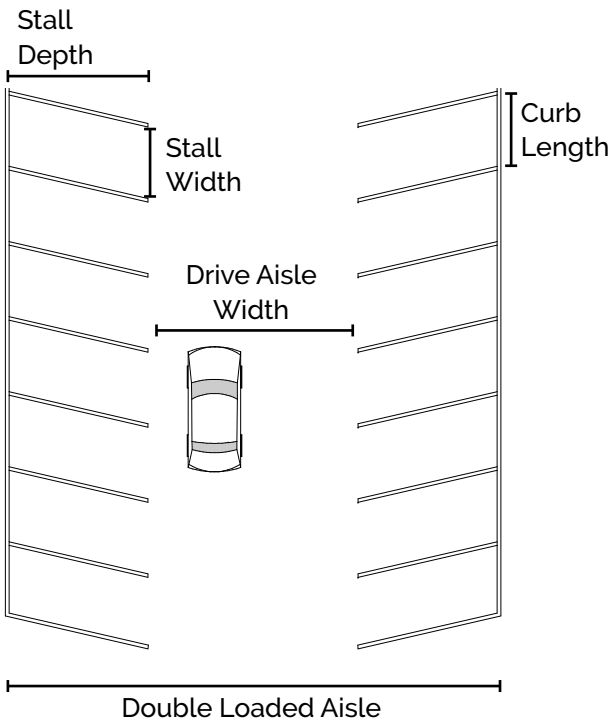


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

structure(s) *entrance.*

[1] Dimension. The pedestrian access pathway shall be at least six (6) feet in width.

[2] Location. The pathway(s) shall be centrally located *and lead directly to a building entrance*.

[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 a *applies:*

(a) Access. All spaces, unless otherwise noted, shall front ~~an~~ *on a* drive aisle, driveway, or right-of-way, providing direct access the parking space.

(b) Parking in Yards. Motorcycles and vehicles must be parked on driveways, permitted parking areas, or within a structure.

(c) Recreational Vehicles. Trailers, motor homes, recreational vehicles, boats, or other similar vehicles may be parked as *follows:*

[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.

[2] Recreational Vehicles must be kept in good repair and carry a current license and registration.

[3] 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.

50-7.3 Required *Minimum* Bicycle Parking.

A. Required Bicycle Parking Table. Table 7.3-1 outlines the required *minimum number of* 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) Improved Surface. Bicycle parking must be located on an improved surface, such as asphalt.

(c) ~~(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.

Table 7.3-1 Required Minimum 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

(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.

Article 8. Landscape & Screening

50-8.1 Intent.

This Article specifies the landscape and screening requirement, including techniques for installation and maintenance, Specifically, this Article will:

A. Promote public health, safety, and general welfare by reducing noise, air and visual pollution, air temperature, and light glare.

B. Align with the Community Sustainability Plan goals, including increasing the City's tree canopy coverage, reducing the urban heat island effect, increase the use of green stormwater infrastructure, and achieving biodiversity goals.

C. Support the Nature Features Protection goals in the current Master Plan and align with 50-6.2, including the use of plant species native to southern Michigan.

D. Improve the appearance and environmental impact of paved spaces, such as parking lots.

F. Align with the Street Design Manual and Chapter 42 Tree Ordinance to create a comfortable and safe pedestrian network and increase the tree canopy.

50-8.2 Applicability.

A. Applicability. Unless otherwise stated, these requirements apply to all properties in Kalamazoo.

B. Nonconforming Landscape and Screening. When site landscaping does not meet the standards in this Article the following apply:

(1) Landscaping and screening that do not conform to the standards of this Article are considered non-conforming site characteristics, refer to 50-1.4B for additional information.

(2) When adding landscaping to a site to bring it closer to current Ordinance standards, the following priorities are to be considered.

(a) Landscape buffer between a right-of-way and parking lot is the highest priority.

(b) Landscaping between adjacent land uses is the second priority.

(c) Landscaping around buildings and general site landscaping are the third priority.

50-8.3 General Provisions.

The following general provisions for landscaping and screening apply.

A. Landscape Plan. A landscape plan, detailing the required landscaping and how it will be maintained, including watering during initial installation and long-term care, will be required with Site Plan Review.

(1) Delay of Installation. City Planner or their designee may authorize a delay in installation of trees and vegetation due to adverse weather until no later than the following June 30th.

(a) A bond or letter of credit or other guarantee of such installation may be required.

(b) A temporary certificate of occupancy may be issued by the Building Official or their designee until the landscaping is complete.

B. Plant Materials. The following shall be considered when selecting plant materials:

(1) Maximum Percentage of A Single Species. Except for plantings used for screening, no one (1) species of tree or shrub may make up more than thirty-three (33) percent of the total amount of landscape plantings.

(2) Plant Materials. The use of vegetation native to southern Michigan and the use of a mixture of vegetation from the same species association is encouraged and the following shall apply:

(a) All required plant material shall be hardy to the area, free of disease and insect infestation, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

(b) A minimum of fifty (50) percent of plant material used to meet the landscape and screening requirements of this Article shall be natives or nativars.

(3) Prohibited Plant Materials. Plantings listed in Table 6.2-6 Prohibited Plant List .are not to be utilized in any landscape or screening area required by this Article.

(4) Plant Material Spacing. Plant materials shall be spaced to support plant health. Specifically, the following applies:

(a) Plants shall be spaced not less than seventy-five (75) percent of their mature size.

(b) Naturalized planting layouts are permitted and when used are the exception to 50-8.3B(4)(a).

(c) Refer to Chapter 42 Tree Ordinance for spacing of right-of-way plantings.

C. Planting Locations. Trees and vegetation shall be installed considering the following on both private and public property:

(1) Sight Visibility. In order to support sight visibility for motorists and clearance for pedestrians, cyclists, and vehicles, plantings within the clear view zone may not be taller than three (3) feet at maturity. Refer to Figure 8.3-1 Clear View Zone.

(2) Around Hydrants. Landscaping planted within a ten (10) foot radius around a fire hydrant shall be no taller than six (6) inches at maturity.

(3) Proximity to Property Line. Trees and large shrubs shall not be placed closer than three (3) feet from the fence line or property line unless otherwise noted in 50-8.4 Required Landscaping. In no case shall trees and shrubs impede access on an adjacent sidewalk.

(4) Right-of-Way Landscaping. All planting and removal of trees in the City's right-of-way shall be in accordance with Chapter 42 Tree Ordinance and may require approval of the City's Tree Committee.

E. Protection of Trees During Construction. The following shall be considered during construction:

(1) Construction Fencing. The Critical Root Zone (CRZ) of Protected Trees shall be protected following the standards of 50-6.2J(8) Protection During Construction.

(2) Preservation of Existing Trees During Construction. The preservation of quality, mature trees can earn credits toward

Table 8.3-4 Tree Preservation Credits

Preserved Trees (Caliper Inches at DBH)	Number of Trees Credited
12" or more	3
8" to 11.9"	2
2 1/2" to 7.9"	1

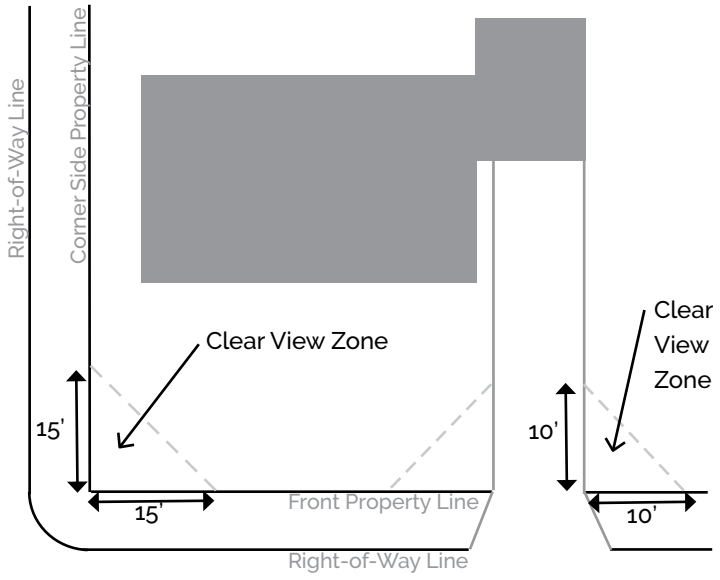


Figure 8.3-1 Clear View Zone.

the required landscaping requirements for a site. Refer to Table 8.3-4 Tree Preservation Credits

(a) Properties located in the Natural Features Protection Overlay Zone are not eligible for this credit.

(b) Preservation credits can be earned when the following criteria are met:

[1] Trees shall be in healthy and good condition.

[2] Trees shall be at least two and half (2 1/2) inches at DBH (refer to 50-1.3K).

[3] Trees to be preserved are not listed in the Midwest Invasive Species Information Network (MISIN)

(c) Trees to be preserved shall be noted on the Site Plan, including protection method during construction, species, size, health, and proposed credits.

(d) Credit for preserved trees shall be applied to the landscaping requirements in the amounts detailed in Table 8.3-4 Tree Preservation Credits.

(e) If a preserved tree for which credit is given is lost to damage or disease within two (2) years of the final certificate of occupancy, the property owner is required to plant trees equal to the credit received.

F. Maintenance. All required landscaping and landscaped areas (refer to 50-8.4) shall be maintained in good health and kept free from refuse and debris.

(1) If any required landscaping dies or becomes diseased, it shall be replaced by the property owner.

(2) The City Planner or their designee is authorized to cite property owners if required plantings die or become diseased and are not replaced by the property owner.

(3) Tree stakes, guy wires and tree wrap are to be removed within one (1) year of planting.

50-8.4 Required Landscaping

A. Incorporating Existing Vegetation and Trees. Existing tree and vegetation in good condition and located in a required setbacks or in areas outside of the development areas should be used as part of any required landscaping required in this section.

B. Tree Canopy Requirement. All projects requiring Site Plan Review and with the construction of any new single family and duplex units must install trees on-site as follows.

(1) For a single-family and a duplex units, a minimum of one (1) tree shall be installed.

(2) For all other uses, trees shall be installed as follows:

(a) Up to One Acre. A minimum of one (1) tree shall be installed for sites up to one (1) acre in area.

(b) Greater than an Acre. One tree per acre or fraction there of beyond the first acre shall be installed.

(3) When a property meets the minimum street tree requirements, this can be applied to meet the Tree Canopy Requirement in the Live Work 1, (LW1), Live Work 2 (LW2), and Neighborhood Node (Nhood Node) Districts.

(4) Downtown (D) Districts are exempt from this requirement.

(5) Trees planted to meet other required landscape and screening requirements may be applied to meet the Tree Canopy Requirement.

C. Parking & Loading Perimeter Landscaping. Refer to Figure 8.4-1 Parking & Loading Area Required Landscaping All surface parking, both stand alone and on-site with a building, shall be screened from view of public and private streets; pedestrian-only passages and spaces; bicycle facilities; and trails and Residential Districts as follows:

(1) Directly adjoining or facing a public and private street; pedestrian-only passages and spaces; bicycle facilities; and trail, the following is required:

(a) Landscape area shall be a minimum of five (5) feet in width.

(b) Fencing. Fencing up to forty-two (42) inches in height is required in the landscape buffer and shall be located adjacent to the parking area, with the required trees, shrubs, and other landscaping adjacent to the street; pedestrian-only passages and spaces; bicycle facilities; and trail. Refer 50-8.5 Fences, Walls, and Screening for more info on fences.

(c) Tree Requirement. One (1) tree is required for at least every thirty-five (35) feet of frontage and shall be installed at a consistent spacing at a distance that supports the selected species tree health.

(d) Shrub Requirement. At least one (1) shrub is required for every six (6) feet of frontage.

(2) Additional Options for Set Back Parking & Loading Areas. When a parking area is set back more than ten (10) feet from a public and private street; pedestrian-only passages and spaces; bicycle facilities; or trail, a berm or an opaque fence are also permitted options.

(3) Directly adjoining or facing a Residential Zoning District. Landscaping and screening is required to provide at least seventy-five (75) percent opacity one (1) year after installation. This area may include all of the screening options (fencing, opaque walls, berms, trees, and other vegetation) noted in this section (50-8.4E).

D. Interior Parking Lot Landscaping. Parking areas having more than thirty (30) parking spaces shall include interior lot landscaping as follows. Refer to Figure 8.4-2.

(1) Minimum Area. A minimum of five (5) percent of the entire parking lot area shall be provided as a landscaped area.

(2) Ground Cover. Landscaping of interior islands cannot include stone mulch; planting materials and bark mulch are permitted.

(3) Trees. One (1) tree shall be provided for each three hundred (300) square feet of internal landscaped area. Trees are required to be planted in any of the following methods:

(a) Open soil landscape islands.

[1] Minimum area of two hundred fifty (250) square feet.

[2] Minimum of seven (7) feet wide.

(b) Covered soil landscape areas specially designed to accommodate tree root growth are permitted with engineered design methods including structural soil, sidewalk support, and soil cells.

[1] Minimum tree opening of three (3) feet by three (3) feet is required.

[2] Minimum soil volume shall be as follows.

[a] Small trees: 600 cubic feet.

[b] Medium trees: 1,000 cubic feet.

[c] Large trees: 1,500 cubic feet.

(c) Open soil and covered soil planting hybrids connected to green space with root paths.

[1] Minimum soil volume shall be as follows.

[a] Small trees: 600 cubic feet.

[b] Medium trees: 1,000 cubic feet.

[c] Large trees: 1,500 cubic feet.

[2] Green space area shall be included in soil volume calculations.

[3] Root paths may be used to connect to other covered soil landscape areas.

(3) Maximize Shade. If three (3) or more trees are to be planted in a parking area, they should be dispersed to maximize the shade created from their canopy at maturity.

(4) Curbs. Landscaped areas shall be curbed unless also being used for stormwater management.

E. Side and Rear Yard Landscape Screening. Landscape screening between uses is required in the side and rear yards as follows.

(1) Location. Side and rear landscape screening shall be located as follows:

(a) When located adjacent to residential uses, open space, park, or preserve, the following shall provide a landscape

screen on their property:

[1] Non-residential driveway and drive-through facility.

[2] Commercial and Mixed use.

[3] Civic and Institutional use.

[4] Industrial use.

[5] Residential buildings with more than eight (8) units.

[6] Parking area (stand-alone lot or on a property with a building).

(b) Manufacturing uses will provide a landscape screen when adjacent any other non-manufacturing use.

(2) Screening Requirements.

(a) Width. The side and rear landscape screen shall be ten (10) feet in width, measured from the shared property line, with the following exceptions:

[1] Twenty (20) feet is required for manufacturing uses adjacent to any residential, park, open space, or preserve.

[2] Fifteen (15) feet is required for manufacturing uses adjacent to all other use.

(b) Existing Vegetation. The preservation of existing, high quality trees and vegetation is strongly encouraged and may be considered as a screening option or incorporated into proposed landscape screening to meet the requirements.

(c) Screening Options. Trees, opaque walls, berms, and fences can be used to create the screen in an amount of seventy-five (75) percent opacity by one (1) year after installation as follows:

[1] A row of six (6) foot tall evergreen trees planted parallel to the property line at a spacing of no more than six (6) feet apart.

[2] Opaque wall, berm, or fence with a height of six (6) feet.

(3) Exceptions. In the Live Work 1 (LW1), Live Work 2 (LW2), Neighborhood Node, and Community Commercial 2 (CC2) and Downtown (D) Districts, the side yard landscape buffers are not required between residential uses and commercial, mixed use, civic, and institutional uses.

50-8.5 Fences, Walls, & Screening

A. General Provisions.

(1) Applicability. These standards apply to the installation of fences in all locations, unless otherwise stated.

(2) Fence Construction.

(a) Fences shall be installed entirely within a parcel's property lines.

(b) Fences shall be installed with the finished side (i.e. the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

(c) Unless otherwise noted fences or walls located in front or corner side yards shall not have an opacity of more than seventy-five (75) percent.

(d) Fence height is calculated by measuring a fence panel from the average grade at the base to the top of the tallest part of the panel, Fence posts between panels may be taller.

(3) Prohibited Materials. The following materials are not permitted.

(a) Chain-link fencing is not permitted in the front or corner side yards in any District.

(b) Plywood, woven plastic, and metal slat fences are not permitted in any yard, unless otherwise stated.

(c) Fences and wall constructed of debris, junk, or waste materials shall not be installed unless such materials have been recycled and reprocessed to resembling new building materials.

(d) Barbed wire and razor wire on fencing shall comply with Chapter 22-14.

B. Fence and Wall Standards for Residential Uses. Fences and walls installed on residentially used properties shall adhere to the following requirements.:

(1) In a front yard, the maximum permitted height is four (4) feet.

(2) In a corner side yard, the maximum permitted height is four (4) feet when the fence is located in the build-to zone or within the required setback and within twenty (20) feet from the corner side property line.

(3) In side and rear yards, including when fronting an alley, the maximum permitted height is seven (7) feet.

(4) Fences may be located on top of walls provided that the overall structure meets the height requirement for its location.

(5) Transparent or nearly transparent mesh or similar plastic woven materials are permitted on top of fences or walls or around gardens or planting areas as seasonal garden, orchard, or yard protection from wildlife.

C. Fence and Wall Standards for Non-residential Uses. Fences and walls installed on non-residentially used properties shall adhere to the following requirement:

(1) Height. Fence height is as follows.

(a) In front and corner side yards up to six (6) feet is permitted.

(b) In side and rear yards. up to eight (8) feet is permitted.

(2) Clear View Zone. Fences or walls in the front and corner side yards over four (4) feet in height and with opacity of more than seventy-five (75) percent.are not permitted in the clear view zones. Refer to Figure 8.3-1 Clear View Zone.

D. Screening of Mechanical Equipment and Waste Receptacles. Screening of mechanical equipment and waste receptacles from view of adjacent rights-of-way and uses is required as follows. Refer to Figures 8.5-1 Screening of Mechanical Equipment and 8.5-2 Screening of Waste Receptacles.

(1) When a property has three (3) or more street facing yards, the City Planner can determine which may be appropriate for placement of mechanicals or receptacles.

(2) All roof mounted or ground mounted mechanical equipment shall be screened from view as follows.

(a) Roof Mounted Equipment. Screening shall consist of an opaque screening or parapet wall.

(b) Ground Mounted Equipment. Ground mounted equipment for residential uses over twelve (12) units and nonresidential uses shall be located and screened as follows:

[1] Ground mounted equipment is not permitted in front and corner side yards.

[2] Screening shall consist of fencing, walls, and/or vegetation to create a complete opaque screen,

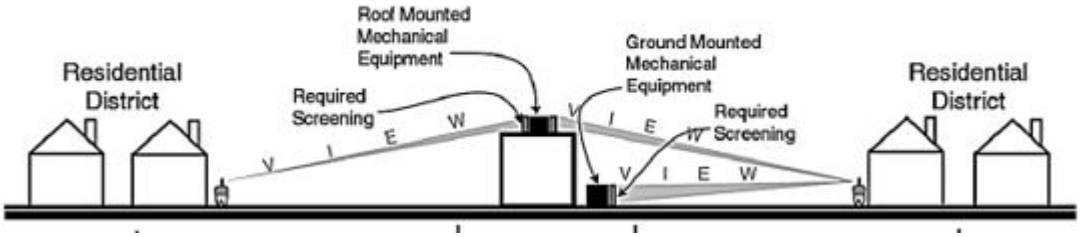


Figure 8.5-1 Screening of Mechanical Equipment

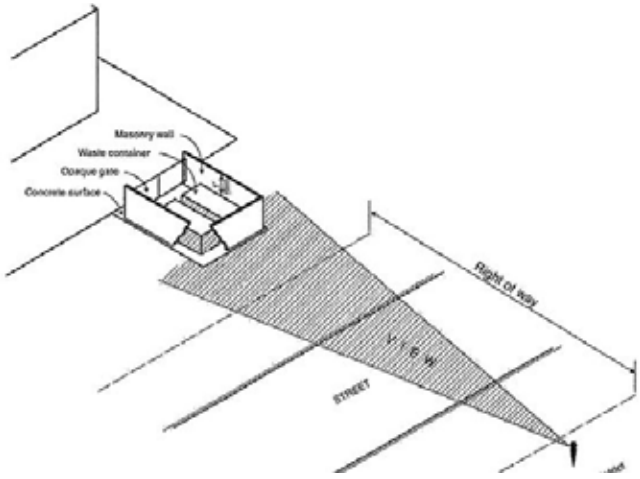


Figure 8.5-2 Screening of Waste Receptacles

(3) All waste receptacles larger than two (2) cubic yards, and all waste receptacles for nonresidential uses shall be located and screened as follows.

(a) Waste receptacles are not permitted in front and corner side yards.

(b) Screening enclosures shall consist of a fence or wall six (6) to eight (8) feet in height to create a complete opaque screen,

(c) Screening enclosure shall have an opaque gate and wheel stops when located in a parking area.

Article 9. Signs

50-9.1 Intent.

This Article seeks to establish a comprehensive set of sign regulations that promote effective communication. Specifically, this Article will:

A. Support the businesses, organizations, and industry of Kalamazoo through reasonable, orderly, and effective display of signage.

B. Preserve the aesthetic appearance of public spaces by assuring compatibility between scale, building form, and land use.

C. Preserve, protect, and promote public safety.

D. Establish regulations that take land use, Street Type, and context into consideration.

50-9.2 Applicability.

The regulations in this Article apply to signage throughout the City as follows.

A. Installation of a new sign, including an increase in the sign face or overall size of an existing sign.

B. Alteration of an existing sign's structure.

50-9.3 General Provisions.

A. Permits Required. A permit is required as follows.

(1) Sign Permit. Except as exempted by this Article, a permit is required for the installation or alteration of a sign.

(2) Temporary Encroachment Permit. A temporary encroachment permit is required for those signs that may be in or projecting over the public right-of-way or other public property. This permit is obtained from and approved by the Right-of-Way Coordinator in Public Services.

B. Signs must conform to the standards set forth at Chapter 9 "Buildings and Building Regulations", Article II "Building Code, Division 3 "Signs" of the Kalamazoo City Code of Ordinances.

C. Sign Location. Unless otherwise specified in this Article, all signs shall be located within the boundaries of a lot or parcel and are not permitted in the right-of-way or other public property, except as permitted by this Article.

D. Calculation of Sign Size. Refer to Figures 9.1-1 to 9.1-3.

(1) Sign Face Area. The area of a sign is determined by drawing a rectangle or square around all letters, logos, or other characters. The sign face area excludes the sign structure. Refer to Figure 9.1-1.

(a) Signs with Two Faces. The area of one sign face is used to calculate overall sign size. If the faces are not the same size, the larger area is used.

(b) Signs with Three or More Faces. The area of all sign faces is used to calculate overall sign size.

(2) Height. Height of freestanding signs is measured from the average grade at the sign base to the top of the sign support structure or the highest projecting element of the sign, whichever is higher. Refer to Figure 9.1-2.

(3) Lot & Building Frontage. Refer to Figure 9.1-3.

(a) Lot frontage width is measured along the front property line between side or corner side property lines.

(b) Building frontage width is measured along the front and corner side facing facades.

Figure 9.1-1 Calculating Sign Face Area.

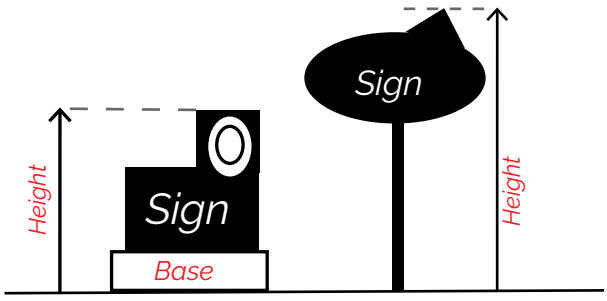


Figure 9.1-2 Calculating Sign Height.

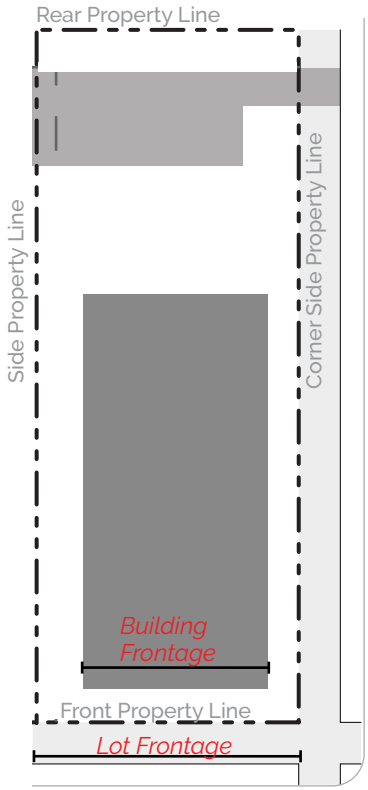


Figure 9.1-3 Calculating Lot and Building Frontage.

D. Exempt Signs. Exempt Signs are regulated as follows:

(1) Exempt Signs are signs that are:

(a) Permitted in all districts.

(b) Do not require a sign permit.

(c) Not counted in the calculation of the total sign allowance.

(2) Exempt Signs include the following types of signs.

(a) Name plates, street numbers, street name. Unless otherwise required in the City of Kalamazoo Fire Code, these may not exceed two (2) square feet in area.

(b) Hours of Operation not exceeding two (2) square feet in area.

(c) Signs on facades not fronting a public right-of-way, such as those on a rear entrance that do not exceed four (4) square feet in area.

(d) Signs not legible beyond the property line that do not exceed two (2) square feet in area and are for the information of employees, staff, residents, or visitors to the property.

(e) Signs directing vehicles entering and exiting off-street driveways, drive-through lanes, and off-street parking provided the following:

[1] One (1) per parking area, driveway, and/or drive-through allowed.

[2] Signs may be no larger than six (6) square feet.

[3] Signs may be no taller than four (4) feet in height.

[4] Setback a minimum of two (2) feet from property lines.

[5] May be internally or externally illuminated.

(f) Historical markers, memorial signs or tablets including name of building and date of construction.

(g) Neighborhood identification signs, including a for neighborhood center or corridor, when located on public property or right-of-way. A Temporary Right-of-Way Encroachment agreement is required.

(h) A single sign for a home occupation (refer to 50-4.5C(5)) that does not exceed one (1) square foot and is not internally illuminated.

(i) Class A Temporary Signs, refer to 50-9.4A.

E. Illumination. The following illumination standards apply to both on-premise and off-premise signs. Refer to Article 10 Lighting for additional standards.

(1) Signs may be illuminated internally or externally.

(2) Externally Illuminated Signs.

(a) Downward Directed Lights. External lighting shall be positioned downward and directed at the sign face.

(b) Shielded Lights. External lighting shall be shielded from any adjacent Residential Zoning Districts, public rights-of-way, and park/open space/preserves.

(c) Blinking or Flashing Lights. On-premise signs displaying blinking or flashing lights are only permitted within the Downtown Districts D1 and D2 and Community Commercial (CC) Districts.

[1] In D1 and D2 Districts blinking or flashing light strips around display windows and entrances are not permitted.

[2] No light shall blink, flash, or change its intensity or color more often than one (1) time every ten (10) seconds.

(3) Prohibited Types of Illumination. The following types of illumination are prohibited:

(a) Beacon and Strobe Lights.

(b) Colored Lights. No colored lights that could be confused with or construed as traffic-control devices are permitted.

(c) Traffic Hazard. No lighting shall create a hazard to those traveling in the public rights-of-way.

F. Changeable Copy Signs. Changeable copy signs include both those with a message changed manually or automatically, the latter being defined as Electronic Message Displays (EMD).

(1) Size. Changeable copy signs are permitted as follows:

(a) Up to twenty-five (25) percent of a wall sign face.

(b) Up to fifty (50) percent of a freestanding sign face.

(c) Up to seventy-five (75) percent of a marquee sign face.

(2) Electronic Message Displays (EMD). EMD signs have messages or images that dissolve, fade, flash, or scroll.

(a) A displayed message may not change more often than every ten (10) seconds.

(b) Permitted transition between images or messages include fading in and out of content and horizontal scrolling. Any other type of scrolling, transition, or movement of images or text is prohibited.

G. Nonconformance. A sign that does not conform to the standards in this Article is considered a nonconforming site characteristic. Refer to 50-1.4 Nonconformances.

H. Maintenance, Repair, & Removal. Any sign found to be unsafe, insecure, or a danger to the public health, safety, and welfare or has been constructed, erected, or maintained in violation of the provisions of this Article will be considered in violation. The owner will be required to make the sign safe, secure, and otherwise brought into compliance with this and other applicable codes. Refer to Chapter 9 "Buildings and Building Regulations", Article II "Building Code, Division 3 "Signs" of the Kalamazoo City Code of Ordinances.

I. IC and PUD District Signs. An Institutional Campus Master Plan or PUD Plan may permit an increase in the sign allowance for the number of signs; the total sign area; and the height of any sign by up to twenty-five (25) percent of the standards in this Article.

J. Compliance with Applicable State Statutes. Public Act 106 of 172, being the Highway Advertising Act and Public Act 342 of 2010 regulating signs advertising sexually oriented businesses are adopted by reference and nonconformance with their provisions is a violation of this Ordinance, and subject to enforcement under this Chapter.

50-9.4 Temporary signs.

A sign constructed of paper, cloth, canvas, plastic, cardboard, wall board, plywood or other like material without a permanent foundation or otherwise permanently attached to the ground that appears to be intended or would be determined by a reasonable person to be displayed for a limited time. Temporary signs are defined and subject to the following:

A. Class A Temporary Signs. Class A Temporary Signs, a type of exempt sign, are allowed without a permit as follows:

(1) Maximum Size Per Lot. The total sign area of all temporary signs on any one site shall not exceed thirty-six (36) square feet.

(2) Maximum Size Per Sign. The maximum size of individual temporary signs shall not exceed six (6) square feet in area.

(3) Maximum Height. Temporary signs shall not be taller than forty-two (42) inches in height.

(4) Illumination. Temporary signs shall not be illuminated, except as provided 50-9.4E.

(5) Exceptions. The following are exceptions to the temporary sign standards:

(a) Temporary signs for buildings under construction shall be a maximum size of ten (10) percent of the area of the ground floor front façade and not more than ten (10) feet in height.

(b) One (1) temporary sign located on vacant land that is for sale or for lease, when the parcel exceeds two (2) acres in area, shall be a maximum size thirty-two (32) square feet and not more than ten (10) feet in height.

B. Class B Temporary Signs. Class B Temporary Signs are intended to be displayed for a maximum period of up to forty-two (42) consecutive days divided into no more than three (3) two-week periods within a 12-month cycle.

(1) Permit. A sign permit is required.

(2) Use. Class B Temporary Signs are not permitted for residential uses, except residential multiple family.

(3) Maximum Sign Area. A maximum of one hundred (100) square feet of signage can be permitted, with no one (1) sign

being larger than thirty-two (32) square feet.

(4) Plans. A plan is required with the permit application that shows the following:

(a) Site Layout. Plans must at a minimum show building, driveway, fire lanes, parking locations, and above ground utility line locations.

(b) Sign Quantity and Area. Number, size, and location of proposed signs, illumination, including banners, flags, cold air balloon, helium balloons, and other forms of signage.

(5) Additional Requirements. Class B temporary signs must adhere to the following:

(a) Not permitted. The following are not permitted with Class B temporary signs:

[1] Flashing, colored, flaring, and fluttering lights.

[2] Signs held or supported by a human or animal.

(b) Cold Air and Helium Inflated Balloons. Balloons shall adhere to the following:

[1] Height. Up to forty (40) feet in height may be permitted.

[2] Placement. Balloons will be setback from all property lines a distance that is equal to the height of the balloon.

[3] Illumination. Internal or external illumination is permitted, refer to 50-9.4E.

(c) Placement. Sign placement shall not interfere with utility lines and traffic circulation.

50-9.5 On-Premises Signs.

The following are the permitted sign types for on-premise signs. These signs count toward a lot or building's overall sign allowance, unless otherwise noted. Refer to Table 9.5-1 Sign Types & Allowance by Zoning District for the type, size allowances, and placement of signage permitted by Zoning District.

A. Freestanding. A sign not attached to a building with its base in the ground; the base can be a single or double pole or a wide, monument-style base. Refer to Figure 9.5-1 Freestanding Sign.

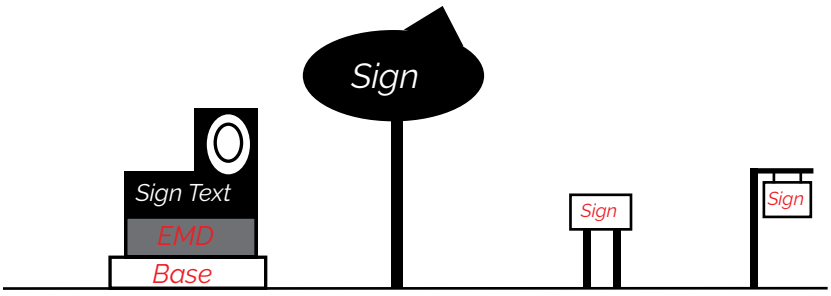


Figure 9.5-1 Freestanding Sign examples.

(1) Rotation. Freestanding signs that rotate may revolve up to six (6) times a minute.

(2) Freeway Signs. A type of freestanding sign. A freeway sign's message is directed toward vehicle traffic on a freeway or interstate.

B. Wall Sign. A sign that is mounted directly and is parallel to a building façade. Refer to Figure 9.5-2 Wall Sign.

(1) Wall signs may not project more than twelve (12) inches from the building façade.

(2) Other types of Wall Signs.

(a) A light projection of a sign onto a building façade is a wall sign. Light projection over a public right-of-way requires a temporary encroachment permit.

(b) A sign painted onto a building's surface is a wall sign.

C. Projecting Sign. A sign that is attached to and projects more than twelve (12) inches from a building façade or structure. Refer to Figure 5.9-3.

(1) Maximum Projection. Maximum projection is five (5) feet from the building façade.

(2) Minimum Clearance. Minimum clearance between the lowest part of the sign and the ground is eight (8) feet.

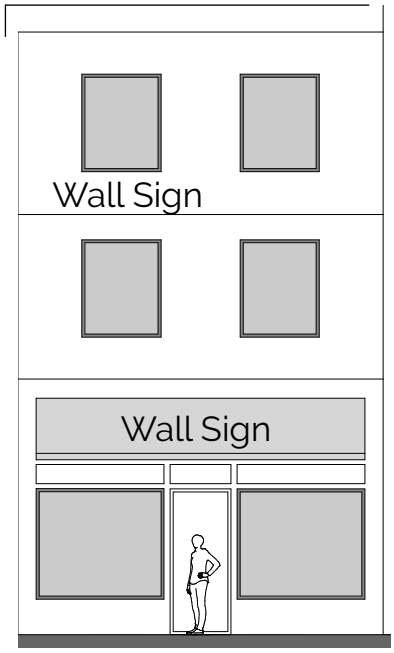


Figure 9.5-2 Wall Sign.

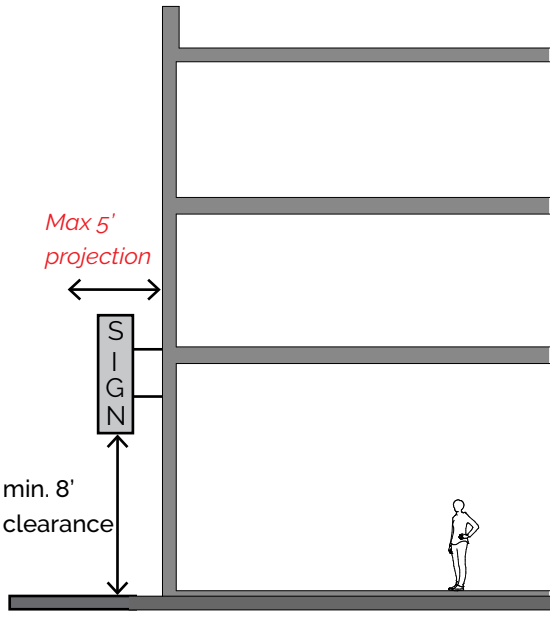


Figure 9.5-3 Projecting Sign.

D. Marquee Sign. A type of projecting sign that includes manual changeable copy or electronic Message Display component. Refer to Figure 5.9-4.

(1) Maximum Projection. The projection standards of Marquee Signs are as follows:

(a) Maximum projection over a public right-of-way is up to twelve (12) inches from the back of the adjacent street's curb.

(b) Maximum projection of up to six (6) feet is permitted where the sign does not project over a public right-of-way.

(2) Minimum Clearance. Minimum clearance between the lowest part of the sign and the ground is eight (8) feet.

(3) Ledge Sign. A Marquee Sign may be combined with a Ledge Sign.

E. Canopy and Awning Sign. Signs attached, printed, or otherwise applied directly onto an awning or canopy. Refer to Figure 5.9-5.

(1) Maximum Projection. Maximum project is six (6) feet from the building façade.

(2) Minimum Clearance. Minimum clearance between the lowest part of the sign and the ground is eight (8) feet.

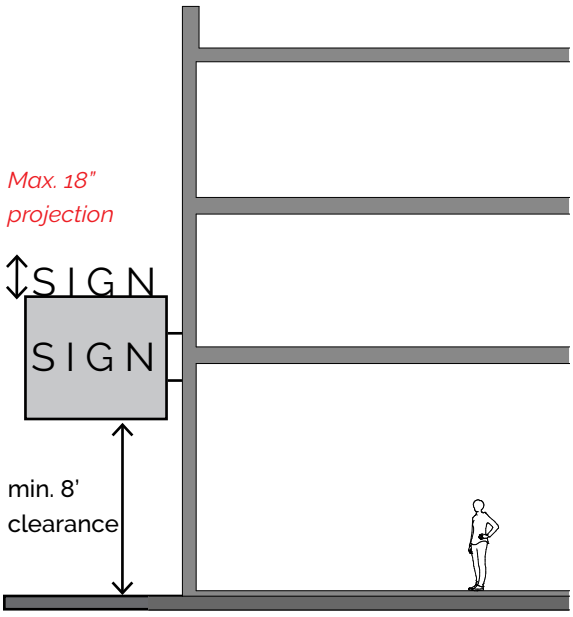


Figure 9.5-4 Marquee Sign.

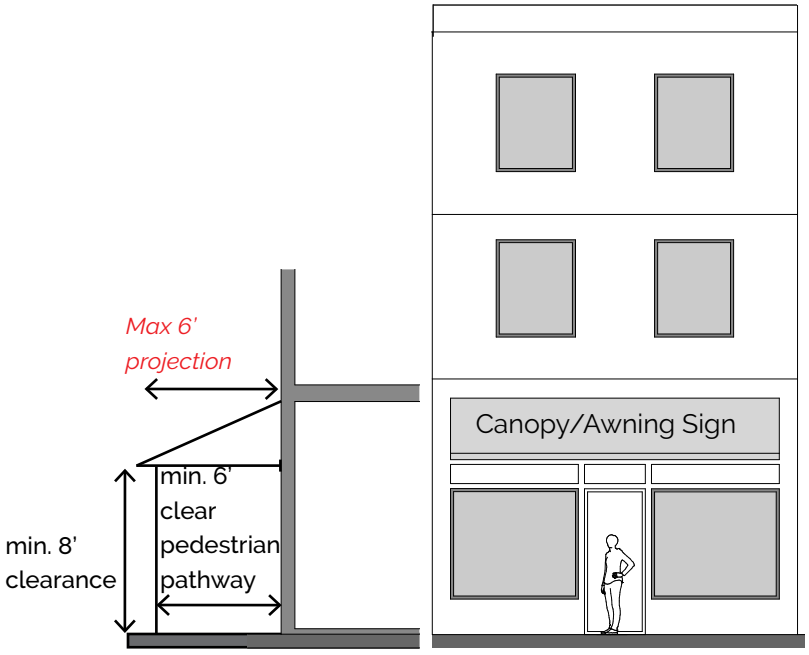


Figure 9.5-5 Canopy & Awning Sign.

(3) Ground Floor. Awnings over the public right-of-way may have supports affixed to the ground provided that there is at least six (6) feet of a clear pedestrian pathway measured from the front of the building façade.

(4) Upper Floor. Awnings on upper floors must be sized and affixed to the window opening it is covering.

F. Ledge Sign. A sign with individual channel letters, numbers, or symbols that stand atop a horizontal projection, such as Ledge, Canopy, Marquee, or other architectural projection. Refer to Figure 5.9-6. Maximum projection for a ledge sign is eighteen (18) inches from the architectural projection.

G. Window Signs. A sign that is posted, painted, or otherwise affixed in or on a window. Refer to Figure 5.9-7.

(1) Districts Permitted. Permitted in all Zoning Districts.

(2) Overall Allowance. Window signs do not count against the overall sign allowance for the lot or building.

(3) Location. Window signs are permitted on the ground floor and the 2nd and 3rd floor windows.

(4) Sign Area. Window sign area is permitted as follows. Refer to Figure 9.1-1 Calculating Sign Face Area.

(a) Ground Floor. Window signs may cover up to twenty-five (25) percent of ground floor windows.

(b) Upper Floor. Window signs may cover up to thirty (30) percent of an upper floor window.

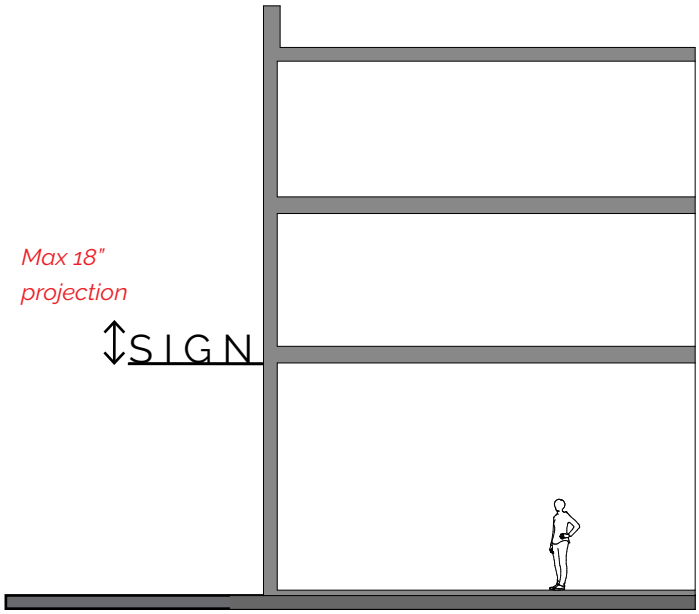


Figure 9.5-6 Ledge Sign.

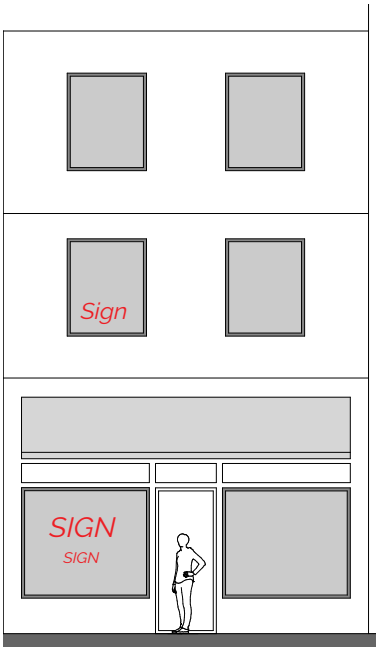


Figure 9.5-7 Window Sign.

(3) Upper Floor Window Signs. Each business exclusively located on an upper floor is permitted one (1) window sign per street facing facade.

(4) Permits. A sign permit is not required.

H. Sandwich Board Sign. A moveable sign that is not secured or attached to the ground or building, often in an A-frame shape or a chalk board, intended to be placed in a sidewalk or pedestrian way. Refer to Figure 5.9-8.

(1) Districts Permitted. Permitted in all Zoning Districts.

(2) Placement.

(a) Must be located directly in front of the building containing the use associated with the sign.

(b) Must be located to preserve at least five (5) feet of a clear pedestrian pathway measured from the front of the building façade toward to back of curb or edge of walkway.

(3) Size. Maximum size is eight (8) square feet.

(4) Overall Sign Allowance. Sandwich board signs do not count against a lot or building's overall sign allowance.

(5) Display. Signs shall only be displayed during business hours of the use it is representing.

(6) Permits. A sign permit is not required.

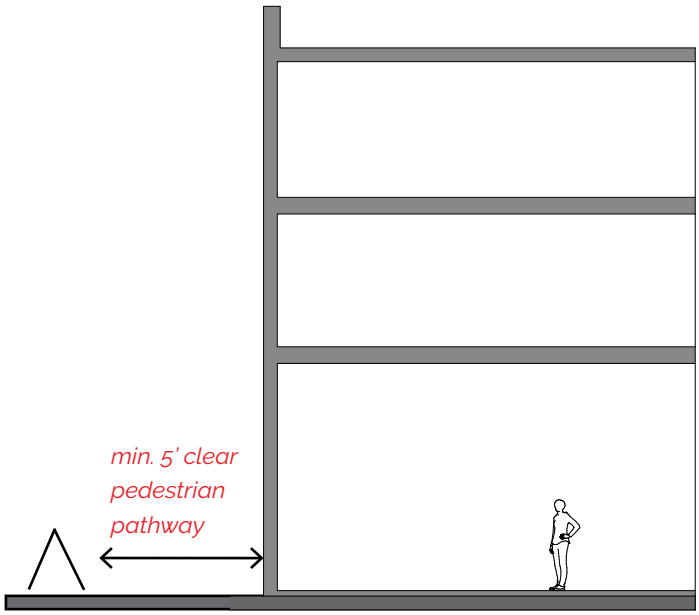


Figure 9.5-8 Sandwich Board SIgn.

Table 9.5-1 Sign Types & Allowance by Zoning District

Districts	Sign Type	# of Signs	Sign Area	Setback	Max. Height	Add'l Requirements
R, PUD, & IC Districts	Freestanding	1/lot frontage	Up to 36 sqft	5'	6'; up to 8' on City Connector Streets	In R and PUD Districts signs are not permitted for an individual structures containing less than five (5) dwelling units or a cluster of four (4) buildings containing 1 to 4 units.
	Wall, Canopy & Awning, Projecting, Ledge		Up to 24 sqft			
D1, D2, & D3 Districts	Freestanding	Not permitted in D1; 1/lot in D2-D3	1 sqft/1' lot frontage, up to 75 square feet	2'	12'	
	Wall, Canopy & Awning, Projecting, Ledge		2 sqft/1' building frontage per user max.; Buildings 5 stories & taller are permitted additional signage in an amount equal to 5% of the total area of the bldg frontages			Max sign size is 200 sqft
	Marquee	1/building				
All C, LW1, LW2, Nodes, M1, M2, BTR	Freestanding	1/lot frontage; 2nd permitted with lot frontage greater than 300'	1 sqft/ 1' lot frontage, up to 200 sqft feet max for CC, M, BTR Districts & up to 100 sqft max for LW, Node & CC2	2'	18'; 25' in CC; 10' in N'hood Node	Freeway Sign. Permitted in M & BTR Districts & CC with a special use permit; 1 freeway sign allowed on lots within 200' of highway ROW; Max sign area: 150 sqft; Max height: 80'; Setback: 10'; Must be oriented to highway vehicle traffic
	Wall, Canopy & Awning, Projecting, Ledge		1 sqft/1' bldg frontage per user; up to 150 sq ft for CC, M, & BTR: 2 sqft/1' bldg frontage per use up to 200 sqft			
	Marquee	1/building				

I. Mural. A design or representation that is painted, drawn, or applied directly to a building facade or is produced off-site and affixed to a building façade and is intended as a piece of expressive public art. The following standards apply:

(1) Districts Permitted. Murals are permitted in all Zoning Districts.

(2) Size of Murals. Maximum mural size is 1,000 square feet, except in Nodes, D1, D2, D3, M1, and M2 Districts where there is not a maximum size.

(3) Murals Produced Off-Site and Affixed to a Building.

(a) Windows, doors, or other architectural features of the building façade cannot be obstructed by the mural.

(b) A sign permit is required when the mural is larger than 200 square feet.

(4) Overall Sign Allowance. Murals do not count against a lot or building's overall sign allowance.

(5) Permission of Owner. Permission of the building owner is required.

50-9.6 Off-Premises Signs.
The following regulates off-premises signs in Kalamazoo. Refer to Table 9.6-1.

A. City-Wide Limitation on the Number of Off-Premises Sign Structures. No new off-premises sign structure shall be erected when there are 99 or more off-premises sign structures in the City.

(1) This limitation is based on the number of potential sign locations and the existing number of conforming sign structures as of the date of the original enactment of this section, September 21, 1987.

(2) As of INSERT DATE OF ORD APPROVAL, there are more than ninety-nine (99) off-premises sign structures in the City, no new off-premises signs may be erected.

(3) All replacements of existing off-premises signs shall comply with all applicable provisions of this Article.

B. Off-Premises Signs by District. Refer to Table 9.6-1 Off-Premises Signs by Zoning District for the Off-Premises Sign standards.

(1) Downtown. Off-premises signs that comply with the standards in 50-9.6A shall be permitted in the Downtown District.

(2) Local Historic Districts. Off-premises signs shall not be permitted in established and designated local and federal historic districts and buildings.

C. Intersections. Off-premises signs shall not be permitted within a one-hundred (100) foot radius of public street intersections as measured from the center point of the intersection of each street to the closest edge of the sign. A distance of five hundred (500) feet shall be maintained between all signs at an intersection.

D. Setback Requirements. Off-premises signs shall comply with the setback standards in the Zoning Districts in which they are allowed.

E. Placement Requirements. Off-premises signs may be located as follows.

(1) Buildings. Off-premises signs shall not be located on the roofs of buildings or be attached to or painted on the walls of buildings.

(2) No Stacking. Off-premises signs shall not be stacked on top of each other.

Table 9.6-1 Off-Premise Sign Types & Allowance by District

Districts	Max. Area	Min. Distance Btwn Signs[1]	Double-Faced Signs	Side by Side Signs	Max. Height
CC District	*300 sqft*	*1,000' when on same side of the street; 500' when on opposite sides of the street*	*Permitted*	*Not Permitted*	*30'*
M1 District	*380 sqft; 672 if along I-94*	*1,000' when on same side of the street; 500' when on opposite sides of the street*	*Permitted*	*Permitted along I-94 (not BL-94); Max size per sign face is 300 sqft*	*35'*
M2 District	*672*	*1,000' when on same side of the street; 500' when on opposite sides of the street*	*Permitted*	*Permitted, but only when located on the opposite side and parallel to a single 672 sqft sign face; Max size per sign face is 300 sqft*	*40'*

[1] *Distance shall be measured from the closest edge of each off-premises sign.*

F. Radius Requirements. Off-premises signs shall not be permitted within a three-hundred foot radius of residential districts, cemeteries, and dedicated parks.

G. Sign Protrusions. No part of the advertising copy for a sign shall protrude beyond the sign frame.

50-9.7 Internally Illuminated Automatic Changeable Copy Signs.

The following regulations governing internally illuminated automatic changeable copy off-premises signs within the City.

A. Permitted Off-Premises Signs. To achieve and further these purposes, any internally illuminated, automatic changeable copy signs, such as, but not limited to, signs using LED technology, are permitted as a lawful conforming off-premises sign in compliance with the following requirements:

(1) Location. Such signs shall only be located in D1, D2, D3, CC, M-1, and M-2 zoning districts when the following are met.

(a) Located on sites where an off-premises sign that is two-hundred (200) square feet or more existed as of July 1, 2013, that is adjacent to state or federally controlled roads.

(b) More than three hundred (300) feet away from a residential zoning district, except on West Main Street from Northampton Road west to the City limits, if more than 100 feet away from a preexisting residential use.

(c) Whose sign face area does not exceed that of the static sign face or faces being replaced; and is not less than 2,500 feet from another off-premises internally illuminated automatic changeable copy sign.

(2) Sign Support Structure Elimination Credits.

(a) The erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic changeable copy sign shall require the elimination of existing nonconforming off-premises signs within the City. The installation, erection, or upgrade of any existing sign to an internally illuminated automatic changeable copy sign shall require the sign owner to secure six (6) sign support structure elimination credits.

(b) The elimination of an off-premises sign support structure in all Zoning Districts except CC, M1, and M2 Districts shall count for two credits; elimination of an off-premises sign support structure in Cc, M1, and M2 shall count as one (1) credit.

(c) Only whole numbers shall be applied to credits used to erect, install or upgrade an off-premises automatic changeable copy sign, and any credits more than the amount required to qualify for the erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic

changeable copy sign shall not be available for future use.

(d) In order to qualify for an elimination credit, the off-premises sign support structure shall be completely removed and the property site returned to as good or better condition as existed before the sign support structure was installed.

C. General Requirements. Except as otherwise provided in this section, the requirements set forth in § 7.4 are applicable to internally illuminated off-premises signs.

(1) Sign face images shall not change more often than once every 10 seconds. As used in this section, change shall preclude any method of message transition, involving the use of animation, dissolving, or fading, flashing techniques. In the event of a mechanical failure, the sign image shall default to a static display.

(2) Sign faces permitted by this subsection may be placed back to back, but shall not be placed side by side or stacked.

(3) The luminance of an internally illuminated off-premises automatic changeable copy sign shall utilize dimming capabilities so that the maximum luminescence of the sign shall not exceed 0.2 footcandles over ambient light conditions when measured at a height of five feet facing the sign face at a distance of two-hundred (200) feet.

(4) Signs permitted by this subsection shall not be equipped to transmit sound or other forms of broadcast signals.

D. After July 1, 2013, no more than eight (8) additional internally illuminated off-premises automatic changeable copy sign structures shall be permitted in the City.

50-9.8 Illumination of Off-Premises Signs.

Illumination of Off-Premise signs will occur as follows:

A. External Lighting Directed Inward and Shielded from Adjacent Residential Districts and Rights-of-Way. Any external lighting intended for the illumination of the face of a sign shall be directed inward and shielded from any adjacent residential districts and public right-of-way, and shall not adversely affect driver visibility or adjacent public thoroughfares. No external light source intended to illuminate the face of a sign shall be directly visible from any adjacent property located within a residential zone district and public right-of way.

B. No Beacon or Strobe Lights. Beacon lights and strobe lights are not permitted.

C. Colored Lights. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.

D. No Traffic Hazard. Neither the direct nor reflected light from light sources shall create a traffic hazard to operators of motor vehicles on public rights-of-way.

Article 10. Lighting

50-10.1 General Requirements.

A. Intent. All site lighting should be designed and installed to align with the following:

(1) Maintain adequate site lighting.

(2) Provide security for people and property,

(3) Prevent unintentional dispersing of light to adjacent properties and illumination of natural areas.

(4) Align with the Community Sustainability Plan.

B. Applicability. These standards apply to all development or redevelopment, except that involving a residential structure containing up to four (4) residential units.

C. Design Standards. Design and installation of lighting shall adhere to the following:

(1) Wall-Mounted Lights. Wall-mounted lights shall be fully shielded to direct all light downward. Unshielded wall-pack lights are prohibited.

(2) Height.

(a) Light fixtures shall be no more than twenty (20) feet high whether mounted on poles or building walls or by other means.

(b) Illumination of of seating areas, building entrances, and walkways shall be accomplished by use of bollard-style fixtures or other low, ground-mounted fixtures not over four (4) feet in height.

(c) Lighting height above twenty (20) feet is permitted for entertainment and sports-outdoor, schools, and college and university uses with a special use permit.

(3) Direction of Lighting.

a) No light source shall be directly visible from any adjacent property located in a residential Zone District.

b) No light sources shall be directed outward toward property boundaries or adjacent rights-of-way.

c) Upward-directed lighting shall not be used to illuminate building facades, illuminate flags, statues, or any other objects, except for low-voltage architectural lighting.

d) Architectural, landscape, and decorative lighting used to illuminate flags, statues, or any other objects shall use a narrowly directed light whose light source is not visible from adjacent residential properties or public streets.

(4) Shielding.

a) Exterior. Light fixtures in excess of sixty (60) watts or one hundred (100) lumens shall use full cut-off lenses or

hoods.

b) Interior. No interior light source shall emit light directly onto adjacent residential property.

c) Canopies. No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

(5) Hue. Approved lighting sources shall be color-correct types such as halogen or metal halide. Lighting types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited.

(6) Maximum Initial Lamp Wattage. Maximum initial lamp wattage in parking areas shall not exceed the following:

a) Residential. Sixty (60) watts for five (5) or fewer parking spaces. One hundred (100) watts for six (6) or more spaces.

b) Nonresidential. Two hundred fifty (250) watts for five (5) or fewer parking spaces. Four hundred (400) watts for six (6) or more spaces.

(7) Illumination Levels.

a) Parking Areas. Pavement level lighting in parking lots shall be at least 0.1 footcandle of light.

[1] Potentially hazardous locations may be individually illuminated with at least 0.3 footcandle of light at the pavement level, if approved through Site Plan Review.

(b) Business Hours. Lights for commercial or industrial users within one hundred (100) feet of a residential property line shall be reduced to no more than 0.05 footcandle of light after business hours.

(c) Spillover Light. Lighting for commercial or industrial users shall not create greater than 0.05 footcandle of spillover light at the border with any single-family zone district.

(87) Uniformity Ratios. The ratio of maximum to minimum lighting on a given property, measured at ground level, shall not exceed the following:

(a) 15:1 in residential zone district.

(b) 10:1 in non residential zone districts.

(9) Canopy Lighting.

(a) Light fixtures mounted on gasoline and fuel sales and other canopies shall be recessed so that the lens cover is flush with the bottom surface of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85° or less from horizontal.

(b) As an alternative to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy and is not visible from any residential use adjacent to or across a street or alley from the subject property, or from any public right-of-way.

(c) Lights shall not be mounted on the top or sides (fascias) of the canopy. Signing that is in compliance with sign regulations may be placed on these surfaces.

City of Kalamazoo,
8/18/2023

Proposed Zoning
- CC
- CC2
- Commercial Node
- D3
- LW1
- LW2
- M1
- M2
- Neighborhood Node
- RD19
- RM15
- RM36
- RS5

Current Zoning
- CBTR
- CC
- CCBD
- CMU
- CN-1
- CO
- IC
- D-1
- D-2
- D-3
- LW-1
- LW-2
- M-1
- M-2
- NODE
- PUD
- RD-19
- RM-15
- RM-15C
- RM-24
- RM-36
- RMU
- RS-5
- RS-7

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Appendix A ZONING ORDINANCE

CHAPTER 1
General Provisions

§ 1.1. Title.
§ 1.2. Authority.
§ 1.3. Effective Date.
§ 1.4. Applicability and Jurisdiction.
§ 1.5. Purpose and Intent.
§ 1.6. Interpretation.
§ 1.7. Conflicting Provisions.
§ 1.8. Zone District Map.
§ 1.9. Transitional Provisions.

CHAPTER 2
Base Zoning Districts

§ 2.1. Districts Established.
§ 2.2. R, Residential Districts.
§ 2.3. C, Commercial Districts.
§ 2.4. M, Manufacturing Districts.
§ 2.5. Special Purpose Districts.

~~CHAPTER 3~~
~~**Overlay Zoning Districts**~~

~~**§ 3.1. The Districts.**~~
~~**§ 3.2. NC-O, Neighborhood Conservation Overlay.**~~
~~**§ 3.3. Standards for Traditional Housing Density Overlay (THD- O).**~~
~~**§ 3.4. PUD-O, Planned Unit Development Overlay District.**~~
~~**§ 3.5. HP-O, Historic Preservation Overlay.**~~
~~**§ 3.6. RF-O, Riverfront Overlay.**~~

CHAPTER 4
Use Regulations

§ 4.1. .
§ 4.2. Use-Specific Standards.
§ 4.3. Accessory and Temporary Uses and Structures.

CHAPTER 5
Density/Intensity/Dimensional Standards

§ 5.1. Residential District Standards.
§ 5.2. Commercial and Manufacturing District Standards.
§ 5.3. Measurements, Computations and Exceptions.

CHAPTER 6
General Development Standards

~~**§ 6.1. (Reserved)**~~
~~**§ 6.2. Landscaping and Open Spaces.**~~
~~**§ 6.3. Screening and Fences.**~~
~~**§ 6.4. Lighting.**~~
§ 6.5. Design Standards.
~~**§ 6.6. Operational Performance Standards.**~~

~~CHAPTER 7~~
~~**Signs**~~

~~**§ 7.1. Purpose.**~~
~~**§ 7.2. Applicability.**~~
~~**§ 7.3. On-Premises Signs.**~~
~~**§ 7.4. Off-Premises Signs.**~~
~~**§ 7.4A. Off-Premises Internally Illuminated Automatic Changeable Copy**~~

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~~Signs.~~

~~§ 7.5. Illumination of On-Premises and Off-Premises Signs.~~

~~§ 7.6. Murals.~~

CHAPTER 8
Review and Approval Procedures

§ 8.1. General Provisions.

§ 8.2. Public Hearing Procedures.

§ 8.3. Specific Standards and Applications for Development Approval.

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~~CHAPTER 9~~
~~Nonconformities~~

~~§ 9.1. General.~~
~~§ 9.2. Nonconforming Uses.~~
~~§ 9.3. Nonconforming Structures.~~
~~§ 9.4. Nonconforming Lots.~~
~~§ 9.5. Nonconforming Signs.~~
~~§ 9.6. Elimination of Nonconforming Use by City.~~

CHAPTER 10
Violations, Penalties and Enforcement

§ 10.1. Enforcement.
§ 10.2. Violations.
§ 10.3. Penalties.
§ 10.4. Remedies and Enforcement Powers.
§ 10.5. Enforcement Procedures.
§ 10.6. Revocation.
§ 11.9. Hearing Officer.

CHAPTER 11
Review and Decisionmaking Bodies

§ 11.1. City Commission.
§ 11.2. Planning Commission.
§ 11.3. Zoning Board of Appeals.
§ 11.4. Site Plan Review Committee (SPRC).
~~§ 11.5. Downtown Design Review Committee (DDRC).~~
§ 11.6. City Planner.
§ 11.7. Zoning Inspector.
§ 11.8. City Attorney.

CHAPTER 12
Definitions and Use Categories

§ 12.1. Rules of Construction.
§ 12.2. Use Categories.
§ 12.3. Definitions and Use Categories.

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[HISTORY: Adopted by the City Commission of the City of Kalamazoo 7-18-2005 by Ord. No. 1787[1]. Amendments noted where applicable.]

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1. **Editor's Note: This ordinance also repealed former Appendix A – Zoning Ordinance, adopted 4-12-1954 by Ord. No. 439, as amended. Ordinance No. 1787 became effective 10-18-2005.**

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GENERAL REFERENCES

Planning Commission — See Ch. 2, Art. IV.

Kalamazoo Historic Preservation

Commission — See Ch. 2, Art. V Buildings

and building regulations — See Ch. 9

Cemeteries — See

Ch. 10 Filling

stations — See Ch.

14

Fire prevention and protection —

See Ch. 15 Historic districts —

See Ch. 16

Housing Code —

See Ch. 17 Land

division — See Ch.

20A Noise — See

Ch. 21

Wastewater discharge regulations and enforcement procedures — See Ch. 28

Stormwater system — See Ch. 29

Soil erosion and sedimentation

control — See Ch. 30 Streets and

other public grounds — See Ch. 33

Swimming pools — See Ch. 34

Water — See

Ch. 38 Trees —

See Ch. 42

Telecommunications — See

Ch. 45 Sexually oriented

businesses — See Ch. 46

Land subdivision standards — See Appendix B

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STATUTORY REFERENCES

Michigan Zoning Enabling Act — See MCLA § 125.3101 et seq. Public Health Code – See MCLA § 333.1101 et seq.

Medical Marihuana Act – See MCLA § 333.26421 et seq.

Medical Marihuana Facilities Licensing Act – See MCLA § 333.27101 et seq.

Marijuana Tracking Act – See MCLA § 333.27901 et seq. Assaultive crimes and bail – See MCLA § 770.9a

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CHAPTER 1
General Provisions

§ 1.1. Title.

These regulations shall be officially known as the "City of Kalamazoo Zoning Ordinance," and may be referred to as "the Ordinance" or "this Ordinance."

§ 1.2. Authority.

This Ordinance is enacted pursuant to the powers granted by laws of the state of Michigan, including the statutory authority granted in the Michigan City and Village Zoning Act, Public Act 207 of 1921, as amended (Michigan Compiled Law (MCL) § 125.581 et seq., as amended) and other relevant laws of the state.

§ 1.3. Effective Date.

This Ordinance was adopted by the City Commission of the City of Kalamazoo on July 18, 2005. This Ordinance became effective on October 18, 2005, 90 days after adoption by City Commission.

§ 1.4. Applicability and Jurisdiction.

A. General. The provisions of this Ordinance shall apply to all development and the use of all land and structures on all lands and waters within the City of Kalamazoo, including land owned by county, state or federal agencies to the extent permitted by law.

B. Application to City. Use of all structures and land owned by the City or by City agencies or departments shall be permitted uses in all zoning districts. Such uses shall comply with density, intensity and dimensional standards of Chapter 5 unless specifically waived or modified by the Zoning Board of Appeals or by resolution of the City Commission.

C. No Development until Compliance with this Ordinance. No structure, land or water, shall be used and no structure or part of a structure shall be located, erected, moved, reconstructed, extended, converted or structurally altered except for normal repairs of existing structures, without full compliance with the provisions of this Ordinance and all other applicable city, state and federal regulations.

§ 1.5. Purpose and Intent.

A. General. This Ordinance is adopted to guide and regulate the appropriate use or development of all lands and structures in a manner that will promote the public health, safety and general welfare.

B. Specific. These regulations are specifically intended to:

1. Classify all land in such manner as to reflect its suitability for particular uses.

2. Regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land.

3. Ensure adequate light, air, privacy, and convenience of access to property.

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4. Conserve property values.
5. Protect all areas of the City from harmful encroachment by incompatible uses.
6. Prevent the overcrowding of land with buildings.
7. Avoid undue congestion of population.
8. Fix reasonable standards to which buildings, structures and uses shall conform.

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9. Lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off- street loading and unloading of commercial vehicles.
10. Facilitate the adequate provision of transportation, water, sewage disposal, education, recreation, and other public facilities.
11. Provide for the elimination of nonconforming buildings and structures and for the elimination of nonconforming uses of land.
12. Promote a desirable visual environment through creative development techniques and good civic design and arrangement.
13. Protect natural resources and environmentally sensitive areas.
14. Define the powers and duties of the administrative officers and review bodies.
15. Provide penalties for violations of the provisions of this Ordinance or any subsequent amendment.

§ 1.6. Interpretation.

A. Authority for Interpretation. The City Planner is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this section and applicable Ordinance standards and requirements, and applicable state law. Interpretations made by the City Planner may be appealed to the Zoning Board of Appeals.

B. Meaning and Intent. All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent, and applicable state law.

C. Text Controls. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.

D. Statutory References. All references to state law in this Ordinance refer to the Michigan Compiled Law (MCL), as amended.

E. Computation of Time. Periods of time defined by a number of days shall mean a number of consecutive calendar days. Any deadline that falls on a weekend or national holiday shall be extended to the next business day.

F. Delegation of Authority. Whenever a provision appears requiring the head of a department, City Planner, or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

G. Technical and Nontechnical Words. Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Mandatory and Discretionary Terms. The words "shall" and "must" are always mandatory, and the words "may" or "should" are always permissive.

I. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as

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follows:

(1) "And" indicates that all connected items, conditions, provisions, or events shall apply; (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

J. Tense and Usage. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

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K. Gender. The masculine shall include the feminine.

§ 1.7. Conflicting Provisions.

A. Conflict with State or Federal Regulations. If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive or specific provision shall control, to the extent permitted by law.

B. Conflict with Other City Regulations. If the provisions of this Ordinance are inconsistent with one another or if they conflict with provisions found in other adopted City ordinances, development plans or historic regulations of the City, the more restrictive provision shall control.

C. Conflict with Private Agreements. It is not the intent of this Ordinance to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Ordinance impose a greater restriction than imposed by a valid private agreement, the provisions of this Ordinance will control. If the provisions of a valid private agreement impose a greater restriction than this Ordinance, the provisions of such private agreement shall control. The City shall not be responsible for monitoring or enforcing private agreements, to the extent allowed by law.

§ 1.8. Zone District Map.

A. Zone District Map. The Zone District Map designates the location and boundaries of the various zone districts established in this Ordinance within the City and is incorporated into this Ordinance by reference. The Zone District Map shall be kept on file in the office of the City Planner and is available for public inspection during normal business hours.

B. Incorporated by Reference. The Zone District Map and all the notations thereon are hereby incorporated by reference and made part of this Ordinance.

C. Zone District Boundaries. Unless otherwise specified, zone district boundaries are lot lines or the center line of streets, alleys, railroad rights-of-way, or such lines extended. Where a zone district boundary divides a land parcel under a single ownership into two or more zone districts, then the entire parcel shall be zoned to the district that consists of the most land area on the entire parcel. Boundaries indicated as parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated on the Official Zone District Map shall be determined by the scale of the map, if not indicated in the text of this Ordinance. Where physical or natural features existing on the ground are at variance with those shown on the Zone District Map, or in other circumstances are not covered above, the City Planner shall interpret the zone district boundaries. This paragraph shall not apply to any parcel that was purposefully rezoned in a manner where a zone district boundary divides a land parcel for the purpose of providing a buffer between land uses. **[Amended 3-19-2007 by Ord. No. 1822]**

D. Boundary Disputes. The City Planner shall have the authority to interpret the Zone District Map and determine where the boundaries of the different zone districts fall, if in dispute. The interpretation of the district boundaries by the City Planner may be appealed to the Zoning Board of Appeals pursuant to § 8.3F: Appeals of Administrative Decisions.

E. Changes to Zone District Map. Changes made in zone district boundaries or other matters portrayed on the Zone District Map shall be made in accordance with the provisions of this Ordinance (See §

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8.3B: Amendments to Text of Ordinance or Zone District Map). Changes shall be entered on the Zone District Map promptly after the amendment has been approved by the City Commission with an entry on the Zone District Map. No amendment to this Ordinance that involves matters portrayed on the Zone District Map shall become effective until after such change entries are made on the Zone District Map by the City Planner.

§ 1.9. Transitional Provisions.

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A. Violations Continue. Any violation occurring under the previous Zoning Ordinance, which was repealed on October 18, 2005, will continue to be a violation under this Ordinance and be subject to penalties and enforcement pursuant to Chapter 10: Violations, Penalties and Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

B. Nonconformities Under Prior Ordinance. Any nonconformity under the previous Zoning Ordinance, which was repealed on October 18, 2005, will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Ordinance continues to exist If a nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be a nonconformity.

C. Approved Projects.

1. Validity. Except for Planned Unit Developments approved prior to October 18, 2005 (See § 1.9D: Planned Unit Developments Approved Prior to October 18, 2005), permits and approvals that are valid on October 18, 2005 shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

2. Changes. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to October 18, 2005.

3. Extensions. The decision-making body that granted original approval may renew or extend the time of a previous approval if the required findings or standards for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in Chapter 8: Review and Approval Procedures.

4. Reapplication. Any reapplication for an expired project approval shall meet the standards in effect at the time of re-application.

D. Planned Unit Developments (PUDs) Approved Prior to October 18, 2005.

1. Final approval required. Any Planned Unit Development (PUD) approved prior to October 18, 2005, shall remain valid until its expiration date if it has received final approval for at least one phase of the PUD prior to October 18, 2005. PUDs that receive final approval for at least one phase of the PUD prior to October 18, 2005 may be carried out in accordance with the development standards in effect prior to such date.

2. Final approval not granted. If a PUD approved prior to October 18, 2005 fails to receive final approval for at least one phase of the PUD within 12 months after October 18, 2005, the PUD Plan, and PUD Agreement if applicable, shall lapse and become invalid. Prior to proceeding with any development within such PUD Overlay zone district, the owner or applicant shall be required to obtain approval of a new PUD Plan through the same procedure required for approval of the original PUD Plan, and such new PUD Plan shall be required to comply with all applicable provisions of this Ordinance.

E. Applications in Progress.

1. Completed applications. Complete applications for permits and other approvals, submitted before October 18, 2005, and pending approval at the time of adoption of this Ordinance on

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October 18, 2005, may, at the applicant's option, be reviewed wholly under the terms of the previous Ordinance. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

2. No applications submitted. Projects for which no application has been submitted and accepted as complete prior to October 18, 2005 shall be subject to all requirements and standards of this Ordinance.

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F. Severability. If any section, subsection, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, for any reason, the remaining portions of this Ordinance shall not be affected. It is expressly declared that this Ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of the Ordinance would be declared invalid or unconstitutional.

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CHAPTER 2
Base Zoning Districts

§ 2.1. Districts Established. [Amended 6-6-2022 by Ord. No. 2049]

The following base zoning districts are established in this Ordinance:

Table 2.1-1 Established Base Zoning Districts

Residential (R) Districts

RS-4	Residential, Single-
RS-5	Dwelling Residential,
RS-7	Single-Dwelling
RD-8	Residential, Single-
RD-	Dwelling Residential,
19	Duplex Residential,
RM-	Duplex Residential,
15	Multi-Dwelling
RM-	Residential, Multi-Dwelling (Campus Area)
15C	Residential, Multi-Dwelling
RM-24	Residential, Multi-Dwelling
RM-36	Residential, Mobile Home Park
RMHP	Residential, Mixed Use
RMU	

~~**Commercial (C) Districts**~~

~~CMU~~	~~Commercial, Mixed Use~~
~~CNO~~	~~Commercial, Neighborhood~~
~~Office CN-1~~	~~Commercial, (Local)~~
~~Neighborhood CO~~	~~Commercial, Office~~
~~CN-2~~	~~Commercial, Neighborhood (Shopping~~
~~Center) CCBD~~	~~Commercial Central Business~~
CBTR	Commercial, Business, Technology and Research

Manufacturing (M) Districts

M-1	Manufacturing, Limited
M-2	Manufacturing, General

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Special Purpose Districts

P	Public
~~IC~~	~~Institutional Campus~~

§ 2.2. R, Residential Districts.

All residential zoning district names begin with the letter “R,” which is a short-hand reference to “residential.” The second letter of all “R” district map symbols (other than the RMHP district) provides an indication of the primary characteristic of the district —”S” for single-dwelling, “D” for duplex, and “M” for multi-dwelling. Residential

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districts that end with a number provide a short-hand reference to the maximum density allowed in the district
(expressed in terms of the number of dwelling units allowed per acre of land area). The RM-15 district, for example, is a residential zoning district that is primarily intended for multi-unit building types, with a maximum allowed density of 15 units per acre.

A. RS, Residential Single-Dwelling Districts.

1. Description and Purpose. The primary purpose of the RS districts is to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote primarily owner-occupied housing, although they do permit nonresidential uses that are compatible with residential neighborhoods.

2. Allowed Uses. See § 4.1: Use Table[2], for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in RS Districts. An owner-occupied, one-family dwelling unit in any RS district may be occupied by a family or a maximum of three unrelated adults. [Note: three unrelated adults are allowed because a family may be defined as any two unrelated adults, and a family may have one roomer (2+1=3).] The keeping of one roomer in an owner-occupied, one-family dwelling unit that is occupied by a family is permitted. A non-owner-occupied, one-family dwelling unit may only be occupied by a family, or a maximum of two unrelated adults.

B. RD, Duplex Districts.

1. Description and Purpose. The primary purpose of the RD districts is to accommodate the development of two-family dwellings (duplexes or attached houses) and single dwelling units on individual lots.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in RD Districts. An owner-occupied dwelling unit in any RD district may be occupied by a family, or a maximum of four unrelated adults. The keeping of one roomer in an owner-occupied dwelling unit that is occupied by a family is permitted. A non-owner-occupied dwelling unit may only be occupied by a family or a maximum of four unrelated adults

C. RM, Multi-Dwelling Districts.

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1. Description and Purpose.

    a) General. The primary purpose of the RM districts is to accommodate the development of multi- unit housing (i.e., more than one dwelling unit per lot). The districts are intended to create, maintain and promote a mix of housing opportunities for City residents.

    b) RM-15C. The RM-15C district is intended to protect and enhance those areas developed or likely to develop with medium-density, multiple-family dwellings close to institutions of higher

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2. **Editor's Note: The Use Table is included as an attachment to this chapter.**

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education. The district regulations are designed to promote a suitable environment for a variety of residential types and provide regulations to address increased off-street parking needs, ensure building designs that are compatible with a campus community and prevent overcrowding. The RM-15C district has higher parking requirements for multifamily dwellings, to reflect the generally higher occupancy of such units near institutions of higher education.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in the RM-15C District. An owner-occupied dwelling unit in the RM-15C district may be occupied by a family or a maximum of six unrelated adults. The keeping of two roomers in an owner-occupied dwelling unit that is occupied by a family is permitted. A non-owner-occupied dwelling unit may only be occupied by a family or a maximum of six unrelated adults.

D. RMHP, Mobile Home Park District.

1. Description and Purpose. The RMHP, Mobile Home Park district is established for the purpose of providing a specific district for manufactured and mobile homes, manufactured (mobile) home parks and appropriate accessory and supporting uses. The district is intended to ensure and promote the health, safety, and welfare of residents by establishing minimum standards for the location, density, improvement, and design of mobile home parks and subdivisions.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in all R districts.

3. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the in RMHP district unless such standards are inconsistent with the standards in Subsection 4 below.

4. Mobile Home Park Development Standards. Mobile Home Park Development in the RMHP district is subject to the following standards, including all applicable requirements of the Mobile Home Commission Act, 1987 PA 96, MCLA § 125.2301; MSA 19.855(101), as amended, and the rules of the Michigan Mobile Home Commission set forth and provided under the Act, as amended, and the requirements of this section.

   a) Minimum Site Area/District Size. Ten acres.

   b) Minimum Lot (Mobile Home Space) Area. A mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This required site size standard may be reduced by 20%, provided that each individual mobile home site shall be at least 4,400 square feet in area. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be provided as on-site open space. This open space shall be in addition to that required under R 125.1946, Rule

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946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

c) Required Separation Distances. The requirements of Rules 941 and 944 of the Michigan Mobile Home Commission Regulations, as amended must be met for all appropriate distance and setbacks.

d) Minimum Lot (Mobile Home Space) Width. Forty feet, measured at the minimum front setback.

e) Minimum Lot (Mobile Home Space) Depth. Eighty feet, measured at the midpoint of the lot's width.

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f) Maximum Building Height. Thirty-five feet.

g) Parking. At least two off-street parking spaces shall be provided for each mobile home dwelling unit. Required parking spaces shall be located on or adjacent to each mobile home space. Also, visitor parking is required at one parking space per three home sites and shall be located within 500 feet of the home sites served.

h) Sidewalks. Concrete sidewalks shall be provided along at least one side of all streets within mobile home parks to accommodate pedestrians in a safe and convenient manner. Sidewalks shall have a minimum width of four feet.

i) Mobile Home Stands. Every mobile home space shall consist of a concrete pad with a minimum thickness of four inches and a minimum size that is at least as large as the mobile home that occupies the space.

j) Utilities. All mobile home parks shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions of public ways. All fuel oil tanks shall be located underground and sited in a uniform manner on each mobile home space. All utilities provided shall comply with the requirements of Rules 929 thru 940a of the Michigan Mobile Home Commission Regulations.

k) Screening. Mobile home parks shall be screened along all sides that are adjacent to streets and residential zoning districts by fences or walls. Mobile home park boundaries that are adjacent to streets must include fences or walls with trees and shrubs planted along the exterior of the fence or wall. Trees shall be spaced no more than 30 feet apart and shrubs shall be installed to ensure a solid hedge at least three feet in height within one year of planting.

l) Skirting. Mobile home dwelling units shall be skirted and skirting must be maintained so as not to provide a harborage for rodents or create a fire hazard. All requirements of Rule 604 of the Michigan Mobile Home Commission Requirements pertaining to skirting must also be met.

m) Storm Shelter. Mobile home parks shall have a shelter for the protection of persons within the park in case of storm or disaster. Such shelter shall be placed below grade level or within a structure that is able to withstand the effects of tornados and other storm elements. Storm shelters must be centrally located within the park and clearly identified as an emergency shelter for park residents. The shelter shall be engineered and architecturally designed in accordance with City of Kalamazoo Building Codes. The shelter shall contain a minimum area of at least five square feet per mobile home unit (to be computed based upon the maximum number of units planned for the park in its ultimate configuration) or two square feet per capita (a maximum number of persons per dwelling to equal 2.5 for the purposes of computation), whichever is greater.

n) Site Plan Review and Other Approvals.

1) Prior to development of mobile home parks, a Full site plan shall be approved pursuant to the procedures and standards of § 8.3H: Site Plan.

2) Prior to developing a mobile home park and commencing work thereon, all

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requirements of this Ordinance shall be met and a building permit shall be issued pursuant to the requirements of the City's Building Code. In addition, no physical improvements shall be made and no building or structure shall be erected, altered, repaired, or added to unless a written permit has been previously secured and the plans for that improvement have been reviewed and approved by the Planning Commission.

o) Mobile Home Subdivision Development Standards. If the area proposed for a mobile home park is determined to be a subdivision, the applicant shall comply with the procedural and substantive requirements of the City's Subdivision Ordinance.

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p) Existing Mobile Home Parks and Subdivisions. Mobile home parks or subdivisions developed prior to January 5, 1970, shall not be governed by this Ordinance unless specifically stated in this Ordinance (a mobile home park or subdivision shall be considered to be developed prior to January 5, 1970 if it was approved by the State Health Commissioner prior to January 5, 1970); provided, however, that no existing mobile home park shall be permitted to expand or have placed a greater number of mobile homes within its existing boundaries unless these additional units conform to all of the standards and requirements of this Ordinance; and provided further that any existing mobile home park shall not be expanded beyond its present or existing developed boundaries unless the new area developed conforms to all the standards and requirements of this Ordinance.

E. RMU, Residential Mixed Use.

1. Description and Purpose. The RMU, Residential Mixed Use district is intended to accommodate a variety of styles and densities of single-family, duplex, and multifamily residential dwelling units, live- work units, public and civic uses, and neighborhood scale commercial uses. This district is intended to be used in areas where the predominant character of development is residential, but separation of residential and nonresidential uses is not necessary, and the intention is for a broader mix of residential and nonresidential uses in the future. The RMU district will generally be used in conjunction with an overlay district specifying in more detail the intended scale, density, and style of permitted development.

2. Allowed Uses. See § 4.1: Use Table[3], for a list of uses allowed in all R districts.

3. Density/Intensity/Dimensional Standards. See § 5.1: Residential District Standards, for the Density, Intensity and Dimensional standards that apply in all R districts except the RMHP district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in all the R districts.

5. Occupancy Limits in RMU Districts. An owner-occupied, one-family dwelling unit in any RMU district may be occupied by a family or a maximum of three unrelated adults. [Note: Three unrelated adults are allowed because a family may be defined as any two unrelated adults, and a family may have one roomer (2+1=3).] The keeping of one roomer in an owner-occupied, one-family dwelling unit that is occupied by a family is permitted. A non-owner-occupied, one-family dwelling unit may only be occupied by a family, or a maximum of two unrelated adults.

§ 2.3. C, Commercial Districts.

All commercial zoning district names begin with the letter "C," which is a short-hand reference to "commercial." ~~Subsequent letters of the commercial district map symbols are abbreviations indicating the general character of the district or simply abbreviations of the full district name. Numbers, where used, are intended to identify the relative intensity of similar districts. Thus, the CN-1 district name is intended to denote a commercial zoning district, with a neighborhood-oriented or neighborhood-serving character that is less intensive than its CN-2 counterpart.~~

~~A. CMU, Commercial Mixed Use.~~

~~1. Description and Purpose. The CMU, Commercial Mixed Use district is intended to~~

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~~accommodate a variety of styles and densities of commercial land uses, as well as duplex and multifamily units and public and civic uses. This district is intended to be used in areas where the predominant character of development is nonresidential, but separation of residential and nonresidential uses is not necessary, and the intention is for a broader mix of residential and nonresidential uses in the future. The CMU district will generally be used in conjunction with an overlay district specifying in more detail the intended scale, density, and style of permitted development.~~

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2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CMU district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the CMU district.

4. Development Standards. All development in the CNO district that includes neighborhood commercial uses shall comply with those design standards in § 6.5A: Neighborhood Commercial, and all development in the CNO district shall comply with all other applicable requirements of Chapter 6: Development Standards.

B. CNO, Commercial Neighborhood Office District.

1. Description and Purpose. The CNO, Commercial Neighborhood Office district is primarily intended to accommodate low-intensity administrative and professional offices that are compatible with the character of residential neighborhoods. The district is also intended to be used as a transition district between higher intensity commercial areas and residential neighborhoods. The district allows administrative and professional office uses in structures that formerly housed residential dwelling units. Residential uses are also allowed in the district when located in a mixed-use structure (one containing office and residential uses).

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CNO district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the CNO district.

4. Design and Development Standards. All development in the CNO district shall comply with those design standards in § 6.5A: Neighborhood Commercial, as well as with all other applicable requirements of Chapter 6: Development Standards.

C. CN-1, Local Neighborhood Commercial District.

1. Description. The CN-1, Local Neighborhood Commercial district is primarily intended to encourage the development of very small scale retail sales and personal service uses within or very near residential neighborhoods. The regulations and standards promote pedestrian-oriented development at an intensity level that is compatible with surrounding residential areas. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CN-1 district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in CN-1 districts.

4. Design and Development Standards. All development in the CN-1 district shall comply with those design standards in § 6.5A: Neighborhood Commercial, as well as with all other applicable requirements of Chapter 6: Development Standards.

D. CO, Commercial Office District.

1. Description. The CO, Commercial Office district is generally intended to function as a medium- to high- intensity office district primarily along arterial streets. The district is intended to

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prevent strip commercial development by allowing office uses but not other commercial uses and to serve as a land use buffer between major streets and residential neighborhoods. It may also be an appropriate land use buffer between higher intensity commercial areas and residential neighborhoods.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CO district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards,

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§ 2.3 for the Density, Intensity and Dimensional standards that apply in CO districts.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the CO district.

E. CN-2, Neighborhood Shopping Center District.

1. Description. The CN-2, Neighborhood Shopping Center district is primarily intended to encourage the development of small-scale retail sales and personal service uses at convenient locations that primarily serve nearby residential neighborhoods. The standards for the CN-2 district promote pedestrian-oriented development at an intensity level that is compatible with surrounding residential areas. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas.

2. Allowed Uses. See § 4.1: Use Table[4], for a list of uses allowed in the CN-2 district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in CN-2 district.

4. Design and Development Standards. All development in the CN-2 district shall comply with those design standards in § 6.5A: Neighborhood Commercial, as well as with all other applicable standards of Chapter 6: Development Standards.

F. (Reserved)[5]

G. CCBD, Central Business District.

1. Description. The CCBD, Commercial Central Business District is designed to accommodate those retail, service and office uses which are characteristic of the "downtown" area of the City. The district regulations are designed to establish and preserve the central business district as the principal office and retail center of the City.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CCBD district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the CCBD district.

4. Height. Maximum building heights in the CCBD district shall be as shown in the Exhibit on the following page, which allows for taller buildings near the historic core of the City and restricts heights to lower levels at the edges of the district near surrounding zone districts.

a) Area A. Area A is the darker shaded central core area. Primary structures in Area A shall be a minimum of two stories in height, and shall not be subject to a maximum height limit.

b) Area B. Area B is the lighter grey shaded area outside the central core area bounded by a solid line (but not including any areas included in Area A). Primary structures in Area B shall be a minimum of two stories in height, and may not be more than two stories taller than the tallest primary structure on any lot located within 200 feet of any property boundary of the subject lot.

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3. **Editor's Note: The Use Table is included as an attachment to this chapter.**
4. **Editor's Note: Former Subsection F, CC, Community Commercial District, was repealed 6-6-2022 by Ord. No. 2049.**

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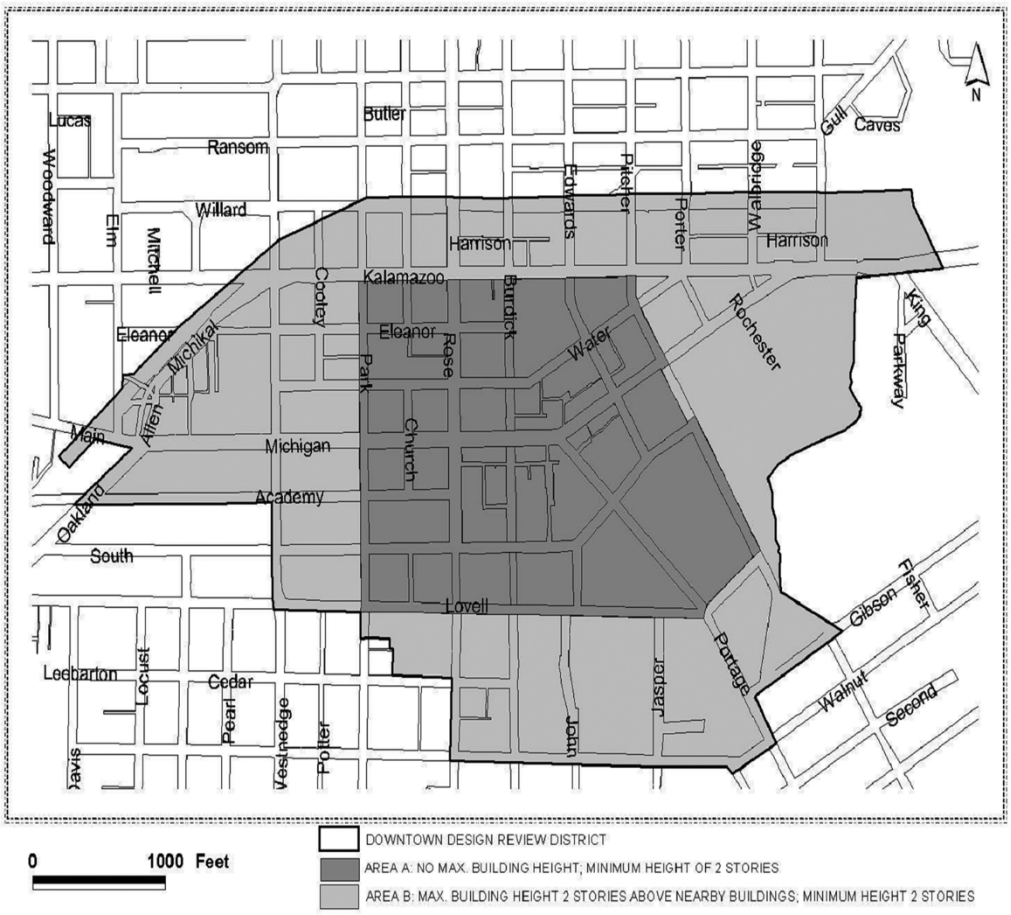
~~Maximum Building Height~~



~~5. Design and Development Standards. All development in the CCBD district shall comply with those design standards in § 6.5C: CCBD Kalamazoo Downtown Design Guidelines, as well as with all other applicable provisions of Chapter 6: Development Standards.~~

H. CBTR, Business, Technology and Research District.

1. Description.

a) The CBTR, Business, Technology and Research district is established for the purpose of:

1) Supporting economic development that is an asset to the community, neighbors and owners;

2) Promoting and maintaining desirable development activities in a setting that is in harmony with the surrounding area;

3) Preserving natural features and historic resources;

4) Maintaining and enhancing surface and ground water quality, and

5) Promoting architecturally attractive buildings and structures.

b) The CBTR district is established to provide a high-quality working environment for

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research and development institutions, offices, and certain specialized production and assembly establishments along with other special uses, all of a nonnuisance type. The nature, scale, and function of such uses will be limited and regulated to ensure that they pose no significant or unusual risk to the

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public health, safety, and welfare; generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances; do not emit harmful radiation or pollution to the air, water, or ground; and create a minimum of traffic congestion, or any other safety hazards.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the CBTR district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the CBTR district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the CBTR district unless such standards are inconsistent with the standards in Subsection 5 below.

5. Additional Standards.

   a) Outdoor Activities. All business, servicing, or processing must be conducted within completely enclosed buildings, except for the following:

      1) Off-street parking and off-street loading; and

      2) Drive-up service windows for banks and financial institutions.

   b) Overall Development Plan. Where two or more development sites are to be developed together in accordance with an overall plan, or where one development site is to be subdivided into individual lots, evidence must be submitted, signed by the owners of all property involved or their legal representatives, showing that the remaining portions of the property will be developed in accordance with the intent and specific provisions of this district. This evidence must be submitted prior to site plan approval. Such evidence must include, at a minimum, the following information:

      1) An overall development plan showing the size and layout of proposed individual development sites and subdivided lots; existing and proposed public streets and private roadways; existing and proposed utility systems; historic resources to be preserved; wetlands to be preserved; proposed stormwater management plans for the development; and other proposed site features such as landscape buffers.

      2) Covenants, deed restrictions, or other legally binding agreements showing that individual development sites and subdivided lots will be improved and developed in accordance with the building and site improvement requirements of this district.

      3) An anticipated schedule for the development of the development site and the construction of required improvements.

   c) Building and Sign Design. The developer must create architectural and design standards for buildings and signs prior to the division of land or the creation of a condominium association within the CBTR district. The developer must also establish review procedures and the categories of membership for an architectural review committee. Prior to the division of land or the creation of a condominium association within this district, the architectural and design standards, review procedures and the categories of membership of the architectural review committee must be submitted to the Planning Commission for review and approval. All buildings and signs within the development

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must be reviewed and approved by the architectural review committee prior to the issuance of building permits. In the alternative, the developer may regulate building and sign design by deed or plat restrictions, the text of which must be approved by the Planning Commission. In cases where no architectural review committee procedure has been approved or deed or plat restrictions text has been approved, all building and sign designs must be reviewed and approved by the Planning Commission.

d) Site Plan Review Required. Development within the CBTR district is subject to the procedures and

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standards of § 8.3H, Site Plan, and § 6.2, Landscaping.

e) Signs. Signs must comply with the standards of Chapter 7: Signs. **[Amended 3-19-2007 by Ord. No. 1822]**

f) Parking Lots and Loading Areas. Off-street parking lots and loading areas shall not be located in required front yard setbacks, but may be located in required side and rear yard setbacks no closer than 10 feet to the property line. **[Added 3-19-2007 by Ord. No. 1822]**

§ 2.4. M, Manufacturing Districts.

All manufacturing zoning district names begin with the letter "M," which is a short-hand reference to "manufacturing." Numbers that follow the letter "M" indicate the relative intensity of uses and/or development allowed within the districts, with "M-1" indicating a manufacturing district that is less intensive than the M-2 district.

A. M-1, Limited Manufacturing District.

1. Description. The M-1, Limited Manufacturing district is primarily intended to accommodate low-impact manufacturing uses and activities that are not significantly objectionable to surrounding properties, in terms of traffic, noise, odor, smoke and other potential nuisance factors.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the M-1 district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the M-1 district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the M-1 district.

B. M-2, General Manufacturing District.

1. Description. The M-2, General Manufacturing district is primarily intended to accommodate low-, moderate- and high-impact industrial uses and activities and to prevent encroachment by residential and other uses that would eventually lead to land use conflicts.

2. Allowed Uses. See § 4.1: Use Table, for a list of uses allowed in the M-2 district.

3. Density/Intensity/Dimensional Standards. See § 5.2: Commercial and Manufacturing District Standards, for the Density, Intensity and Dimensional standards that apply in the M-2 district.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the M-2 district.

§ 2.5. Special Purpose Districts.

A. P, Public District.

1. Description. The P, Public district is intended to accommodate uses of a governmental or public service nature, including major public facilities and parks. It offers an alternative

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district classification for such uses, thereby increasing development predictability throughout the City, especially within residential neighborhoods. The district is generally intended to be applied to land owned or otherwise controlled by the federal government, the state, the county, the City and school districts. This designation serves a notice function to those owning or buying land in proximity to publicly owned land.

2. Use Regulations. See § 4.1: Use Table[6], for a list of uses allowed in the P district.

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3. Density/Intensity/Dimensional Standards.

   a) The density, intensity and dimensional standards of the most restrictive abutting district apply to all areas of the P district site located within 150 feet of the abutting district. Stricter standards may be established at the time of site plan or special use approval.

   b) For areas of the P district site located more than 150 feet from abutting districts, density, intensity and dimensional standards must be established as part of the site plan or special use approval process.

   c) If no site plan or special use approval is required, no density or dimensional standards apply to that portion of a P district site located more than 150 feet from abutting districts.

4. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the P district.

~~B. IC, Institutional Campus District.~~

~~1. Purpose. The purpose of the IC, Institutional Campus district, is to accommodate large institutional uses in campus-like settings, such as colleges, schools, hospitals and large religious assemblies. The IC district is intended to promote and enhance the development and expansion of educational, medical and other large institutional uses, while minimizing the adverse impacts that can result when such uses are located near residential neighborhoods.~~

~~2. Development Review. All development within the IC district is subject to the review and approval procedures of § 8.3C: Planned Unit Development Overlay (PUD-O) District, even though an IC district rezoning is not a Planned Unit Development.~~

~~3. Use Regulations. See § 4.1: Use Table, for a list of uses allowed in the IC district.~~

~~4. Density/Intensity/Dimensional Standards. Density/intensity and dimensional standards must be established at the time of approval of an Institutional Master Plan.~~

~~5. Development Standards. See Chapter 6: Development Standards, for Development Standards that apply in the IC district.~~

~~6. Institutional Master Plans.~~

~~a) Purpose. Institutional Master Plan requirements are intended to provide a framework for development of large institutional uses in campus-like settings. Approval of an Institutional Master Plan is intended to permit flexibility in site development and in the design and arrangement of buildings that is not possible when development occurs on a lot-by-lot or building-by-building basis. In addition, it is intended that the master planning process and resulting master plan document protect the integrity of adjacent neighborhoods. The provisions for an institutional master plan are intended to create efficient, functional, and attractive areas that incorporate a high level of amenities and meet public objectives for protection and preservation of the natural and built environment. The provisions are intended to ensure compatible uses and structures within institutional master planned areas and between institutional areas and areas adjacent to them. The provisions are intended to prevent adverse impacts associated with the unplanned growth of large institutions; to ensure adequate provision for pedestrian and~~

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~~vehicular movement; to provide open spaces for light, air and recreation; and to provide for the efficient provision of utilities, services and facilities.~~

~~b) Master Planning Area. An Institutional Master Plan must be prepared and submitted by the~~

~~5.~~ **~~Editor's Note: The Use Table is included as an attachment to this chapter.~~**

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institution and include all area within the IC district and an area extending out at least 300 feet from the boundary of the IC district, unless the City Planner establishes a different area requirement based on a review of the following:

1) Physical area occupied or controlled by the existing institution;

2) Trends in property values;

3) Redevelopment potential of surrounding areas;

4) Proximity of other institutional uses;

5) Condition of structures; and

6) Level of area vacancy.

c) Planning Requirements. An institutional master plan must, at a minimum, include the following information unless the City Planner determines that such information is not necessary to evaluate the proposed master plan and the institution's future impacts on surrounding neighborhoods.

1) The Institutional Master Plan must cover a ten-year period unless the City Commission approves a different time period at the time the Institutional Master Plan approval. An Institutional Master Plan will lapse and be of no further effect 10 years after the date of its approval by the City Commission unless the City Commission expressly establishes a different time period for expiration at the time of approval.

2) The Institutional Master Plan must include a statement that defines the organizational mission and objectives of the institution and description of how all development contemplated or defined by the institutional master plan advances the goals and objectives of the institution. The statement should describe the population to be served by the institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to residents in adjacent neighborhoods and in other areas of the Kalamazoo region.

3) The Institutional Master Plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the Institutional Master Plan.. At a minimum, the following information is required:

(a) Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;

(b) Land and building uses;

(c) Gross floor area in square feet;

(d) Building height in stories and feet;

(e) Landscaping, signage and lighting plans; and

(f) A description of off-street parking and loading areas and facilities, including a

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~~statement of the approximate number of parking spaces in each area or facility.~~

~~4) The Institutional Master Plan must include a summary and projection of the institution's current and future needs for the following facilities:~~

~~(a) Academic;~~

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(b) Service;

(c) Research;

(d) Office;

(e) Housing;

(f) Patient care;

(g) Public assembly;

(h) Parking; and

(i) Other facilities related to the institutional use.

5) The Institutional Master Plan must include a description of the land area and "development envelope" within which future development will occur. The development envelope must be described in narrative and through the use of drawings or models. The intent of this provision is to provide the institution with certainty regarding the future development potential of the site subject to the Institutional Master Plan while protecting the integrity of adjacent neighborhoods. The Institutional Master Plan must include the following estimates in describing the development envelope:

(a) Floor area ratio;

(b) Average daily and peak-hour traffic;

(c) Height;

(d) Setbacks;

(e) Total site area of open space; and

(f) Total number of parking spaces to be provided.

6) The Institutional Master Plan must include transportation and parking management plans that identify any traffic mitigation measures to be employed.

7) Institutional Master Plan must include pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the campus and plans for ensuring the accessibility of pedestrian areas and open spaces.

8) The Institutional Master Plan must include design guidelines and objectives for new and renovated buildings and structures to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on such neighborhoods. Urban design guidelines must include listings of appropriate materials, height, bulk, massing and colors that will be used to guide the course of proposed and future development.

9) The Institutional Master Plan must identify standards and programs that will be put

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~~in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced. The Institutional Master Plan must report on the results of the institution's citizen participation effort in preparing the Institutional Master Plan. At a minimum, the citizen participation report must include the following information:~~

~~(a) Details of techniques the applicant used to involve the public.~~

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(b) Dates, locations and attendance of all meetings where citizens were invited to discuss the applicant's proposal.

(c) A summary of concerns, issues and problems expressed during the process.

(d) Concerns, issues and problems the applicant is unwilling or unable to address and why.

10) The Institutional Master Plan must include a description of other nearby institutions and report on efforts to coordinate planning with those other institutions.

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CHAPTER 3
Overlay Zoning Districts

§ 3.1. The Districts.

A. The overlay districts of this chapter are intended to apply in combination with the underlying base district to impose regulations and standards that address special geographic areas or land use issues.

B. In the event of conflict between overlay district regulations and the regulations of the underlying (base) district, the overlay district regulations govern. In all other cases, both the overlay district and base district regulations apply.

C. Overlay districts are established in accordance with the Zoning Map Amendment procedures of § 8.3B, Amendments to Text of Ordinance or District Map.

D. The following overlay districts are included in this Ordinance: **[Amended 10-17-2022 by Ord. No. 2056]**

Table 3.1-1 Overlay Districts	
NC-O	Neighborhood Conservation Overlay
PUD-O	Planned Unit Development Overlay
THD-O	Traditional Housing Density
HP-O	Historic Preservation Overlay
RF-O	Riverfront Overlay

§ 3.2. NC-O, Neighborhood Conservation Overlay.

A. Purpose. The NC-O, Neighborhood Conservation Overlay district is intended to:

1. Encourage development that conforms to the type, scale, orientation and physical design of existing development in the neighborhood;

2. Foster development and redevelopment that is compatible with the type, scale, orientation and physical design of original buildings in the neighborhood through the use of development standards, design standards and guidelines; and

3. Conserve cultural, historic and property values within identified neighborhood areas.

B. Selection Standards. An NC-O district must be a geographically defined area that has a significant concentration, linkage or continuity of sites that are united by physical development, architecture or history. To be eligible for an NC-O district designation, the area must comply with the following standards.

1. The general pattern of development, including streets, lots and buildings, must have been established at least 25 years prior to creation of the district.

2. The area must possess built environmental characteristics that create an identifiable setting,

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~~character and association.~~

3. ~~The designated area must be a contiguous area of at least five acres in area. Areas of less than five acres may be designated in accordance with the procedures of this section if they abut an existing NC-O district.~~

~~C. Uses. The NC-O may not allow additional uses other than allowed by the underlying zoning district(s). The NC-O may exclude or limit uses allowed by the underlying zoning district(s).~~

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D. Development/Design Standards. In establishing an NC-O district, the Historic District Commission, the Planning Commission, and staff are authorized to propose, and the City Commission is authorized to adopt district-specific development and design standards to guide development and redevelopment within NC-O districts. When development and design standards are approved, each application for alteration within the designated NC-O must comply with those standards. When there are conflicts between the standards of the underlying base district and adopted NC-O district design/development standards, the NC-O design/ development standards govern.

E. Establishment of District. NC-O Districts are established in accordance with the Zoning Map Amendment procedures of § 8.3.B: Amendments to Text of Ordinance or District Map, except as modified by the following provisions:

1. An application to establish an NC-O district may be initiated by City staff, the Historic District Commission, the Planning Commission, or the City Commission.

2. Applications may also be initiated by petition when signed either by the owners of 51% of the area within the proposed NC-O district or by at least 51% of the property owners within the proposed district.

3. The Historic District Commission and the Planning Commission must submit written recommendations to the City Commission regarding the creation of NC-O districts.

4. The Historic District Commission is responsible for reviewing NC-O zoning applications for compliance with the Selection Criteria of § 3.2B: Selection Standards, and for recommending development/design standards and guidelines for the district.

5. The Planning Commission is responsible for reviewing the application for its planning and zoning implications.

6. The City Commission is responsible for making a final decision to approve or deny NC-O zoning.

F. Procedures.

1. Unless otherwise expressly stated, the Zoning Map amendment procedures of § 8.3B: Amendments to Text of Ordinance or District Map apply.

2. Public hearings on NC-O district designation applications must be held by the Historic District Commission, Planning Commission and City Commission in accordance with the hearing procedures of
§ 8.2: Public Hearing Procedures.

3. Following its hearing, the Historic District Commission must adopt, by resolution, a recommendation that NC-O district designation be approved, approved with conditions, or denied. The Historic District Commission's recommendation must be in the form of a resolution and be submitted to the Planning Commission and City Commission. The resolution must be accompanied by a report containing the following information:

a) An explanation of whether and how the area complies with § 3.2B: Selection Standards,

b) Proposed uses, Development/Design Standards, including a description of the general pattern of development, including streets, lots and buildings in the area; district-specific development and design standards pertaining to elements such as building scale, massing,

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~~and height; building elements and projections (e.g., front porches, bay windows, detached garages), setbacks, and open space to guide redevelopment and development within the district;~~

~~c) A map showing the recommended boundaries of the NC-O district; and~~

~~d) A record of the proceedings before the Historic District Commission.~~

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4. Following the public hearing and recommendation of the Historic District Commission, the Planning Commission must hold a public hearing and adopt, by resolution, a recommendation that the NC-O district designation be approved, approved with modifications, or denied. The Planning Commission's recommendation must be in the form of a resolution and be submitted to the City Commission. The resolution must be accompanied by a report containing the following information:

   a) An explanation of the planning and zoning implications related to the designation of the proposed area and district-specific development and design standards recommended by the Historic District Commission;

   b) Recommendations for changes to the district-specific development and design standards to guide redevelopment and development within the district recommended by the Historic District Commission;

   c) A map showing the recommended boundaries of the NC-O district; and

   d) A record of the proceedings before the Planning Commission.

5. Following the public hearings by the Historic District Commission and the Planning Commission, the City Commission must hold a public hearing and act to approve, approve with modifications, or deny the application for NC-O district designation.

G. NC-O Districts Established. The following NC-O districts are established:

Table 3.1-2 NC-O Districts Established	
Conservation Overlay District Name	**Boundaries**

§ 3.3. Standards for Traditional Housing Density Overlay (THD-O).

A. Description. The THD-O Traditional Housing Density Overlay district is intended to stabilize and preserve the character of the neighborhoods without downzoning and without creating widespread nonconformities.

B. Use Regulations. The uses allowed in the underlying district are allowed in the THD-O district.

C. Density/Intensity/Dimensional Standards. The Density/Intensity and Development standards of the underlying zoning district apply to development within the THD-O district.

D. Existing Uses.

1. All legally conforming established residential uses in existence on October 18, 2005, will be considered conforming under this Ordinance. Any residential building (legally conforming or legally nonconforming) may be rebuilt with the same number of dwelling units, but it may not be rebuilt to contain a greater number of dwelling units than (a) the number of dwelling units that existed at the time of its demolition, or (b) the number of dwelling units allowed by the density and dimensional standards of the underlying zoning district, whichever is greater.

2. If a structure in the THD-O district contains more residential dwelling unit than are permitted by the density/intensity standards of Secs. 5.1 or 5.2 (as applicable), and one or more of such

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~~dwelling units are later removed from the structure through remodeling, renovation, or any other means, then such dwelling units may not subsequently be re-constructed or otherwise made available for occupancy as a separate dwelling unit unless the residential structure would still comply with the standards of § 5.1 or~~

~~5.2 (as applicable) after such re-construction, remodeling, or occupancy. Once a dwelling unit that would not be permitted under the density/intensity standards of § 5.1 or 5.2 is removed from a structure by any means, it may not be re-constructed or made available for occupancy through any means.~~

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3. Any conforming building containing a conforming use that has been destroyed or damaged by fire, explosion, or Act of God may be rebuilt to its pre-damage state, notwithstanding the requirements of
§ 9.2: Nonconforming Uses.

§ 3.4. PUD-O, Planned Unit Development Overlay District.

A Planned Unit Development Overlay district may be approved for residential, commercial, public, or industrial development, or for a mix of such uses, pursuant to the following standards and requirements.

A. Purpose. The PUD-O, Planned Unit Development Overlay District regulations are intended to:

1. Promote consistency with the Comprehensive Plan;

2. Promote development that can be conveniently, efficiently and economically served by existing and planned utilities and services;

3. Promote design flexibility that results in greater public benefits than could be achieved using conventional district regulations;

4. Encourage the preservation of environmental and historic resources;

5. Promote a mix of attractive and functional residential and nonresidential developments that are compatible with surrounding development.

B. Development Review and Approval. A PUD-O district may be approved only when the City Commission determines that a proposed Planned Unit Development complies with all the relevant and appropriate standards of § 3.4H: Standards, the procedures of § 8.3C: Planned Unit Development Overlay (PUD-O) District, and would result in a greater benefit to the City than would development under conventional district regulations.

C. Developer's Statement. Each PUD-O application must include a comparison of the proposed development with the standards of underlying district and the otherwise applicable standards of this Ordinance. Applications must also include a statement by the applicant describing how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable district and development standards.

D. Effect of other District Standards. Except as expressly authorized by the regulations of this section and approved as part of a PUD Plan (in accordance with the procedures of § 8.3C: Planned Unit Development Overlay (PUD-O) District), all of the standards of this Ordinance apply to development within a PUD-O district.

E. Minimum Land Area. A PUD-O district classification containing only residential and related land uses may only be applied to lands that comprise a minimum of five contiguous acres in area, or a contiguous city block, whichever is less. A PUD-O district classification containing commercial uses or a mix of commercial and residential uses may be applied without a minimum area requirement.

F. Location. A PUD-O zoning classification may be established on any land located in the City that complies with all of the applicable standards of this section.

G. Unified Ownership or Control. The title to all land that is part of a PUD-O district classification

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~~containing only residential and related land uses must be owned or controlled by one person at the time of application and approval. A person will be considered to control all lands in the PUD-O district either through ownership or by written consent of all owners of land within the proposed PUD-O district boundary that is subject to the conditions and standards of the adopting ordinance, the PUD Plan and PUD-O District Agreement. A PUD-O district classification containing commercial uses or a mix of commercial and residential uses need not be owned or controlled by one person at the time of application and approval.~~

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H. Standards. All development in a PUD-O district shall comply with (1) all provisions of this Code applicable to the underlying zone district unless such provisions are expressly varied by the terms of the PUD Plan. In addition, before approving a PUD-O district classification, the City Commission must find that the PUD Plan and district classification complies with those standards identified in § 8.3C.7: Planned Unit Development Overlay (PUD-O) Zone District. The City may require additional building design standards, landscaping standards and site development standards to ensure that a PUD-O classification containing commercial uses or a mix of commercial and residential uses are compatible with and enhance the appearance of surrounding areas.

§ 3.5. HP-O, Historic Preservation Overlay.[7]

The HP-O, Historic Preservation Overlay is intended to be applied to areas that are subject to the City's historic preservation ordinance. The regulations that apply within the HP-O are those contained within Chapter 16, Historic Districts, of the Kalamazoo Code of Ordinances. The local historic districts within the City of Kalamazoo are listed below:

1. Haymarket Historic District.

2. Rose Place Historic District.

3. South Burdick Historic District.

4. South Street/Vine Area Historic District.

5. Stuart Area Historic District.

§ 3.6. RF-O, Riverfront Overlay. [Amended 7-31-2006 by Ord. No. 1809]

A. Purpose. The RF-O district is intended to implement The Kalamazoo Riverfront Redevelopment Plan (Riverfront Plan) adopted by the City on April 14, 2003. The RF-O district has specific purposes including:

1. To protect and preserve the Kalamazoo River and its frontage for public use, providing benefits to the entire City.

2. To encourage the redevelopment of areas adjacent to the riverfront in an urbanist style and to strengthen connections to and from the remainder of the City.

3. To encourage the transformation over time of certain industrial areas towards residential and mixed use development.

4. To encourage the creation of stable residential and mixed use neighborhoods including a wide variety of residential housing types on both the east and west sides of the Kalamazoo River.

5. To improve the quality of development throughout the area, and particularly along higher volume streets providing public views of the RF-O district.

6. To create a balanced and integrated transportation system that relies less on automobiles and more on bus transit, biking, and walking, and to create a mix of land uses and intensities that support that balanced transportation system.

7. To encourage patterns of development that support a mix of living, working, and recreational

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~~activities close to one another.~~

~~8. To encourage patterns of development that enclose and define street spaces, through the use of~~

~~7. Editor's Note: Former § 3.5, WP-O, Wellhead Protection Overlay, added 5-21-2007 by Ord. No. 1825, was repealed 10-17-2022 by Ord. No. 2056, which ordinance also renumbered former §§ 3.6 and 3.7 as §§ 3.5 and 3.6, respectively.~~

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appropriate building heights and relatively small front setbacks.

9. To provide required parking to the rear or to the side of primary structures wherever possible, in order to reduce auto-oriented street frontages.

10. To encourage innovative and high quality architecture, and exceptional landscaping, lighting, signage, fixtures, and furnishings.

B. Subareas and Intended Character. The RF-O district has been divided into the following eight subareas, each of which is intended to achieve the general character described below. The boundaries of each subarea are shown on the following map.

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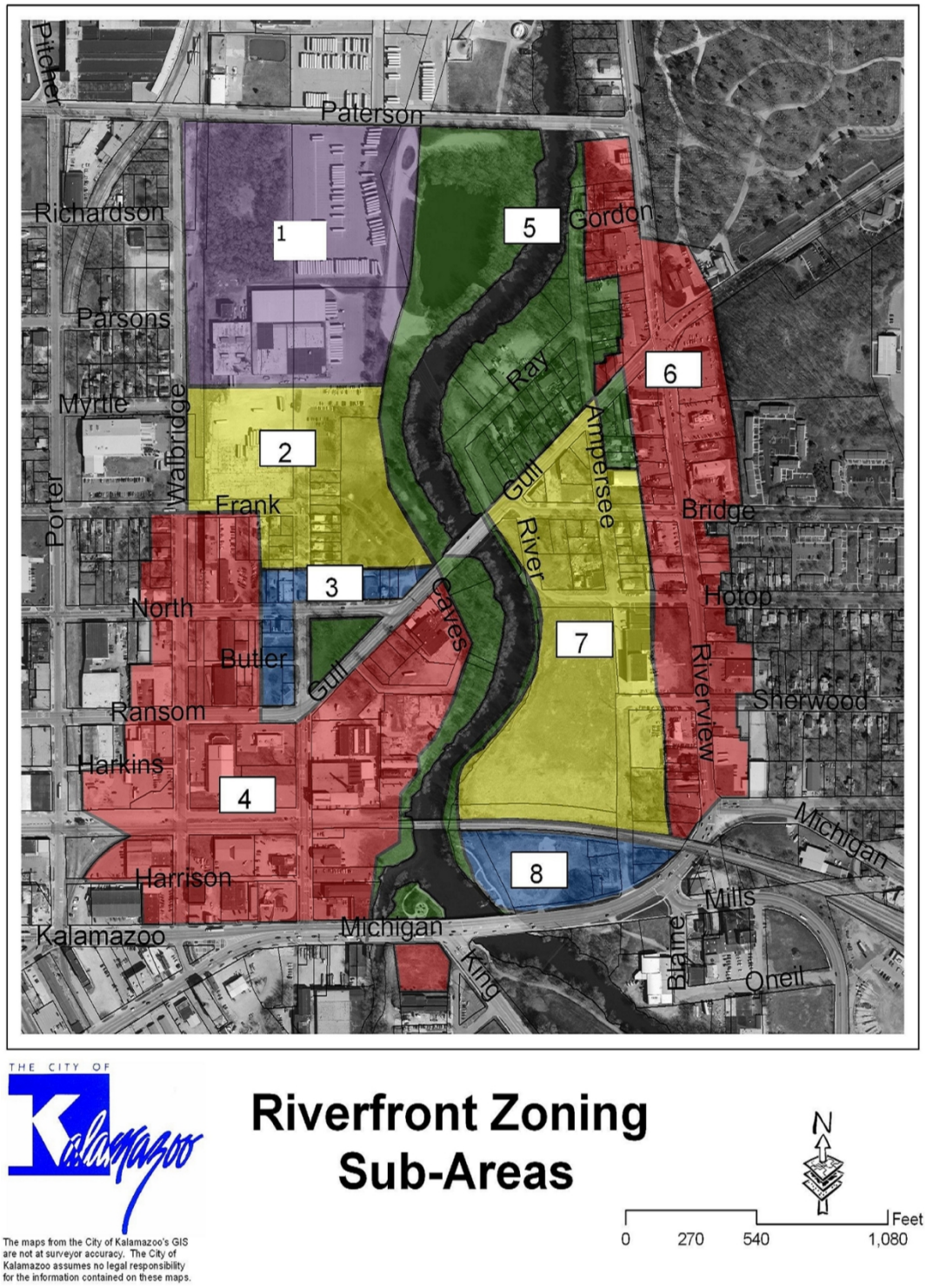

1. ~~Subarea 1 (Northwest Manufacturing/Residential). Subarea 1 currently has an industrial character, but is intended to transition to a residential area over time. All accessory scrap and salvage operations shall be inside an enclosed structure. Residential units should be~~

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~~constructed close to the street frontage of each lot to help define and enclose street spaces.~~

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2. Subarea 2 (West Residential). Subarea 2 is intended for future single-family residential uses and neighborhood-specific commercial uses, with residential units constructed close to the street frontage of each lot to help define and enclose street spaces.

3. Subarea 3 (West Park Mixed Use). Subarea 3 is intended for future residential and mixed uses, with structures constructed close to the street frontage of each lot to help define and enclose street spaces and park areas. Structures may include live/work units, residential neighborhood commercial, and office uses, and shall be two or three stories in height. No single-story structures shall be permitted.

4. Subareas and Intended Character, 4. Subarea 4 (Southwest Commercial). Subarea 4 is intended for mixed use, including lower-intensity industrial uses, as well as commercial, office, and residential uses. High-quality design will be required, and for the portion of Subarea 4 which falls within the boundaries of the Downtown Development Authority, design will be guided by the Downtown Design Review Guidelines. **[Amended 1-3-2012 by Ord. No. 1887]**

5. Subarea 5 (Park). Subarea 5 is intended to be used for park areas and open space along the Kalamazoo River. Existing homes may remain and shall be deemed to be conforming land uses, but new principal and accessory structures shall be required to comply with applicable design standards.

6. Subarea 6 (Riverview Commercial). Subarea 6 is intended for mixed use of high design quality, with commercial uses predominating. As redevelopment occurs, parking lots shall be located behind or beside (but not in front of) primary structures. New development shall orient to Riverview Drive.

7. Subarea 7 (East Bank Mixed Use). Subarea 7 is intended to accommodate an urban-style residential neighborhood with residential uses along the river and neighborhood scale commercial uses around the edges of the area. The amount of commercial development shall be limited to ensure the predominantly residential character of the area.

8. Subareas and Intended Character, 8. Subarea 8 (Southeast Mixed Use). Subarea 8 is a highly visible location with excellent transportation access, and is intended for redevelopment with a mix of office, restaurants or retail uses, or general industrial uses that are combined with restaurant or retail/ commercial uses. **[Amended 1-3-2012 by Ord. No. 1887]**

9. Subarea 9 (South Mixed Use). Subarea 9 is a highly visible location with excellent transportation access, and is intended for redevelopment with a mix of office, restaurant, retail, multiple-family, attached housing, and mixed uses. **[Added 8-6-2018 by Ord. No. 1969]**

C. Permitted Uses.

1. Different land uses are permitted in each subarea of the RF-O district as shown in the attached Table 3.7-1. Abbreviations used in the table shall have the same meanings assigned to them in § 4.1. A "P" indicates that a use is permitted by right, subject to compliance with all other applicable local, state and federal regulations, including the regulations of this Ordinance. A "C" indicates that the use may not be established after October 18, 2005, but if the use was legally established and in existence on that date it may continue to exist as a legal conforming use. An "S" indicates that a use is allowed only if reviewed and approved in accordance with the special use permit procedures of § 8.3D: Special Use Permit. A blank cell indicates that the

8. Editor's Note: Table 3.7-1 is included as an attachment to this chapter.

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~~listed use is not allowed in the respective subarea.~~

~~2. Some uses are subject to additional requirements set forth (a) in the right-hand column of Table 3.7-1[8] (which cross-references materials in Chapter 4), and/or (b) subarea-specific use standards set forth in § 3.7D below. In the event of any conflict between Table 3.7-1 and Table 4.2-1, the materials in Table 3.7-1 shall apply.~~

~~D. Subarea-Specific Use Regulations. The standards in this Subsection D apply in specific subareas of the RF-O~~

8. Editor's Note: Table 3.7-1 is included as an attachment to this chapter.

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district. In the event of a conflict between the use-specific standards in § 4.2 and the subarea-specific standards in § 3.7D, the stricter provision shall apply. Where the standards below reference termination or abandonment, it shall be presumed that a termination, abandonment, or relocation has occurred if there has been a complete cessation of the use continuously for a period of 180 days. Maintaining of utility services or payment of taxes during this one-hundred-eighty-day period is insufficient to overcome this presumption unless other factors clearly showing that the use was not terminated, abandoned, or relocated is provided to the City Planner.

1. Subarea 1 (Northwest Industrial/Residential).

   a) If a use categorized as an industrial use in Table 3.7-1 terminates, is abandoned, or relocates out of Subarea 1, no industrial use shall occupy any part of such property.

   b) Residential uses shall be developed pursuant to an overall development plan or a PUD requiring that at least five dwelling units be developed in each phase.

      1) Construction of single-family homes unrelated to an approved overall development plan is not permitted.

2. Subarea 2 (West Residential).

   a) Uses categorized as commercial uses in Table 3.7-1 shall only be permitted if they have a gross floor area of less than 2,500 square feet and primarily provide services to residents in the surrounding area.

3. Subarea 3 (West Park Mixed Use).

   a) Uses categorized as commercial uses in Table 3.7-1 shall only be permitted if they have a gross floor area of less than 3,500 square feet, are oriented towards and adjacent to a public park or open space, and primarily provide services to residents in the immediately surrounding area.

4. Subarea 4 (Southwest Commercial).

   a) Uses categorized as industrial uses or commercial-vehicle and equipment sales and service uses in Table 3.7-1 shall only be permitted after issuance of a special use permit.

   b) Uses categorized as eating and drinking establishments in Table 3.7-1[9] shall be required to have sit-down facilities as well.

   c) Residential uses shall only be developed pursuant to an overall development plan or a PUD requiring that at least five dwelling units be developed in each phase. Construction of single-family homes unrelated to an approved overall development plan is not permitted.

5. Subarea 5 (Park).

   a) If an existing industrial or commercial use terminates, is abandoned, or relocates out of Subarea 5, no industrial or commercial use shall occupy any part of such property.

6. Subarea 6 (Riverview Commercial).

   a) Uses categorized as industrial uses or commercial-vehicle and equipment sales and service uses in Table 3.7-1 shall only be permitted after issuance of a special use permit.

9. Editor's Note: Table 3.7-1 is included as an attachment to this chapter.

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~~b) Uses categorized as eating and drinking establishments in Table 3.7-1 shall be required to have sit-down facilities as well.~~

9. Editor's Note: Table 3.7-1 is included as an attachment to this chapter.

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c) Residential uses shall only be developed pursuant to an overall development plan or a PUD requiring that at least five dwelling units be developed in each phase. Construction of single-family homes unrelated to an approved overall development plan is not permitted.

7. Subarea 7 (East Bank Mixed Use).

a) New residential uses may only be developed pursuant to an overall development plan or a PUD requiring that at least six dwelling units be developed in each phase. Residential units may include live/work units and attached units, and all residential units shall be two to four stories in height. Residential units with more than four stories shall not be located closer than 300 feet from the Kalamazoo River. No single-story structures shall be permitted.

b) Uses categorized as industrial uses in Table 3.7-1 shall not be permitted in Subarea 7. Uses categorized as commercial uses in Table 3.7-1 that are not oriented towards and adjacent to Riverview Drive or Gull Road shall only be permitted if they have a gross floor area of less than 3,500 square feet and provide services to residents in the immediately surrounding area.

8. Subarea 8 (Southeast Mixed Use).

a) Residential uses may be permitted as part of a mixed-use development where ground floor uses are nonresidential.

9. Subarea 9 (South Mixed Use). **[Added 8-6-2018 by Ord. No. 1969]**

a) Mixed-use buildings are encouraged with first floors containing office and retail uses, and upper floors containing residential uses.

b) Buildings shall be constructed close to the street frontages with parking at the rear or side. No parking in the front of the building is allowed.

c) Buildings shall be a minimum of 20 feet in height, and shall be no more than two stories taller than adjacent buildings.

d) Sidewalks shall be provided on all properties, and bike lanes shall be included in the street areas whenever possible.

e) Whenever possible, building and site design shall take advantage of the Portage Creek by including balconies that face the creek, porches, sitting areas, and outdoor customer areas for business uses.

f) The street network in Subarea 9 shall have a high degree of connectivity and shall offer multiple circulation routes within the district and to adjacent areas.

g) Residential uses shall require that at least five dwelling units be developed in each phase. Residential units may include live/work units and attached units. All residential units shall be two to four stories in height. Residential units with more than four stories shall not be located closer than 300 feet from the Kalamazoo River.

h) Drive-through designs will not impact the walkability of the area and will be located to the rear or side of the building. A primary entry from the frontage street must be maintained for pedestrian access. Primary building face shall be located along street

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~~frontage. Front yard may only contain café style seating, landscaping, and pedestrian infrastructure. (See Figure 1.)~~

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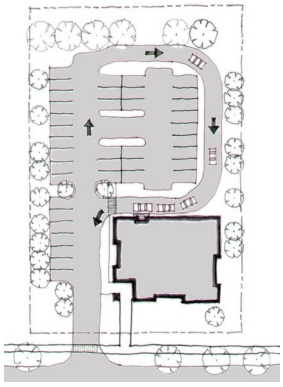

~~Figure 1~~

~~E. Development and Design Standards. All new development in the RF-O district shall comply with the following standards:~~

~~1. Street Network. The street network, including sidewalks, in the RF-O district shall have a high degree of connectivity and shall create multiple circulation routes both within the district and to adjacent areas outside the RF-O district boundaries.~~

~~2. Street Design. The RF-O zone district is intended to have relatively narrow streets in order to encourage slower automobile travel, a friendlier pedestrian environment along the right-of-way, and to encourage primary buildings to be built close to the street. Typical street dimensions are illustrated below.~~

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~~3. Parking. The requirements of § 6.1: Off-Street Parking and Loading, shall apply within the RF-O zone district, except that:~~

~~a) Minimum off-street parking requirements for all uses that are categorized as commercial uses in Table 3.7-1 and that are not oriented to and adjacent to Riverview Drive, Michigan Avenue, Walbridge Street, or Gull Road may be reduced by 25% to reflect expectations of increased walkability and reduce auto-dependence within the district.~~

~~b) Uses categorized as commercial uses in Table 3.7-1 may count on-street parking spaces immediately adjacent to or directly in front of the subject property towards the minimum off-street parking requirements. Each qualifying on-street parking space shall reduce the minimum required off-street parking by 1/2 space.~~

~~4. Drive-In and Drive-Through Facilities. All drive-in and drive-through facilities shall comply with the following standards. In the event these standards conflict with those standards in § 6.1C.3, Stacking Spaces for Drive-In or Drive-Through Uses, or § 6.3E, Screening of Drive-Through Facilities, or with any other standard in this Ordinance, these standards shall govern.~~

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~~a) Service areas and stacking lanes for all new drive-in or drive-through facilities must be set back a~~

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minimum of five feet from all lot lines. When abutting residential uses, a six-foot-tall, opaque privacy fence is required to be installed on or near the common border to screen the drive-in or drive-through facility from the residential structure. A row of six-foot-tall evergreen trees that provide a continuous opaque screen may be substituted for the fence. All driveway entrances, including stacking lane entrances, must be located at least 50 feet from any intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

b) Stacking lanes must contain a minimum of 90 feet for a single stacking lane or 54 feet per lane when there is more than one stacking lane. A stacking lane is measured from the curb cut to the service area. Stacking lanes do not have to be linear.

c) When abutting residential parcels, drive-in or drive-through facilities with noise-generating equipment must document in advance that the facility will meet the City Noise Ordinance regulations.[10] Noise-generating equipment includes items such as speakers and exterior air handling devices.

5. Outdoor Display Areas. Indoor retail sales and service uses may have small outdoor display areas, with a total area not to exceed 10% of the total sales floor area. These outdoor display areas must be located on the same parcel as the primary business location. All outdoor display areas must be properly identified and contained, and must be open only during store hours. Outdoor display areas must be either removed when the retail sales and service use is closed, or completely contained within a decorative fence at least four feet in height. In the event these standards conflict with any other standard in this Ordinance, these standards shall govern.

6. Dimensional Standards.[11]

7. Building Design Standards. All development within the RF-O zone district shall comply with all applicable design standards in § 6.5: Design Standards, unless such standards are inconsistent with the design standards in Subsections E7(a) through (d) below — in which case the standards below shall govern.

a) All Development and Structures.

1) All primary structures shall be oriented to a street or driveway (rather than an internal courtyard), and shall have direct walking access from the front door of the primary structure to the street sidewalk system.

2) All development shall incorporate the open space corridors and trails identified in the Kalamazoo Riverfront Redevelopment Plan. No applicant shall be required to dedicate to the City or to public use any portion of any such open space system or trail if the amount of such dedication would violate state or federal law regarding development exactions.

3) Residential garages with access from alleys are preferred. Where lots receive garage access from the street, garages should be designed so that the plane of the garage door is roughly perpendicular to the street. Where a garage door(s) is located roughly parallel to and visible from the street, such garage door(s) shall not occupy more than 45% of the total width of the front elevation of the residential structure. The front plane of the garage shall not extend closer to the street than the front plane of the primary structure.

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~~4) A wide variety of building materials may be used for building exterior surfaces, including but not limited to metal, granite, stone, terra cotta, concrete, glass, brick, stucco, decorative~~

~~10.~~ **~~Editor's Note: See Ch. 21, Noise.~~**

~~11.~~ **~~Editor's Note: Table RF-O.1 is included as an attachment to this chapter.~~**

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concrete block, and wood clapboard. Alternate or new materials may also be used as long as they are compatible with the physical characteristics of the historic materials which lend character to this area of the City.

5) The use of the following materials requires review and approval as set forth in Subsection E8(b) below: horizontal or vertical rough-textured wood siding, stone and gravel aggregate, shingles, vinyl or aluminum siding, and TI-II (plywood).

b) Residential Structures. All new residential structures shall comply with the standards in this Subsection E7(b). Multifamily structures shall be required to comply with the multifamily design standards in § 6.5A, Multifamily Residential.

1) Residential Forms (Single-Family and Duplex). All new residential structures shall closely resemble the design and character of the residential examples illustrated in the document: Recommended Housing Styles for the Riverfront Target Area.

2) Residential Design Menu (Single-Family and Duplex). Each single-family detached or duplex dwelling unit (a) shall be between 1 1/2 and three stories in height and (b) shall include a front door area designed to be the dominant feature on the front facade of the house through the use of clerestory windows, sidelight windows, double doors, or front porch columns, and (c) shall contain at least two of the following three architectural features:

- Front or side porch with a minimum depth of five feet, and minimum floor area of at least 50 square feet.
- Total area of brick, stucco, or stone veneer (or a combination thereof) equal to at least 50% of the entire area of all facades visible from public streets or adjacent residential properties.
- A house design where garage doors do not appear on the front elevation of the house but are perpendicular to the street or located behind the primary structure.

c) Mixed Use Structures. New mixed-use structures shall incorporate at least two of the following four architectural features.

- A minimum of 10% of each facade area that faces a public street shall be composed of transparent materials, unless the Site Plan Review Committee determines that such transparency would be inconsistent with the operational requirements of the building. At least one-half of this required amount of transparent materials shall be provided so that the lowest edge of the transparent materials is no higher than four feet above the street level. In areas used to meet this transparency requirement, glazing shall have a visible light transparency percentage of at least 60%.
- Each facade greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet. Walls whose elevations include 25% of their surface area in balconies, patios, windows, or

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~~natural materials shall be exempt from this requirement.~~

- ~~Each building with commercial or retail uses shall have clearly defined, highly visible customer entrances with features designed to emphasize the importance of the entrance, which may include but are not limited to canopies or porticos, overhangs, recesses or projections, arcades, arches, peaked roof forms, outdoor patios, display windows, architectural tilework or moldings integrated into the building design, or integrated planters or wing walls that incorporate landscaped areas or seating areas.~~

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- The primary structures shall have a sloping roof with a pitch of three in 12 or greater, which shall incorporate either projecting gables or one horizontal or vertical break in the roofline per 60 linear feet of roof length.

d) Commercial Structures.

1) Commercial structures in Subsections 1, 2, 3, and 7 shall comply with those standards in § 6.5A, Neighborhood Commercial, as applicable to the CN-1 zone district. In case of any conflict between the requirements of § 6.5A and the requirements of this RF-O zone district, the latter shall govern. Loading areas shall be located where they are not visible from public streets or from adjacent properties with residential uses. If this is not possible, screening of loading areas shall comply with the requirements of § 6.2.

2) Commercial structures in Subsections 4, 6, and 8 shall comply with those design standards in § 6.5A, Neighborhood Commercial, as applicable to the CN-2 zone district. In case of any conflict between the requirements of § 6.5A and the requirements of this RF-O zone district, the latter shall govern. Loading areas shall be located where they are not visible from public streets or from adjacent properties with residential uses. If this is not possible, screening of loading areas shall comply with the requirements of § 6.2.

e) Industrial Structures.

1) All industrial structures shall comply with those design standards in § 6.5B, Large Retail Establishments, regardless of whether the industrial structure contains retail uses, and regardless of whether the gross floor areas of the structure exceed 50,000 square feet. In case of any conflict between the requirements of § 6.5B and the requirements of this RF-O zone district, the latter shall govern.

2) Administrative/office portions of the structure shall be located in the portion of the building facing the street.

3) Loading areas and overhead doors shall be located where they are not visible from public streets or from adjacent properties with residential uses. If this is not possible, screening of loading areas shall comply with the requirements of § 6.2.

8. Procedure.

a) All proposed development in the RF-O district shall be subject to the requirements of the site plan review process set forth in § 8.3H, as applicable. The comments and recommendations made during that process shall be incorporated into the design review process, and compliance with the design standards and guidelines of § 3.7E. shall be required.

b) All residential and other development in the RF-O district that does not require site plan review under § 8.3H shall require the prior approval of the City Planner to ensure that such development is in compliance with the design standards and guidelines under § 3.7E.

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CHAPTER 4
Use Regulations

§ 4.1. Use Table.

The Use Table of this section lists the principal uses allowed within the Base Zoning Districts. The symbols used in the Use Table are defined in the following paragraphs.[12]

§ 4.2. Use-Specific Standards.

A. Adult Foster Care Family Home and Group Home. Any facility required to be licensed by the State of Michigan or the City of Kalamazoo shall have a valid license at all times, and it shall be a violation of this Code to operate at any time without a valid license. Any facility with seven or more residents must be located at least 1,500 feet from any adult foster care facility with seven or more residents.

B. (Reserved)[13]

C. Assisted Living Facility, Foster Family Group Home, Foster Family Home, Nursing/Convalescent Home; Rehabilitation Center. Any facility required to be licensed by the State of Michigan or the City of Kalamazoo shall have a valid license at all times, and it shall be a violation of this Code to operate at any time without a valid license.

D. Attached Dwelling.

1. General. An attached house is a dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50% of the length of the side of the dwelling units. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse. Attached houses must comply with the Density, Intensity and Dimensional standards of § 5.1: Residential District Standards, except where such standards are expressly modified by the provisions of this section.

2. Standards that Apply in the RD Districts. The following standards apply to attached housing in the RD districts:

a) No more than two units may be attached by a common wall. Structures containing three or more attached dwelling units are prohibited in the district.

b) Each attached house must be on a lot that complies with the lot area and width standards for new lots in the underlying RD district.

c) The minimum required interior side setback on the side of the dwelling unit containing the common wall is reduced to zero. The (interior) side and rear setback standards of the underlying district apply around the perimeter of the project.

d) On corner lots, either the rear setback or interior side setback may be reduced to zero. However, the remaining interior side or rear setback must comply with the rear setback standards of the underlying RD district.

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12. **Editor's Note: The Use Table is included as an attachment to this chapter.**
13. **Editor's Note: Former Subsection B, Adult Regulated Uses, was repealed 6-6-2022 by Ord. No. 2049.**

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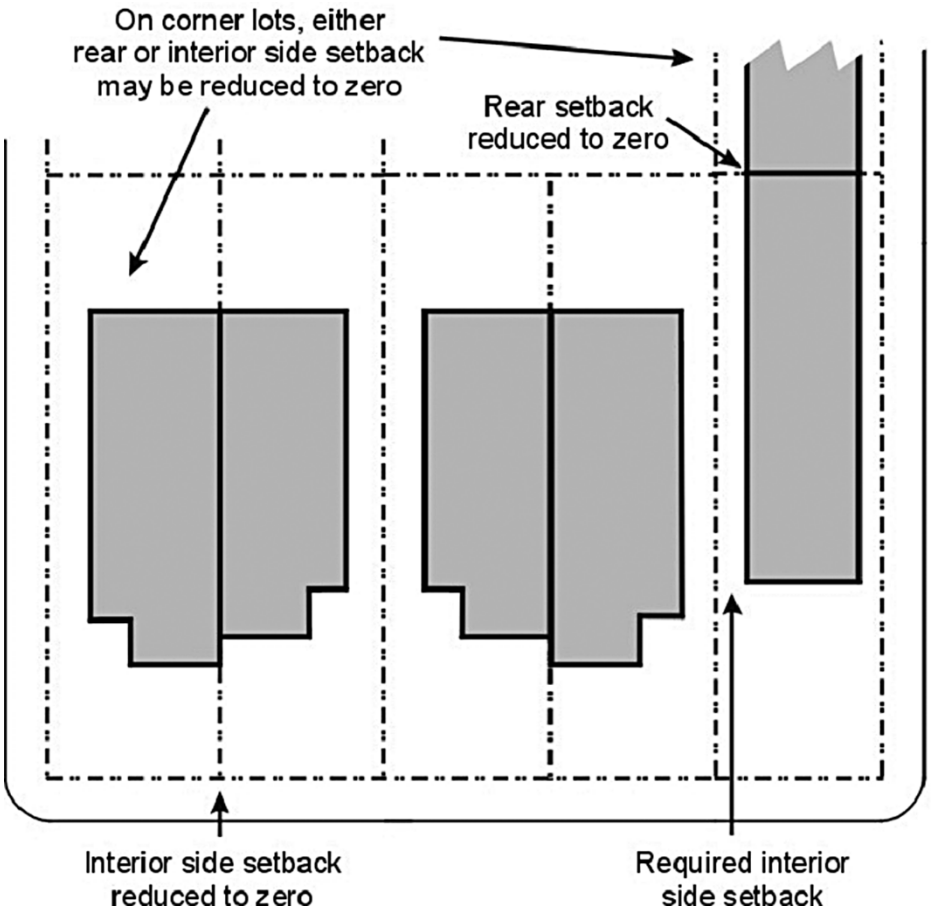

Figure 4-1: Corner Lots

e) Garage door areas may not comprise more than 40% of the width of the street-facing facade of the structure containing the attached housing units. The maximum continuous, uninterrupted length of a garage door (or combination of smaller, one-car garage doors) along the street-facing facade may not exceed 25 feet in width. All garage doors must be recessed at least five feet from the front building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the structure.

f) Facades and roofs must be designed in a manner that provides distinguishing characteristics and relief between attached dwelling units. Such variety may consist of occasional relief in facade depth from unit to unit, unique articulations in architectural elements such as windows, entries and decorative facade building materials, and variations in roof design such as cornice articulation and roof pitch/direction. **[Added 3-19-2007 by Ord. No. 1822]**

g) Attached dwelling units in the RD districts shall be oriented toward, and be directly accessible from, the public way or street on which the building fronts. **[Added 3-19-2007 by Ord. No. 1822]**

3. Standards that Apply in the RM-15, RM-24, RM-36, and RMU Districts. The following standards apply to attached housing in the RM districts:

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a) Up to eight dwelling units may be attached (have common walls) in the RM-15 district. There is no limit on the number of attached units in the RM-24, RM-36, and RMU districts. Attached dwelling units in all RM districts must be oriented toward, and be directly accessible from, the public way or street on which the building fronts.

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b) The minimum lot area and width standards do not apply to attached houses in the RM districts. The minimum lot area for an attached house in the RM district is 3,000 square feet or the minimum lot area per dwelling unit of the underlying district, whichever is greater.

c) The minimum interior side setback on the side containing a common wall is reduced to zero. The (interior) side and rear setback standards of the underlying district apply around the perimeter of the project.

d) On corner lots, either the rear setback or interior side setback may be reduced to zero. However, the remaining interior side or rear setback must comply with the rear setback standards of the underlying district.

e) Facades and roofs must be designed in a manner that provides distinguishing characteristics and relief between attached dwelling units. Such variety may consist of occasional relief in facade depth from unit to unit, unique articulation in architectural elements such as windows, entries and decorative facade building materials, and variations in roof design such as cornice articulation and roof pitch/direction.

f) A common access to the rear of the lots for common or individual parking is required and may take the form of an alley or an easement. Common access drives must be at least 12 feet wide if designed for one-way traffic and at least 20 feet wide if designed for two-way traffic.

g) Garage door areas may not comprise more than 40% of the width of the street-facing facade of the structure containing the attached housing units. The maximum continuous, uninterrupted length of a garage door (or combination of smaller, one-car garage doors) along the street-facing facade may not exceed 25 feet in width. A minimum separation of six feet is required between such expanses of garage doors. All garage doors must be recessed at least five feet from the front building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the structure.

4. Standards That Apply in the RM-15C District.

a) At least 50% of front and side exteriors (excluding the area of doors or windows) must be comprised of natural brick, stone, wood siding, or other natural materials (excluding plywood or concrete block).

b) The roof line of each dwelling unit must be distinct through either a separation of roof pitches (minimum difference of at least 5°), a difference in roof direction, a difference in roof height (minimum of two vertical feet), or a combination of methods.

c) The front facade of each attached unit must be distinct through either the use of different facade materials, staggered building lines (minimum of two feet), an identifiable permanent architectural design element such as a chimney, pilaster or column (excluding gutter spouts or siding trim), or a combination of methods.

d) Garage door areas may not comprise more than 40% of the width of the street-facing facade of the structure containing the attached housing units. The maximum continuous, uninterrupted length of a garage door (or combination of smaller, one-car garage doors)

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along the street-facing facade may not exceed 25 feet in width. A minimum separation of six feet is required between such expanses of garage doors. All garage doors must be recessed at least five feet from the front building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the structure.

e) For all dwelling facades that face streets, all windows shall contain shutters on each side or other decorative window features. **[Added 3-19-2007 by Ord. No. 1822]**

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E. Brewpub, Sit Down Restaurant, Tavern or Lounge. In the CN-1 district, a brewpub, sit down restaurant, tavern or lounge may not exceed occupancy load of 100 persons per floor (not including outdoor seating, which is allowed provided that a minimum pedestrian clear space of four feet is maintained along all public walkways at all times and provided that all trash receptacles related to such outdoor seating area are emptied and moved to a secure area off the public walkways after business hours).

F. Car Wash. All car wash facilities shall comply with the following conditions:

1. A car wash facility is prohibited at the intersection of two arterial streets, unless it is located in a center occupying at least two acres and containing other commercial establishments occupying at least 12,000 square feet gross floor area.

2. The car wash facility, including all driveways, entrances, parking areas, and appurtenant structures, shall be set back a minimum of 10 feet from any adjacent street. The entire 10 foot setback shall be landscaped pursuant to § 6.2.H.2: Buffer Area Landscaping Between Land Uses.

3. The car wash facility, including all driveways, entrances, parking areas, and appurtenant structures, shall be set back a minimum of 20 feet from the boundary of any residential zone district, and from any property with a current residential use. In addition, where the car wash facility is located adjacent to a residential zone district or any property in current residential use, a six foot high opaque wall shall be erected and maintained along such boundary. Such wall shall comply with all applicable requirements for walls in § 6.3: Screening and Fences.

4. To enhance appearance from the street, and to reduce noise impacts on properties sharing a rear lot line with the property, wash bays shall be sited parallel to the adjacent street as illustrated below.

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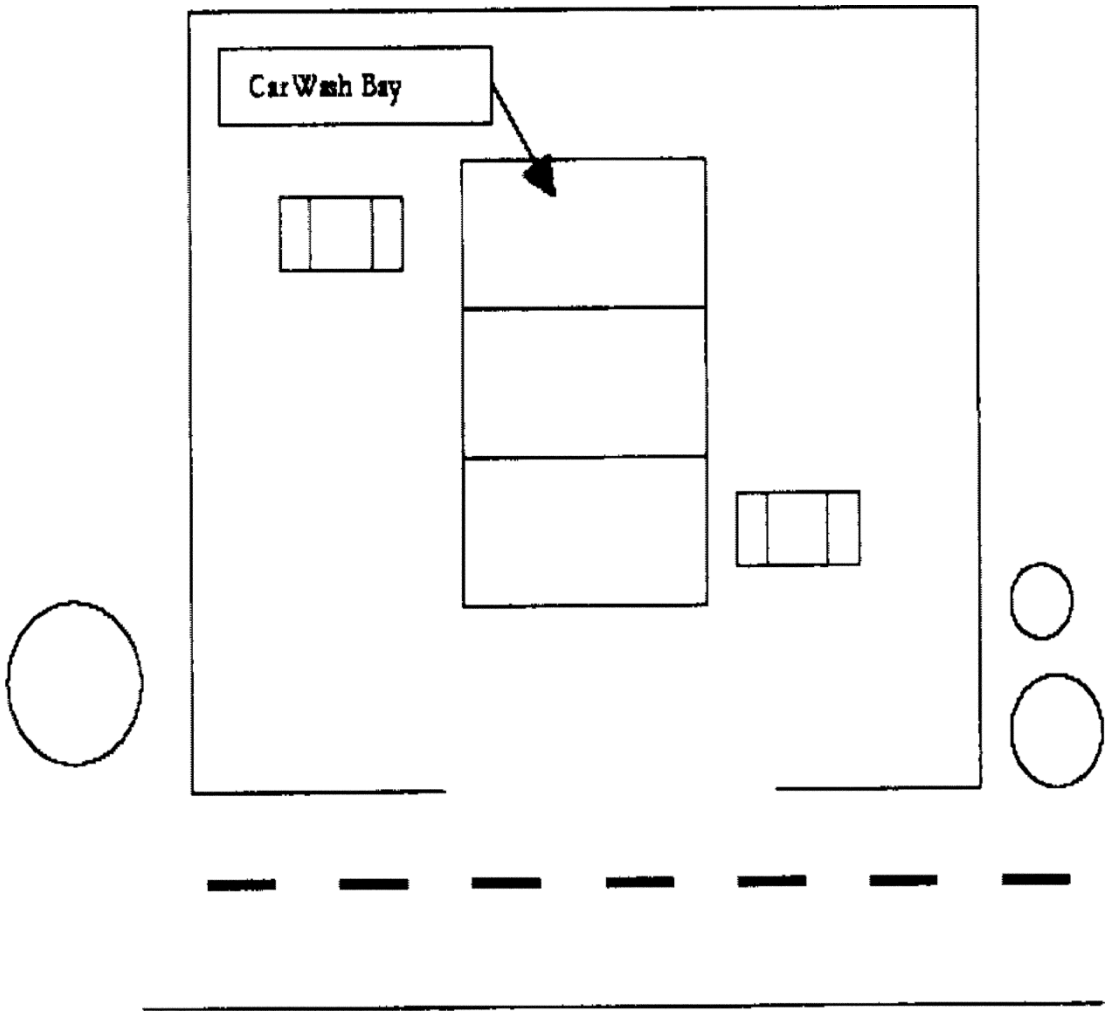

Figure 4-2: Car Wash Bays Parallel to Street

5. A hard surfaced driveway of one or more lanes shall be constructed on the property to provide for continuous movement of vehicles into the wash tack or wash bay.

6. The car wash facility shall comply with all applicable requirements for parking and stacking spaces contained in § 6.1: Off-Street Parking and Loading.

7. The car wash facility shall comply with those Operational Performance Standards related to noise set forth in § 6.6.B: Noise.

G. Cluster Housing Developments.

1. Purpose. The cluster housing standards of this section have several potential public benefits. They:

   a) Provide flexible development options where the standard rectilinear lot pattern is not practical because of physical constraints;

   b) Promote the preservation of open and natural areas;

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c) Allow for common open areas within a development project while still achieving the density of the underlying district; and

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d) Support reductions in development costs.

2. Approval Procedure. Cluster housing developments are allowed by-right. Review for compliance with applicable regulations will occur as part of the land division review process or site condominium process.

3. Density. The overall development may not exceed the maximum density allowed by the underlying district or the maximum density that could be achieved through a conventional subdivision (where all lots comply with minimum lot area and width standards). The City Planner is authorized to require that the developer prepare a density yield analysis comparing the number of dwelling units that could be developed under a conventional subdivision with the number that could be prepared under a cluster housing development.

4. Lot Size. There is no minimum lot size (area or width) requirement for cluster housing developments. Lot sizes must be adequate to meet all applicable standards of this Ordinance.

5. Housing Types.

a) Attached and detached houses are the only type of housing allowed in a cluster housing development. The proposed building envelope for all houses must be shown on the site plan with enough detail so that compliance with required density and dimensional standards can be determined.

b) The number of attached houses that may be attached by a common wall is limited as follows:

Zone District	Maximum Number of Attached Units
RS-4, RS-5 and RS-7	Maximum 4 units attached by a common wall
RD-8 and RD-19	Maximum 6 units attached by a common wall
RM	Maximum 8 units attached by a common wall

6. Setbacks.

a) A setback equal to the minimum street front of the underlying district must be provided along the entire perimeter of the cluster housing development that is adjacent to any street or right-of-way.

b) A setback equal to the minimum rear setback of the underlying district must be provided along the entire perimeter of the cluster housing development that is adjacent to any street or right-of-way.

c) Within the development, the distance between detached houses must be at least 10 feet.

d) These required front and side yard setbacks may not be counted as open space for the purpose of meeting the minimum open space standards for cluster housing developments.

7. Building Coverage. The building coverage standards of the underlying district do not apply to each individual lot, but the total building coverage of all lots (in aggregate) may not exceed the

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maximum building coverage standard of the underlying district.

8. Designated Open Space.

   a) At least 50% of the gross land area within a cluster housing development must be preserved as open space.

   b) Open space may include active or passive recreation areas for residents or conservation areas for natural resources such as wetlands, steep slopes, floodplains, and woodlands.

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c) All of the required open space must be set aside through conveyance or other means as is approved as to form by the City Attorney, such as:

1) Recorded deed restrictions.

2) Covenants that run perpetually with the land.

3) A conservation easement.

4) Land trusts.

d) Such conveyance or other means must assure that the designated open space will be protected from all forms of development, except as shown on the approved site plan, and may not be changed to another use without express, prior approval by the decision-making body that approved it. Such conveyance or other means must also:

1) Indicate the proposed allowable use of the designated open space.

2) Require that the designated open space be maintained by parties who have an ownership interest in the designated open space.

3) Provide standards for scheduled maintenance of the designated open space.

4) Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners within the cluster.

H. Community Service Center, Cultural Exhibits, Libraries, and Museums; Neighborhood Centers; Religious Assembly. In the RS-4, RS-5, RS-6, RD-8, and RD-19 districts, (a) no facility shall contain a meeting hall, assembly room, or worship room capable of accommodating more than 500 persons under the Kalamazoo Fire Code, and (b) no facility shall contain more than 50,000 square feet of gross floor area. In the RM-15, RM-15C, RM-24, RM-36, and RMU districts (a) no facility shall contain a meeting hall, assembly room, or worship room capable of accommodating more than 1,000 persons under the Kalamazoo Fire Code, and (b) no facility shall contain more than 100,000 square feet of gross floor area. All facilities shall comply with the Operational Performance Standards for noise set forth in § 6.6.B: Noise

I. Convenience Stores; Fire, Insurance, and Real Estate; Food Sales (Grocery); Personal Convenience Services; Personal Improvement Services. **[Amended 6-2-2014 by Ord. No. 1922]**

1. In the RMU, CMU, and CN-1 Districts, the gross floor area may not exceed 3,500 square feet.

2. A convenience store which sells packaged alcoholic beverages for consumption off the premises or a package liquor store shall not be located:

a) Within 500 feet, as measured according to the method set forth at MCL 436.1503, of either:

1) A structure set apart primarily for the purpose of religious assembly, which is tax exempt under the laws of this state, with which clergy is associated, and the structure is not put to any other inconsistent use; or

2) A school building.

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b) Within 2,640 feet of another convenience store or a gasoline and fuel sales establishment without vehicle service or repair, when those uses sell packaged alcoholic beverages for consumption off the premises

c) Within 2,640 feet of another package liquor store.

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J. Day-care center (Commercial or Institutional).

1. If such use is required to be licensed by the State of Michigan, a valid license shall be in effect at all times that the use is in operation.

2. In the M-1 and M-2 Districts, day-care centers are allowed only when developed as an accessory use to a permitted use. Such accessory shall occupy not more than 25% of the gross floor area of the principal building, or shall be located in a freestanding building in a mixed use development.

3. At least one outdoor play area shall be provided, consisting of at least one 100 square feet for each child in the average daily attendance and enclosed by a fence of at least three feet six inches in height.

K. Day Care Homes (Group and Family).

1. If such use is required to be licensed by the State of Michigan, a valid license shall be in effect at all times that the use is in operation.

2. If a Group Day Care Home is proposed for property in a residential district after October 18, 2005, then:

a) The structure in which it is located shall be similar in appearance to the character of the neighborhood in terms of architectural style, predominant building materials, building mass and height, and setbacks; and

b) At least one outdoor play area shall be provided, consisting of at least 100 square feet for each child in the average daily attendance and enclosed by a fence of at least three feet and six inches in height.

c) All the development standards of this Ordinance shall be met, and the use shall be located on property that fronts a collector or arterial street.

L. Detached Dwelling. In RM-15C District, at least 50% of front and side exteriors (excluding the area of doors or windows) must be comprised of natural brick, stone, wood siding, or other natural materials (excluding plywood or concrete block).

M. Fast-Order Food. Outdoor seating is allowed provided that a minimum pedestrian clear space of four feet is maintained along all public walkways at all times and provided that all trash receptacles related to such outdoor seating area are emptied and moved to a secure area off the public walkways after business hours).

N. Gasoline and Fuel Sales (Without Vehicle Service or Repair).

1. Fuel pumps, pump islands, detached canopies, compressed air connections, and similar equipment shall be set back a minimum of 15 feet from any street right-of-way, and a minimum of 20 feet from all property lines abutting a residential zoning district, use, or property.

2. The principal service station building and any accessory structures, except for fuel pumps, pump islands, detached canopies, compressed air connections, and similar equipment, shall be set back a minimum of 40 feet from all street rights-of-way and from all property lines abutting a residential zoning district or a parcel containing residential uses.

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3. When gasoline and fuel sales abuts a residential zoning district, or a property in actual residential use, buffering between such uses shall be provided as set forth in § 6.2H.2.b, Option B, and all trees and shrubbery shall be planted on that portion of the buffer located between the wall and the residential property.

4. Outdoor display of merchandise shall be limited to only the display of automotive fluids and new tires sold and/or installed on the premises.

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5. A single-bay car wash is allowed as an accessory use to a permitted service station subject to the following development and design standards:

   a) To the maximum extent practicable, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;

   b) The car wash bay shall be limited in size to accommodate a single vehicle at a time;

   c) The car wash bay shall be located outside of all required setback and buffer areas;

   d) In addition to any other off-street parking requirements or vehicle stacking requirements, the subject property shall contain adequate space to allow a minimum of three cars to stack in a line for car wash services without using or obstructing any portion of an adjacent public sidewalk or right-of-way; and

   e) Where the use abuts a residential zoning district or a parcel containing residential uses, the hours of operation for the car wash shall be limited to between 7:00 a.m. and 8:00 p.m.

6. A canopy over the fuel pumps may be erected subject to the following standards:

   a) The canopy may be either attached or detached from the principal building.

   b) The height of the canopy from the ground to the underside of the canopy shall not exceed 18 feet.

   c) The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.

   d) The canopy structure shall not be enclosed.

   e) The canopy shall utilize the same architectural and design treatment, including materials and colors, as the principal building.

   f) All lighting on the underside of the canopy shall be recessed. A maximum of 25% of each canopy facade area visible from a public street may be internally illuminated. No portion of any canopy facade area may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate facade area.

7. All such uses shall comply with all other applicable requirements of this code, including without limitation § 6.1C.3: Stacking Spaces, § 6.1H: Restrictions on Parking Areas in Nonresidential Districts,
§ 6.2; Landscaping and Open Spaces, § 6.3: Screening and Fencing, § 6.4: Lighting, and § 6.6: Operational Performance Standards.

8. Any such use which sells packaged alcoholic beverages for consumption off the premises shall not be located: **[Added 6-2-2014 by Ord. No. 1922]**

   a) Within 500 feet, as measured according to the method set forth at MCL 436.1503, of either:

      1) A structure set apart primarily for the purpose of religious assembly, which is tax exempt under the laws of this state, with which clergy is associated, and the structure is not put to any other inconsistent use; or

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2) A school building.

b) Within 2,640 feet of:

1) A gasoline and fuel sales establishment, without vehicle service or repair, which sells packaged alcoholic beverages;

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2) A convenience store which sells packaged alcoholic beverages for consumption off the premises; or

3) A package liquor store.

O. Gasoline and Fuel Sales (With Vehicle Service or Repair). All uses in this category shall comply with those requirements in Subsection N above, and in addition shall comply with the following requirements.

1. Hydraulic hoists, pits, and all lubrications, greasing, automobile washing, or repairing equipment shall be entirely enclosed within a building. When any such building or portion of a building faces, abuts, or is adjacent to residentially zoned property, the closest, adjacent building wall or face shall consist of a solid wall with no openings other than those required by applicable building codes.

2. All minor repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed building or structure.

3. All vehicle parts, dismantled vehicles, and similar materials, and all discarded materials such as tires, cans, and drums, shall be stored within an enclosed building, or shall be screened from view by complying with the requirements in § 6.2H.2: Buffer Area Landscaping Between Land Uses.

4. All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.

P. Light Equipment Sales/Rental.

1. In the CCBD, M-1, and M-2 districts, the lot area for outdoor sales must be provided with a concrete or asphalt surface and must be graded and drained to dispose of all water accumulated within the area. **[Amended 3-19-2007 by Ord. No. 1822; 6-6-2022 by Ord. No. 2049]**

2. Vehicle or equipment displays shall not be located within a required setback or buffer area, or on top of any building.

3. A suitable building of a permanent nature shall be erected, having at least 200 square feet of gross floor area, constructed of wood, masonry, or other approved building material, set on proper foundation; except that frame and all metal buildings less than 200 square feet of gross floor area may be erected as outlined in the Building Code.

4. Accessory service facilities shall be permitted as an accessory use; however, in the event of cessation of motor vehicle sales, said accessory uses may not continue except upon issuance of a permit for said uses as the principal use of the land.

5. If any portion of a storage lot accessory to a salesroom or sales lot for new or used motor vehicles is designed or used for the storage of inoperable vehicles, such use shall comply with all requirements of
§ 4.2.Y, Scrap and Salvage Operations, Storage of Inoperable Vehicles, and Recycling Facilities, and such use shall cease upon the termination of the salesroom or sales lot to which it is accessory. **[Amended 3-19-2007 by Ord. No. 1822]**

6. If any portion of a storage lot accessory to a salesroom or sales lot for new or used motor

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vehicles is designed or used for storage of commercial vehicles or semi-trucks, such portion of the storage lot shall be located a minimum of 25 feet from (a) any adjacent properties used for residential purposes, and (b) any property located across an alley and used for residential purposes.

7. The premises shall be screened by a six foot high opaque wall or fence along any lot boundary adjacent to, or across any alley from, land in a residential zone district, or from land in actual use for residential purposes. Any wall or fence erected shall meet the requirements of § 6.3: Screening and Fencing.

8. All such uses shall comply with all other applicable requirements of this code, including without

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limitation § 6.1H: Restrictions on Parking Areas in Nonresidential Districts, § 6.2: Landscaping and Open Spaces, § 6.3: Screening and Fences, § 6.4: Lighting, and § 6.6, Operational Performance Standards.

Q. Multi-Unit Residential.

1. Generally Applicable Standards.

a) Site Layout. To the greatest degree practicable, multifamily residential structures shall be located so that:

1) Common open space amenities are located between buildings and are visible from residences within the development and from circulation routes within the development; and

2) Garage doors, carports, and parking garages are not located between a multifamily building and a required street frontage, but are instead internalized within building groups so as not to be directly visible from the street frontage.

b) Facades.

1) Length. The length of any multifamily primary residential building shall not exceed 200 feet.

2) Articulation of Townhouse Facades. No more than eight townhouse units may be attached in any single row or building group. Each group of attached adjacent townhouses shall be separated from the next group by a walkway leading from the street in front of the townhome or to an alley, public street, or common access area behind the group of townhouses. The facades of a primary structure containing townhouse units shall be articulated to differentiate the individual units.

3) Articulation of Facades Other Than Townhouses. At least three of the following design features shall be provided for visual relief along all facades of each primary multifamily building; roof dormers; gables; recessed entries; covered porches; cupolas; pillars, pilasters or posts; bay windows (minimum twelve-inch projection); eaves (minimum six-inch projection) or a parapet wall with an articulated design (decorative cornice, etc.); multiple windows with minimum four-inch trim; or recesses/shadow lines.

4) Four-Sided Design. A primary building's special architectural features and treatments shall not be limited to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.

5) Windows. All elevations shall contain windows, and the area of such windows shall equal at least 20% of the total wall area on the facade where the windows are located.

6) Materials. At least 50% of the surface of exterior walls, excluding areas for windows, doors, and other similar openings, shall be of brick, decorative precast, or a decorative masonry surface, concrete siding, or natural materials such as wood. **[Amended 3-19-2007 by Ord. No. 1822]**

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c) Roof Design.

1) Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least two feet.

2) All sloped roofs shall have a minimum slope of 4:12, and shall have overhanging eaves of at least one foot.

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3) Roofs of clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition are preferred to convention asphalt (3-tab) roofs. All composition shingle roofing shall be constructed using high profile, textured shingles.

4) Rooftop mechanical equipment and appurtenances shall be screened so that they are not visible from any location within 200 feet of the building when viewed from five feet above grade level. Screening enclosures shall be composed of one or more predominant materials used in the facades of the primary structure and one of the predominant colors used in the primary structure.

d) Garages and Carports.

1) All accessory carport structures shall be constructed of materials compatible with the principal structure on the lot, and shall not be constructed from salvage doors, corrugated or sheet metal, vinyl, canvas, nondurable materials, or other prohibited materials as designated by the City.

2) Detached garages and carports shall have pitched roofs with a minimum slope of 4:12.

3) No more than six garage doors may appear on any multifamily primary building elevation containing entry doors. No more than four garage doors may be grouped together without an intervening wall surface of at least 20 linear feet (measured horizontally).

e) Sidewalks. Sidewalks at least four feet wide shall be required along all public streets adjacent to a development site. Required sidewalks shall be separated from the street by a curb lawn at least five feet wide; provided, however, that if the predominant width of existing curb lawns on adjacent blocks is less than five feet, then curb lawns along the proposed development may match that predominant width.

f) Walkways. Every primary residential structure shall have a paved walkway at least four feet wide connecting the primary building entrance (in most cases the front door) to the sidewalk system or parking area. In the case of multifamily or attached dwellings, a common walkway may be used to satisfy this requirement so long as it provides a direct and convenient route to every residence served.

2. Additional Standards for the RM-15C District. The following standards shall apply to multifamily development in the RM-15C district. In the event of any inconsistency between these standards and other standards in § 4.2.Q: Multi-Unit Residential, these standards shall govern.

a) At least 50% or more of front and side exteriors (excluding the area of doors or windows) must be comprised of natural brick, stone, wood siding, decorative pre-cast, decorative masonry, or other natural materials (excluding plywood or concrete block).

b) For every two dwelling units the building is wide, the roof line must be distinct through either a separation of roof pitches (minimum difference of at least 5°), a difference in roof direction, a difference in roof height (minimum of two vertical feet), or a combination of methods.

c) For every two dwelling units the building is wide, the front facade must be distinct

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through either the use of different facade materials, staggered building lines (minimum of two feet), an identifiable permanent architectural design element such as a chimney, pilaster or column (excluding gutter spouts or siding trim), or a combination of methods.

d) For all dwelling facades that face streets, all windows shall contain shutters on each side or other decorative window features. **[Added 3-19-2007 by Ord. No. 1822]**

3. Additional Requirements for CMU, CN-1, CO, and CN-2 Districts. Dwelling units are allowed in the

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CMU, CN-1, CO, and CN-2 districts only when part of a mixed-use project and only when located above the ground floor of buildings containing retail or other commercial floor space on the ground floor. **[Amended 6-6-2022 by Ord. No. 2049]**

4. Multifamily Dwelling Design Standards.

a) Application. The standards set forth in § 6.5.A shall apply to all construction of multifamily dwellings (a) in any zone district where such multifamily dwellings are a permitted or special use, and (b) in all PUD-O Districts where multifamily dwellings are permitted, unless explicitly modified by the terms of the PUD-O zone district or related plans approved by the City. In addition, such developments shall comply with all other applicable requirements of this Ordinance.

b) (Reserved)[14]

c) (Reserved)[15]

d) Off-Street Parking Requirements. In addition to complying with the off-street parking requirements in § 6.1: Off-Street Parking and Loading, all driveways, service areas and open parking areas abutting property located in an RS-4, RS-5, RS-7, RD-8, or RD-19 zone district shall not be located closer than 10 feet to any property line except where driveways enter or exit the site, nor closer than five feet to any property line for abutting properties in any other zoning district. **[Amended 3-19-2007 by Ord. No. 1822]**

e) Utilities. All public utilities shall be placed underground.

f) Accessory Structures and Uses. Only the following types of accessory structures shall be permitted in connection with a multifamily residential development, and all permitted accessory structures shall meet the standards set forth in Subsection b) below.

1) Permitted accessory structures and uses:

(a) Community buildings;

(b) Pools;

(c) Tennis courts;

(d) Garages and carports;

(e) Storage structures; and

(f) Similar recreational and accessory structures and uses.

2) Height and Location. Accessory buildings shall not exceed 16 feet in height. Accessory structures and uses, except garages and carports, shall be located at least 25 feet from all property lines that abut property in an RS-4, RS-5, RS-7, RD-8, or RD-19 zone district. Where a property line abuts property located in any zone district other than those listed in the preceding sentence, garages and carports may be located three feet from the property line. A carport must have a wall at least four feet high on the side facing the property line if it is located within 10 feet of the property line where the property line abuts property located in an RS-4, RS-5, RS-7, RD-8, or RD-19 zone district. Garages and carport walls shall be considered as providing the required screening. Garages and carports shall not exceed 112

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14. **Editor's Note: Former Subsection Q4(b), Distance and Height Requirements, as amended 3-19-2007 by Ord. No. 1822, was repealed 1-29-2019 by Ord. No. 1978.**
15. **Editor's Note: Former Subsection Q4(c), Impermeable Space Limitation, as amended 3-19-2007 by Ord. No. 1822, was repealed 1-29-2019 by Ord. No. 1978.**

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feet in length.

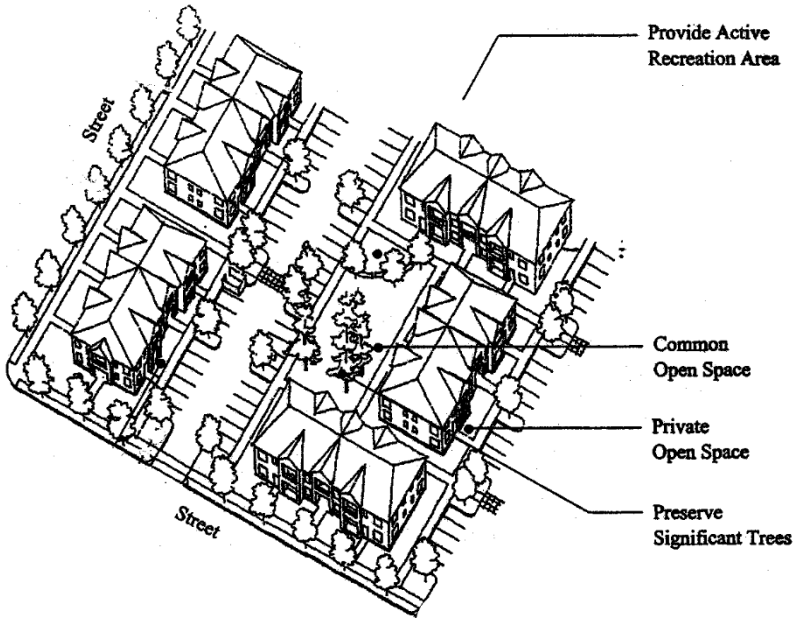

Figure 4-3: Multifamily Site Design

R. Parking, Commercial.

1. Commercial parking lots are limited to the parking of operable private passenger vehicles. All such vehicles shall bear current and valid license plates.

2. No parking lot or parking area may be used as a towing service storage yard.

3. Commercial parking lots shall not be used as sites for vending of any kind.

4. Commercial parking lots shall comply with all standards and requirements applicable to accessory parking lots, as set forth in § 6.1: Off-Street Parking and Loading, except for the requirements of Subsection C: Minimum Amounts of Off-Street Parking Required and Subsection G: Location of Parking Facilities.

5. Commercial parking lots shall comply with all requirements of § 6.2 Landscaping and Open Space, applicable to parking areas.

S. Retail Sales and Services (Indoor).

1. CMU and CN-1 Districts. In the CMU and CN-1 districts, the gross floor area of retail sales and services (indoor) may not exceed 3,500 square feet.

2. RD-8, RD-19, RM-15, RM-15C, RM-24, RM-36, and CN-O Districts. In the RD-8, RD-19, RM-15,
RM-15C, RM-24, RM-36, and CN-O districts, retail sales (a) shall only be permitted in structures that are more than 50 years old and that contain more than 3,500 square feet of gross floor area, and (b) shall be limited to sales of finished pieces of art or crafts.

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T. Retail Sales and Services (Outdoor).

1. Retail sales and services (outdoor) shall be located on the same private property containing the primary use unless an encroachment permit has been obtained from the City to allow use of public right-of-way.

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2. In the R districts, outdoor cafes shall not operate after 9:00 p.m.

3. In the R districts, outdoor sales of items, including but not limited to fruits, flowers, and vegetables raised on the property, shall be limited to no more than 10% or 500 square feet of the front yard area of the property, whichever is less. **[Added 3-19-2007 by Ord. No. 1822]**

U. Roominghouse/Boardinghouse. In CN-1, CO, CN-2, and CCBD districts, roominghouses and boardinghouses must be located at least 1,500 feet from any other roominghouse or boardinghouse with seven or more residents. Any facility required to be licensed by the State of Michigan shall have a valid license at all times, and it shall be a violation of this Code to operate at any time without a valid license. **[Amended 3-19-2007 by Ord. No. 1822; 6-6-2022 by Ord. No. 2049]**

V. Tearoom/Cafe. In the RD-8, RD-19, RM-15, RM-15C, RM-24, RM-36, and CN-O districts, tearooms and cafes (a) shall only be permitted in structures that are more than 50 years old and that contain more than 3,500 square feet of gross floor area, and (b) shall be limited to a maximum of 10 tables for customer use, and (c) shall only operate between the hours of 10:00 am and 9:00 pm. Outdoor seating shall not continue past 9:00 p.m.

W. Telecommunications Facilities.

1. Purpose. The purpose of these regulations is to regulate the placement, construction, and modification of transmission towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Kalamazoo. The specific purposes are as follows:

a) To regulate the location of transmission towers and telecommunications facilities in the City;

b) To protect residential areas and land uses from potential adverse impact of transmission towers and telecommunications facilities;

c) To minimize adverse visual impact of transmission towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;

d) To promote and encourage shared use/collocation of transmission towers and antenna support structures as a primary option rather than construction of additional single-use transmission towers;

e) To avoid potential damage to property caused by transmission towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound; and

f) To ensure that transmission towers and telecommunications facilities are compatible with surrounding land uses.

g) Nothing in this section applies to amateur radio antennas, or facilities, used exclusively for the transmission of television or radio signals.

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2. Siting; Permitted and Special Uses. No telecommunication facility or transmission tower may be constructed, modified to increase its height, installed or otherwise located within the City except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility will be either a permitted use, subject to building review procedures, or a special use.

    a) No special use permit is required for a telecommunication facility or transmission tower that is allowed as a permitted use pursuant to § 4.2W.3: Collocation on Existing Towers, § 4.2W.4: Collocation on Other Structures, and § 4.2W.5: Construction of New Transmission Towers. Such

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telecommunication facilities will require site plan review and any permits required by the Kalamazoo City Code.

b) A telecommunication facility or transmission tower that, pursuant to § 4.2W.3: Collocation on Existing Towers, § 4.2W.4: Collocation on Other Structures, and § 4.2W.5: Construction of New Transmission Towers, requires a special use permit, must be processed in accordance with § 8.3D: Special Use Permit and in accordance with established administrative policies, including review by appropriate City of Kalamazoo advisory boards. No permits may be issued prior to completion of the special use permit and site plan process, including any appeals.

3. Collocation on Existing Towers.

a) Collocation of an additional antenna on an existing transmission tower will be considered a permitted use in any M-1, M-2, CCBD, CO, CBTR, CN-1, CN-2, CMU, P or IC district, or if the transmission tower is in any other zoning district, and the City specifically approved, as part of a special use permit process authorizing the transmission tower, collocation of additional antennas. **[Amended 6-6-2022 by Ord. No. 2049]**

b) Collocation of an additional antenna on an existing transmission tower requires a special use permit in any RS, RD, RM, RMU, RMHP or CNO district if approval for collocation was not granted through a prior special use permit process.

4. Collocation on Other Structures.

a) In addition to collocation on an existing transmission tower, an antenna may be collocated on existing buildings, light poles, utility poles, and water towers.

b) Such collocation on a building, light pole, utility pole, or water tower, will be considered a permitted use provided that the antennas and ancillary facilities comply with all applicable building codes, the color of the antennas blends in with the existing structure and surroundings, the antennas do not exceed the height limitation of the zoning district, and the property is located in any M-1, M-2, CCBD, CO, CBTR, CN-1, CN-2, CNU, P or IC district. **[Amended 6-6-2022 by Ord. No. 2049]**

c) Such collocation on a building, light pole, utility pole, or water tower requires a special use permit in any RS, RD, RM, RMU, RMHP, or CNO district. Said antenna(s) may not exceed the building height allowed in the district, or 18 feet above the structure, whichever is less. Said antenna(s) may project no more than two feet away from the existing structure, and the color of the antenna(s) must blend in with the existing structure and surroundings.

5. Construction of New Transmission Towers. Construction of a transmission tower or a modification of an existing transmission tower to increase its height will be allowed as follows:

a) Such construction or modification is considered a permitted use in M-1 and M-2.

b) Such construction requires a special use permit in any CCBD, CO, CN-1, CN-2, CMU, P or IC district. Such construction also requires a special use permit in any RS, RD, RM, RMHP, CNO or IC district, but only in the following locations: **[Amended 6-6-2022 by Ord. No. 2049]**

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1) Religious assembly, but only when designed as a steeple, bell tower, or similar accessory structure compatible with the principal use on the property.

2) Parks.

3) Government, public utility, or public school sites.

c) Such construction shall be prohibited in the CBTR district.

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d) Any new transmission tower must be built, constructed, or erected with the capability of supporting a minimum of two other telecommunication facilities, comparable in weight, size, and surface area to the applicant's facilities, pursuant to § 4.2W.7.c: Standards for Transmission Towers and Antennas.

6. Application Requirements. Application requirements shall be set forth by the City Planner and may be modified from time to time as necessary. If a special use permit is required, the application requirements shall also include all materials required for a special use permit pursuant to § 8.3D: Special Use Permit.

7. Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas must comply with the following standards, unless a waiver is obtained pursuant to the provisions of § 4.2W.9: Waiver.

a) No transmission tower may be constructed within one-mile of any existing transmission tower. Tower separation must be measured by following a straight line from the portion of the base of the proposed transmission tower that is closest to the base of any preexisting transmission tower. For purposes of this paragraph, an existing tower includes any transmission tower for which the City has issued a building permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to August 1, 1997, may be modified to accommodate additional providers consistent with provisions for collocation in this section.

b) Transmission tower and antenna heights are governed by this section except as provided for below:

1) If located within any M-1 or M-2 district, the height limitation for that zoning district applies.

2) If located within any CO, CN-1, CN-2, CMU, P or IC district, the maximum height of a transmission tower, including antennas, is 100 feet, unless a waiver is granted pursuant to the provisions of § 4.2W.9: Waiver. **[Amended 6-6-2022 by Ord. No. 2049]**

3) If located within any RS, RD, RM, RMHP, RMU, CNO or IC district, the maximum height of a transmission tower, including antennas, is 75 feet, unless a waiver is granted pursuant to the provisions of § 4.2W.9: Waiver.

c) New transmission towers must be designed to accommodate collocation of additional providers:

1) New transmission towers of a height of 100 feet or more must be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification to the transmission tower.

2) New transmission towers of a height of at least 60 feet and no more than 100 feet must be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification to the transmission tower.

d) The following setbacks from adjacent property lines and adjacent streets are required unless a waiver is granted pursuant to the provisions of § 4.2W.9: Waiver:

1) If located within any RS, RD, RM, RMHP, RMU, CNO or IC district, the transmission tower must be set back from adjacent property lines a minimum

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number of feet that is equal to the height of the transmission tower.

2) If the transmission tower is located on a parcel in any nonresidential zoning district that abuts residentially zoned property, the transmission tower must be set back from the adjacent residentially zoned property line a minimum number of feet that is equal to the height of the transmission tower.

3) In any RS, RD, RM, RMHP, RMU, CNO or IC district, transmission towers must be set back

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from adjacent public streets a minimum number of feet that is equal to the height of the transmission tower. In all other zoning districts, the setback from adjacent public streets must be a minimum of 25 feet.

e) In all zoning districts, existing vegetation must be preserved to the maximum extent possible. In all zoning districts, landscaping must be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping must consist of evergreen vegetation with a minimum planted height of six feet placed densely so as to form a screen. Landscaping must be compatible with other nearby landscaping and must be kept healthy and well maintained. Landscaping must be installed on the outside of any fencing.

f) In any CN-1, CN-2, RS, RD, RM, RMHP, RMU, or CNO district and in all other zoning districts when the adjacent property is zoned residentially or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment must be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45 dBa. In all other locations, noise must be regulated by applicable City ordinances.

g) Transmission towers may not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses located within a distance that is 300% of the height of the transmission tower from the transmission tower, and when required by federal law, dual mode lighting must be requested from the FAA.

h) The transmission tower and attached antennas must be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the City.

i) No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage must be affixed to a fence or ancillary facility and the number of signs is limited to no more than two.

8. Standards for Ancillary Facilities to a Transmission Tower. All ancillary facilities must comply with the standards of Subsections (e) and (f) of § 4.2W.7: Standards for Transmission Towers and Antennas. In addition, all ancillary facilities within any RS, RD, RM, CNO or IC district must be located underground to the maximum extent technology allows, unless a waiver is obtained pursuant to the provisions of
§ 4.2W.9: Waiver. This underground restriction does not apply within other zoning districts.

9. Waiver.

a) Any waiver to the requirements of this section may be granted only pursuant to the following provisions. The criteria for granting a waiver are as set forth in this section only, and may not include the criteria in § 8.3D: Special Use Permit.

b) The City may grant a waiver from the provisions of § 4.2W.7: Standards for Transmission Towers and Antennas, provided the applicant demonstrates that:

1) It is technologically impossible to locate the proposed transmission tower on available sites more than one-mile from a preexisting transmission tower and still

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provide the approximate coverage the transmission tower is intended to provide;

2) The preexisting transmission tower that is within one mile of the proposed transmission tower cannot be modified to accommodate another provider; and

3) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the transmission tower is intended

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to
provide.

4) The City may grant a waiver to the setback and undergrounding requirements of Subsection
(d) of § 4.2W.7: Standards for Transmission Towers and Antennas or § 4.2.W8: Standards for Ancillary Facilities to a Transmission Tower, upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

5) The City may grant a waiver to the one-hundred-foot height limitation in any CO, CN-2, CN-1, or CMU district, or to the seventy-five-foot height limitation in any RS, RD, RM, RMU, CNO, or IC district if the applicant shows, through written documentation provided by an engineer, that the proposed height is the minimum height needed to meet service needs and to accommodate future collocations per Subsection (c) of § 4.2W.7: Standards for Transmission Towers and Antennas. **[Amended 6-6-2022 by Ord. No. 2049]**

6) If the proposed transmission tower, ancillary facility or other telecommunication facilities require a special use permit, the request for waiver must be considered as part of the special use permit process. If the proposed transmission tower, ancillary facility or other telecommunication facilities are a permitted use, the request for a waiver must be decided by the City Planner and must be based on the criteria in this section.

10. Removal of Facilities.

a) All transmission towers, antennas, transmission tower substructures and ancillary facilities must be removed within six months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The owner and operator of the tower, antenna, substructure or facility and the real property owner upon which the tower, antenna, substructure or facility is located are responsible for removing such facilities. The site must be restored with appropriate landscaping to its pre-transmission tower appearance. The City Planner may grant one six-month extension where a written request has been filed, within the initial six month period, to reuse the transmission tower or antennas.

b) The City may require the posting of an open-ended bond or accept some other performance guarantee suitable to the City before building permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

11. Fees. Notwithstanding any other provision of this code, the City Planner may require, as part of application fees for building or special use permits for telecommunication facilities, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunications expertise. This amount of this fee shall be set by City Commission resolution.

X. Transitional Residence. In the CN-2 and CCBD districts, transitional residences must be located at least 1,500 feet from any other transitional residence, adult foster-care group home, and any other

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adult foster-care facility with seven or more residents. Any facility required to be licensed by the State of Michigan shall have a valid license at all times, and it shall be a violation of this Code to operate at any time without a valid license. **[Amended 6-6-2022 by Ord. No. 2049]**

Y. Scrap and Salvage Operations, Storage of Inoperable Vehicles, and Recycling Facilities. Wrecking and towing services, scrap and salvage yards and storage areas for one or more impounded, damaged or inoperable vehicles (whether licensed or unlicensed) for a period of more than 24 hours, and recycling facilities, must comply with the following standards: **[Amended 3-19-2007 by Ord. No. 1822]**

1. The development must contain a minimum of two acres.

2. The use must be completely screened from view of public rights-of-way and adjacent properties by a

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vertical wall or fence (and associated gates and doors) with a uniform height of no less than eight feet and a maximum height of not more than 12 feet. The wall or fence must be plumbed vertically and squared and constructed of masonry material with natural or painted finish, wood with appropriate finish for species use; plywood of a type and texture customarily used as exterior building siding protected from weathering; corrugated or channeled metal with a field or factory applied finish approved by the finish manufacturer for exterior use on the specific metal of the panel. The wall or fence must resist the exterior wall wind loads prescribed in Chapter 9, Building Regulations, Code of Ordinances of Kalamazoo. Verification of the wind load resistance must be provided by a Michigan registered architect or engineer. Gates must be constructed of materials as prescribed for the nonmasonry walls or fences. Gates must be supported so as to maintain level and plumb when closed.

3. Walls or fences and gates and doors must be repaired, maintained and kept in good condition (free of chips, scratches, peeling and graffiti) and set back a minimum of six feet from property lines abutting public rights-of-way. Gates and doors may not extend into the public right-of-way and must be closed when the facility is not in use or operation. The area outside of the walls or fences, on the property of the establishment, must be covered with grass or ground cover and kept in reasonable and safe condition.

4. Notwithstanding the other standards and requirements of this section, wrecking and towing services, scrap and salvage yards and storage areas in existence on November 18, 1996:

   a) That are less than two acres in area do not need to acquire additional area.

   b) That have any walls or fences that are in full compliance with the standards in this subsection, but that are not set back a minimum of six feet from the property line, are not required to comply until they are replaced or substantially repaired.

Z. Wind Energy Units. **[Added 9-20-2010 by Ord. No. 1872]**

1. General.

   a) Building-mounted wind energy units shall be permitted in all zoning districts. Approval of a site plan is required for such units, except in the RS and RD zones.

   b) Small, freestanding wind energy units that are not the primary use on a parcel shall be permitted in all zoning districts except the CCBD zone. Approval of a site plan is required for such units, except in the RS and RD zones.

   c) Large and multiple freestanding wind energy units that are not the primary use on a parcel shall be permitted in all zoning districts except the RS, RD, and CCBD zones. Approval of a site plan is required for such units.

   d) Freestanding wind energy units that are the primary use on a parcel shall be permitted in all zoning districts except the RS, RD, and CCBD zones, but a special use permit is required from the Planning Commission. Approval of a site plan is also required for such units.

   e) In all zoning districts, freestanding wind energy units shall be set back from all property lines a distance equal to at least the height of the unit as measured from the ground level to the top of the monopole or rotor blade in the vertical position, whichever is higher.

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2. Height and Location of Equipment.

   a) Building-mounted wind energy units shall not exceed 10 feet in height above the highest portion of the roofline for buildings in the RS and RD zoning districts, and shall not exceed 20 feet in height above the highest portion of the roofline for buildings in all other zoning districts.

   b) A maximum of one, building-mounted wind energy unit is allowed for every 900 square feet of the

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footprint for each building on a parcel.

c) Building-mounted wind energy units shall be placed on top of the building roof or attached to the side or rear of the building. Such units shall not be mounted on any building wall that faces a public street. No portion of the structure or blades of a wind energy unit shall project over the property lines of the parcel.

d) Small, freestanding wind energy units shall not exceed 60 feet in height as measured from the ground level to the top of the monopole or rotor blade in the vertical position, whichever is higher.

e) Large, freestanding wind energy units shall not exceed 200 feet in height as measured from the ground level to the top of the monopole or rotor blade in the vertical position, whichever is higher.

f) A maximum of one, freestanding wind energy unit is allowed for each parcel containing one acre or less, and a maximum of one, freestanding wind energy unit is allowed for each acre for parcels containing more than one acre.

g) Freestanding wind energy units on a parcel must be separated from each other by a distance equal to at least three times the maximum diameter of the blade rotation space of the unit or 100 feet, whichever is greater.

h) The minimum distance between the ground level and the tip of the rotor blade in the downward vertical position for freestanding wind energy units shall be 20 feet.

i) Freestanding wind energy units shall only be allowed in side and rear yards, and not within building setbacks. They shall not be allowed in front yards or front setbacks.

3. Design and Operation.

a) Freestanding wind energy units shall be monopole or tubular design only. They shall have nonreflective surfaces. Lattice-type units or units with guy wires are not permitted.

b) Building-mounted and freestanding wind energy units shall not contain lettering, advertisements, or commercial graphics. Information regarding the manufacturer and/or emergency contacts may be placed on the unit within a maximum one-square-foot area. Exterior lighting shall not be allowed except as required by the FAA.

c) Braking/feathering systems are required for all wind energy units to prevent high and potentially dangerous levels of rotation.

d) Electrical wiring between freestanding wind energy units and electrical storage or transfer equipment shall be placed underground when feasible.

e) Operation of all wind energy units shall comply with the City's noise and nuisance ordinance standards. All wind energy units shall be installed and shall operate such that no flicker effects occur on adjacent building windows or doors, roads, or public/private occupied areas. The City Planner may require a flicker effect study be completed for a proposed wind energy unit if deemed necessary.

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f) A visual analysis shall be provided for all wind energy units that require site plan review. Such analyses shall show depictions of the proposed unit from four different vantage points, and shall be included as part of the site plan review process.

g) For all wind energy units, a written statement shall be submitted to the City indicating that the unit will not interfere with the local police/fire communications, or television/radio/cellular phone signaling.

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4. Decommission Plan. A decommission plan is required for all freestanding wind energy units detailing the equipment removal process when the unit is no longer used. The equipment shall be removed within six (6) months of cessation of operation, unless an extension is granted by the City Planner. Such plans are required at the time of site plan review or building permit submittal.

5. Fees for review. The standard permit and review fees shall be applied to wind energy unit projects as applicable.[16]

§ 4.3. Accessory and Temporary Uses and Structures.

The standards of this section apply to all accessory and temporary uses and structures unless otherwise expressly stated.

A. Purpose. This section regulates uses and structures that are incidental to principal uses and buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

B. General Standards.

1. Subordinate to Principal Use. Accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose.

2. Time of Establishment and Removal. Accessory structures must be constructed in conjunction with or after the principal building. They may not be built prior to the construction of the principal structure. No accessory use or structure may continue in use or operation after the principal primary structure or principal to which it is accessory has been removed or ceased operation, unless the accessory use is also listed as a permitted use in the zone district.

3. Compliance with District Standards. Unless otherwise expressly stated, the setback, height, and building coverage standards of the underlying district apply to both principal and accessory structures.

C. Building Coverage.

1. The combined footprint of all detached covered accessory buildings may not exceed 20% of the total area of the lot, unless a larger lot coverage is specifically permitted by another provision of this Ordinance.

2. A detached accessory building may not have a larger building footprint than the building footprint of the principal structure.

D. Location in Required Setbacks.

1. Accessory structures not more than 16 feet in height may be located in required rear setbacks if they do not occupy more than 33% of the actual rear yard area and are located at least three feet from any lot line. Preexisting, detached, conforming accessory structures located in rear yards shall not become nonconforming if the primary structure on the site is expanded causing any portion of the accessory structure to be in the side yard. **[Amended 3-19-2007 by Ord. No. 1822]**

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2. Trellises that provide entry into a property may be located in required front yard setbacks if they are no more than eight feet tall, eight feet wide, and eight feet deep, are not located in the public right-of-way, do not obscure or block vehicular traffic lines of sight, do not impede or block pedestrian circulation, and do not hinder access to the property by emergency services and equipment. One such trellis is allowed per pedestrian entrance into a property. When required by the Building Official, a building

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16. **Editor's Note: Former Subsection AA, Marihuana Facilities, added 4-2-2018 by Ord. No. 1957, as amended, which immediately followed this subsection, was repealed 5-18-2020 by Ord. No. 2007.**

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permit shall be obtained prior to the erection of a trellis. **[Amended 3-19-2007 by Ord. No. 1822]**

3. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in required front setbacks, but may be located in rear or side setbacks if located at least three feet from rear and side lot lines.

4. No ornamental or other lawn feature, including but not limited to statues, figurines, decorations, art objects, animal shelters, containers, or other similar items, over 2 1/2 feet in height shall be installed or maintained within 25 feet of any public street, or within any triangular area defined by the following three types of points: **[Amended 3-19-2007 by Ord. No. 1822]**

   a) Point 1: The point of intersection of intersection of any public street with (i) any other public street, or (ii) any railroad right-of-way with an at-grade crossing, or (iii) any private driveway (other than a driveway for a single- or two-family residential structure);

   b) Point 2: A point along the side right-of-way line of the first public street located 25 feet away from the point of intersection; and

   c) Point 3: A point along the side line of second public street, or the railroad right-of-way, or the private driveway, located 25 feet away from the point of intersection.

E. Height of Accessory Buildings. Unless otherwise expressly stated, no accessory building in a residential district may exceed 16 feet in height. In a nonresidential district, no accessory building may exceed the height of the principal building on the same lot.

F. Setbacks. Unless otherwise expressly stated, accessory structures may not be located in the front yard. Detached garages and carports can be located in front yards but not in required front yard setbacks.

G. Home Occupations.

1. General. Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection are intended to permit residents to engage in customary home occupations, while ensuring that such home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the allowed principal use (residential) and that the residential viability of the dwelling unit is maintained.

2. Allowed uses. The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Except as otherwise provided in this subsection, businesses located in a residential dwelling that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. The home occupation must be clearly subordinate and incidental to the use of the dwelling as a residence. **[Amended 9-20-2010 by Ord. No. 1873]**

3. Where Allowed. Home occupations that comply with the regulations of this section will be allowed as an accessory use to any allowed residential use.

4. Size. A home occupation may not occupy more than 25% of the floor area of the principal

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dwelling unit.

5. Prohibited Uses.

   a) Vehicle and Large Equipment Storage/Repair. Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain, saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts is prohibited as a home occupation.

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b) Dispatch Centers. Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

c) Animal Boarding Facilities. Animal boarding facilities are not allowed as home occupations. This includes kennels, commercial stables and all other types of animal boarding facilities.

d) Restaurants. All types of restaurants are prohibited as home occupations.

e) Firearms. All uses involving the distribution of firearms or the storage of firearms intended for sale or distribution are prohibited as home occupations.

f) Barber and Beauty Shops. All types of barber and beauty shops are prohibited as home occupations.

6. Resident-Operator. The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.

7. Employees. A maximum of one nonresident employee may be on the premises at any one time. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co- owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

8. Signs. No more than one nameplate sign with a maximum size of one square foot is allowed. Such sign must be attached to the building and may not be illuminated.

9. Location. All work areas and activities associated with home occupations must be conducted and located inside the principal dwelling unit, and not on the ground floor in accessory buildings or garages, whether attached or detached.

10. Exterior Appearance. There may be no visible evidence of the conduct of a home occupation (other than an allowed sign) when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

11. Operational Impacts. No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

12. Retail Sales and Display. No stock in-trade may be stored or sold upon the premises, other than those produced on the premises.

13. Customers. Customers or clients may visit the site only during the hours of 8:00 a.m. to 8:00 p.m. No more than eight customers or clients may visit the site in any single day, and no more than two customers or clients shall be on the premises at any one time. **[Amended 9-20-2010 by Ord. No. 1873]**

14. Deliveries. Deliveries or pickups of supplies or products associated with Home Occupations are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pick-up are

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limited to those normally servicing residential neighborhoods. Tractor-trailers are expressly prohibited.

15. Other Codes. All Building, Housing, Fire, and other local or state codes and ordinances shall be adhered to for home occupations.[17] **[Added 9-20-2010 by Ord. No. 1873]**

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17. **Editor's Note: Former Subsection G.16, Medical Marihuana, added 9-20-2010 by Ord. No. 1873, as amended, which immediately followed this subsection, was repealed 5-18-2020 by Ord. No. 2007.**

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H. Accessory Dwelling Units. [Reserved]

I. Accessory Residential Swimming Pools. Accessory residential swimming pools are accessory structures that must meet the following additional standards. In the event of a conflict between any of the provisions below and any other provision of this Ordinance, the provisions below shall govern:

1. No accessory residential swimming pool shall cover more than 50% of any required side or rear yard area. No accessory swimming pool shall be located in any portion of a required front yard area.

2. Required swimming pool fences shall meet all applicable requirements of the building code, and may be combined with any other fence permitted in a side or rear yard area (e.g. a perimeter fence) meeting all applicable requirements of this Ordinance.

J. Temporary Sales and Service (Outdoor).

1. Outdoor temporary sales or service uses are permitted only in the C districts, the M districts, the P district, the IC districts, or on a property containing a permitted primary nonresidential use in an R zone district.

2. No outdoor temporary sales or service use may operate on a commercial parking lot (i.e., a parking lot on a property on which there is no other permitted primary use).

3. Except in the CCBD district, each temporary outdoor sales or service use shall be accessory to a permitted primary use on the property. Sales of merchandise or provision of services unrelated to such permitted primary use is not permitted, except as follows. **[Amended 6-6-2022 by Ord. No. 2049]**

a) Any permitted primary use may permit a grill or outdoor food stand to operate on the property.

b) Any permitted primary use may permit an outdoor temporary sales or service use operated by, or in support of, or as a fund-raiser for, a nonprofit institution.

4. No outdoor temporary sales or service use shall be located in the public right-of-way or on public property unless an encroachment permit has been obtained from the City.

5. Outdoor temporary sales or service uses may only operate after obtaining a temporary use permit pursuant to § 8.3J: Temporary Use Permit.

6. Each operator of a temporary sales or service use shall obtain a license or permit from the City Clerk, as applicable.

7. No property shall have outdoor temporary sales or services uses operating on the property for more than 30 days in any calendar year.

8. The property on which an outdoor temporary sales or service use operates shall be kept clean and sanitary condition at all times, and all litter and trash shall be removed at the end of each day.

9. If the outdoor temporary sales or service use involves a vending cart or a motorized vehicle, such cart or vehicle shall be stored in a permanent structure whenever the use is not in

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operation.

10. The location of the outdoor temporary sales or service activity shall allow customers to drive into an existing off-street parking area. No temporary outdoor sales may interrupt the flow of traffic on public streets or access ways into a shopping area.

11. No outdoor sales or service use may operate from a tent without prior approval from the Kalamazoo Public Safety Department.

12. The area occupied by the outdoor temporary sales and service activity, plus any required area for emergency vehicle access, shall occupy no more than 20% of any required off-street parking spaces or

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area. In no event shall any such area occupied by the outdoor temporary sales or service use be greater than 7,500 square feet. In all cases, the applicant shall demonstrate that there will be adequate parking for the existing structures as well as the temporary outdoor sales.

13. All trucks, carts, motorized vehicles, or tents and associated parking shall be located on asphaltic, concrete, or equivalent surface unless the applicant demonstrates no adverse effect on drainage, access, or the intent of this Ordinance, as determined by the City Planner.

14. In the R districts, outdoor temporary sales and service uses shall not operate after 8:00 p.m. or before 8:00 a.m.

15. Any applicant who possesses a valid permit in accordance with the requirements of this § 4.3J, and while currently engaged in temporary sales operations, may display one portable sign not to exceed eight square feet in area on one surface and not to exceed six feet in height at the location. Such sign shall be placed behind the applicable building setbacks or a minimum of four feet from the property line, which ever is greater. An approved temporary use permit for temporary outdoor sales activity shall also serve as a sign permit for the sign permitted by this subsection.

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CHAPTER 5
Density/Intensity/Dimensional Standards

§ 5.1. Residential District Standards.

All development in the residential districts must comply with the standards in the following table unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

Table 5.1-1 Residential District Standards
[Amended 3-19-2007 by Ord. No. 1822; 1-29-2019 by Ord. No. 1978]

Standards	RS-4	RS-5	RS-7	RD-8	RD-19	RM-15	RM-15C	RM-24	RM-36	RMU
Minimum Lot Size										
Lot Area (square feet)	10,000	4,500	6,250	6,250	4,000	4,000	5,000	5,000	4,000	5,500
Lot Area Per Dwelling Unit (square feet)	10,000	4,500	6,250	3,125	1,500	1,500	2,900	1,800	1,000	1,210
Lot Width (feet) [1]	75	33	50	50	33	33	40	50	33	44
Minimum Setback (feet)										
Front [2]	25	25	20	20	20	20	20	20	15	15
Rear — abutting RS/RD districts	25	25	20	20	20	20	25	25	25	25
Rear — abutting RM/ C/M districts	25	25	20	20	20	20	20	20	20	20
Side (interior) — abutting RS/RD districts	8	5	5	5	5	5	15	15 [3]	5 [3]	15 [3]
Side (interior) — abutting RM/C/M districts	8	5	5	5	5	5	5	5	5	5
Minimum Outdoor Area										
Area (square feet per dwelling unit)	—	—	—	—	—	—	75	50	50	50
Minimum Dimension (feet)	—	—	—	—	—	—	7.5	5	5	5
Maximum Impervious Coverage										
(percent of lot area) [4]	45	45	50	55	60	60	60	60	70	60
Maximum Height										
(feet)	35	35	35	35	35	35	35	4 stories [5]	6 stories [5]	6 stories [

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NOTES:

[1] Lot width is measured at the front setback line.

[2] Provided, however, that when 25% or more of all the frontage on one side of a street between two intersecting streets was, on April 22, 1954, built up with buildings, no building erected or altered after that date shall project beyond the average of the setback line so established, and provided, further, that no building shall be required to set back more than 40 feet in any case as a result of this provision.

[3] Buildings over 35 feet in height shall have a side yard setback of 15 feet.

[4] The Planning Commission is authorized to modify impervious cover limits for uses requiring special use permit approval.

[5] Additional building height may be allowed if reviewed and approved as a Planned Unit Development.

§ 5.2. Commercial and Manufacturing District Standards.

All development in the Commercial and Manufacturing districts must comply with the standards in the following table unless otherwise expressly stated.

Table 5.2-1 Commercial And Manufacturing District Standards
[Amended 3-19-2007 by Ord. No. 1822; 6-6-2022 by Ord. No. 2049]

	~~CMU~~	~~CNO~~	~~CN-1~~	~~CO~~	~~CN-2~~	~~CCBD~~	CBTR	M-1	M-2
Minimum Site Area for Re									
(square feet)	—	—	—	~~5,000~~	~~1 Ac~~	—	~~2 Ac~~	1 Ac	1 Ac
Maximum Site Area									
(square feet)	—	—	~~15,000~~		~~7 Ac~~	—	—	—	—
Minimum Lot Size									
Lot Area (square feet)	~~2,900~~	~~6,250~~	~~2,900~~	~~5,000~~	~~5,000~~	—	—	5,000	5,000
Lot Area per Dwelling Unit (square feet)	~~1,800~~	~~3,750~~	~~1,800~~	~~[1]~~	~~1,800~~	—	~~NA~~	NA	NA
Lot Width (feet)	—	~~50~~	—	~~[2]~~	—	—	—	—	—

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§ 5.1 § 5.2

Minimum Setbacks (feet)									
Front	—	15				—	50	—	25
Rear — abutting R district	15	25	15	15	15	—	50	25	50
Rear — abutting alley or C/M district	—	20	—	— [3]	—	—	50	—	25
Side (Interior) — abutting R district	15	15	15	15	15	—	25	25	50
Side (Interior) — abutting C/M district		6	—	— [3]	—	—	25	—	25
Maximum Height (feet)	50	50	35	65	35	[4]	50 [5]	—	—

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Table 5.2-1 Commercial And Manufacturing District Standards

	~~CMU~~	~~CNO~~	~~CN-1~~	~~CO~~	~~CN-2~~	~~CCBD~~	CBTR	M-1	M-2
Maximum Impervious Cover									
(% of lot)	~~65~~	60	65	70	75	100	70	80	80

NOTES:

[1] 900 square feet of lot area per multifamily unit, 4000 square feet of lot area per single-family or duplex dwelling unit.

[2] No requirement unless the lot is used for residential purposes, in which case the minimum lot width shall be 44 feet at the building line.

[3] No requirement unless the site is used for residential purposes, in which case a setback of five feet shall be required.

~~[4] See § 2.3G.4: CCBD Central Business District.~~

[5] Mechanical equipment on the roof of the building may not exceed 20 feet in height and must be screened. Mechanical equipment is not counted toward the maximum building height of the building. Maximum height of 30 feet for buildings located within 100 feet of R districts or lots containing residential use.

§ 5.3. Measurements, Computations and Exceptions.

A. Distance Measurements. Unless otherwise expressly stated, all distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.

B. Lot Area. The area of a lot includes the total horizontal surface area within the lot's boundaries, not including submerged lands, public access easements or rights-of-way. For nonconforming lots, see § 9.4: Nonconforming Lots.

C. Lot Width. Lot width is the distance between side lot lines measured at the point of the required front setback.

D. Setbacks.

1. Measurements. Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks must be unobstructed from the ground to the sky except as otherwise expressly allowed in this section. (See § 5.3D.5: Allowed Encroachments into Required Setbacks).

2. Front Setbacks.

a) Measurement. Front setbacks extend the full width of a lot and are measured from the street right- of-way line.

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b) Double-Frontage Lots. Double-frontage lots must provide a front setback on both streets.

c) Corner Lots. On a corner lot, two front setbacks are required; however, the front setback on the side of the building that does not contain the primary entrance may be reduced by 50%. **[Amended 3-19-2007 by Ord. No. 1822]**

3. Side Setbacks.

a) Side setbacks extend from the required front setback line to the required rear setback line and are measured from the side lot line. If no street or rear setback is required, the required setback area must extend the full depth of the lot.

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b) Side setbacks on through lots must run the full length of the lot between street lot lines.

c) For nonconforming lots see § 9.4, Nonconforming Lots.

4. Rear Setbacks. Rear setbacks extend the full width of the lot and are measured from the rear lot line.

5. Allowed Encroachments into Required Setbacks. The following features may be located within required setbacks to the extent indicated.

a) Sidewalks and landscaping may be located in any required setback.

b) Cornices, canopies, eaves or other architectural features may project into required setbacks up to 2.5 feet.

c) Unenclosed fire escapes may project into required setbacks, provided that they are set back at least three feet from all property lines.

d) Unenclosed balconies and unenclosed porches may project into a front or rear setback by up to 10 feet.

e) An uncovered stair and necessary landings may project into required setbacks, provided they are set back at least three feet from all property lines and that the stair and landing may not extend above the entrance floor of the building except for a railing not exceeding four feet in height.

f) Bay windows, balconies, and chimneys may project into required setbacks up to two feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the building wall on which they are located.

g) Accessory structures may project as allowed in § 4.3: Accessory Uses and Structures.

h) Fences and walls may encroach into setback area as permitted by § 4.3: Accessory Uses and Structures.

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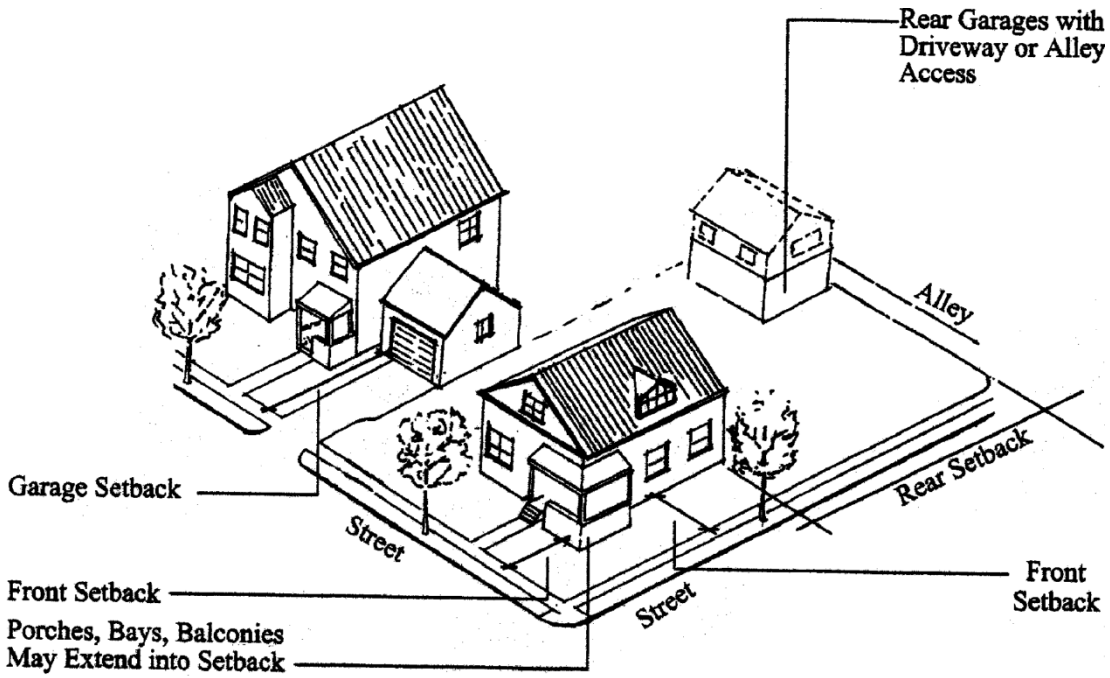

Figure 5-1: Building Setbacks
[Amended 3-19-2007 by Ord. No. 1822]

E. Height.

1. Measurement. Building height is measured as the vertical distance from grade at the base of the structure to:

   a) The highest point of the coping of a flat roof,

   b) The deck line of a mansard roof, or

   c) The mean height between the eaves and ridge on gable, hip or gambrel roofs.

2. Exceptions.

   a) Except as specifically provided in this Ordinance, the height limits of this Ordinance do not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures do not cover more than 33% of the roof area or extend over 10 feet in height above the maximum height allowed by the underlying district.

   b) Except as specifically provided in this Ordinance, the height limitations of this Ordinance do not apply to noncommercial/receive-only radio antennas, television antennas, religious assembly spires or steeples, municipal water towers, or similar structures, which may be erected above the height limit, nor to fire or parapet walls provided that such walls may

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not extend more than five feet above the roof.

c) Flag poles, or similar structures, are not subject to height limitations but must be set back one additional foot from the setback line for every one foot in height that the flag pole exceeds the

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height limit of the underlying zoning district.

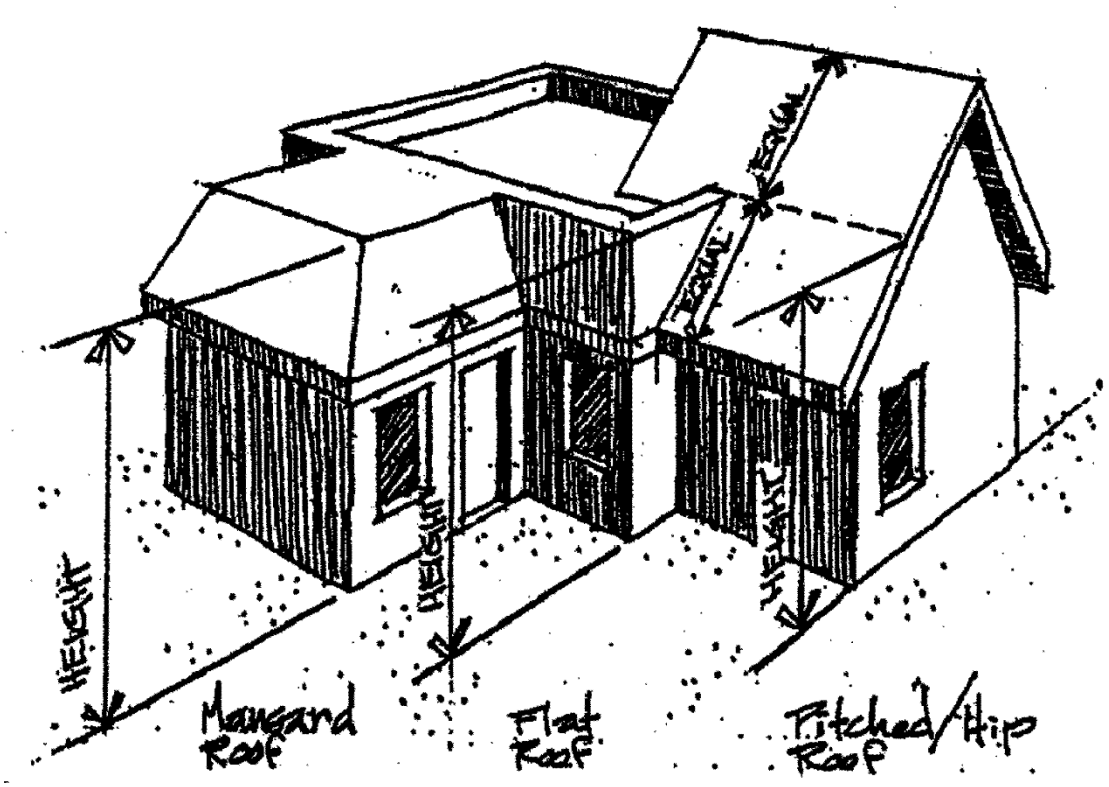

Figure 5-2: Building Height Measurement (Composite of Several Roof Forms)

F. Impervious Cover. Impervious surface is any hard surfaced, human-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas. In addition, impervious cover includes swimming pools, because absorbed and retained water is not permitted to permeate the ground. City approved pervious paving materials may be excluded from impervious cover calculations.

G. Limitations. The regulations of this chapter 5 shall not be applied so as to reduce the buildable width or depth of any lot of record to less than 50% of its average width or depth. These yard and setback regulations shall not be applied so as to prohibit the reconstruction of a one-family dwelling, existing on October 18, 2005, that has been damaged or destroyed and that is reconstructed within two years from the date of said damage or destruction; provided such reconstruction shall maintain the same yard and setback dimensions as the original structure.

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CHAPTER 6
General Development Standards

All development in all zone districts shall comply with all applicable standards in this chapter 6, unless specifically exempted in the subsections below, or unless a different standard is required by an applicable overlay district. These standards shall apply in addition to:

A. Those district-specific standards listed in Chapters 2 and 3 (for the zone district(s) where the property is located); and
B. Those use-specific standards listed in Chapter 4 (as applicable to the proposed use); and
C. Those density/intensity/dimensional standards in Chapter 5.

In the event of any conflict between the standards set forth in this chapter 6 and the standards set forth in Chapters 2 through 5, the latter shall govern.

§ 6.1. (Reserved)[18]

§ ~~6.2. Landscaping and Open Spaces.~~

~~A. Intent. The intent of § 6.2 is to specify landscape requirements for all land uses requiring site plan review, and to provide for landscape techniques to achieve compatibility between abutting and adjacent uses, including public and private streets. These regulations are designed to have flexibility taking into account the high percentage of already developed property and the wide variation in the size of existing lots. In addition, these regulations are intended to:~~

~~1. Promote the public health, safety and general welfare by reducing noise, air and visual pollution, air temperature, and light glare;~~

~~2. Improve air quality;~~

~~3. Prevent soil erosion and increase water retention;~~

~~4. Improve the appearance of on-premises parking, vehicular-use areas, and property abutting public rights-of-way;~~

~~5. Improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;~~

~~6. Require buffering between different land uses;~~

~~7. Protect residential privacy; and~~

~~8. Encourage the use of landscape vegetation native to Southwest Michigan.~~

~~B. Applicability. All uses requiring a sketch site plan or full site plan pursuant to § 8.3H: Site Plan shall comply with the requirements contained in § 6.2.~~

~~C. General Landscaping Standards.~~

~~1. Landscape Plan Required. A landscaping plan shall be required to be submitted as a part of all development applications subject to § 6.2, unless the City Planner determines that compliance with the provisions of § 6.2 can be documented without the use of such a plan. Each landscaping plan shall comply with all provisions of § 6.2. A landscaping plan may be combined with other required application materials if compliance with § 6.2 can be clearly~~

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~~demonstrated in the combined materials.~~

~~2. Maximum Percentage of One Species. Except for plantings used for screening, no one species of tree or~~

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18. **Editor's Note: Former 6.1, Off-Street Parking and Loading, as amended, was repealed 11-19-2018 by Ord. No. 1973. For current parking and loading regulations, see Chapter 50, Zoning, Art. 7, Parking and Loading Regulations.**

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shrub may make up more than 50% of the total amount of landscape plantings.

3. Plant Materials. All plant material shall be hardy to the area, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The use of vegetation native to the area and Southwest Michigan, the use of a mixture of vegetation from the same species association, and the adherence to standards as recommended in the document entitled Recommended Landscaping Standards in the City of Kalamazoo, is encouraged.

4. Minimum Living Materials. In all areas where landscaping is required, a minimum of 50% of the surface area shall be covered by living materials, rather than bark, gravel, or other nonliving materials.

5. Minimum Sizes. The minimum size of plant materials shall be as shown in the graphics of the Recommended Landscaping Standards in the City of Kalamazoo, copies of which shall be made available in the office of the Community Planning and Development Department.

6. Plant Material Spacing. Except for buffer zone provisions of § 6.2H: Buffer Area Landscaping Between Land Uses, plant materials shall not be placed closer than four feet from the fence line or property line. Plant materials used together in informal groupings shall meet the on-center spacing requirements as shown in the Recommended Landscaping Standards in the City of Kalamazoo.

7. City Right-of-Way. Tree removal or planting in City rights-of-way shall be in accordance with Chapter 42 of the Code of Ordinances of Kalamazoo. Unless an alternate surface is approved by the Public Services Department or other appropriate jurisdiction, all public rights-of-way located between street edges and property lines shall be grass-surfaced. **[Amended 3-19-2007 by Ord. No. 1822]**

8. Naturalized Landscaping. Naturalized landscaping is permitted in accordance with §§ 22-3, 22-4, and 22-5 of the Code of Ordinances of Kalamazoo.

9. Delay of Installation Due to Season. Whenever the installation of required landscaping is not possible by the time construction on the primary structure has been completed, staff may authorize a delay in installation until no later than the following June 30. As a condition of authorizing a delay in installation, the City may require that a letter of credit or other guarantee of such installation be provided by the applicant, or the City may issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping.

10. Preservation of Existing Screening. Regardless of the other provisions under this subsection, existing trees, vegetation, other natural features, and other screening components such as walls, berms, and fences that are located within the required setback of the site, that are healthy or otherwise in good condition, and that provide, in the opinion of the City Planner, an important measure of screening for adjacent properties shall be preserved. When a property is required to provide buffering/screening under the regulations in § 6.2, a site plan shall be provided that identifies all existing trees of 10 inches or greater in diameter measured at breast height located throughout the entire site and which of those trees will be removed; any existing healthy trees in good condition shall only be removed on a showing of good cause. **[Added 5-**

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16-2011 by Ord. No. 1882]

D. Sidewalk Required. In all zone districts except Manufacturing districts, each lot where the principal land use is a nonindustrial use shall include a sidewalk along the lot frontage. Such sidewalk shall be a minimum of four feet in width and shall be located so as to align with sidewalks on adjacent properties, or, if no such sidewalks exist, then shall be located a minimum of five feet from the curbline in order to allow room for plantings between the sidewalk and the curbline.

E. Required Landscaping for Front Yard Setbacks Without Parking or Paved Areas. Required front yard setbacks shall contain a minimum of one tree or one evergreen tree for each 35 feet of linear street frontage, plus one shrub for each 25 feet of linear street frontage. Lot frontage areas occupied by curb cuts or driveways shall be included when calculating linear frontage planting requirements, and any trees that would otherwise be

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required in such areas being planted in remaining lot frontage areas unless prohibited by minimum spacing requirements for the species being use.

F. Required Landscaping for Building Perimeters. In all zone districts except the CCBD zone district, all primary structures in multifamily, commercial, or industrial use shall include building perimeter landscaping. At least one shrub shall be planted per each five lineal feet of each facade facing a public right-of-way or containing a primary entrance. Foundation plantings may be clustered to provide interest, and plants of larger size or differing species shall be installed adjacent to the main pedestrian entryway to each building to emphasize that entryway. Foundation planting requirements may be waived for portions of the sides or rears of buildings where loading areas or other similar areas precluding planting.

G. Required Landscaping for Parking Lots and Loading Zones. All parking lots shall be required to provide the following amounts and types of landscaping unless alternative standards for specific situations are required pursuant to § 6.3: Screening and Fences or § 6.5: Design Standards below:

1. Perimeter Screening From Public Streets.

a) All zone districts except CCBD. In all zone districts except the CCBD zone, each parking lot that abuts a public street shall provide a landscape screen as follows:

1) Minimum width: five feet.

2) Required trees: one tree per 35 feet of linear frontage.

3) Required shrubs: three shrubs per 20 feet of linear frontage. Shrubs shall not be required if a berm or an opaque fence or wall having a minimum height of three feet is erected.

b) CCBD Zone District. All parking lots within the CCBD zone district shall provide a landscape screen as follows:

1) Minimum width: three feet. The Site Plan Review Committee may reduce or waive the minimum width requirement if a decorative wall or fence having a minimum height of three feet is erected.

2) Required trees: one tree per 20 feet of linear feet if the planting width is a minimum of four feet.

3) Required plantings: six shrubs per 20 feet of linear frontage.

4) The Site Plan Review Committee may waive in whole or in part all required plantings in cases where a decorative wall or fence having a minimum height of three feet is erected, or when approved screen width does not make planting possible.

2. Perimeter Screening From Abutting Residential. When a parking lot or loading area directly adjoins or faces a residentially zoned or residentially used lot (regardless of whether there is an intervening street or alley or railway right-of-way), a continuous screening wall, berm, fence or row of planting having a minimum height of four feet shall be provided. Such screening material shall be designed to provide 75% opacity one year after planting for the required height and length of the screening buffer.

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3. Interior Landscaping Requirements. Parking lots in all districts having more than 30 parking spaces shall be required to provide the following landscape improvements internal to the parking lot:

a) Five percent of the entire parking lot area shall be provided as a landscape area;

b) One tree shall be provided for each 300 square feet of internal landscape area;

c) Internal landscape areas shall be dispersed on the site so as to break up the expanse of pavement;

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and

d) Internal landscape areas shall be curbed for protection of the landscape materials.

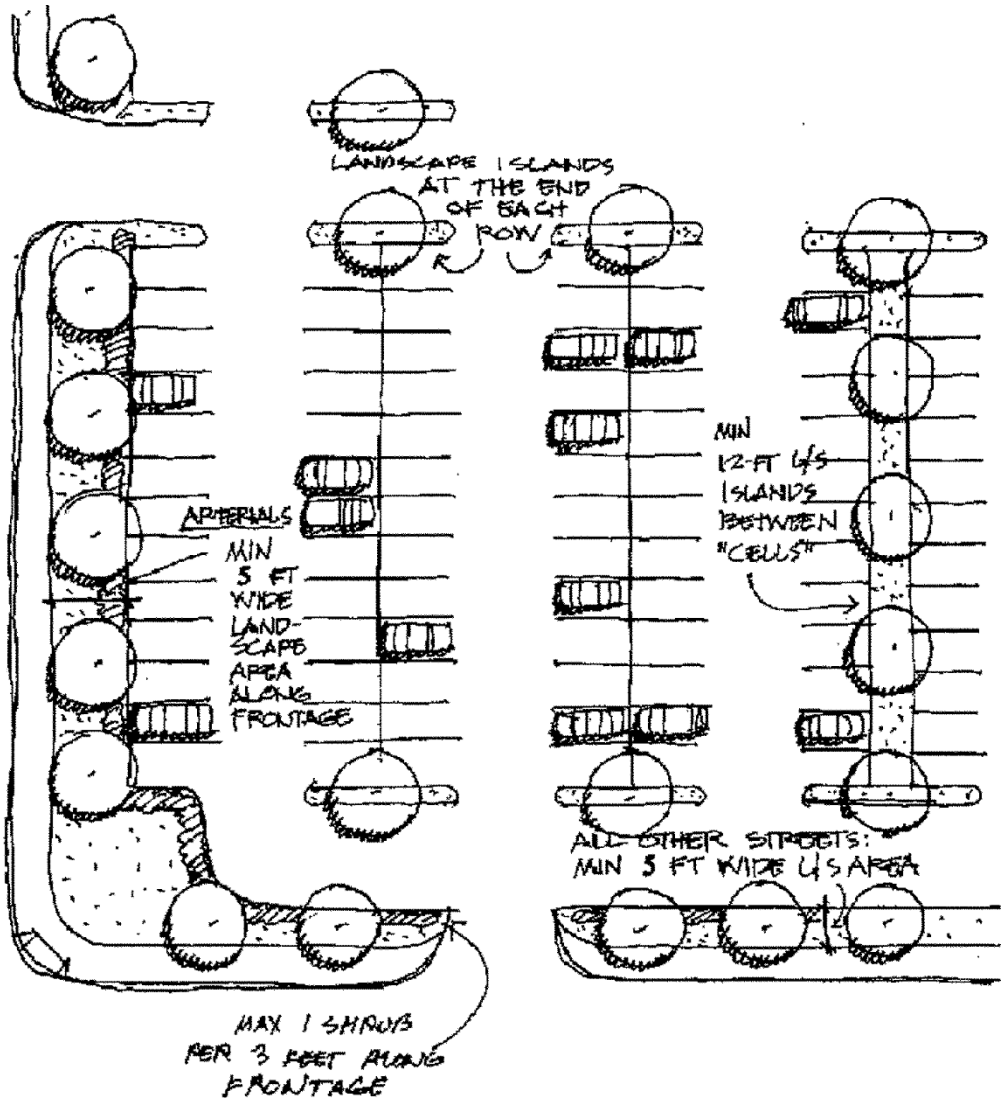

Figure 6-3: Parking Lot Landscaping
[Amened 3-19-2007 by Ord. No. 1822]

H. Buffer Area Landscaping/Screening Between Land Uses. In addition to required yard landscaping and parking area landscaping, buffer areas are required to be landscaped/screened when specific types of adjacent land uses occur. Existing trees, vegetation, natural features, and other screening components located at property borders shall be preserved whenever possible. **[Amended 5-16-2011 by Ord. No. 1882]**

1. Multiple-Family Residential or Group Living Uses Abutting Single-Family Residential Uses or Zoning District. Where a multiple-family residential project with more than eight units, or a group living use abuts any lot that is used or zoned for single-family residential purposes, a

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~~landscape or other screening component meeting the standards under one of the three options listed below in Subsection (a), (b) or (c) shall be implemented.~~

~~a) Option 1. A landscape screening area having a minimum width of 10 feet shall be provided by the~~

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multiple-family or group-living project on the shared border. The buffer area shall consist of a row of six-foot-tall evergreen trees planted parallel to the property line and spaced at no more than six feet on center. Impervious materials are not permitted in the landscape screening area.

b) Option 2. An opaque wall, berm, or fence shall be provided on the shared border with a minimum height of six feet.

c) Option 3. A multiple-family or group-living project shall retain an existing landscape screening area along the shared border having a minimum width of 10 feet. At a minimum, the landscape screening area shall consist of a row of six-foot-tall evergreen trees located parallel to the property line and spaced at no more that six feet on center. If the existing trees are spaced further apart than six feet on center, then additional six-foot-tall evergreen trees shall be planted within the landscape screening area to achieve the required spacing. Impervious materials at ground level are not permitted in landscape screening areas.

2. Commercial, Public and Civic Uses Abutting Any Residential Use or Residential Zoning District. Where a commercial, public or civic project abuts any lot that is used or zoned for residential purposes, a landscape or other screening component meeting the standards under one of the three options listed below in Subsection (a), (b) or (c) shall be implemented.

a) Option 1. A landscape screening area having a minimum width of 10 feet shall be provided by the commercial, public or civic project on the shared border. The buffer area shall consist of a row of six-foot-tall evergreen trees planted parallel to the property line and spaced at no more than six feet on center. Impervious materials are not permitted in the landscape screening area.

b) Option 2. An opaque wall, berm, or fence shall be provided on the shared border with a minimum height of six feet.

c) Option 3. A commercial, public or civic project shall retain an existing landscape screening area along the shared border having a minimum width of 10 feet. At a minimum, the landscape screening area shall consist of a row of six-foot-tall evergreen trees located parallel to the property line and spaced at no more that six feet on center. If the existing trees are spaced further apart than six feet on center, then additional six-foot-tall evergreen trees shall be planted within the landscape screening area to achieve the required spacing. Impervious materials at ground level are not permitted in landscape screening areas.

3. Industrial Uses Abutting Any Residential Use or Residential Zoning District. Where an industrial project abuts any lot that is used or zoned for residential purposes, a landscape or other screening component meeting the standards under one of the three options listed below in Subsection (a), (b) or (c) shall be implemented.

a) Option 1. A landscape screening area having a minimum width of 15 feet shall be provided by the industrial project on the shared border. The buffer area shall consist of a row of eight-foot-tall evergreen trees planted parallel to the property line and spaced at no more than six feet on center. Impervious materials are not permitted in the landscape screening area.

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b) Option 2. An opaque wall, berm, or fence shall be provided on the shared border with a minimum height of eight feet.

c) Option 3. An industrial project shall retain an existing landscape screening area along the shared border having a minimum width of 15 feet. At a minimum, the landscape screening area shall consist of a row of eight-foot-tall evergreen trees located parallel to the property line and spaced at no more that six feet on center. If the existing trees are spaced further apart than six feet on center, then additional eight-foot-tall evergreen trees shall be planted within the landscape screening area to achieve the required spacing. Impervious materials at ground level are not permitted in

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landscape screening areas.

4. Industrial Uses Abutting Commercial, Public and Civic Uses or Commercial, Public, or Institutional Zoning Districts. Where an industrial project abuts any lot that is used or zoned for commercial, public or civic purposes, a landscape or other screening component meeting the standards under one of the three options listed below in Subsection (a), (b) or (c) shall be implemented.

a) Option 1. A landscape screening area having a minimum width of 10 feet shall be provided by the industrial project on the shared border. The buffer area shall consist of a row of six-foot-tall evergreen trees planted parallel to the property line and spaced at no more than six feet on center. Impervious materials are not permitted in the landscape screening area.

b) Option 2. An opaque wall, berm or fence shall be provided on the shared border with a minimum height of six feet.

c) Option 3. An industrial project shall retain an existing landscape screening area along the shared border having a minimum width of 10 feet. At a minimum, the landscape screening area shall consist of a row of six-foot-tall evergreen trees located parallel to the property line and spaced at no more that six feet on center. If the existing trees are spaced further apart than six feet on center, then additional six-foot-tall evergreen trees shall be planted within the landscape screening area to achieve the required spacing. Impervious materials at ground level are not permitted in landscape screening areas.

5. City Planner's Right to Select Landscape or other Screening Options. For purposes of the landscape or other screening component options listed under Subsection H(1) through H(4), the City Planner reserves the right to select which of the three options listed in each such subsection is appropriate for the proposed project under the following criteria:

a) The character and type of screening used on adjacent properties;

b) The adequacy of the existing screening on the project site; and

c) What option provides the most effective screening for the adjacent property.

6. Additional Screening for Topographic Considerations in all Zones. When any portion of a principal building on a property abutting any project that is subject to these regulations is located within 50 feet of a property line that is shared with the project property, as measured perpendicularly from the shared property line to and along the line of the foundation of the principal building, and the grade elevation of the principal building, as measured at twelve-inch intervals, averages two or more feet higher than the grade elevation at the shared property line, the height of the required screening for the project shall be increased by an amount equal to the grade difference, up to a maximum total height of 12 feet. In addition, the location of the required screening for the project may be moved away from the shared property line if, at the discretion of the City Planner, such location will provide a greater screening benefit for the abutting property than if it was located at the property line.

I. Maintenance. Landscaped areas and plant materials required by ordinance shall be kept free from refuse and debris. Plant materials, including lawns and naturalized landscaping, shall be maintained

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~~in a healthy growing condition, and be neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, it shall be replaced by the property owner. The Zoning Inspector is authorized to cite property owners if plant materials required by this chapter die or become diseased and are not replaced by the property owner. The Zoning Inspector shall require that plantings be replaced within 30 days of written notice or within an extended time period as specified in said notice.~~

~~1. Tree stakes, guy wires and tree wrap are to be removed within one year of planting.~~

~~2. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at~~

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least one outlet located within 150 feet of all planted material to be maintained.

3. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.

4. Plantings within 15 feet of a fire hydrant shall be no taller than six inches at maturity.

5. Culs-de-sac, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southwest Michigan.

6. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, and curbing around landscape areas.

J. Incentives to Preserve Existing Trees. The City encourages the preservation of quality and mature trees by providing credits toward the required landscaping. Trees intended to be preserved shall be indicated with a special symbol on the site plan and shall be protected during construction through use of a fence around the drip line (an illustration of which is provided in the Recommended Landscaping Standards in the City of Kalamazoo). To obtain credit, the preserved trees shall be of a high quality and at least 2 1/2 inches DBH. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by Site Plan Review Committee or Planning Commission. The credit for preserved trees shall be as shown in Table 6.2-1. Any preserved trees for which credit is given, and that are lost to damage or disease within two years such credit is awarded shall be replaced by the landowner with trees otherwise required.

Table 6.2-1: Tree Preservation Credits

Caliper of Preserved Tree (inches)	Numbers of Trees Credited
Over 12 inches	3
8 inches to 11.9 inches	2
2.5 inches to 7.9 inches	1

K. Special Provisions for Existing Sites.

1. Intent. Special provision is made for applying these standards to improved sites that were developed prior to October 18, 2005. When an existing site is undergoing any external alteration or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of § 6.2, with the degree of compliance being appropriate in light of the extent of expansion or change on a site. When reviewing plans for a change in use or expansion that requires site plan or sketch plan review, the Site Plan Review Committee or Planning Commission, as appropriate, shall require an upgrade in landscaping, using the following as guidelines:

a) Each building expansion of 1% of gross floor area shall include at least 4% of the landscaping required for the entire site. The calculations shall be based upon the

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~~landscaping requirements for all existing and proposed developments on the site. All fractional calculations shall be rounded up.~~

~~b) The estimated cost of landscaping added shall generally be equal to at least 5% of the estimated value of the new construction.~~

~~c) Landscaping along the street and as a buffer between adjacent land uses will take priority over parking lot and site landscaping, particularly where there is no excess parking over that required by ordinance. Where parking lot landscaping cannot be provided, additional landscaping along the~~

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street or in the buffer areas may be substituted.

d) A reduction of minimum off-street parking requirements established in § 6.1: Off-Street Parking and Loading by up to 10% may be approved if required to accommodate required street frontage landscaping or parking area landscaping.

§ 6.3. Screening and Fences.

A. Fence and Wall Standards for Residential Uses. All fences or walls erected in residential zone districts, or on lots containing residential uses, shall comply with the following standards.

1. Placement.

a) Fences shall be installed entirely within the confines of a residential lot.

b) Whenever any fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e. the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

2. Height. Fences and walls shall not exceed a height, as measured from natural grade levels, of four feet in front setbacks and seven feet in side and rear yards. On corner lots where the primary structure faces the shorter dimension of a block face, fences and walls shall not exceed a height, measured from natural grade levels, of four feet between the street property line and building setback on the adjacent lot, and in no case shall the four foot maximum height requirement apply more than 30 feet from the street property line. Fences may be located on top of walls, but the combined height of the fence and wall together, measured from natural grade at the base of any wall, shall not exceed the maximum height permitted for a fence or wall by itself.

3. Materials.

a) No chain-link fence shall be installed in any front setback or front yard.

b) No fence with opacity of more than 75% shall be installed in any front setback or front yard.

c) No plywood fences and woven plastic or metal slat fences shall be installed.

d) No fence or wall made of debris, junk, or waste materials shall be installed unless such materials have been recycled and reprocessed into building materials marketed to the general public and resembling new building materials. Barbed wire and razor wire on fencing shall comply with § 22-14 of the Kalamazoo General Code.

B. Fence and Wall Standards for Nonresidential Uses. All fences or walls erected in nonresidential zone districts, or on lots containing no residential uses, shall comply with the following standards.

1. Placement.

a) Fences shall be installed entirely within the confines of the lot.

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b) Whenever any fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e. the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

2. Height. Fences and walls shall not exceed a height, as measured from natural grade levels, of six feet in front setbacks or front yards, and eight feet in side and rear yards. Fences may be located on top of walls, but the combined height of the fence and wall together, measured from natural grade at the base of any wall, shall not exceed the maximum height permitted for a fence or wall by itself.

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3. Materials.

a) No chain-link fence shall be installed in any front setback or front yard.

b) No fence with opacity of more than 75% shall be installed in any front setback or front yard.

c) No plywood fences and woven plastic or metal slat fences shall be installed.

d) No fence or wall made of debris, junk, or waste materials shall be installed unless such materials have been recycled and reprocessed into building materials marketed to the general public and resembling new building materials. Barbed wire and razor wire on fencing shall comply with Section 22.14 of the Kalamazoo General Code.

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C. Screening of Mechanical Equipment. All roof mounted or ground mounted mechanical equipment on a building or structure containing predominantly commercial, industrial, civic, or multifamily uses shall be screened from view (a) from any adjacent public right-of-way, and (b) from any R district located within 150 feet of the subject lot, through the use of an opaque screening or parapet wall, or (in the case of ground mounted equipment) through the use of dense vegetation sufficient to block view of the equipment.

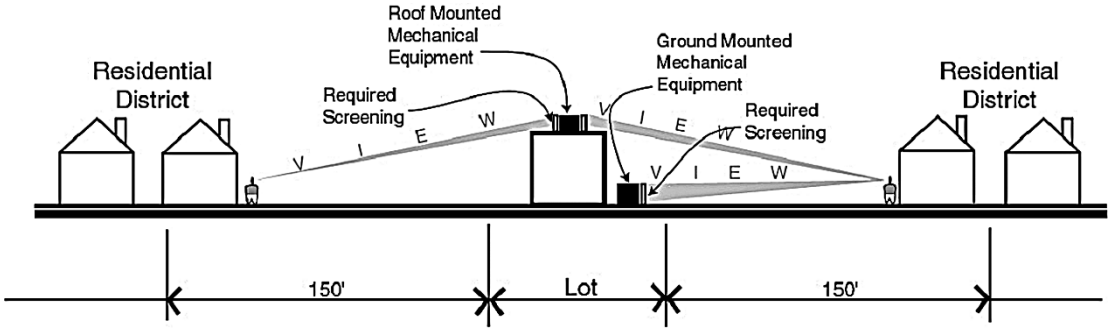

Figure 6-4: Screening Within 150 feet of a Residential District

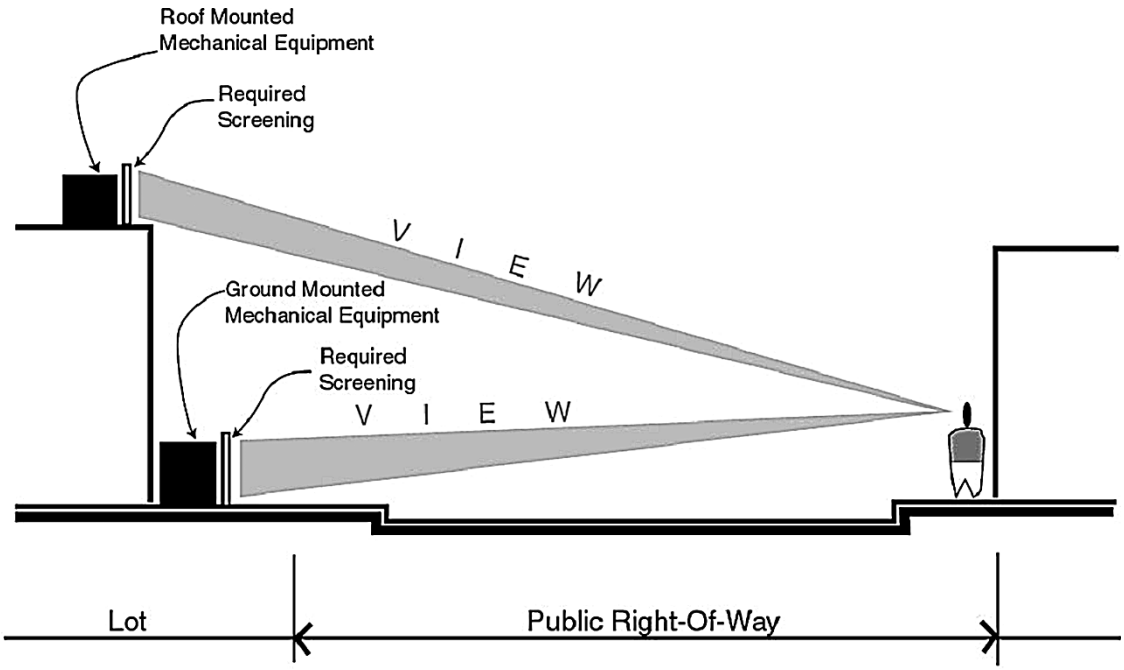

Figure 6-5: Screening From a Public Right-of-Way

D. Screening of Waste Receptacles. All waste receptacles larger than two cubic yards, and all waste receptacles for nonresidential uses, shall be located (a) in the rear or to the side of the primary structure, and (b) at least 20 feet from any street, public sidewalk, internal pedestrian way, or boundary with any lot containing a residential use, and (c) not on any required off-street parking or

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~~loading space. Each waste receptacle area shall be screened from view from all property lines by an opaque fence or wall constructed of permitted materials, and with an opaque gate constructed of permitted materials, both of which shall be between six and eight feet in height. The access to this enclosure shall be screened with an opaque gate, and wheel stops shall be provided to prevent damage to screening materials from motor vehicles. All properties that are not in compliance with the requirements of this Subsection D on October 18, 2005, shall be brought into compliance within 24 months after October 18, 2005. This latter provision shall become effective after the City~~

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Commission approves, by resolution, rules and regulations governing its implementation.

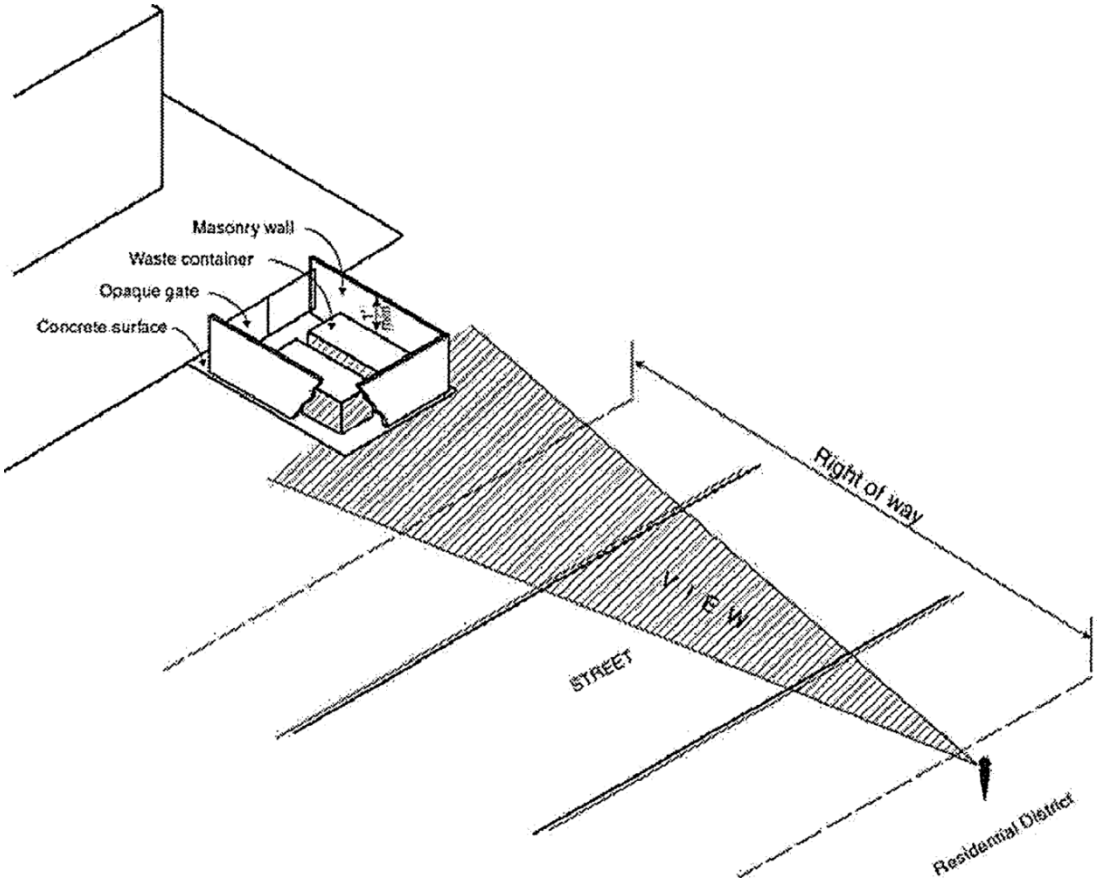

Figure 6-6: Screening of Waste Receptacles

E. Screening of Drive-Through Facilities.

1. From Adjacent Streets. All drive-through facilities, including all driveways, entrances and appurtenant structures, shall be set back (a) a minimum of three feet from any adjacent street, if the property is located in the CCBD zone district, and (b) a minimum of five feet from any adjacent street, if the property is located in any other zone district. The required setback area shall contain a decorative wall or fence with a minimum height of four feet to screen the drive-up facility from view from adjacent streets.

2. From Adjacent Residential Areas. All drive-through facilities, including driveways and appurtenant structures, shall be screened from all adjacent properties located in a residential zone, or containing a residential use, through the use of a buffer strip at least five feet in width along such boundary. Such buffer strip shall contain a solid brick or masonry wall four feet in height located on the edge of the buffer strip furthest from the residential use, and the space between such wall and the property boundary shall be landscaped with a minimum of one shrub per 10 feet of wall length. Speakers and lights related to the drive-through use shall be oriented so that they do not direct glare or sound towards the residential use, and the maximum sound volume of any speaker, measured at the property boundary, shall not exceed 50

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~~decibels.~~

~~§ 6.4. Lighting.~~

~~A. Purpose. All site lighting should be designed and installed to maintain adequate lighting on site and provide~~

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security for people and property, through the use of fixtures that are durable, while avoiding the use of tall light fixtures that unnecessarily disperse light to surrounding areas, and preventing the creation of glare on adjacent properties.

B. Applicability. All development or redevelopment (a) in any Commercial, Public and Institutional, or Manufacturing zone district, and (b) of a multifamily residential use in any zone district, shall comply with the following standards.

C. Design Standards.

1. Wall-Mounted Lights. Wall-mounted lights must have fully shielded luminairies (such as shoebox or can-style fixtures) to direct all light downward, and to prevent the light source from being visible from any adjacent residential property or public street. Unshielded wallpack lights are prohibited.

2. Direction of Lighting.

a) No light source shall be directly visible from any adjacent property located in a residential zone district.

b) No light sources shall be directed outward toward property boundaries or adjacent rights-of-way.

c) No light source shall provide direct, general illumination of facades of buildings visible from adjacent residential properties. Accent lighting (such as lighting emphasizing building entryways or key features) is permitted.

d) Wherever possible, lighting of nonresidential properties should be directed downward. Upward- directed lighting shall not be used to illuminate nonresidential properties, except for low-voltage architectural lighting.

e) Architectural, landscape, and decorative lighting used to illuminate flags, statues, or any other objects shall use a narrowly directed light whose light source is not visible from adjacent residential properties or public streets.

3. Shielding.

a) Exterior. Light fixtures in excess of 60 watts or one 100 lumens shall use full cut-off lenses or hoods to prevent glare and spillover from the project site onto adjacent properties and roadways.

b) Interior. No interior light source shall emit light directly onto adjacent residential property.

c) Canopies. No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

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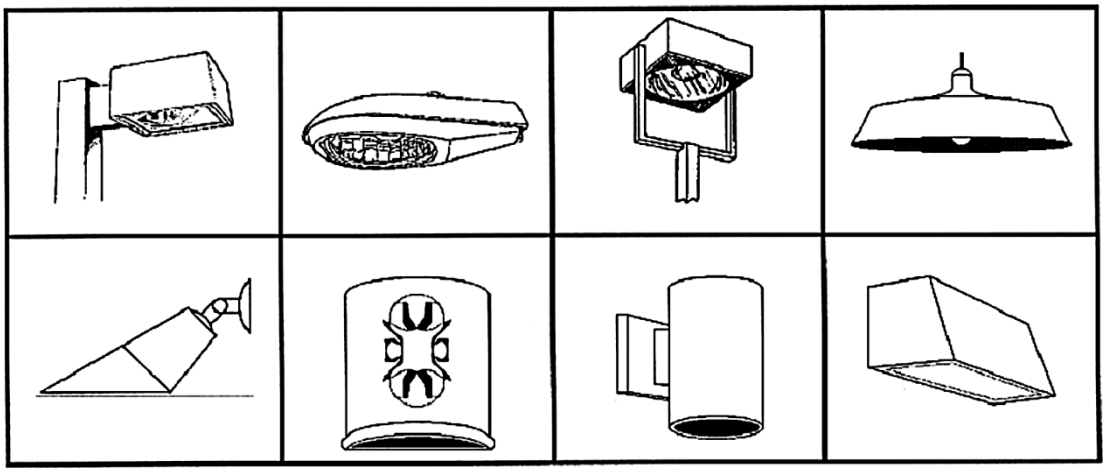

~~Figure 6-7: Shielding Examples~~

~~4. Hue. Approved lighting sources shall be color-correct types such as halogen or metal halide. Lighting types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited.~~

~~5. Maximum Initial Lamp Wattage. Maximum initial lamp wattage shall not exceed:~~

~~a) Residential. Sixty watts for five or fewer parking spaces. One hundred watts for six or more spaces.~~

~~b) Nonresidential. 250 watts for five or fewer parking spaces. Four hundred watts for six or more spaces.~~

~~6. Illumination Levels.~~

~~a) Parking Areas. All lighting in parking areas shall be designed and maintained to produce at least~~
~~0.1 footcandle of light at pavement level throughout the parking area. Potentially hazardous locations must be individually illuminated with at least 0.3 footcandle of light. Lights within 100 feet of a residential property line shall be reduced to no more than 0.05 footcandle of light after business hours.~~

~~b) Spillover Light. Lighting from a property containing a nonresidential primary use shall not create greater than 0.05 footcandle of spillover light at the border with any single-family zone district.~~

~~7. Uniformity Ratios. The ratio of maximum to minimum lighting on a given property, measured at ground level, shall not exceed 15:1 in any Residential zone district, and shall not exceed 10:1 in any Commercial, Manufacturing, or Special Purpose zone district.~~

~~8. Canopy Lighting.~~

~~a) In order to minimize direct glare, light fixtures mounted on gasoline and fuel sales canopies and other canopies shall be recessed so that the lens cover is flush with the bottom surface of the canopy or shielded by the fixture or the edge of the canopy so that~~

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~~light is restrained to 85° or less from horizontal.~~

~~b) As an alternative (or supplement) to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy and is not visible from any residential use adjacent to or across a street or alley from the subject property, or from any public right-of-way.~~

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c) Lights shall not be mounted on the top or sides (fascias) of the canopy. Signing that is in compliance with sign regulations may be placed on these surfaces.

D. Height Standards.

1. Except as permitted in Subsection 2 below, lighting fixtures shall be no more than 15 feet high whether mounted on poles or walls or by other means.

2. Light fixtures in parking lots containing more than 50 spaces shall be no more than (a) 20 feet high if located within 100 feet of the boundary of a residential zone district, or (b) 25 feet high if located 100 feet or more from the boundary of a residential zone district. **[Amended 3-19-2007 by Ord. No. 1822]**

3. Wherever possible, illumination of seating areas, building entrances, and walkways shall be accomplished by use of bollard-style fixtures or other low, ground-mounted fixtures not over four feet in height.

§ 6.5. Design Standards.

A. Neighborhood Commercial. The following standards shall apply to all nonresidential development in all Residential zone districts and in the CNO, CN-1, CN-2 and CMU zone districts, where the proposed development or redevelopment has less than 50,000 square feet of gross floor area. They are intended to ensure that development in each coveted zone district occurs in a manner that is compatible with adjacent residential neighborhoods and that encourages pedestrian access. Alternative design solutions may be approved during the site plan review process (See § 8.3H: Site Plan) if it is demonstrated that the alternative design solution meets the intent of § 6.5B or if it is determined that application of these standards to a development approved before October 18, 2005 is not feasible. **[Amended 3-19-2007 by Ord. No. 1822]**

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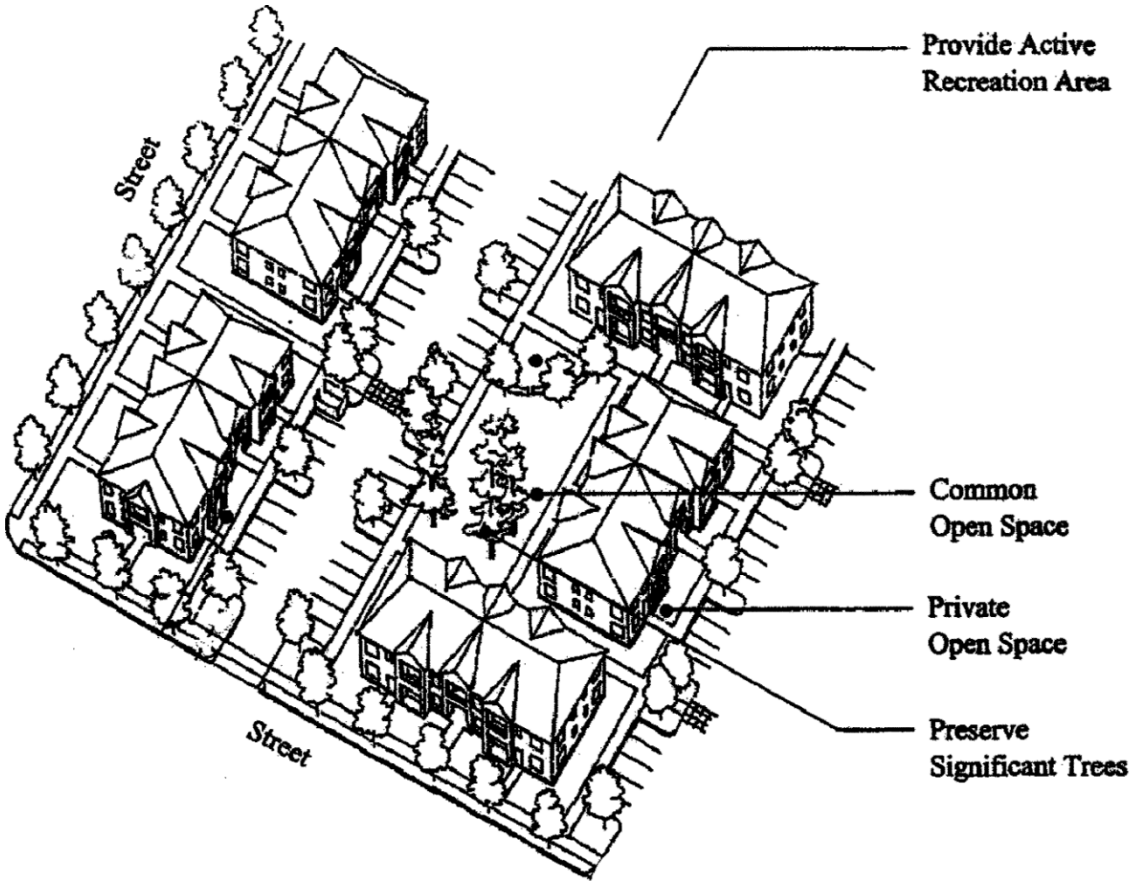

Figure 6-8: Neighborhood Commercial

1. Quality of Materials.

a) Front Facades. When the principal entrance of a freestanding building is on the side elevation or at the corner of the front and side elevations, that side elevation shall include the same quality of materials, trim levels, and degree of articulation as those found on the front facade.

b) Side and Rear Facades. Rear and side facades of all nonresidential buildings facing a public street, park, playground or other public open space shall incorporate the same quality of materials, trim levels, and degree of articulation predominantly found on the front facade of the building. Parking, service, or other open spaces at the rear of the structure shall be maintained in a neat and orderly condition.

c) Restrictions on Pre-Cast Materials. To the maximum extent practicable, concrete finishes or precast concrete panels (tilt walls) shall not be used as exterior building materials unless they are exposed aggregate, hammered, embossed, patterned, imprinted, sandblasted or covered with a cement-based acrylic coating.

d) Restrictions on Metal Panels. To the maximum extent practicable, metal panel systems, used as an exterior building material, should be a minimum thickness of U.S. Standard 18 gauge metal. Corrugated (ribbed) metal panels and siding shall be prohibited on all exterior walls except as a method of screening mechanical roof top equipment.

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~~e) Restrictions on Mirrored Glass. To the maximum extent practicable, mirrored glass with a reflectance greater than 40% shall not be used to cover more than 40% of the exterior walls of any~~

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building

.

2. Building Orientation. To the maximum extent practicable, and except as otherwise expressly required or unless necessary to avoid site access through an alley adjacent to a residential zoning district, the front or side facade shall face the public street abutting the front property line and at least 50% of the horizontal length of the first floor of the front facade shall be set back not more than 60 feet from said street. To the maximum extent practicable, the main entrance shall face the public street abutting the front property line or face a connecting walkway with a direct pedestrian connection to the public street abutting the front property line.

3. Outdoor Storage and Display. Outdoor storage and display is prohibited for all nonresidential development in all Residential zone districts, and in the CNO and CO zone districts. Outdoor display of products for sale or rent shall be allowed in the CMU, CN-1, CN-2, and CCBD zone districts, provided that such display is accessory to an indoor primary use on the property, is not located in the public right- of-way, does not block sidewalks, parking areas, or driveways, and is maintained in a neat and orderly manner. Outdoor storage of supplies, materials, and equipment not for sale or rent, with the exception of vehicles associated with the allowed use on the site, shall not be permitted in the CMU, CN-1, CN-2, and CCBD zone districts. **[Amended 3-19-2007 by Ord. No. 1822; 6-6-2022 by Ord. No. 2049]**

4. Location of Off-Street Parking and Other Vehicular Use Areas.

   a) CNO and CN-1 Districts. Front yards must be reserved for landscaping, sidewalks, and driveway access. Off-street parking spaces may not be located between a street property line and the building line of the principal building on the site. Such spaces may be located in side and rear yards if screened from adjacent dwellings by a solid wall, fence or vegetation that is not less than four feet and not more than six feet in height. Vegetation may exceed six feet in height.

   b) CN-2 and CMU Districts. Whenever possible, vehicular use areas, including driveways, loading areas, and off-street parking areas, shall not be located on any portion of a lot adjacent to a residential area. Where location of vehicular use areas adjacent to a residential area is unavoidable or unfeasible, buffering shall be provided as required in § 6.2H.2: Commercial Uses Abutting Residential Uses or Residential Zoning District In the case of construction of new primary structures commenced after October 18, 2005, no more than 50% of required off-street parking areas shall be located between the front facade of a principal building and the adjacent public street. **[Amended 3-19-2007 by Ord. No. 1822]**

5. Service Areas. In commercial developments containing less than 20,000 square feet of gross floor area, service functions (shipping/receiving, trash removal, etc.) shall be integrated into the circulation pattern in a manner that minimizes conflicts with vehicles and pedestrians. In commercial developments containing 20,000 square feet or more of gross floor area, service and loading areas shall be separated from main circulation and parking areas and away from public streets.

6. Additional Requirements for the CNO District. Door styles must be similar to those found on residential buildings on the block, and new construction (including building additions and

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~~rehabilitations) must be designed to have the appearance of other residential buildings along the street.~~

~~7. Additional Requirements for CN-1 District. Exterior building materials along street facing facades (exterior walls that face streets or sidewalks), not including windows and entries, must consist primarily of masonry, not including concrete block or concrete masonry units. Vinyl and aluminum siding are prohibited.~~

~~8. Additional Standards for CN-2 and CMU Districts.~~ **[Amended 3-19-2007 by Ord. No. 1822]**

~~a) Modular masonry materials, such as brick and concrete pavers, or gridded cast-in-place materials, such as exposed aggregate concrete, are required as paving materials for all pedestrian areas in~~

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order to visually define and improve the appearance of pedestrian areas.

b) Wherever possible, pedestrian access to adjacent residential areas rights-of-way must be provided through the provision of sidewalks in addition to those located on adjacent public streets.

c) Each commercial tenant space must be accessible from other tenant spaces by sidewalks or other approved pedestrian routes. Pedestrian routes must be continuous, with a minimum horizontal clear space of four feet in all cases. Pedestrian routes must be designed to offer protection to pedestrians and be visually distinguishable from other hardscape elements on the site. Pedestrian routes must be separated from parking and vehicular use areas by curbs, landscaping or other physical barriers. When pedestrian paths cross drive aisles and vehicle travel lanes they must be clearly identified with materials such as textured or brick paving, and must be integrated into the wider network of pedestrian walkways. Pavement textures are encouraged elsewhere in the parking lot, as surface materials, or as accents.

d) Parking lot layout and design must promote safe and convenient pedestrian and vehicular circulation.

e) Areas that are not used for vehicular and pedestrian access or parking must be landscaped in accordance with applicable landscape standards.

f) Buildings in the district must relate to one another, both functionally and visually, and encourage pedestrian activity.

g) Exterior building materials along street-facing facades (exterior walls that face streets or sidewalks), not including windows and entries, must consist primarily of masonry, not including concrete block or concrete masonry units. Vinyl and aluminum siding are prohibited.

h) Buildings must avoid uninterrupted wall planes. Building wall offsets, window patterns or other changes in elevation design must be used to give buildings the appearance of small individual store fronts that are no more than 25 feet in width. Similarly, roofline offsets must be used to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

9. Additional Standards for CN-1, CN-2 and CMU Districts. **[Amended 3-19-2007 by Ord. No. 1822]**

a) One-story buildings must have a minimum height of 18 feet and a maximum height of 22 feet unless there are clerestory windows facing the street that give the appearance of second floor space.

b) At least 60% of all street-facing facades, measured from grade to a height of 10 feet above finished grade, must be comprised of windows that allow views into business or commercial use areas. The bottom of windows used to satisfy this requirement must be no more than three feet above the adjacent finished grade.

c) Bicycle parking facilities must be located in convenient areas of the development and

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must be located so as not to impede pedestrian or vehicular traffic.

d) Air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications-receiving devices must be screened from view from the public right-of-way and from residential areas, by using walls, fencing, roof elements, penthouse- type screening devices or landscaping.

B. Large Retail Establishments. Each single-story primary structure containing primarily commercial retail sales space, and containing more than 50,000 square feet of gross floor area shall comply with the following design standards in addition to those set forth in Subsection A above.

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1. Building Facades.

a) Each facade greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

b) Each building facade shall have a repeating pattern that shall include no less than three instances of either (a) color change, (b) texture changes, (c) material module change, or (d) expression of an architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib. At least one of those elements shall repeat horizontally at an interval of no more than 30 feet.

c) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

2. Parapets. Each primary structure with a flat roof shall have parapets or enclosures concealing flat roofs and rooftop equipment from public view, and such parapets and enclosures shall be constructed of materials that match the building in quality and detail. Each such parapet or enclosure shall have an average height of no more than 15% of the height of the supporting wall, a maximum height at any point equal to 33% of the height of the supporting wall.

3. Building Entryways. Each single-story retail building shall have highly visible customer entrances featuring a combination of at least two of the following elements:

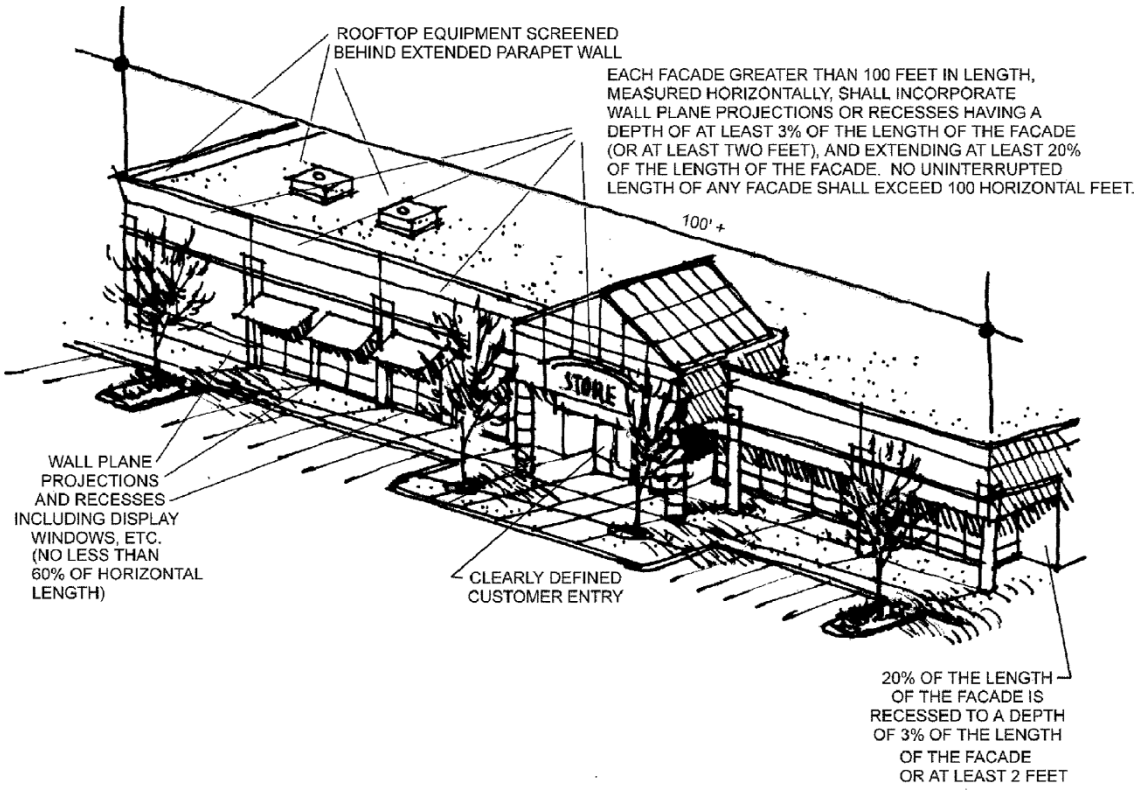

Figure 6-9: Large Retail Establishments

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~~a) Roof overhangs, raised cornice parapets, or peaked roof forms;~~

~~b) Recessed or projecting wall sections;~~

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c) Arcades or arches;

d) Outdoor patios;

e) Display windows;

f) Architectural details such as tile work and moldings integrated into the building structure; or

g) Integral planters or wing walls that incorporate landscaped areas and/or seating areas.

4. Pedestrian Access and Circulation.

a) All primary structures shall provide direct sidewalk connections (a) from each primary structure entrance used by residents, employees, or the public to external sidewalks, (b) between each primary structure in the development, (c) to sidewalks on adjacent properties, and (d) to all existing or planned transit stop or park-n-ride locations identified by the public transit authority.

b) For proposed development that will include parking areas that extend more than 250 feet from the primary structure, the developments shall provide a designated walkway from the row of parking furthest from the primary structure to a primary structure entrance used by residents, employees, or the public, or to a sidewalk leading to such entrance. Such walkways shall be distinguished from surrounding parking areas by changes in color or texture, raised surfaces, or landscaped edges.

c) All development shall provide (a) a walkway at least six feet wide extending across the front of each primary structure, and (b) weather protection features such as awnings or arcades at each entrance used by residents, employees, or the public.

5. Site Layout, Auto Access, and Parking.

a) At least 50% of off-street parking shall be located behind or at the sides of primary structures (rather than between the front of primary buildings and the street) or within structured parking.

b) Driveways shall be consolidated to the greatest degree possible to reduce the number of sidewalk/ driveway crossing points.

c) Short-term (public), and long-term (resident and employee) parking shall be clearly signed, and short-term parking areas shall generally be located closer to the primary public entrances to primary structures.

C. Downtown Design Standards and Guidelines. **[Amended 7-16-2012 by Ord. No. 1897]**

(1) The Downtown Design Standards and Guidelines (Standards & Guidelines) are adopted and incorporated into this ordinance by reference. All development in the geographic boundary area defined in Subsection C(2) shall follow those design and development regulations set forth in the Standards & Guidelines.

(2) The Standards & Guidelines apply to all buildings, structures, properties and uses in the same geographic boundary area to which the City of Kalamazoo Downtown Development Authority

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~~applies (Such area is identified as DDA District and is further depicted in the City of Kalamazoo Zoning Code, under § 2.3G.), and also apply to all buildings, structures, properties and uses in the Southtown Design Review District, except structures solely used as single-family residential structures, duplex homes, and multifamily residential structures. The Southtown Design Review District is defined as all parcels bordered by E. Walnut Street to the north, Portage Street to the east, Stockbridge Avenue to the south, and S. Burdick Street to the west. The Standards & Guidelines apply to those buildings, structures, properties and uses on both sides of the streets that represent the boundaries of the DDA District and the boundaries of the Southtown Design Review District.~~ **[Amended 2-16-2015 by Ord. No. 1932]**

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(3) Before any building, structure or property located in the DDA District or the Southtown Design Review District is constructed, developed, renovated or rehabilitated, the property owner, or the builder, contractor, developer or person or entity performing the work, shall submit to the City Planner, including the City Planner's duly designated representative(s), the proposal for the project. An Administrative Review Committee (ARC), consisting of staff designated from both the City of Kalamazoo and Downtown Development Authority, is established. After the project proposal is submitted to the City Planner, the ARC shall review such project and assign it as either a Tier I or Tier II project, as set forth in the Standards & Guidelines. A Downtown Design Review Committee (DDRC), as established under § 11.5 of the Zoning Ordinance, shall review projects assigned to Tier II. Once a tier level has been assigned to a project, the review shall follow the steps as outlined in the Standards & Guidelines. For those projects assigned to Tier II that require site plan review, the final review of the project by the Site Plan Review Committee shall follow the process outlined in § 11.4 of the Zoning Ordinance that is consistent with the Standards & Guidelines. **[Amended 2-16-2015 by Ord. No. 1932]**

(4) By resolution, the City Commission may amend the Standards & Guidelines, including the makeup of the ARC and DDRC Review Committees. Before the City Commission adopts any proposed amendments to the Standards & Guidelines, the City of Kalamazoo Planning Commission shall first review them and report its comments and recommendations to the Commission.

(5) Copies of the Standards & Guidelines shall be made available or accessible to the public at the City Clerk's office, at the Department of Community Planning and Development, or through the City of Kalamazoo website.

§ 6.6. Operational Performance Standards.

All structures, uses, and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties.

A. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

B. Noise. All activities shall be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be generated or allowed to cross property lines for the purpose of attracting the attentionof the public unless a public temporary use permit has been issued for such use of the property. All activities shall be conducted to comply with Chapter 21 of the Kalamazoo Code of Ordinances.

C. Nuclear Radiation. Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the United States Nuclear Regulatory Commission.

D. Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any

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~~other use directly or indirectly associated with these purposes that does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. However, in case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.~~

~~E. Vibration. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.~~

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F. Fire and Explosive Materials. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941, as amended.[19] Explosives where the primary purpose is for combustion as defined in Explosive Act of 1970, as amended,[20] shall be prohibited on site.

G. Hazardous Materials. All applicable federal, state, and local statutes, rules, regulations, and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Michigan Department of Environmental Quality, the Michigan Department of Natural Resources, the National Institute of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, or solid wastes (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced above).

H. Materials and Waste Handling. No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Code. Toxic and hazardous materials and chemicals shall be stored, secured and maintained so that there is no contamination of ground, air, or water sources at or adjacent to the site. Provisions shall be provided so that all lubrication and fuel substances shall be prevented from leaking and/or draining onto the property. All treatment, storage, disposal, or transportation of hazardous waste shall be in conformance with all federal and state statutes, codes and regulations. All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with the water quality standards applicable to the classification assigned to the receiving water by the City, the State of Michigan, and the U.S.E.P.A.

I. Smoke Emissions. There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit established by such conference or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

J. Odor Emissions. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds appropriate federal or state regulations. The measurement of the threshold odor shall be in accordance with the American Society for Testing Materials Method D1391-57 "Standards Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia American Society of Testing Materials, 1957). Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.

K. Particle Emissions. The emission of particulate matter or dusts in an amount sufficient to create a general nuisance to adjoining properties is prohibited. Total emission of particulate matter shall be limited to the following:

1. Requirement for All Zone Districts Except M-2 Zone District. Solid or liquid particles shall not be emitted at any point in concentration exceeding 0.1 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50%

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~~excess air. Measurement shall be at the point of emission.~~

~~2. Requirement for M-2 District. The Ringelmann Smoke Chart published by the United States Bureau of Mines shall be used for measurement. All emission of particulate matter in quantities sufficient to~~

~~19.~~ **~~Editor's Note: See MCLA § 29.1 et seq.~~**

~~20.~~ **~~Editor's Note: See MCLA § 29.41 et seq.~~**

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~~produce an opacity at any point greater than Ringelmann 3 is prohibited. The only exception shall be a plume consisting entirely of condensed steam. A Ringelmann 1 unit is defined as 20% density for one minute. No more than 15 units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann 2, except that during one hour of a twenty-four-hour day, 30 units of smoke may be emitted but with no smoke more intense than Ringelmann 3. The total quantity of emitted solids shall not exceed one pound per hour, per acre of lot area. Measurement shall be at the point of emission.~~

~~L. Height of Stored Materials. Except in the M-2 zone district, all objects stored within an allowable outdoor storage area may not exceed the height of any required screen fence.~~

~~M. Nuisance Prohibited. All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances, as defined in Michigan law.~~

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CHAPTER 7
Signs

§ 7.1. Purpose.

The purpose of this chapter is to regulate signs and outdoor advertising in a manner that will minimize their harmful effects while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this chapter has the following objectives:

A. To prevent the number of signs and sign messages from exceeding a level reasonably necessary to identify businesses and their products;

B. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent buildings;

C. To keep signs within a reasonable scale with respect to their surroundings;

D. To prevent off-premises signs from conflicting with business, residential and other uses;

E. To keep the areas adjacent to streets clear of signs that might obstruct the view and/or distract the attention of motorists;

F. To ensure that the number, size and location of signs do not create a negative impact on the image or aesthetic environment of the City;

G. To control the use of signs and their motion, colors, and illumination that may negatively affect property values and may be injurious to the mental or physical well being of the public.

§ 7.2. Applicability.

A. General. This chapter applies to the erection, alteration, and maintenance of all signs in the City, unless specifically exempted pursuant to § 7.2B: Exemptions.

B. Signs Not Requiring a Permit. The erection, alteration, and maintenance of those signs listed in Subsection 2 of § 7.3A: Residential Zone Districts and Subsection 5 of § 7.3B: Nonresidential Zone Districts shall not require the issuance of a sign permit.

C. Permits Required. Prior to the erection or alteration of any sign subject to the requirements of this chapter and not listed in Subsection 2 of § 7.3A: Residential Zone Districts or Subsection 5 of § 7.3B: Nonresidential Zone Districts, a sign permit shall be approved or disapproved pursuant to § 8.3I: Sign Permit. Replacing the sign face on any nonchangeable copy sign, or any other alteration of an existing sign structure requires a sign permit.

D. Changeable Copy Signs. Up to 25% of the sign face area of any permitted permanent freestanding sign or wall sign, and up to 75% of the sign face area of a marquee sign, may be made up of changeable copy area. Revising the message on a changeable copy sign shall not require a sign permit.

E. Temporary/Portable Signs. Temporary/portable signs may be erected on private property in Commercial, Manufacturing, or Special Purpose Zone Districts, and on any site in a residential zone district that contains a multifamily or nonresidential use, for a maximum of four weeks during any

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~~calendar year. Unless more specific standards are stated in Subsection 2 of § 7.3A: Residential Zone Districts or Subsection 5 of § 7.3B: Nonresidential Zone Districts, temporary/portable signs shall be subject to the same restrictions on size, height, and distance from the right-of-way applicable to permanent signs on the site. Trailers with message boards and trailers used as signs shall be treated as temporary/portable signs, and may not be installed as permanent signage.~~

~~F. Signs on Public Property. No permanent or temporary/portable sign of any type may be erected or moved~~

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onto public property without written approval from the City, except that sandwich board signs with a sign face area of no more than eight square feet per side may be used on public property in the CCBD zone district. Prior to the use of a sandwich board sign on public property in the CCBD zone district, an encroachment permit must be obtained from the City of Kalamazoo and must be consistent with the Kalamazoo Downtown Design Guidelines.

G. Prohibited Signs. Roof signs are prohibited in all zone districts. Projecting signs are prohibited in all districts except the CCBD, CBTR, M-1, and M-2 zone districts.

H. Compliance With Applicable Codes Required. In addition to complying with the provisions of this chapter 7, all signs requiring the issuance of a sign permit shall be required to comply with all applicable codes. Violations of those provisions of state law shall be a violation of this Ordinance, and shall be subject to enforcement pursuant to Chapter 10: Violations, Penalties and Enforcement.

§ 7.3. On-Premises Signs.

All on-premises signs shall comply with the following standards.

A. Residential Zoning Districts. Within Residential zone districts, all on-premises signs for both residential and nonresidential uses shall be erected, altered and maintained in compliance with the standards and requirements in Table 7.3-1: On-Premises Signs in Residential Districts.

1. General.

Table 7.3-1: On-Premises Signs In Residential Districts

Use Type	Signs Allowed	Maximum Area (square feet)	Maximum Height (feet)	Maximum Height Above Main Entrance Elevation	Minimum Distance from Property Line (feet)
One- and two-family dwellings	One nameplate that indicates the name and address of occupants	2	N/A	N/A	N/A
Multifamily dwellings, roominghouses, sorority and fraternity houses	One identification sign per street frontage	32	Free-standing: 6	N/A	Freestanding: 10
	One sign per building	4	N/A	Wall: 8	N/A
Subdivision, mobile home park, or special use	One subdivision sign may be located at each entrance road to a subdivision One park identification sign may be located at each entrance to a mobile home park One identification sign may be located on each street frontage of an approved special use Sign may be indirectly or internally illuminated	32	6	N/A	5 from right-of-way, and 10 from other property lines

2. No Sign Permit Required. The following types of signs are permitted without a sign permit, subject to the following requirements. Applicants for signs included in the following list that

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~~cannot meet the stated requirements (for example, where a larger size sign is needed) shall be required to obtain a sign permit pursuant to § 8.3I: Sign Permit.~~

~~a) Construction Signs. One nonilluminated construction sign on each street frontage of a site being~~

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developed or improved. Construction signs shall not exceed six square feet in area if related to the construction of single-family or two-family dwellings and shall not exceed 32 square feet in area if associated with other permitted uses, shall not exceed 12 feet in height, and shall be located at least five feet from the right-of-way and 10 feet from any other property line.

b) Real Estate Signs. One nonilluminated real estate sign on each street frontage of the site, not exceeding six square feet in area or six feet in height. The nonilluminated real estate sign may be located in the setback area but shall not be placed or project into the public right-of-way. The nonilluminated real estate sign shall be removed within 30 days after the sale or lease of the property on which it is located.

c) "Open House" Directional Signs. One nonilluminated "open-house" directional sign on each street frontage of a site, not exceeding six square feet in area and four feet in height. The nonilluminated "open-house" directional sign shall only be permitted on the day of the open house and shall not be placed in and shall not project into the public right-of-way.

d) Election Campaign Signs. Election campaign signs not exceeding 4 1/2 square feet in area that are not placed in and do not project into the public right-of-way. Election campaign signs shall be removed within 30 days following the election for which they are used.

e) Temporary Event. One nonilluminated sign in connection with a permitted temporary event conducted by any nonresidential use permitted in the district, not exceeding 30 square feet in area, that is not placed in and does not project into the public right-of-way. Temporary event signs shall be for a period not exceeding 14 calendar days, two times a year, and shall be removed within two days following the event for which they are used.

f) Holiday Displays. Holiday displays of any size that are not placed in and do not project into the public right-of-way, provided that such displays do not contain advertising. **[Amended 3-19-2007 by Ord. No. 1822]**

g) Yard Sale Signs. One nonilluminated yard sale sign not exceeding 4 1/2 square feet in area, that is not placed in and does not project into the public right-of-way, may be erected up to two times each calendar year.

B. Nonresidential Districts.

1. Nonresidential Uses. All on-premises signs erected, altered, and maintained at a business development (one or more uses within a building or buildings using common parking facilities) in the nonresidential districts shall comply with the standards in Table 7.3-2: On-Premises Signs in Nonresidential Districts. Additional provisions related to Grand Opening/Change of Business Signs and Temporary Event Signs are set forth in § 7.3B.3: General Provisions and § 7.3B.5: No Sign Permit Required.

2. Residential Uses in Nonresidential Districts. All on-premises signs erected, altered, and maintained on residential uses in all nonresidential districts shall comply with the standards and requirements in Table 7.3-1: On-Premises Signs in Residential Zoning Districts.

3. General Provisions.

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Table 7.3-2: On-Premises Signs in Nonresidential Districts [Amended 3-19-2007 by Ord. No. 1822; 6-6-2022 by Ord. No. 2049]

Freestanding Signs	Wall Signs, Marquees[1], Canopies, and Awnings	Other Signs
CNO, RMU, P, IC Districts		
Number: 1 freestanding sign on each street frontage Maximum Area: 24 square feet Maximum Height: 12 feet Minimum Distance From Property Line: 10 feet	Maximum Area: 10 square feet per establishment	Freeway Signs: not allowed Special Use Signs: Subject to Planning Commission review (§ 8.3D)
CO, CN-2, CN-1, CMU and PUD-O Districts		
Number: 1 freestanding sign on each street frontage Maximum Area: 1/2 square foot of sign area for each foot of street frontage, up to maximum of 100 square feet. In addition, each individual establishment may have one additional freestanding sign for every additional 150 feet of street frontage, not exceeding 100 square feet in area. Maximum Height: 20 feet Minimum Distance From Property Line: 2 feet	Maximum Area: For each individual establishment, 1 square foot of sign area for each foot of wall length	Freeway Signs: not allowed
CCBD District		
Number: 1 freestanding sign allowed on each street frontage Maximum Area: 1 square foot of sign	area for each foot of street frontage, up to maximum of 150 square feet. In addition, each individual	establishment may have one additional freestanding sign for every additional 150

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feet of street frontage not exceeding 150 square feet in area. Maximum Height: 25 feet Minimum Distance From Property Line: 2 feet. Rotation: Freestanding signs may rotate up to 15 revolutions per minute	Maximum Area: For each individual establishment, 2 square feet of sign area is allowed for each 1 foot of wall length; no single wall sign shall exceed 200 square feet on a site. In the CCBD district, buildings over four stories in height are allowed to have an additional amount of wall signage equal to no more than 5% of the total area of each building facade that faces a public street. The additional wall signage must be located on the street facing facade. No single wall sign shall exceed 200 square feet	Freeway Signs: not allowed Special Use Signs: Subject to Planning Commission review (§ 8.3D)
CBTR, M-1, and M-2 Districts Same as CCBD district For the CBTR district, freestanding signs shall not exceed eight feet in height and may not rotate	Same as CCBD district	Freeway Signs: Number: For a lot with a properly line within 200 feet of freeway or freeway interchange, 1 additional on-premises freestanding sign Maximum Area: 150 square feet per side. Maximum Height: 80 feet Minimum Distance from Property Line: 10 feet Orientation: Sign faces shall be oriented to primarily attract vehicular traffic from freeway

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NOTE:

1. An encroachment permit is required for all marquee, canopy, or awnings extending over a public right-of-way. Marquee, canopy or awning signs may be located on a building marquee, canopy or awning that is located over a sidewalk located in the public ROW, provided the marquee, canopy or awning does not extend more than eight feet over the ROW, is closer than three feet to the curbline, and is not less than eight feet, at its lowest point, above sidewalk level. In no event shall a marquee sign extend above the peak of the roof of the building to which it is affixed.

4. Variations. In the case of proposed development in the P, IC, or PUD-O zone districts, the decisionmaking body responsible for approval of the site plan, Institutional Master Plan, or PUD Plan, as applicable, may approve modifications to the standards in Table 7.3-2, provided that (a) no such modification has the effect of increasing the number of signs, the total sign area, or the height of any sign by more than 25%, and (b) any such modification shall meet the same standards for approval applicable to the proposed development as a whole. **[Amended 3-19-2007 by Ord. No. 1822]**

5. No Sign Permit Required. The following types of on-premises signs are allowed in the nonresidential districts without a sign permit, subject to the following requirements.

a) Construction Signs. One nonilluminated construction sign is permitted on each street frontage of a site being developed or improved. Such sign (i) shall not exceed 32 square feet; (ii) shall not exceed 12 feet in height, and (iii) shall be located at least two feet from any right-of-way.

b) Real Estate Signs. One nonilluminated real estate sign is permitted on each street frontage of a site. Such sign (i) shall not exceed 24 square feet in area if located in a Commercial or Special Purpose District or 32 square feet if located in a Manufacturing District; (ii) shall not project into the public right-of-way, and (iii) shall be removed within 30 days after the sale or lease of the property on which it is located.

c) "Open House" Directional Signs. One nonilluminated "open-house" directional sign is permitted on each street frontage of a site, not exceeding six square feet in area and four feet in height. Such sign shall only be permitted on the day of the open house and shall not be placed or not project into the public right-of-way.

d) Election Campaign Signs. Election campaign signs are permitted. Such signs (i) shall not exceed six square feet in area when located in the nonresidential districts; (ii) shall not be placed in and shall not project into the public right-of-way; and (iii) shall be removed within 30 days following the election for which they are used. **[Amended 3-19-2007 by Ord. No. 1822]**

e) Holiday Displays. Holiday displays of any size that are not placed in and do not project into the public right-of-way, provided that such displays to not contain advertising.

f) Directional Signs. Signs providing directions and other related information for a site shall be allowed. One such sign shall be allowed for each parking lot or parking structure entrance, and each building entrance. Such signs shall not be greater than four square feet in area and four feet in height, and they may be internally illuminated. They must be placed a minimum of two feet from all right-of-way lines, and cannot obstruct traffic or

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otherwise create a hazard. The name and/ or logo of the business or entity may be identified on the sign, but such name/logo shall not occupy more than 1/3 of the copy area. **[Added 3-19-2007 by Ord. No. 1822]**

6. Special Signs. **[Amended 3-19-2007 by Ord. No. 1822]**

a) Special Event Signs.

1) Business special event signs shall be permitted for each business for a period not exceeding a maximum of 28 calendar days per year.

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2) Each business is allowed a maximum of 100 square feet of temporary/portable sign area. each sign shall not exceed 30 square feet in area, including portable signs.

3) One cold air or helium-inflatable balloon may be used for not more than 14 calendar days, two times a year, subject to the following conditions: (i) said balloon shall not exceed 40 feet in height and shall be set back from any property line one foot for every one foot of height;
(ii) said balloon shall be ground-installed; (iii) said balloon may be illuminated from inside or by exterior lights placed to direct the light source away from adjacent roadways or properties; (iv) flashing, colored, or glaring lights shall not be permitted; and (v) the balloon shall be installed so as not to interfere with utility lines, traffic circulation, visibility of drivers or fire lanes.

b) Grand Opening/Change of Business Signs. Signs are permitted for a grand opening of a new business or for a change in tenancy or ownership of an existing business for a period not to exceed 14 calendar days. Each business shall be allowed a maximum of 100 square feet of sign area; however, each sign shall not exceed 30 square feet in area; and, if freestanding, said sign shall not exceed 12 feet in height. Portable signs for a grand opening or change-of-business signs shall not exceed 30 square feet in area. All such signs shall be set back at least two feet from all property lines. Additionally, one cold air or helium-inflatable balloon may be used, subject to the preceding standards.

§ 7.4. Off-Premises Signs. [Amended 8-19-2013 by Ord. No. 1912]

A. Limitation on Number of Off-Premises Sign Structures in the City. No new off-premises sign structure shall be erected when there are 99 or more off-premises sign structures in the City. This limitation is based on the number of potential sign locations and the existing number of conforming sign structures as of the date of the original enactment of this section, September 21, 1987. As of October 18, 2005, there are more than 99 off- premises sign structures in the City, and no new off-premises signs may be erected. All replacements of existing off-premises signs shall comply with all applicable provisions of this chapter 7.

B. General. Off-premises signs shall be permitted only in the M-1 and M-2 Districts and shall comply with all the standards in § 7.4, Off-Premises Signs, including, without limitation, those standards in Table 7.4-1: Off- Premises Signs. Off-premises signs that comply with the standards in § 7.4A shall be permitted in the CCBD District. **[Amended 6-6-2022 by Ord. No. 2049]**

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Table 7.4-1: Off-Premises Signs					
Zone District	**Maximum Area (square feet)**	**Minimum Distance Between Off-Premises Signs**	**Double-Faced Signs Permitted**	**Side-by-Side Signs Permitted**	**Maximum Height (feet)**
M-1 District	380 (672 if located along I-94)	On same side of street: 1,000 feet On opposite sides of the street: 500 feet	Yes	Yes, only along I-94 (not BL-94) Maximum square footage per sign face: 300	35
M-2 District	672	On same side of the street: 1,000 feet	Yes	Yes, but only when located on the opposite side and parallel to a single 672-square-foot sign face	40
		On opposite sides of the street: 500 feet			
		(Distance shall be measured from the closest edge of each off-premises sign)		Maximum square footage per sign face: 300	

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C. Intersections. Off-premises signs shall not be permitted within a one-hundred-foot radius of public street
intersections as measured from the center point of the intersection of each street to the closest edge of the sign. A distance of 500 feet shall be maintained between all signs at an intersection.

D. Setback Requirements. Off-premises signs shall comply with the setback standards in the zoning districts in which they are allowed. (See Chapter 5.)

E. Placement Requirements.

1. Buildings. Off-premises signs shall not be located on the roofs of buildings or be attached to or painted on the walls of buildings.

2. No Stacking. Off-premises signs shall not be stacked on top of each other.

F. Radius Requirements. Off-premises signs shall not be permitted within a three-hundred-foot radius of residential districts, cemeteries, and dedicated parks.

G. No Off-Premises Signs in Local Historic Districts. Off-premises signs shall not be permitted in established and designated local historic districts.

H. Sign Protrusions. No part of the advertising copy for a sign shall protrude beyond the sign frame.

§ 7.4A. Off-Premises Internally Illuminated Automatic Changeable Copy Signs. [Added 8-19-2013 by Ord. No. 1912]

A. The following regulations governing internally illuminated automatic changeable copy off-premises signs within the City are enacted in order to create clear guidelines for businesses, balance the commercial interests in such signs with neighborhood quality of life where such signs are, or may be located, maintain residential neighborhoods, generally reduce the overall number and impact of billboard advertising in the City and positively affect traffic safety, community aesthetics, and environmental conditions.

B. To achieve and further these purposes, any internally illuminated, automatic changeable copy signs, such as, but not limited to, signs using LED technology, are permitted as a lawful conforming off-premises sign in compliance with the following requirements:

1. Location. Such signs shall only be located in CCBD, M-1, and M-2 zoning districts when: **[Amended 6-6-2022 by Ord. No. 2049]**

(a) Located on sites where an off-premises sign that is 200 square feet or more existed as of July 1, 2013, that is adjacent to state or federally controlled roads; and

(b) More than 300 feet away from a residential zoning district, except on West Main Street from Northampton Road west to the City limits if more than 100 feet away from a preexisting residential use; and

(c) Whose sign face area does not exceed that of the static sign face or faces being replaced; and is not less than 2,500 feet from another off-premises internally illuminated automatic changeable copy sign.

2. Sign Support Structure Elimination Credits.

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(a) Notwithstanding the total number of off-premises signs located in the City, so as to reduce the overall number of nonconforming off-premises signs, the erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic changeable copy sign shall require the elimination of existing nonconforming off-premises signs within the City. The installation, erection or upgrade of any existing sign to an internally illuminated automatic changeable copy sign shall require the sign owner to secure six sign support

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structure elimination credits.

(b) The elimination of an off-premises sign support structure in an R, CO, CN-1, or CCBD zoning district shall count for two credits; elimination of an off-premises sign support structure in all other zoning districts shall count as one credit. Only whole numbers shall be applied to credits used to erect, install or upgrade an off-premises automatic changeable copy sign, and any credits more than the amount required to qualify for the erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic changeable copy sign shall not be available for future use.

(c) In order to qualify for an elimination credit, the off-premises sign support structure shall be completely removed and the property site returned to as good or better condition as existed before the sign support structure was installed.

C. General Requirements. Except as otherwise provided in this section, the requirements set forth in § 7.4 are applicable to internally illuminated off-premises signs.

1. Sign face images shall not change more often than once every 10 seconds. As used in this section, change shall preclude any method of message transition, involving the use of animation, dissolving, or fading, flashing techniques. In the event of a mechanical failure, the sign image shall default to a static display.

2. Sign faces permitted by this subsection may be placed back to back, but shall not be placed side by side or stacked.

3. The luminance of an internally illuminated off-premises automatic changeable copy sign shall utilize dimming capabilities so that the maximum luminescence of the sign shall not exceed 0.2 footcandles over ambient light conditions when measured at a height of five feet facing the sign face at a distance of 200 feet.

4. Signs permitted by this subsection shall not be equipped to transmit sound or other forms of broadcast signals.

D. After July 1, 2013, no more than eight additional internally illuminated off-premises automatic changeable copy sign structures shall be permitted in the City.

§ 7.5. Illumination of On-Premises and Off-Premises Signs. [Amended 8-19-2013 by Ord. No. 1912]

A. External Lighting Directed Inward and Shielded from Adjacent Residential Districts and Rights-of-Way. Any external lighting intended for the illumination of the face of a sign shall be directed inward and shielded from any adjacent residential districts and public right-of-way, and shall not adversely affect driver visibility or adjacent public thoroughfares. No external light source intended to illuminate the face of a sign shall be directly visible from any adjacent property located within a residential zone district and public right-of way.

B. Blinking or Flashing Lights. On-premises signs displaying blinking or flashing lights are only permitted within the CCBD zoning district, and shall be limited as follows: **[Amended 6-6-2022 by Ord. No. 2049]**

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1. No light shall blink, flash, or change its intensity or color more often than one time every 10 seconds.

2. If a sign displays images or messages that change automatically, each image on such sign that is visible from a public street shall remain unchanged and unmoving for a minimum of eight seconds before changing. A sign that displays text messages in a continuous scrolling movement (e.g., ticker-type signs) is exempt from this provision.

C. No Beacon or Strobe Lights. Beacon lights and strobe lights are not permitted.

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D. Colored Lights. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.

E. No Traffic Hazard. Neither the direct nor reflected light from light sources shall create a traffic hazard to operators of motor vehicles on public rights-of-way.

F. Automatic changeable copy signs utilizing external lighting directed toward the sign face shall not change images more often that once every 10 seconds.

§ 7.6. Murals. [Added 6-29-2009 by Ord. No. 1854]

All murals shall comply with the following standards:

A. Zoning Districts. A mural of 1,000 square feet or less is permitted in all zoning districts. Any mural more than 1,000 square feet is only permitted in the CCBD Commercial Central Business District, or in the M-1 or M-2 Manufacturing Districts.

B. Permission of Owner. If the owner of the building or structure on which the mural is placed is not the occupant of such building or structure, the person who leases or otherwise has the right to occupy such building or structure shall obtain the prior written permission of the owner to place the mural on the building or structure. Such lessee or other person with the right of occupancy shall provide a copy of the letter to the City Planner if requested.

C. Permit Required. A mural that is produced off-site and affixed in a structurally sound and workmanlike manner on the exterior wall and that is larger than 200 square feet shall require a permit under the provisions of § 8.3I, Sign Permit.

D. Windows, Doors and Other Architectural Features. No mural shall obstruct any window, door or architectural feature of the exterior wall on which the mural is placed.

E. Additional Standards. Murals more than 1,000 square feet shall also comply with these additional standards:

(1) The person who commissioned or who has a proprietary interest in a mural that is produced off-site and affixed in a structurally sound and workmanlike manner and the owner, lessee or person having the right to occupy the building or structure on which such mural is placed shall maintain public liability insurance of not less than $1,000,000 and list the City, its employees, Commissioners and officials as additional insureds. A certificate of such insurance shall be provided with the application for a permit and annually thereafter. Failure to maintain such insurance shall result in a revocation of the permit to allow such mural and shall further require the prompt removal of the mural. If not removed within 30 days, the City shall have the right to remove the mural and place a lien against the real property (enforced in the same manner as delinquent property taxes) for the cost incurred in removing the mural if such costs are not paid prior to when delinquent taxes are turned into the County of Kalamazoo.

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CHAPTER 8
Review and Approval Procedures

§ 8.1. General Provisions.

The general provisions of this chapter 8 shall apply to all applications for development approval and procedures under this Ordinance, unless otherwise stated.

A. Authority to File Applications. Applications shall be submitted to the City Planner by the Community Planning and Development Department, the City Council or Planning Commission, or by the owner, or by any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

1. Community Development Department as Applicant. The authority of the Community Planning and Development Department to file an application pursuant to this Ordinance is limited to applications that may be required for activities or development on City-owned land.

2. Staff, City Council, or Planning Commission as Applicant. The authority of the City Council or Planning Commission to file an application pursuant to this Ordinance is limited to (a) applications for Text Amendments pursuant to § 8.3A, (b) applications for Zone Map Amendments pursuant to § 8.3B, (c) applications for creation, amendment, or rezoning of Planned Unit Overlay (PUD-O) districts pursuant to § 8.3C.

3. Applicant is Not Owner. If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted. This provision does not apply to the submission of site plans, building permits, or sign permits.

4. Applicant is Not Sole Owner. If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted. This provision does not apply to the submission of site plans, building permits, or sign permits.

B. Application Submission Schedule. The schedule for the submission of applications shall be established by the City Planner and made available to the public.

C. Application Contents. Applications required under this Ordinance shall be submitted in a form established by the City Planner and made available to the public.

D. Simultaneous Processing of Applications. Whenever two or more forms of review and approval are required under this Ordinance (e.g., a special use permit and a variance), the applications for those development approvals may, at the option of the City Planner, be processed simultaneously, so long as all applicable requirements are satisfied for both applications.

E. Fees.

1. Determination of Fees. The City Commission shall determine by resolution the fees to accompany all applications submitted under this Ordinance. The City Commission may adjust fee amounts from time to time.

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2. Fees to be Paid. No application shall be processed until the established fee has been paid.

3. Refund of Fees. Application fees are not refundable except where the City Planner determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

F. Application Submission. An application for development approval shall be submitted to the City Planner

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pursuant to the application submittal schedule (§ 8.1B: Application Submission Schedule) along with a fee established pursuant to § 8.1E, Fees.

G. Determination of Sufficiency.

1. Determination of Sufficiency. Within seven days following receipt of the application, the City Planner shall determine if the application is complete, meets all relevant threshold requirements and includes data in sufficient detail to evaluate the application to determine whether it complies with the requirements of this Ordinance.

2. Determined Insufficient. If the City Planner determines the application is not sufficient, a notice shall be provided to the applicant specifying the application's deficiencies. When the application is determined sufficient, it shall be reviewed pursuant to the procedures and standards of this chapter. If the applicant fails to correct the deficiencies within 60 days, the application shall be considered withdrawn.

H. Scheduling of Public Hearing. When an application for development approval is subject to a public hearing (see § 8.1K.3, Timing of Notice, for when a public hearing is required), the City Planner shall ensure that the public hearing(s) on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision-making or advisory body reviewing the application. The public hearing(s) shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification requirements to be satisfied. **[Amended 6-20-2011 by Ord. No. 1884]**

I. Public Notification. All applications for development approval requiring public hearings shall comply with the Michigan Statutes, the table in § 8.1K.4: Timing of Notice, and the other provisions of this section with regard to public notification.

1. Content. All notices for public hearings, whether done by publication or mail (written notice) shall:

a) Identify Application. Identify the application and the name, address, and telephone number of the applicant or the applicant's agent.

b) Date, Time, and Place of Public Hearing. Indicate the date, time and place of the public hearing(s).

c) Location. Describe the land involved by street address or by legal description and nearest cross street, and area (size).

d) Describe Nature and Scope of Application. Describe the nature, scope, and purpose of the application or proposal.

e) Notify Public Where They May Be Heard. Include a statement stating that the public may appear at the public hearing, be heard and submit evidence and written comments with respect to the application.

f) Written Comments. Include a statement describing where written comments will be received prior to the public hearing.

2. Published Notice. When the provisions of this Ordinance require that notice be published, the City Planner shall be responsible for preparing the content of the notice and publishing the

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notice in a newspaper of general circulation that has been selected by the City. The content and form of the published notice shall be consistent with the requirements of § 8.1I.1: Content, and state law.

3. Written (Mailed) Notice. **[Amended 3-19-2007 by Ord. No. 1822; 6-20-2011 by Ord. No. 1884]**

   a) General. When the provisions of this Ordinance require that written or mailed notice be provided, the City Planner shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:

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1) All property owners and occupants of the land subject to the application.

2) All property owners, or persons to whom real property is assessed, and occupants of structures within 300 feet of the boundary of the land subject to the application. The notice to occupants is subject to the following exceptions:

(a) Notification need not be given to more than one occupant of a structure;

(b) If the structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice;

(c) If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure with instructions to post the notice at the primary entrance to the structure.

3) All neighborhood organizations, public utility companies, railroads, and other persons who have requested to receive notice pursuant to § 8.1J, Registration to Receive Notice by Mail.

4) For appeals of administrative decisions or requests seeking an interpretation of the Zoning Ordinance not involving a specific parcel of property, notice under § 8.1I.2 is sufficient.

5) Failure to give proper notice shall not invalidate a proceeding unless mandated by state law.

b) Notice by Mail/Affidavit. Notice shall be deemed given when deposited during normal business hours for delivery with the United States postal service or other private or public delivery service as first class or similar mail, properly addressed and postage or delivery service paid. The City Planner shall prepare a list of property owners and registrants to whom notice was mailed.

4. Timing of Notice. Unless otherwise provided in the Michigan statutes and laws or this Ordinance, notice shall be provided as shown in Table 8.1-1 below.

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Table 8.1-1. Timing of Notice
[Amended 3-19-2007 by Ord. No. 1822; 6-20-2011 by Ord. No. 1884]

Application for Development Approval or Permit	Notice Required (days before hearing/action)	
	Written (§ 8.113)	Published (§ 8.112)
Text Amendment		Planning Commission: Not less than 15 days prior to public hearing
		City Commission: not less than 15 days prior to public hearing
Amendment to Zone District Map (Rezone)	Planning Commission: not less than 15 days prior to public hearing	Planning Commission: Not less than 15 days prior to public hearing
	City Commission: reasonable time prior to public hearing	City Commission: not less than 15 days prior to public hearing
Planned Unit Development District Classification	Not less than 15 days prior to public hearing	
Special Use Permit		
Variance		
Appeals to Zoning Board of Appeals		

J. Registration to Receive Notice by Mail.

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1. General. Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval pursuant to § 8.1I.3: Written (Mailed) Notice, or written notice of all applications for development approval within the zone district in which they are located. The City Clerk shall provide copies of these requests to the City Planner who shall be responsible for providing this notification.

2. Requirements for Eligibility. To be eligible for registration, the requesting party must provide the City Clerk information in the form required by the City Clerk to ensure notification can be made. All persons that have been registered must reregister biannually to remain registered and continue to receive notification pursuant to this section.

K. Deferral of Review of Application.

1. Submission of Request. An applicant may request that a decision-making or advisory bodies' consideration of an application at public hearing be deferred by submitting a written request for deferral to the City Planner.

2. City Planner Review. The City Planner shall consider deferral requests of less than 30 days, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the City Planner.

3. Decision-Making or Advisory Body Review. The decision-making or advisory body reviewing the application shall consider deferral requests of more than 30 days, or beyond the next regularly scheduled meeting of such body, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the decision-making or advisory board.

L. Withdrawal of Application.

1. Submission of Application. Any request for withdrawal of an application shall be submitted in writing to the City Planner.

2. Prior to Notice of Public Hearing. The City Planner shall approve a request for withdrawal of an application if it has been submitted prior to the time of a public hearing or decision on the application.

M. Review of Applications by Advisory and Decision-Making Bodies.

1. Text Amendments, Amendments to Zone District Map (Rezones) and Rezones to Planned Development District Classifications.

a) Review and Recommendation by Planning Commission. After submission of an application for a text amendment, amendment to the Zone District Map or rezoning to Planned Unit Development Overlay (PUD-O) district classification, determination of its sufficiency, preparation of the Staff Report, and scheduling of the application for public hearing(s), the Planning Commission shall conduct a public hearing on the application pursuant to § 8.2: Public Hearing Procedures. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the Staff Report, and the public testimony and other evidence given at the hearing. Within a reasonable period of time after the close of the public hearing, the Planning Commission

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shall make a recommendation to the City Commission recommending either to approve, approve with conditions (if appropriate) or disapprove the application based on the relevant review standards. The final report with the recommendation shall be forwarded to the City Commission.

b) Review and Action by City Commission.

1) After receipt of the recommendation from the Planning Commission and the staff report, the scheduling of a public hearing and public notification, the City Commission shall conduct a

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public hearing on the application pursuant to § 8.2: Public Hearing Procedures. At the public hearing the City Commission shall consider the application, the relevant support materials, the staff report, the Planning Commission's recommendation, and the public testimony and other evidence given. Within a reasonable period of time after the close of the public hearing, the City Commission shall approve, approve with conditions (if appropriate) or disapprove the application based on the relevant review standards (See § 8.3B: Amendments to Text of Ordinance and Zone District Map, and § 8.3C: Planned Unit Development Overlay (PUD-O) District).

2) If a valid protest petition is filed against a proposed amendment to the Zone District Map (Rezoning) pursuant to MCLA § 125.584(5), as amended, the approval request shall not be approved except by a favorable vote of two-thirds of the City Commission membership.

c) Notice of Adoption. Notice of the adoption of an amendment to the text of this Ordinance or the Zone District Map (Rezoning) shall be published in a newspaper of general circulation within 15 days after the date of adoption pursuant to MCLA § 125.584(7), as amended.

2. Special Use Permit (Review and Action by Planning Commission). After submission of an application for a special use permit, determination of its sufficiency, preparation of the Staff Report, public notification and the scheduling of the application for a public hearing, the Planning Commission shall conduct a public hearing on the application pursuant to the requirements of § 8.2: Public Hearing Procedures. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the Staff Report, and the public testimony and other evidence given at the hearing. Within a reasonable period of time after the close of the public hearing, the Planning Commission shall either approve, approve with conditions or disapprove the application based on the relevant review standards (See § 8.3D: Special Use Permit).

3. Variance (Review and Action by Zoning Board of Appeals). After submission of an application for a variance, determination of its sufficiency, and scheduling of the application for a public hearing, the Zoning Board of Appeals shall conduct a public hearing on the application pursuant to the requirements of § 8.2: Public Hearing Procedures. At the public hearing, the Zoning Board of Appeals shall consider the application, the relevant support materials, and the public testimony and other evidence given at the hearing. Within a reasonable period of time after the close of the public hearing, the Zoning Board of Appeals shall either approve, approve with conditions or disapprove the application based on the relevant review standards (See § 8.3E: Variances).

N. Notification of Decision. Notification of a decision on an application for development approval shall be provided by the City Planner to the applicant by mail within 14 days after the decision. A copy of the decision shall also be made available to the public at the offices of the City Planner, during normal business hours.

O. Rehearing of Applications.

1. General. Whenever any application for development approval is disapproved, a similar application for all or a part of the same land shall not be considered for a period of one year after the date of disapproval unless a Waiver of Time Limit is approved by the decision-

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making body pursuant to the requirements of § 8.1O.2: Waiver of Time Limit. Only one request for waiver of time limit may be submitted by the applicant during the one-year period.

2. Waiver of Time Limit. The waiver of time limit shall be approved only upon a finding by two-thirds of the membership of the decision-making body that:

   a) Substantial Change in Circumstances. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or

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b) New or Additional Information. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or

c) New Application Materially Different. A new application is proposed to be submitted that is materially different from the prior application; or

d) Material Mistake of Fact. The final decision on the application was based on a material mistake or omission of fact that, if known, would likely have resulted in a different determination.

P. Examination and Copying of Application/Other Documents. At any time upon reasonable request and during normal business hours, any person may examine an application, the Staff Report and materials submitted in support of or in opposition to an application in the office of the City Planner, subject to recognized exceptions under the Freedom of Information Act[21] or other state or federal law.

§ 8.2. Public Hearing Procedures.

All public hearings [amendments to the text and Zone District Map (rezoning); Planned Unit Development Overlay (PUD-O) District classifications (rezoning); special use permits; and variances] held pursuant to this Ordinance shall comply with the following procedures.

A. Conduct of Public Hearing.

1. Burden of Proof or Persuasion. The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant. The burden is not on the City or other parties to show that the standards have not been met by the applicant.

2. Rights of All Persons. Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

3. Exclusion of Testimony. The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, or unduly repetitious.

4. Offers of Testimony. In the event any testimony or evidence is excluded as irrelevant, immaterial, or unduly repetitious, the person offering such testimony or evidence shall have an opportunity at that meeting to offer such testimony or evidence for the record. Such offer shall be made at the public hearing.

5. Continuance of Public Hearing.

a) General. The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

b) Notice. A public hearing for which proper notice was given may be continued to a later

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date without again complying with the notice requirements of this section, provided that the continuance is set for a date within 30 days, or to the next regularly scheduled meeting, and the date and time of the continued hearing is announced at the time of the continuance.

6. Time. The body conducting the hearing shall act in accord with any time limits established in this Ordinance. Action shall be taken as promptly as possible in consideration of the interests of the

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21. **Editor's Note: See MCLA § 15.231 et seq.**

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applicant, the citizens of the City and the City, and shall include a statement of a recommendation or decision of approval or disapproval (whichever is appropriate).

§ 8.3. Specific Standards and Applications for Development Approval.

A. General. The table below summarizes the development review procedures for all types of applications for development approvals and other permits outlined in this section.

Table 8.3-1 Development Review Procedures
[Amended 3-19-2007 by Ord. No. 1822]

Procedure	Review and Decision-Making Authority					Notices (Written, Newspaper)
	Staff	PC	ZBA	HO	CC	
Text Amendments (§ 8.3A)	R	<R>	—		<DM>	N
Zone District Map Amendments (§ 8.3B)	R	<R>	—		<DM>	W, N
Planned Unit Development District (§ 8.3C)	R	<R>	—		<DM>	W, N
Special Use Permit (§ 8.3D)	R	<DM>	—			W, N
Variance (§ 8.3E)	R	—	<DM>			W
Appeals of Administrative Decisions (§ 8.3F)	—	—	<DM>		—	W
Administrative Adjustments (§ 8.3G)	DM		<A>			—
Site Plan Review						
CBTR District (§ 8.3H)	R	DM				
All other districts (§ 8.3H)	DM (if delegated)	DM (if not delegated)				
Sign Permit (§ 8.3I)	DM	—	<A>			—
Temporary Use Permit (§ 8.3J)	DM	—	<A>			—
Certificate of Zoning Compliance (§ 8.3K)	DM					
Interpretations (§ 8.3L)	DM		<A>			
Beneficial Use Determinations (§ 8.3M)				R	<DM>	

NOTES:

PC = Planning Commission

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ZBA = Zoning Board of Appeals
HO = Hearing Officer
CC = City Commission

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NOTES:

R	=	Review Body (Responsible for Review and Recommendation)
DM	=	Decision-Making Body (Responsible for Final Decision to Approve or Deny)
A	=	(Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action
<>	=	Public Hearing Required
N	=	Published Notice pursuant to § 8.1I2, Published Notice
W	=	Written notice pursuant to § 8.1I3, Written (Mailed) Notice.

B. Amendments to Text of Ordinance or Zone District Map (Rezoning)

1. Purpose. The purpose of this section is to provide a means for amending the text of this Ordinance or making an amendment to the Zone District Map (Rezone).

2. Authority. The City Commission may adopt an ordinance amending the text of this Ordinance or amending the Zone District Map (Rezone) upon compliance with the provisions of this section.

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3. Initiation
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a) Amendment to the Text of This Ordinance. A petition to amend the text of this Ordinance may be initiated by the City Commission, the Planning Commission, City staff, an owner of property in the City, or a citizen of the City.

b) Amendment to Zone District Map. A petition to amend the Zone District Map (Rezoning) may be initiated by the City Commission, the Planning Commission, City staff, or pursuant to § 8.1A: Authority to File Applications.

Zone District Map Amendments (Includes PUD)

4. Procedures. The procedures and requirements for a rezoning shall comply with the requirements of
§ 8.1, General Provisions.

5. Standards. The advisability of amending the text of this Ordinance or making an amendment to the Zone District Map (Rezoning) is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In considering a Zone District Map (Rezoning) amendment, the City Commission may adopt a change for only part of the area requested or for a less intense zone district than requested by the applicant. In determining whether to adopt or disapprove the proposed amendment, the City Commission shall consider the following factors:

a) Consistent With Comprehensive Plan. Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.

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b) Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

c) Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

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d) Compatible With Surrounding Uses. Whether and 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.

e) Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

C. Planned Unit Development Overlay (PUD-O).

1. General. Proposed Planned Unit Development Overlay (PUD-O) zone district shall comply with all applicable requirement of § 3.4: Planned Unit Development Overlay (PUD-O) Zone District, and with this standards and criteria set forth in this § 8.3C.

2. General Applicability. Before any development shall be designated as a Planned Unit Development Overlay (PUD-O) zone district on the Zone District Map, it shall receive approval pursuant to the terms of this section.

3. Procedure.

a) Overview. A Planned Unit Development Overlay (PUD-O) District shall constitute an amendment to the Zone District Map. It shall be controlled by a PUD Plan and PUD Agreement that is approved as part of the Planned Unit Development Overlay (PUD-O) zone district classification. The procedure requires review and recommendation of approval, approval with conditions or disapproval by the Planning Commission and review and approval, approval with conditions or disapproval by the City Commission. Subsequent to development of a Planned Unit Development Overlay (PUD-O) district, a site plan shall be approved pursuant to § 8.3.H: Site Plan.

b) General. The procedures and requirements for a Planned Unit Development Overlay (PUD-O) district classification shall comply with the requirements of § 8.1: General Provisions.

4. Standards In approving a Planned Unit Development Overlay (PUD-O) zone district classification, the City Commission shall find the zone district designation and PUD Plan complies with the following standards:

a) Development Parameters.

1) The proposed uses for the development may be varied from the permitted uses and special uses for the underlying base zone district identified in § 4.1: Use Table.

2) The dimensional standards may vary from the requirements in § 5.1: Density/Intensity/ Dimensional Standards Table.

3) The development is comprehensively planned and integrated, compact, and, where possible, linked by pedestrian ways to surrounding properties.

4) The development is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.

b) Signs. Signage complies with Chapter 7: Signs, except that signage standards may vary

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from Chapter 7: Signs, if a comprehensive sign plan for the proposed development is submitted that is determined to be suitable for the PUD Plan, and it is consistent with the intent and purpose of the sign regulations.

c) Public Facilities.

1) The PUD Plan demonstrates a safe and adequate on-site transportation circulation system that

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is integrated with the off-site transportation circulation system of the City.

2) The PUD Plan demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, that are efficiently integrated into off-site potable water and wastewater public improvement plans.

3) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads is planned and programmed for the development proposed in the PUD Plan, and the development is conveniently located in relation to schools and police protection services.

4) The improvements standards applicable to the public facilities that will serve the site comply with the relevant City regulations. Provided, however, the development may deviate from the City's road standards so the development achieves greater efficiency of infrastructure design and installation through clustered or compact forms of development, when the following minimum design principles are followed:

(a) The circulation system is designed to provide safe, convenient access to all areas of the proposed development using the minimum practical roadway length. Access is provided by a public right-of-way, private vehicular or pedestrian way or a commonly owned easement Internal pathways are provided to form a logical, safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate linkages off-site.

(b) Roadways are designed to permit access by emergency vehicles to all lots and/or units. An access easement is granted for emergency vehicles and utility vehicles, as applicable, to use roadways in the development for the purpose of providing emergency services and for installation, maintenance and repair of utilities.

(c) Principal vehicular access points are designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian, or bicycle traffic. Where a PUD-O district abuts a major collector, arterial road, or highway, direct access to the road or highway from individual lots, units, or buildings is not permitted, unless specifically approved as part of the PUD-O district.

d) Open Space. The development proposed in the PUD Plan complies with the following open space standards:

1) A minimum of 35% of the gross land in the PUD Plan is reserved for common recreation and usable open space. Parking areas, street right-of-way and minimum yard setbacks shall not be counted when determining usable open space. Water bodies and floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the development.

2) All privately owned common open space shall continue to conform to its intended use, as specified in the PUD Plan. To ensure that all the common open space identified in the PUD Plan will be used as common open space, restrictions and/or

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covenants shall be placed in each deed to ensure their maintenance and to prohibit the partition of any common open space.

e) Natural Resource and Environmental Protection. The PUD Plan complies with the current regulatory standards of this Ordinance and other relevant City, state and federal regulations related to natural resource and environmental protection.

f) Phasing. The PUD Plan includes a phasing plan for the development, if appropriate, with specific build-out dates and the necessary components to insure protection of natural resources and the

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health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. If development of the planned unit development is proposed to occur in phases, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the City, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

g) Consistent With Comprehensive Plan. The PUD Plan is consistent with the City's Comprehensive Plan.

h) Complies With This Ordinance. The PUD Plan complies with all other relevant requirements of this Ordinance.

5. Conditions. The Planning Commission shall have the authority to recommend and the City Commission shall have the authority to impose such conditions on a Planned Development (PUD) Overlay zone district classification and PUD Plan that are necessary to accomplish the purposes of this Ordinance.

6. Planned Unit Development (PUD) Agreement. Concurrent with the approval of the adopting ordinance for the PUD Overlay zone district classification and the PUD Plan, a PUD Agreement shall be established binding the Planned Development to any conditions placed in the adopting ordinance and PUD Plan. To the degree necessary and appropriate, the PUD Agreement shall include, but is not limited to conditions related to: design requirements; a phasing plan; open space; a comprehensive sign plan; landscaping; parking; and public facility improvements and phasing.

7. Placement of Planned Unit Development (PUD) Overlay District Designation on Official Zone District Map. After final approval of the adopting ordinance for the Planned Unit Development Overlay (PUD- O) zone district classification, the PUD Plan and PUD Agreement, the City Planner shall amend the Zone District Map to show a Planned Unit Development Overlay (PUD-O) zone district classification.

8. Recordation. The applicant shall record the adopting ordinance for the Planned Unit Development Overlay (PUD-O) zone district classification, the PUD Plan and the PUD Agreement with the County Registrar of Deeds. They shall be binding upon the landowners, their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, design guidelines and all other elements and conditions set forth on the PUD Plan and PUD Agreement. The applicant shall submit proof to the City Planner that the adopting ordinance, PUD Plan, and PUD Agreement have been recorded with the County Registrar of Deeds within 180 calendar days of its approval or the adopting ordinance, PUD Plan, and PUD Agreement shall be rendered invalid and the property shall return to its prior zone district classification.

9. Effect. Approval of an adopting ordinance for a Planned Unit Development Overlay (PUD-O) zone district classification, the PUD Plan and PUD Agreement shall constitute a Zone District Map classification and recognition by the City that the landowner may proceed, consistent with the PUD Plan and PUD Agreement to develop the land, with appropriate site plan review and permit approvals.

10. Expiration.

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a) General. The approval of a PUD Plan, and PUD Agreement if applicable shall be null and void unless construction of required improvements is commenced and diligently pursued to completion, and a site plan is submitted for at least the initial phase of the PUD Plan within three years after the date of approval of the Planned Unit Development Overlay (PUD-O) Overlay zone district classification. Such time period will not be extended with transfer of ownership.

b) One Extension. Upon written request, one extension of time may be granted by the City Commission for a period not to exceed one year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the City Planner no later than 30 days prior to the date the PUD Plan is to expire. The approval shall be deemed extended until the City

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Commission has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render invalid the PUD Plan, and PUD Agreement if applicable.

c) Effect of Invalidation. If an adopted PUD Plan, and PUD Agreement if applicable, becomes invalid through the operation of Subsection (a) or (b) above, no further development within the approved PUD-O zone district may take place until a new PUD Plan, and PUD Agreement if applicable, has been approved in the same manner required for the approval of the original PUD Plan. At any time after the invalidation of a PUD Plan, and PUD Agreement if applicable, the City Commission may, upon its own initiative, rezone the property in the approved PUD-O districts back to the zone district that existed prior to the approval of the PUD-O district, or to any other zone district consistent with the Comprehensive Plan.

11. Minor Deviations. A minor deviation to a PUD Plan and/or a PUD Agreement may be approved by the City Planner. In making a decision on a minor deviation the City Planner shall identify the facts and standards of this section that permit the approval or disapproval of the minor deviation. A minor deviation shall be limited to technical or engineering considerations first discovered during actual development that could not reasonably be anticipated during the approval process or any other change that has no material effect on the character of the approved planned unit development or any of its approved terms or conditions, as long as it complies with the standards of this Ordinance. Minor deviations shall be limited to the following:

a) Height. An increase of building height by not more than 10%, as long as the height increase is consistent with the contextual height of the surrounding buildings and structures and the PUD Plan.

b) Alteration of the Building Envelope. Alteration of the building envelope of up to 10%, provided such alteration does not materially change the design of the development approved in the PUD Plan, and does not change the number of stories, density or intensity.

c) Reduction of Open Space. Reduction of the total amount of open space by not more than 1%, as long as 20% of the project is maintained in open space.

d) Parking Spaces. A decrease of parking spaces by not more than 5%, if it is demonstrated that the minor deviation complies with requirements of § 6.1: Off-Street Parking and Loading.

e) Relocation of Buildings. Relocation of buildings or uses, as long as they maintain the same general building relationships, topography, landscaping, and utility design and are consistent with the PUD Plan, as long as any required setbacks are maintained.

12. Amendments. An amendment to a PUD Plan and/or PUD Agreement may be made only pursuant to the procedures and standards for its original approval.

D. Special Use Permit.

1. Purpose. Special uses are those uses that may have a greater propensity to adversely affect surrounding uses in a zone district and, therefore, require special and individual review of their

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location, design, configuration, intensity, and density of use or structures to ensure land use compatibility, public facility adequacy, natural resource protection and the public health, safety and welfare of the residents of the City. Conditions of approval may be imposed on a special use that is pertinent to the particular use at a particular location.

2. Authorization.

   a) General. The Planning Commission, in accordance with the procedures and standards of this section, shall review, consider and approve, approve with conditions or disapprove special use permits.

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b) Uses Authorized. Only those uses authorized as special uses in § 4.1: Use Table, may be approved as special uses. The designation of a use as a special use in § 4.1: Use Table, does not constitute an authorization that such use shall be approved as a special use pursuant to this section. Rather, each proposed special use shall be evaluated by the Planning Commission for compliance with the standards set forth in this section and the applicable supplementary standards for the use in § 4.2: Use Standards.

3. Procedure. The procedures and requirements for a special use permit shall comply with the requirements of § 8.1: General Provisions.

Special Use Permit

4. Standards. The Planning Commission shall approve a special use permit if it finds there is evidence in the record that demonstrates all of the following are met:

a) Compatibility. 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.

b) Zone District Use Standards. The proposed special use complies with § 4.2: Use Standards.

c) Location and Design Minimizes Adverse Impact. The location and design of the proposed special use 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.

d) Design Minimizes Environmental Impact. The proposed special use minimizes

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environmental impacts, and conforms to all relevant environmental protection standards of this Ordinance, or any other state or federal laws.

e) Off-Site Roads. There is adequate road capacity available to serve the proposed special use.

f) Road Ingress and Egress. The proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

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g) Impact on Other Public Facilities. There are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.

h) Access for Fire, Police, and EMS. The proposed special use is located and designed so that adequate access onto the site is provided for fire, police, and EMS services.

i) Site Development Standards. The proposed special use complies with the appropriate standards in Chapter 6: General Development Standards.

j) Other Relevant Standards of This Ordinance. 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.

5. Conditions of Approval. The Planning Commission may impose, in approving the special use, such conditions on approval of the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the standards of this section and all other relevant standards of this Ordinance to prevent or minimize adverse effects from the proposed use and development on surrounding lands. All conditions imposed on any special use shall be expressly set forth in the special use permit approval.

6. Recording. The Planning Commission may require the applicant to record the special use permit with the County Register of Deeds. The special use permit shall be binding upon the landowners, their successors and assigns.

7. Effect of Special Use Permit. Issuance of a special use permit shall authorize only the particular use, subject to the conditions approved in the special use permit. A special use permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.

8. Expiration. Unless otherwise specified in the special use permit, an application for a construction permit shall be applied for and approved within two years of the date of the approval of the special use permit or the special use permit shall be considered invalid. Permitted time frames do not change with successive owners.

9. Extension. Upon written request, one extension of one year may be granted by the Planning Commission for good cause shown.

10. Amendments. A special use permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

E. Variances.

1. Purpose.

a) General. There are two types of variances allowed under the terms of this Ordinance: dimensional variances and use variances.

b) Dimensional Variances. Dimensional variances are deviations from the height, setback, yard, lot coverage, parking, landscaping and signage standards of this Ordinance, when owing to special circumstances or conditions (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal enforcement of the provisions of this Ordinance would result in peculiar and practical

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difficulties to the owners of the land, and the deviation would not be contrary to the public interest.

c) Use Variances. Use variances are variations from the schedule of permitted uses in a zone district established pursuant to § 4.1: Use Table, when owing to unnecessary hardship uniquely associated with the property, this Ordinance unreasonably restricts the property owner's use of permitted uses.

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d) No Increase in Residential Density. A request to modify lot requirements to increase the permitted density of new residential development shall not be considered a variance and is prohibited (e.g., a lot modification that increases the number of permitted dwelling units on a lot shall not be allowed).

2. Authority. The Zoning Board of Appeals, in accordance with the procedures, standards and limitations of this section, is authorized to review and approve, approve with conditions or disapprove an application for a variance (dimensional variances or use variances).

3. Procedure. The procedures and requirements for variances shall comply with the requirements of § 8.1: General Provisions.

Variance

4. Standards.

a) Dimensional Variance. The Zoning Board of Appeals shall approve a dimensional variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1) There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

2) The special circumstances are not the result of the actions of the applicant or titleholder of the land.

3) The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

4) The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

5) The granting of the variance will not adversely affect adjacent land in a material way.

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6) The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

7) Where the requested dimensional variance involves required landscaping, the Zoning Board

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of Appeals may grant a variance upon the following additional criteria:

(a) Existing landscaping, screening or wetlands intended to be preserved meets the intent of this section.

(b) The landscape design proposed by the applicant meets the intent of this section.

(c) There is a steep change in topography that would limit the benefits of required landscaping.

(d) The proposed building and parking lot placement is setback well beyond the minimum required.

(e) The abutting or adjacent land is developed or will be developed in the near future with a use other than residential.

(f) Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

b) Use Variance. The Zoning Board of Appeals shall approve a use variance on a finding there is competent, material, and substantial evidence in the record that all of the following standards are met:

1) The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in § 4.1: Use Table, which is a right commonly enjoyed by other land in the same zone district.

2) There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.

3) The special circumstances are not the result of the actions of the applicant.

4) The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

5) The granting of the variance will not adversely affect adjacent land in a material way.

6) The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

5. Conditions of Approval. The Zoning Board of Appeals, in approving the variance, may impose conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards in this section. The conditions shall be identified in the variance approval.

6. Recording. The Zoning Board of Appeals may require the applicant to record the variance with the County Register of Deeds. The variance shall be binding upon the landowners, their successors and assigns.

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7. Effect of Variance. Issuance of a variance shall authorize only the particular variation that is approved in the variance. A variance, including any conditions, shall run with the land and not be affected by a change in ownership.

8. Subsequent Development. Development authorized by the variance shall not be carried out until the

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applicant has secured all other approvals required by this Ordinance or any other applicable provisions of the City. A variance does not ensure that the development approved as a variance shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

9. Expiration. Unless otherwise specified in the variance, an application for a construction permit shall be applied for and approved within one year of the date of the approval of the variance, otherwise the variance shall become invalid. Permitted time frames do not change with successive owners.

10. Extension. Upon written request, one extension of six months may be granted by the Zoning Board of Appeals for good cause shown.

11. Amendment. A variance may be amended, extended or modified only in accordance with the procedures and standards established for its original approval. A request for a change in a condition of approval of a variance shall be considered an amendment.

F. Appeals of Administrative Decisions.

1. Authorization. Any person aggrieved or effected by any order, decision, determination, or interpretation made by the City Planner or other administrative official of the City charged with administration or enforcement of this Ordinance, may appeal such decision to the Zoning Board of Appeals pursuant to the procedures and standards of this section.

2. Procedure.

a) Initiation of Appeal. An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision/determination within 30 days of the date of the order, decision, determination or interpretation.

b) Contents of Appeal. The written appeal of the administrative decision/determination from the allegedly aggrieved person shall include a statement of the error or improper order, decision, determination or interpretation, the date of that decision, and all support materials related to the decision. A nonrefundable filing fee as set by resolution of the City Commission shall also be submitted.

c) Forwarding Record to the Appellate Body. Upon receiving the written appeal of the administrative decision/determination, the City Planner or other administrative official whose decision/ determination is being appealed, shall transmit the written appeal of the administrative decision/ determination and all papers, documents and other materials relating to the order, decision, determination or interpretation that is appealed to the Zoning Board of Appeals. This material shall constitute the record of the appeal.

d) Scheduling of Notice and Hearing. The City Planner shall schedule a hearing on the matter at the next regularly scheduled Zoning Board of Appeals meeting by which time notice can be provided consistent with the requirements of § 8.1I.3: Written (Mailed) Notice.

e) Action by Zoning Board of Appeals. At the hearing on the appeal, the appellant or the appellant's agent shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The City Planner or other administrative

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official whose action is the subject of the appeal shall be given an opportunity to respond, as well as any other person(s) the Zoning Board of Appeals deems necessary. After the conclusion of the hearing, the Zoning Board of Appeals shall affirm, partly affirm, modify, or reverse the order, decision, determination, or interpretation, based on the standards in § 8.3F.3: Standards. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, decision, determination, or interpretation on appeal.

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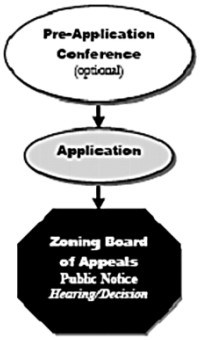

Appeals of Administrative Decisions

3. Standards. An order, decision, determination or interpretation shall not be reversed or modified unless there is competent, material and substantial evidence in the record that the order, decision, determination or interpretation fails to comply with either the procedural or substantive requirements of this Ordinance, state law or the federal or state constitutions.

4. Conditions. The Zoning Board of Appeals may impose conditions upon an affirmative decision to ensure the requirements and purposes of this Ordinance are followed in the order, decision, determination, or interpretation.

5. Stay. A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the City Planner or other administrative official from whom the appeal is taken certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Zoning Board of Appeals for good cause shown.

G. Administrative Adjustments.

1. General. This section sets out the procedures and standards for administrative adjustments, which are modifications of 10% or less of any numeric dimensional standard set out in § 5.1: Density/Intensity/ Dimensional Standards Table, except those related to residential density or nonresidential intensity.

2. Procedure.

a) General. The procedures and requirements for initiation of an application, the application contents, fees, application submission, and review of the application by City staff shall comply with those relevant provisions in § 8.1: General Provisions.

b) Action by City Planner. Within 30 days after the application is determined sufficient, the City Planner shall review the application and approve, approve with conditions or disapprove the administrative adjustment based on the standards in § 8.3G.3: Standards.

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Administrative Adjustments

3. Standards. The City Planner may approve an administrative adjustment upon a finding that all of the following standards are met:

   a) General. The requested adjustment eliminates an unnecessary inconvenience to the applicant, is not inconsistent with the character of development in the surrounding area and will not result in incompatible land uses;

   b) Mitigates Adverse Impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible; and

   c) Technical Nature/Compensates for Unusual Aspect of Site. The administrative adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general. For example: If a lot slopes so sharply at the property boundary that the primary structure would not be visible even without the minimum setback, and the shape of the lot makes it difficult to meet the setback, an administrative adjustment to a smaller setback may be appropriate.

4. Conditions of Approval. The City Planner may, in approving the administrative adjustment, impose such restrictions and conditions on such approval and the premises to be developed or used pursuant to such approval as are determined are required to ensure compliance with the general goals, objectives, and policies of this Ordinance to prevent or minimize adverse effects from the proposed administrative adjustment.

5. Recording. The City Planner may require the applicant to record the administrative adjustment with the County Register of Deeds. The administrative adjustment shall be binding upon the landowners, their successors and assigns.

6. Subsequent Development. Development authorized by the administrative adjustment shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the City. An administrative adjustment shall not ensure that the development approved as an administrative adjustment shall receive subsequent approval for other applications for development, unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

7. Effect of Administrative Adjustment. Issuance of an administrative adjustment shall authorize only the particular modification that is approved in the administrative adjustment. An administrative adjustment, including any conditions, shall run with the land and not be

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affected by a change in ownership.

8. Expiration. Unless otherwise specified in the administrative adjustment, an application for a construction permit shall be applied for and approved within one year of the date of the approval of the administrative adjustment, otherwise the administrative adjustment shall become invalid. Permitted time frames do not change with successive owners.

9. Extension. Upon written request, only one extension of time may be granted by the City Planner for a

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period not to exceed six months for good cause shown.

10. Amendment. An administrative adjustment may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

H. Site Plan.

1. Purpose and Intent. The purpose and intent of this section is to establish procedures and standards for review and approval of development to ensure full compliance with the site and development standards of this Ordinance and other related City ordinances and state and federal regulations. Specifically, these site plan review procedures and standards are intended to:

a) Consultation and Cooperation. Foster consultation and cooperation between property owners proposing to develop land and the City.

b) Balance Property Rights and Community Goals. Balance rights of the property owner with the development goals of the City and the rights of adjacent landowners.

c) Minimize Adverse Impacts on Investments of Surrounding Landowners. Minimize adverse impacts of development on the investments of surrounding landowners.

d) Minimize Impacts on Environment, Drainage, Soil Erosion, and Stormwater Control. Ensure site design minimizes negative impacts on the environment, drainage, soil erosion, and stormwater control.

e) Development Consistent With Surrounding Character and Goals of Comprehensive Plan. Ensure the arrangement, location and design of development is consistent with the character of the area and the goals of the Comprehensive Plan.

f) Minimize Impact on Roads. Ensure site design minimizes negative impacts on roadway capacity, the safety of motorists and pedestrians, utilities, and community facilities and services.

g) Safe and Efficient Circulation. Ensure safe and efficient circulation for motorized and nonmotorized traffic and pedestrians within and adjacent to sites.

h) Gradual Upgrade of Nonconforming Sites. Provide for the gradual upgrade of existing sites that do not conform with current standards.

i) Thorough Evaluation of Development. Ensure a thorough evaluation of development in relation to the goals of the Comprehensive Plan, with emphasis on preserving aesthetics, the environment, historic resources, property values, quality of life, and other public health, safety and welfare objectives.

2. Applicability. Unless exempted pursuant to § 8.3H.3: Exemptions, prior to the development of any new use or structure, any change of an existing use of land, the expansion or conversion of any use or structure, or any other development activity, a site plan shall be approved pursuant to the procedures and standards of this section. Construction plans will not be reviewed or a construction permit issued until a site plan is approved pursuant to the procedures and standards of this section.

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3. Exemptions. The following shall be exempted from the requirements of this section:

   a) One- or Two-Family Dwelling. The development or expansion of a one-family or two-family dwelling unit.

   b) Dwelling Unit in Mobile Home Park. Placement of a dwelling unit in an approved mobile home park.

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c) Internal Construction Not Increasing Intensity or Parking Requirement. The internal construction or change in the floor area of a structure that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site that meets all development and site design standards of this Ordinance.

d) Site Clearing Within Area Less Than 1/2 Acre. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area of less than 1/2 acre in size.

e) Temporary Uses. Temporary uses.

f) Minor Development or Expansion. Expansion or new structures up to and including 250 square feet in area.

4. Overview. Development for which a site plan is required pursuant to this section shall be subject to one of two processes: sketch plan review or full site plan review.

a) Sketch Plan Review. Sketch plan review is required of smaller sized development and development with potentially less impacts. Except for development in the CBTR District, it requires review and approval, approval with conditions or disapproval by the Site Plan Review Committee (SPRC). Sketch plan review in the CBTR District requires review and approval by the SPRC and review and final action by the Planning Commission.

b) Full Site Plan Review. Full site plan review is required of larger sized development, and development with potentially greater impacts. Except for development in the CBTR District, it requires review and approval, approval with conditions or disapproval of a preliminary site plan and then a final site plan by the SPRC. Preliminary site plan and then final site plan review in the CBTR District requires review and approval by the SPRC and then review and final action by the Planning Commission. The applicant may consolidate review of the preliminary site plan and final site plan. The preliminary site plan presents the proposed development concept with sufficient information to enable the review board to determine whether the concept complies with the review standards of this section. The final site plan requires submission of detailed information about the proposed development with exact dimensions, representing a firm commitment about development of the site.

5. Threshold for Sketch Plan Review and Full Site Plan Review. The thresholds for which type of development is subject to sketch plan review or full site plan review are set forth in Table 8.3-2.

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Table 8.3-2: Threshold for Sketch Plan and Full Site Plan
[Amended 3-19-2007 by Ord. No. 1822]

Development Use/Expansion	Required Review	
	Sketch Plan	Full Site Plan
New Development — Residential		
Residential development, unless exempted		☑
Residential care facilities (state licensed) that are permitted uses	☑	
Residential care facilities (state licensed) that require special use permit		☑
New Development — Nonresidential		
Construction of new building or structure		☑
Nonresidential development requiring special use permit		☑
Erection of wireless communication antenna on existing facility	☑	

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Table 8.3-2: Threshold for Sketch Plan and Full Site Plan [Amended 3-19-2007 by Ord. No. 1822]

	Required Review	
Development Use/Expansion	**Sketch Plan**	**Full Site Plan**
Erection of wireless communication structure or towers		☑
Construction of essential public service buildings and storage areas		☑
Public and private golf courses, outdoor recreational uses, and parks, including principal structures, and parking areas		☑
Expansion		
An increase in the building floor area up to 1,500 square feet or 10% of the existing floor area, whichever is less, based on the cumulative total of the proposed expansion and any expansion within the last five years		☑
An increase in the building floor area greater than that specified above		☑
An increase in parking or loading area over 10% or 6,000 square feet of pavement area, whichever is less	☑	
Change in Use		
Any change in the use of land or a building to a more intensive use, that may involve significant changes to features such as building appearance, parking needs, traffic flow, traffic volumes, buffering needs, hours of operation, noise, effluent discharge, drainage, lighting, and similar impacts		☑
A change in use to a similar or less intensive use for a site that does not comply with current development standards (such as landscaping, signs, lighting or drainage)		☑
A change from a nonconforming use, building, or site, to a more conforming situation		☑
Other Type of Development		

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Accessory open-air business	☑
Architectural changes to a multiple-family residential structure (three or more units) or a nonresidential structure (only an elevation plan describing changes and construction materials is required if no changes to the use of the site are proposed)	☑
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees of one-half acre or more	☑
Home occupations	☑

6. Procedure. The Planning Commission is responsible for approval of all site plans. However, for all zone districts other than the CBTR zone district, the Planning Commission may annually delegated authority to approve site plans to the Site Plan Review Committee. Such a delegation is currently in effect, and is reflected in the procedures below. In the event the Planning Commission does not delegate site plan approval authority to the SPRC for one or more district(s) in the future, site plan review procedures for such district(s) shall be governed by the provisions below applicable to the CBTR district.

    a) Sketch Plan Review, Except in CBTR District. Sketch plan review shall follow the following procedure, except in the CBTR District.

        1) Initiation, Submission and Review of Application. The procedures and requirements for initiation of an application for sketch plan review, the application contents, fees, application submission and sufficiency determination shall comply with the relevant requirements of

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2) Initial SPRC review. Within a reasonable period of time after the application is determined sufficient, the Site Plan Review Committee (SPRC) shall review the application and prepare a written Staff Report on whether the application complies with the standards in § 8.3H.7: Standards. A copy of the Staff Report shall be provided to the applicant.

3) Plan Complies/Approve. If the SPRC finds the sketch plan complies with the standards in § 8.3H.7: Standards, the sketch plan shall be approved.

4) Plan Not Comply/Applicant Opportunity to Modify. If the Staff Report identifies changes that need to be made to the sketch plan to ensure it complies with § 8.3H.7: Standards, the applicant shall submit a modified sketch plan addressing the required changes.

5) Action After Resubmittal. The SPRC shall review the sketch plan within a reasonable period of time after its resubmittal, and approve, approve with conditions or disapprove the application, based on the standards in § 8.3H.7: Standards. If the sketch plan is not resubmitted within 60 days of the date the SPRC provides the applicant the Staff Report, the application shall be considered withdrawn.

b) Sketch Plan Review in CBTR District. The procedure for the review of a sketch plan in the CBTR District shall be the same as the procedure for a sketch plan established above (§ 8.3H.6.a), except that after the sketch plan is approved or approved with conditions by the SPRC, it shall be placed on the agenda of the next regularly scheduled Planning Commission meeting by the City Planner, along with a written report from the SPRC. At the meeting the Planning Commission shall review the sketch plan, the written report from the SPRC and all other relevant information and testimony, and approve, approve with conditions or disapprove the sketch plan based on the standards in § 8.3H.7: Standards.

c) Full Site Plan Review, Except in CBTR District.

1) Preliminary Site Plan (optional).

(a) The procedures and requirements for initiation of an application for preliminary site plan review, the application contents, fees, application submission and sufficiency determination shall comply with the relevant requirements of § 8.1: General Provisions.

(b) Within a reasonable period of time after the application is determined sufficient, the SPRC shall review the application and prepare a written Staff Report on whether the application complies with the standards in § 8.3H.7: Standards. A copy of the Staff Report shall be provided to the applicant.

(c) If the SPRC finds the preliminary site plan complies with the standards in § 8.3H.7: Standards, the preliminary site plan shall be approved or approved with conditions.

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(d) If the Staff Report identifies changes that need to be made to the preliminary site plan to ensure it complies with § 8.3H.7: Standards, the applicant shall submit a modified preliminary site plan or final site plan addressing the required changes.

(e) The SPRC shall review the preliminary site plan within a reasonable time after its resubmittal, and approve, approve with conditions or disapprove the application, based on the standards in § 8.3H.7: Standards. If the preliminary site plan is not resubmitted within 60 days of the date the SPRC provides the applicant the Staff Report, the application shall be considered withdrawn.

2) Final Site Plan. The procedure for the review of a final site plan shall be the same as the

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procedure for a preliminary site plan established in Subsection 6(a)(1) of § 8.3H: Site Plan. The final site plan shall be in substantial conformance with the preliminary site plan and comply with the standards in § 8.3H.7: Standards.

d) Full Site Plan Review in the CBTR District. The procedure for full site plan review in the CBTR District shall be the same as the procedure for full site plan review established above (§ 8.3H.6.c), except that after final site plan is approved or approved with conditions by the SPRC, it shall be placed on the agenda of the next regularly scheduled Planning Commission meeting by the City Planner, along with a written report containing the SPRC's findings. At the meeting, the Planning Commission shall review the final site plan, the written report, and all other relevant information and testimony, and approve, approve with conditions or disapprove the plans based on the standards in § 8.3H.7: Standards.

7. Standards. A site plan shall be approved upon a finding that:

a) Uses. The uses in the site plan comply with § 4.1: Use Table.

b) Zone District Use Standards. The development and uses in the site plan comply with § 4.2: Use Standards.

c) Site Configuration. All elements of the site plan are harmoniously and efficiently organized in relation to topography, the size, and type of the lot, the land use character of adjoining properties and the types and size of buildings, and are consistent with any adopted plans for the area and standards or guidelines for location of structures on the site.

Site Plan Review

d) Not Adversely Affect Development or Improvement of Surrounding Property. The development proposed in the site plan does not adversely affect the normal and orderly development or improvement of surrounding property for uses permitted in Table 4.1, Use Table.

e) Not Adversely Impact on Surrounding Land Uses and Zoning. The development proposed in the site plan is harmonious with, and not harmful or injurious to existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity.

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f) Design and Development Standards in Historic Districts and CCBI). The development proposed in a site plan located within local historic districts, other historically designated areas or within the CCBD district conforms to all applicable design and development standards.

g) Preservation of Historic Resources. The site plan demonstrates judicious effort to preserve and protect historic resources to the greatest extent reasonable, and the site plan meets all federal, state, and local regulations pertaining to historic resources.

h) Open Space. Open space is distributed and conveniently located physically with respect to the

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overall development, will be accessible to all residents of the development and is located to meet the needs of the residents or occupants. Open space shall be rationally coordinated with open space features of adjacent areas and enhance the natural features of the site.

i) Preservation of Natural Features. The site plan demonstrates judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns. Regulated and nonregulated wetlands are preserved or modified in a legal manner.

j) Preservation of Woodlands and Trees. The site plan demonstrates judicious effort to preserve existing woodlands, understory, and individual quality trees to the greatest extent reasonable.

k) Greenbelts, Landscaping, and Screening. Proposed landscaping complies with the standards of
§ 6.2: Landscaping, and all other applicable landscaping and screening requirements of the City. Greenbelts along public street frontage and buffer zones from adjacent zone districts shall be provided where required. Parking lot landscaping is provided as required in § 6.2: Landscaping. The amount, type, and minimum size of landscaping shall be identified in a plant list with appropriate labeling on the landscaping plan.

l) Stormwater Management. Stormwater management is consistent with all federal, state and City regulations. The development will not substantially reduce the natural retention storage capacity of any watercourse, increase the potential for flooding, or increase the stormwater runoff from the site. Provisions are made to accommodate stormwater that complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage, sedimentation ponds, or plantings may be required to reduce stormwater runoff or to filter stormwater so that it is of an acceptable quality when it returns to the aquifer. Vegetation (preferably vegetation native to Southwest Michigan) shall be used in the stormwater management system when feasible. Stormwater runoff on paved areas shall be collected at intervals not obstructing the flow of vehicular or pedestrian traffic, and will not create standing water or cause unnecessary erosion of soil or other material. The proposed development shall comply with the regulations of the City of Kalamazoo's "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management." **[Amended 5-21-2007 by Ord. No. 1826]**

m) Soil Erosion Control. The site plan is designed to meet or exceed all soil erosion standards and regulations of the City.

n) Traffic Impacts and Mitigation. The site plan is designed so the location and design of driveways are safe in relation to streets giving access to the site and in relation to pedestrian traffic. Traffic improvements shall be planned to accommodate the needs of the development proposed in the site plan.

o) Access, Internal Streets, and Circulation. The site plan is designed so safe, convenient and well defined vehicular circulation is provided within and accessing the site. Access to the site is designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. All streets and driveways are in accordance with the standards of the City. Service drives are provided where needed, and meet

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requirements of City regulations.

p) Nonmotorized Transportation and Circulation. The site plan is designed so safe and convenient pedestrian and bicycle circulation is provided within and accessing the site, according to the City's Nonmotorized Transportation Plan, including sidewalks, pathways, walkways, trails, bicycle routes and paths, sky-walks, and/or other nonmotorized transportation corridors. In accordance with Section 6.1 M. of this ordinance, bicycle parking spaces shall be provided on all properties that are subject to the site plan review process. **[Amended 1-3-2011 by Ord. No. 1876]**

q) Emergency Vehicle Access. The site plan is designed so adequate access is provided for

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emergency vehicles to the site and all buildings or groups of buildings.

r) Parking and Loading Spaces. The number and dimensions of off-street parking and loading/ unloading spaces, and the design of parking and loading areas, comply with the requirements of
§ 6.1: Off-Street Parking and Loading. The site provides barrier free parking and access in compliance with all applicable federal, state and City regulations.

s) Waste Receptacles. Waste receptacles (e.g., dumpsters, compactors and individual recycle stations) proposed in the site plan comply with all appropriate City regulations and are screened pursuant to § 6.3D: Screening of Waste Receptacles.

t) Exterior Lighting. Exterior lighting proposed in the site plan complies with § 6.6: Operational Performance Standards, and all other applicable City regulations. Exterior lighting is arranged so it is deflected away from adjacent properties and it does not impede the vision of traffic along adjacent streets.

u) Signs. Signage proposed in the site plan complies with Chapter 7: Signs, and is generally complementary with surrounding signage and does not impede adjacent traffic operations.

v) Storage of Potentially Hazardous Materials or Waste. Any uses in the site plan utilizing storing or handling of hazardous material provides secondary containment facilities and documentation of compliance with all appropriate state and federal regulations.

w) Utilities. The site plan provides adequate utility services. All new utility distribution lines (public or private) shall be placed underground, when feasible. Proposed utilities shall be approved by the City Engineer.

x) Groundwater Protection. The site plan is designed to comply with all applicable federal, state, and City groundwater protection requirements. The proposed development shall comply with the regulations of the City of Kalamazoo's "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management." **[Amended 5-21-2007 by Ord. No. 1826]**

y) Phasing. Any phases of development in the site plan are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control. The review board may require a phasing plan with each submittal.

z) Agency Coordination. The applicant has demonstrated the site plan meets the standards of other government agencies, where applicable.

aa) Site Development Standards. The development proposed in the site plan and its general layout and design comply with all appropriate standards in Chapter 6: General Development Standards.

bb) Other Relevant Standards of This Ordinance. The development proposed in the site plan and its general layout and design comply with all other relevant standards of this Ordinance, and is consistent with public health, safety, and welfare.

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8. Conditions of Approval. The review body may, in approving the site plan, impose such conditions on the approval and the premises to be developed or used as is determined are required to ensure compliance with the standards of this section. Performance guarantees may be required to ensure completion of site improvements pursuant to § 8.3.H.9: Performance Guarantees.

9. Performance Guarantees.

    a) General. The review body may require a performance guarantee to ensure completion of the site improvements (excluding building) for the site plan. The performance guarantee may take the form

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of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.

b) Determination of Amount, Deposit and Rebate. The amount of the performance guarantee shall be determined by the City Engineer and the City Planner. The applicant shall deposit the performance guarantee with the City Treasurer prior to application for a construction permit. If the required improvements take longer than six months to complete, the City Planner shall authorize a rebate of any cash deposit in proportion to the amount of work that has been completed in accordance with the approved sketch plan or final site plan.

10. Record and Transmittal of Site Plan Approval. The grounds for the action taken on each site plan application shall be recorded in writing by the body taking final action on the site plan (sketch plan, preliminary site plan or final site plan). A copy of an approved sketch plan or final site plan shall be transmitted to the applicant, the City Planner, the Community Development Division, the Engineering Division and Public Safety by the Chairperson of the SPRC within two weeks of the date of final approval by the review board.

11. Effect of Sketch Plan or Final Site Plan. Approval of a sketch plan or final site plan, whichever is appropriate, authorizes the development approved, subject to any conditions of approval. A sketch plan or final site plan, including any conditions, shall run with the land and not be affected by a change in ownership.

12. Expiration. Approval of a sketch plan or final site plan, whichever is appropriate, shall become invalid at the end of one year after the date of its issuance if a construction permit for at least one building in the development proposed in the site plan is not approved. Permitted time frames do not change with successive owners.

13. Extension. Upon written request, one extension of six months may be granted by the body that approved the sketch plan or final site plan for good cause shown if a request for an extension is submitted prior to the expiration of the permit pursuant to § 8.3H.12: Expiration.

14. Engineering Plans, Specifications, and Inspection. Subsequent to sketch plan or final site plan approval, and before any construction proceeds, complete engineering plans and specifications for construction of storm sewers and drains, sanitary sewers, water mains, driveways, roads and parking area improvements, all conforming to City standards, shall be submitted for review and approval by the City and, when required, by county and state agencies.

15. Modification of Sketch Plan or Final Site Plan During Construction. It shall be the responsibility of the applicant to notify the City if changes to the sketch plan or final site plan are made during construction. If they constitute minor deviations, they are subject to review and approval, approval with conditions or disapproval by the City Planner pursuant to § 8.3H.16: Minor Deviations. If they constitute amendments, they are subject to review and approval, approval with conditions or disapproval by the review board pursuant to § 8.3H.17: Amendments.

16. Minor Deviations. Minor deviations from a site plan (sketch plan, preliminary site plan or final site plan) may be approved by the City Planner. All minor deviations shall comply with the minimum requirements of this Ordinance. All other modifications shall be considered amendments and shall be reviewed and approved pursuant to § 8.3H.17: Amendments. Minor deviations shall consist of:

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a) Minor Variations in Layout. Minor variations in the design layout of the development.

b) Residential Floor Area. An increase or decrease in residential floor area of 5% or less of the site plan.

c) Nonresidential Floor Area. An increase or decrease in commercial, industrial, institutional, semi- public, organizational and other nonresidential floor area of 5% or less of the site plan.

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d) Finished Grades or Heights of Landscape or Screening Berms. Increases or decreases from the planned finished grades or heights of landscape or screening berms within two feet.

e) Trees, Shrubs, Ground Cover. Changes in the species, sizes of specimens or spacing of required trees, shrubs, or the type of ground cover to be used as designated on the site plan.

f) Finished Surface. Changes in the type of finished surface of walks, roads, drives, parking lots and loading and unloading paved areas.

g) Height. Increases in the height of buildings or structures by less than 10%.

h) Walls, Fencing, or Screening. Increases or decreases of the length or height of walls, fencing or screening by 20% or less.

i) Accessory Uses. Additions or deletions of permitted accessory uses to the approved principal uses designated on the site plan.

j) Right-of-Ways and Public or Private Easements. Additions, deletions or relocations of rights-of- way and public or private easements or adjustments to accommodate essential services for the proposed development or developments on adjacent properties.

k) Changes Due to Unforeseen Natural or Environmental Conditions or Natural or Constructed Features. Additions to accommodate changes due to unforeseen natural or environmental conditions or natural or constructed features e.g. underground water or geological features, existing structures and improvements and items of historical or other significance.

17. Amendments. A site plan (sketch plan, preliminary site plan or final site plan) may be amended only in accordance with the procedures and standards established for its original approval.

18. Property Maintenance.

a) General. It shall be the responsibility of the owner of a property for which a sketch plan or final site plan has been approved to maintain the property in accordance with the approved site design on a continuing basis until new zoning regulations supersede the regulations upon which the approval was based, or until a new site design is approved pursuant to this section. This maintenance requirement includes healthy landscaping walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site. Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the penalties appropriate for a use violation.

b) Condominium Projects. With respect to condominium projects, the Master Deed shall contain provisions describing the establishment of a condominium association and the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved sketch plan or final site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities that are the responsibility of the condominium association. Failure to maintain an approved sketch plan or final site plan shall be deemed a violation of the use

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provisions of this Ordinance and shall be subject to the penalties appropriate for a use violation.

19. Stop Work and Revocation. Work on an approved sketch plan or final site plan may be stopped or revoked by the review board that approved the site plan if construction or use is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the review board for consideration, and written notice shall be sent to the applicant at least 10 days prior to the meeting. If the review board finds that a violation exists and has not been remedied prior to the meeting, it may direct construction or use on the approved sketch plan or final site plan to stop until it can be brought

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into conformance with the approved sketch plan or final site plan. If construction or use continues that is not in conformance with the approved plan(s), the site plan shall again be placed on the agenda of the review board for consideration, and written notice shall be sent to the applicant at least 10 days prior to the meeting. If the review board finds that a violation continues to exist and has not been remedied, the review board shall revoke the sketch plan or final site plan and direct all construction or use on the approved sketch plan or final site plan to cease.

I. Sign Permit.

1. Purpose. A sign permit shall be required pursuant to the procedures of this section and the standards of Chapter 7: Signs, to ensure that proposed development complies with the requirements for signage established by this Ordinance.

2. Applicability. A sign permit shall be approved for all signs, except those signs exempted pursuant to
§ 7.2: Exemptions.

3. Procedure.

a) Initiation, Application and Contents, Fees and Submission. The procedures for initiation of an application for a sign permit, the application contents, fees, application submission and sufficiency determination shall comply with those relevant provisions in § 8.1: General Provisions.

b) Action by Zoning Inspector. After the application is determined sufficient, the Zoning Inspector shall review the application and determine whether the application complies with the standards in Chapter 7: Signs.

c) Approval. If the Zoning Inspector finds that the application complies with the standards in Chapter 7: Signs, the Zoning Inspector shall approve the sign permit.

d) Fails to Comply.

1) If the Zoning Inspector determines the application fails to comply with the requirements of Chapter 7: Signs, the applicant shall be provided comments explaining why the application fails to comply with the review requirements, and an opportunity to submit a revised application. A revised application shall be reviewed by the Zoning Inspector within a reasonable time after its resubmittal and approved, approved with conditions or disapproved, based on the standards in Chapter 7: Signs.

2) If the application is not resubmitted within 30 days, the application shall be considered withdrawn.

4. Effect of Sign Permit. Issuance of a sign permit shall authorize only the particular signage approved in the sign permit. A sign permit, including any conditions, shall run with the land and not be affected by a change in ownership.

5. Expiration. A sign permit shall expire at the end of one year after the date of its initial approval if the sign(s) are not constructed.

6. Extension. Upon written request, one six-month extension of the sign permit may be granted

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by the Zoning Inspector for good cause shown.

7. Amendment. A sign permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

8. Violations. Sign violations shall be treated as violations of this Ordinance and the Building Code.

J. Temporary Use Permit.

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1. Applicability. The provisions of this section shall apply to all proposed temporary uses as set forth in § 4.3: Accessory and Temporary Uses and Structures, unless otherwise specifically exempted.

2. Procedure.

a) Initiation, Submission and Review of Application. The procedures for initiation of an application for a temporary use permit, the application contents, fees, application submission, sufficiency determination and review of the application by City staff shall comply with those relevant provisions in § 8.1: General Provisions.

b) Action by City Planner. Within 30 days after the application is determined sufficient, the City Planner shall review the application and approve, approve with conditions or disapprove the application for temporary use permit based on the relevant standards in § 4.3 Accessory and Temporary Uses and Structures.

3. Standards. A temporary use permit shall be approved upon a finding that the temporary use, as proposed, complies with the relevant standards in § 4.3: Accessory and Temporary Uses and Structures.

4. Permit Issued. All approved applications shall be issued a temporary use permit authorizing the establishment of the approved temporary use. The temporary use permit shall be subject to the time limits and expiration provisions set forth in § 4.3: Accessory and Temporary Uses and Structures.

5. When Effective. A temporary use permit shall be effective beginning on the date of approval.

6. Expiration. All temporary use permits shall expire within six months.

7. Extension. Upon written request, one six-month extension may be granted by the City Planner for good cause shown.

8. Amendment. A temporary use permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

K. Approval of Zoning Compliance.

1. Purpose. An approval of zoning compliance shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this Ordinance, and to otherwise protect the public health, safety, and welfare of the citizens of the City.

2. Applicability. An approval of zoning compliance shall be required prior to approval of all construction permits that require zoning compliance.

3. Procedure.

a) Receipt of Construction Permit Application From Building Official. Where appropriate, after receipt of an application for a construction permit, the Building Official shall forward the construction permit application to the Zoning Inspector for review pursuant to the procedures and standards of this section.

b) Action by Zoning Inspector. After receipt of a construction permit application from the Building Official, the Zoning Inspector shall review the application and approve or

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disapprove the application based on the standards in § 8.3K.4: Standards. If the application is approved, an approval of zoning compliance shall be issued.

4. Standards. An approval of zoning compliance shall be approved upon a finding the application complies with all relevant standards of this Ordinance.

5. Effect of Approval of Zoning Compliance. Issuance of an approval of zoning compliance shall mean

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that the proposed development is in compliance with the procedures and standards of this Ordinance.

6. Expiration. Receipt of an approval of zoning compliance shall expire at the end of six months after the date of its initial approval if an application for a construction permit has not been approved.

7. Amendment. An approval of zoning compliance may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.

L. Interpretations.

1. Authority. Interpretations to this Ordinance shall be made by the City Planner, including: interpretations of the text of this Ordinance; interpretations of the zone district boundaries; and interpretations of whether an unspecified use falls within a use classification or use group allowed in a zone district.

2. Initiation. A written interpretation may be requested by the City Commission, the Planning Commission, or any resident, landowner or person having a contractual interest in land in the City.

3. Procedure.

a) Submission of Request for Interpretation. Before a written interpretation shall be provided by the City Planner, a request for interpretation shall be submitted to the City Planner in writing in a form established by the City Planner and made available to the public.

b) Determination of Sufficiency. Within seven days after a request for interpretation has been submitted, the City Planner shall determine whether it is sufficient.

1) If the City Planner determines that the request is not sufficient, a notice shall be provided to the applicant specifying the deficiencies. The City Planner shall take no further action on the request for interpretation until the deficiencies are remedied. If the applicant fails to respond to the deficiencies within 30 days, the request for interpretation shall be considered withdrawn.

2) When the request for interpretation is determined sufficient, the City Planner shall review the request and render an interpretation pursuant to the procedures and standards of this section.

c) Rendering of Interpretation. Within 30 days after the request for interpretation has been determined sufficient, the City Planner shall review and evaluate the request in light of the Comprehensive Plan, this Ordinance, the Zone District Map, and other relevant codes and statutes, consult with the City Attorney or other effected City staff, and then render an interpretation.

d) Form. The interpretation shall be in writing and sent to the applicant by mail within seven days after the interpretation is made by the City Planner.

4. Appeal. Any person aggrieved by a written interpretation from the City Planner may appeal the interpretation to the Zoning Board of Appeals pursuant to § 8.3F: Appeals of

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Administrative Decisions, by filing a written appeal of the administrative decision/determination with the City Planner pursuant to § 8.3F.2a.

M. Beneficial Use Determination.

1. General. If after the submission and decision on the appropriate applications for development approval or permits for a plan for the development of land a landowner in the City is of the opinion that all reasonable economically beneficial use of that landowner's land has been denied by the application of this Ordinance, then the procedures of this section shall be used prior to seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a nonjudicial forum.

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2. Purpose. The purpose and intent of the City Commission is that every landowner in the City enjoys all reasonable economically beneficial use of land. It is also the purpose and intent of this section to provide for relief to the landowner, where appropriate, from the application of this Ordinance. The procedures set forth in this section are intended to permit landowners who believe they have been deprived of all reasonable economically beneficial use of their land to apply to the City Commission for relief sufficient to provide an economically beneficial use of the land.

3. Procedure.

a) Application for an Appeal for Beneficial Use Determination. An appeal for a beneficial use determination may be filed by a landowner at any time with the City Planner, along with an application fee established pursuant to § 8.1E: Fees.

Beneficial Use Determination

b) Contents of Application. The application shall be submitted in a form established by the City Planner and made available to the public, and shall include the following:

1) The landowner's name and address.

2) A legal description and the street address (when a street address is available) of the land.

3) Documentation of the date of purchase and the purchase price of the land, and any offers to purchase the land made by any person, corporation, or association, within the last three years.

4) A description of the physical features present on the land, the land's total acreage, the present use of the land, and the use of the land at the time of the adoption of this Ordinance.

5) Evidence of any investments made by the landowner to improve the land, the date the improvements were made, and the costs of the improvements.

6) A description of what uses of land were available when the land was purchased by the landowner.

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7) A description of the regulations and uses permitted that are alleged to result in an elimination of economically beneficial use of the land.

8) All appraisals, studies, and any other supporting evidence, and any actions taken by the City related to the land.

9) A description of the use that the landowner believes represents the minimum legally required economically beneficial use of the land and all documentation, studies, and other supporting

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evidence for such opinion.

c) Determination of Sufficiency. The City Planner shall determine if the application is sufficient and includes data in sufficient detail to evaluate the application to determine if it complies with the appropriate substantive requirements of this section.

1) If the City Planner determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 30 days, the application shall be considered withdrawn, and the application fee shall be refunded.

2) When the application is determined sufficient, the City Planner shall notify the applicant, in writing, of the application's sufficiency, and forward the application to the Hearing Officer for the scheduling of a hearing.

d) Establishment of Date for Hearing by Hearing Officer and Notice. Within 30 calendar days of the date that the application has been determined sufficient by the City Planner, the Hearing Officer shall schedule a hearing on the appeal for beneficial use determination. The City Planner shall provide the applicant and all landowners within 300 feet of the land subject to the appeal for beneficial use determination at least 15 days notice of the hearing by regular mail.

e) Hearing by Hearing Officer. At the hearing, the applicant or the applicant's representative shall present the applicant's case and the City Attorney shall represent the City. All evidence presented shall be under oath, and the parties involved shall be permitted to cross-examine witnesses. The sworn testimony and evidence shall pertain to the standards set forth in § 8.3M.4: Beneficial Use Standards, as to whether the applicant has been deprived of an economically beneficial use of the land and the standards in § 8.3M.5: Granting of Relief, pertaining to the degree of relief needed to provide the landowner with an economically beneficial use of the land.

f) Findings of the Hearing Officer. Within 30 days of the close of the hearing, the Hearing Officer shall prepare recommended findings of fact and a proposed order for the consideration of the City Commission. The findings and recommendations of the Hearing Officer as to whether the land is provided economically beneficial use shall be based on the evidence submitted and the standards in § 8.3M.4: Beneficial Use Standards. If the Hearing Officer finds that the applicant has been denied economically beneficial use of the subject land, then the Hearing Officer shall recommend a use that permits an economically beneficial use and results in a minimum change from the regulations of this Ordinance as they apply to the subject land, pursuant to the standards set forth in § 8.3M.4: Beneficial Use Standards, and § 8.3M.5: Granting of Relief, or other relief as is determined appropriate. The Hearing Officer's recommended findings of facts and proposed order shall be in writing and shall detail the basis of the conclusions from the record of the hearing.

g) Action by City Commission. The City Planner shall schedule a hearing before the City Commission within 30 days of the date the Hearing Officer issues the recommended findings of fact and proposed order. The City Planner shall provide the applicant and all

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landowners within 300 feet of the land subject to the appeal for beneficial use determination at least 15 days notice of the hearing by mail. At the hearing, the City Commission shall approve the findings of fact and proposed order of the Hearing Officer, or may attach conditions, modify, or reverse the findings of fact or proposed order of the Hearing Officer, based on the standards of § 8.3M.4: Beneficial Use Standards, and § 8.3M.5: Granting of Relief. If the City Commission attaches conditions, modifies or reverses the findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record, or that the proposed order is not in conformance with the standards of § 8.3M.4: Beneficial Use Standards, and § 8.3M.5: Granting of Relief.

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4. Beneficial Use Standards. In determining if a landowner has been deprived of an economically beneficial use of land, the Hearing Officer and City Commission shall take into account the following factors:

   a) Economically Viable Use. In making the determination of whether the land is provided an economically beneficial use, the Hearing Officer/City Commission shall first evaluate the uses of the land as provided by this Ordinance and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this section, economically beneficial use means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.

   b) Diminution in Value. The market value of the land, as established by the comparable sales approach, prior to adoption of this Ordinance, which caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of this Ordinance shall constitute its highest and best use on (one day prior to the effective of this Ordinance, as amended) or the date of purchase of the land, whichever is later, and any other land value/appraisal information that the applicant would like to be considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of economically beneficial use.

   c) External Costs.

      1) The amount or nature of any subsidy that may be required by the City, neighbors, purchasers, tenants, or the public-at-large if the uses allowed under this Ordinance are modified; or

      2) Any other adverse effects on the City and its residents.

   d) Current State of the Law. The state of the law established by the United States Supreme Court, the federal Circuit Courts of Appeals, and the Michigan Supreme Court, relevant to these standards.

5. Granting of Relief.

   a) Relief. If the finding is that a landowner has been deprived economically beneficial use of land, or is otherwise entitled to relief pursuant to the standards of this section, relief shall be granted.

   b) General. In granting relief, the Hearing Officer may recommend and the City Commission may adopt any legally available incentive or measure reasonably necessary to offset any substantial economic hardship, and may condition such incentives upon approval of specific development plans. If there is a finding that the denial of the application would create a substantial economic hardship, the Hearing Officer may recommend and the City Commission may consider additional relief to provide an appropriate increase in market value or other benefit or return to the applicant sufficient to offset the substantial economic hardship. The types of incentives that the Hearing Officer may recommend and the City Commission may consider includes, but are not

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limited to, the following:

1) An amendment of the Zone District Map (rezoning of property) to a more appropriate classification, issuance of a variance, approval of a site plan, or other appropriate land use regulatory action that will enable the applicant to realize a reasonable return on the property;

2) An opportunity to transfer density or cluster development on other property;

3) A waiver of permit fees;

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4) Development finance assistance;

5) Approval of development on some portion of the property; or

6) Acquisition of all or a portion of the property at market value.

c) Minimum Increase. In granting relief, the landowner shall be given the minimum increase in use density/intensity or other possible concessions from this Ordinance in order to permit an economically viable use of the land or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically beneficial use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.

1) A minimum economically beneficial use of the land should be one that does not have any governmental subsidy attached to the long term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use intensity that is considered a minimum economically viable use on a market valuation basis.

2) A use common to the City, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the City but which uses still provide for occupation and living within the City. These land uses, as well, shall be considered economically viable uses.

3) The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.

4) The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

5) Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as required by the current state of the law, shall be considered.

6) The current state of law established by the United States Supreme Court, the federal Circuit Court of Appeals, and the Michigan Supreme Court, relevant to the granting of relief.

6. Appeal. The decision of the City Commission may be appealed to a court of law.

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CHAPTER 9
Nonconformities

§ 9.1. General.

A. Purpose and Scope. It is the purpose of this Ordinance to establish regulations governing uses, structures, signs and lots that were lawfully established prior to this Ordinance but do not conform to one or more existing requirements of this Ordinance. The intent of this Ordinance is to regulate and limit these nonconformities until they are removed.

B. Authority to Continue. Nonconforming uses, structures, signs and lots that legally existed on October 18, 2005, or that become nonconforming upon the adoption of any amendment to this Ordinance may be continued only in accordance with the provisions of this chapter. Unless otherwise expressly stated, any variation from these standards shall require review and approval of a variance, in accordance with the procedures and standards of § 8.3E: Variances.

C. Determination of Nonconformity Status. The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of the nonconformity.

D. Repairs and Maintenance. Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Ordinance. Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

E. Change of Tenancy or Ownership. The status of nonconformity is not affected by changes of tenancy, ownership or management.

§ 9.2. Nonconforming Uses.

Nonconforming uses are those uses that were legally established but no longer comply with the use regulations of the zone district in which they are located.

A. Enlargement or Expansion. A nonconforming use shall not be enlarged or expanded in area, except that a nonconforming use may be enlarged in any area of the same structure that was manifestly designed for such use prior to the date the use became a nonconformity. The structure shall not be physically enlarged to accommodate a nonconforming use.

B. Relocation. A nonconforming use shall not be moved in whole, or in part, to another location on the parcel of land on which it is located, unless the relocation of the nonconforming use decreases the nonconformity.

C. Damage and Restoration of Structure Containing a Nonconforming Use. If a conforming structure containing a nonconforming use is damaged by any means to the extent of more than 50% of its actual cash value at the time damage occurs as determined by the City Assessor, the nonconforming use shall not be reestablished except in compliance with all regulations applicable to the zone district in which it is located. Any conforming structure that is damaged by any means to a lesser extent may continue the nonconforming use if it is reconstructed and used as before within one year of the damage.

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~~D. Change to Conforming Use. A nonconforming use may be changed to any use that is permitted in the zone district in which it is located, subject to the standards and requirements applicable to the new use.~~

~~E. Conversion of Conforming Use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.~~

~~F. Change to Other Nonconforming Use. A nonconforming use may be changed to another nonconforming use only if reviewed and approved by the Zoning Board of Appeals. The Zoning Board of Appeals may approve such change of nonconforming use only if it determines that the new nonconforming use will not be more~~

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injurious to the surrounding area than the previous nonconforming use. If a change in use is approved, the Zoning Board of Appeals shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Any condition imposed shall relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.

G. Loss of Nonconforming Status.

1. Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the zone district in which it is located and all other applicable requirements of this Ordinance.

2. Evidence of Abandonment. A nonconforming use shall be presumed abandoned and its rights as a nonconforming use extinguished when any one of the following has occurred:

a) Intent to abandon. The owner has in writing or by public statement indicated intent to abandon the use.

b) Conforming use. A conforming use has replaced the nonconforming use.

c) Building or structure removed. The building or structure housing the nonconforming use has been removed.

d) Building or equipment change indicates change in use. The owner has physically changed the building or structure or its permanent equipment in a manner that clearly indicates a change in use or activity to something other than the nonconforming use.

e) Use discontinued or inactive for one year. The use has been discontinued, vacant or inactive for a continuous period of at least one year, regardless of ownership.

3. Overcoming Presumption of Abandonment. A presumption of abandonment based on the evidence of abandonment stated in § 9.2G.2: Evidence of Abandonment, may be rebutted upon a showing that the owner:

a) Conforms with relevant regulations. Has been maintaining the land and structure in accordance with all applicable regulations, including the Building Code, and did not intend to discontinue the use.

b) No intent of abandonment. Has been engaged in other activities that would affirmatively prove there was not intent to abandon.

c) Licenses. Has been maintaining all applicable licenses.

d) Tax documents. Has filed all applicable tax documents.

§ 9.3. Nonconforming Structures.

Nonconforming structures are those structures that were legally established but no longer comply with the intensity and dimensional standards of the zone district in which they are located.

A. Use. A nonconforming structure may be used for any use allowed in the underlying zone district, subject to all applicable use standards.

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~~B. Expansion. A nonconforming structure may be enlarged or expanded only if the expansion does not increase the extent of nonconformity.~~

~~C. Moving. A nonconforming structure may be moved if the movement or relocation eliminates the~~

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nonconformity.

D. Loss of Nonconforming Status; Damage or Destruction.

1. Principal Structures. Except for single-family dwellings existing on October 18, 2005, any nonconforming principal structure that is destroyed by any means to the extent of more than 50% of its actual cash value at the time damage occurs as determined by the City Assessor, shall not be reestablished except in compliance with all regulations applicable to the zone district in which it is located. Any nonconforming structure that is damaged to a lesser extent may continue if repairs or reconstruction is undertaken within one year of the date of the partial destruction and diligently carried on to its completion.

2. Accessory Structures. Except for an accessory structure to a single-family dwelling existing on October 18, 2005, no nonconforming structure that is accessory to a principal structure shall continue after such accessory structure has been destroyed by more than 50% of its actual cash value at the time damage occurs as determined by the City Assessor, unless the accessory structure complies with all applicable regulations of this Ordinance. In the RD zones, nonconforming residential dwellings containing two units can be rebuilt, regardless of the extent of the damage, if: a) the rebuilding does not increase the nonconformity, and b) if any of the units are renter-occupied, a valid Certificate of Compliance issued by the City was in effect at the time of the damage. If these two conditions are not met, the dwelling can only be rebuilt in compliance with all regulations applicable to the zone district. In the RM zones, nonconforming residential dwellings containing two to four units can be rebuilt, regardless of the extent of the damage, if: a) the rebuilding does not increase the nonconformity, and b) if any of the units are renter-occupied, a valid Certificate of Compliance issued by the City was in effect at the time of the damage. If these two conditions are not met, the dwelling can only be rebuilt in compliance with all regulations applicable to the zone district. Any nonconforming accessory structure that is damaged to a lesser extent may continue if repairs or reconstruction is undertaken within one year of the date of the partial destruction and diligently carried on to its completion. **[Amended 3-19-2007 by Ord. No. 1822]**

§ 9.4. Nonconforming Lots. [Amended 3-19-2007 by Ord. No. 1822]

Nonconforming lots are those lots that were legally established, such as lots of record, but no longer comply with the minimum area or width standards of the zone district in which they are located.

A. Vacant Lots. If the nonconforming lot was vacant at the time it became legally nonconforming, it may be used for any use allowed in the underlying zone district. If one or more uses or intensities would comply with applicable setback requirements of the underlying zone district while others would not, then only the uses or intensities that would conform to applicable setback requirements shall be permitted. Development on nonconforming lots shall comply with the dimensional standards of the underlying zone district, except as expressly stated in this section.

B. Developed Lots. If the nonconforming lot contained a building or structure at the time it became nonconforming, then the building or structure may be maintained or expanded in accordance with the standards of § 9.3: Nonconforming Structures.

C. Nonconformities Created by Government Action.

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1. General Provision. When the Michigan Department of Transportation, the Kalamazoo County Road Commission, the City of Kalamazoo, or any other governmental entity acquires additional right-of-way for the purpose of street construction, street relocation, street widening, or utilities, and the result of such acquisition is to create a nonconformity with the minimum setback, lot width, lot area, parking requirements, or any other requirement of this Ordinance, any existing lot, building, or structure rendered nonconforming by such action shall thereafter be permitted to be altered, enlarged, or rebuilt as set forth in Subsection 2 below. This provision shall apply regardless of whether the additional right- of-way was acquired through the exercise of eminent domain powers, or by transfer under the threat of

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eminent domain proceedings.

2. Limitations. Any alteration, enlargement, or rebuilding of a lot, building, or structure affected by government action as described in Subsection 1 above, shall be limited to actions that do not increase its nonconformity. As an example, a structure would be permitted to be altered, enlarged, or rebuilt provided that such action would not further reduce the setback distance to the front property line or further reduce the number of permissible parking spaces. In addition, any alteration, enlargement, or rebuilding shall comply with the following provisions.

a) Damages minimized. If the condemnation action has not been decided by a court of law, the amount of severance and business damages resulting from the eminent domain proceedings are substantial, and the loss of business damages would be minimized by a determination for conformity;

b) Site plan. A site plan can be designed for the land that is consistent with the use requirements of this Ordinance, and minimizes to the greatest degree practicable any nonconformities of parking, loading, landscaping, lot size, and yard requirements; and

c) Nonconformities minimized. The structure or lot can function adequately for its designated land use pursuant to a proposed site plan that minimizes nonconformities while ensuring compatibility.

§ 9.5. Nonconforming Signs.

A nonconforming sign is a sign that exceeds the surface and/or height limitations of Chapter 7: Signs, is a type of sign that is not permitted, or is placed in a location that is not permitted by this Ordinance.

A. Continuation of Nonconforming Signs. A nonconforming sign shall not:

1. Be changed to another nonconforming sign.

2. Be structurally altered or changed in shape, size, location or design, except to bring the sign into complete conformity with this Ordinance.

3. Have any change made in the words or symbols used or the message displayed on the sign.

4. Be structurally altered so as to prolong the life of the sign or change the shape, size, type or design of the sign.

5. Be re-established after the business, service, or activity to which it relates is discontinued for 30 days or longer (and the nonconforming sign and all supporting structures shall be removed).

6. Be re-established after damage caused by accident, natural causes, or vandalism, if the damage is in excess of 50% of its actual cash value at the time damage occurs as determined by the City Assessor.

B. Normal Maintenance of Nonconforming Signs. Subject to the other provisions of this section, nonconforming signs may have normal maintenance performed.

C. Change to Face of Nonconforming Sign. The owner of a nonconforming sign may change the face

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~~of a nonconforming sign if the owner enters into an agreement with the City that complies with the following requirements. For the purposes of this subsection, the "face of a nonconforming sign" is defined as the area of the sign that displays the name, identification, description, illustration, business or solicitation (it does not include any portion of the structural support of the sign or changeable copy area):~~

~~1. Removal of sign within five years. That states that in exchange for the opportunity to change the face of the sign, the entire nonconforming sign, which includes the face and structure, shall be removed within five years of entering into the agreement.~~

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2. Owner(s) pay for removal. The owner of the sign and/or the owner of the land on which the sign is located will pay for removal of the sign.

3. No variance. The owner of the sign and the owner of the land on which the sign is located waives the right to request a variance from the Zoning Board of Appeals so that the sign can remain after five years.

4. Agreement runs with land. The agreement shall run with the land and become binding on any subsequent owners of the sign or owners of the land on which the sign is located.

5. Future sign comply with this Ordinance Any future sign constructed to replace the sign (if it is appropriate), shall comply with the requirements of Chapter 7: Signs

6. Recording. The agreement shall be recorded with the Register of Deeds by the owner of the sign within 30 days of the execution of the agreement, or the agreement shall be null and void.

7. Lien. A lien in the amount of 150% of the estimated cost of removing the sign shall be placed against the land on which the sign is located and any structure on the land on which the sign is located five years from the date of the execution of the agreement, and shall remain effective until the sign is removed.

§ 9.6. Elimination of Nonconforming Use by City.

Pursuant to Public Act 207 of 1921 (MCLA § 125.583a, as amended), the City Commission may, from to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or structures and lease or sell the property for a conforming use or develop it for a public use, other than public housing. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

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CHAPTER 10
Violations, Penalties and Enforcement

§ 10.1. Enforcement.

A. City Planner Enforces Ordinance. In accordance with Section 125 of the Michigan City and Village Zoning Act, Pub. Act 207 of 1921,[22] the City Planner shall be responsible for enforcing any provision of this Ordinance:

1. Through the issuance either of a municipal civil infraction violation notice or of a municipal civil infraction citation; or

2. Through the institution of appropriate legal action to prevent, restrain, correct, enjoin or abate any violation of the provisions of this Ordinance; or

3. Through legal action to abate a public or private nuisance.

B. On-Site Inspections Authorized. In any municipal civil infraction action, or any action or proceeding in equity for the violation of any provision of this Ordinance, the City Planner shall have the authority to conduct an on-site inspection of the land where such violation is alleged to have occurred.

§ 10.2. Violations.

A. Violation Deemed a Public Nuisance. Any violation of this Ordinance shall be deemed a public nuisance.

B. Violation Deemed a Municipal Civil Infraction. Any violation of this Ordinance and/or the terms and conditions of this Ordinance is deemed a municipal infraction, and proceedings shall be instituted pursuant to Chapter 1, § 1-7 of the Code of Ordinances of the City of Kalamazoo.

C. Proceeding in Equity. The City of Kalamazoo may institute an appropriate legal action or court proceeding to prevent, restrain, correct, or abate any violation of the provisions of this Ordinance.

D. Parking, Storage, Placing Vehicle on Land or Premises. In any municipal civil infraction action, or any action or proceeding in equity for the violation of any provision of this Ordinance that concerns the parking, storing, or placing of a motor vehicle upon land or premises, the registration plate attached to such motor vehicle shall constitute prima facie evidence that the owner of such motor vehicle was the person who parked, stored, or placed such motor vehicle upon the land of the premises where such violation is alleged to have occurred.

E. Permits and Approvals. In this chapter 10, any reference to a requirement of this Ordinance, or with any permit, approval, or authorization of a type referenced in this Ordinance, shall include, but shall not be limited to, any requirement, condition, or limitation contained in a site plan, Institutional Master Plan, PUD Plan or any other form of plan approved pursuant to this Ordinance.

F. Types of Violations. Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance.

1. Development without permit or approval. To engage in any development, construction, remodeling, alteration, placement of signs, or other activity of any nature upon land that is

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subject to this Ordinance without all of the approvals required by this Ordinance.

2. Development, use or sign inconsistent with permit or approval. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approved site plan, approval, certificate, or other form of authorization

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22. **Editor's Note: See MCLA § 125.581 et seq. The City and Village Zoning Act was repealed by PA 2006, No. 110, effective 7-1-2006. See now MCLA § 125.3701 et seq.**

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required in order to engage in such activity.

3. Development, use or sign inconsistent with conditions. To violate, by act or omission, any term, condition, or qualification placed upon any permit, approval, or other form of authorization.

4. Violating dimensional requirements. To reduce or diminish any lot area so that the lot size, setbacks or open spaces shall be smaller than prescribed by this Ordinance or to increase the height or bulk of any building or structure in violation of the requirements of this Ordinance.

5. Increasing intensity or density of use. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.

6. Removing or defacing required notice. To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.

7. Failure to remove signs. To fail to remove any sign installed, created, erected or maintained in violation of this Ordinance, or for which the sign permit has lapsed.

8. Obtaining permit or approval in a fraudulent manner. To obtain any permit, approval, certificate, or other form of authorization required by this Ordinance in a fraudulent manner.

9. All other violations. To establish or operate other activities, structures or land uses in violation of any specific provisions, or the general purpose and intent of this Ordinance.

G. Violations of Adult Regulated Use Regulations by Employee. Notwithstanding anything to the contrary, for the purposes of this Ordinance, an act by an employee shall be imputed to the adult regulated use for the purpose of establishing a violation of this Ordinance only if an employee or operator of the adult regulated use knowingly allowed a violation of this Ordinance to occur. It shall be a defense to liability that the employee or operator was powerless to prevent the violation.

H. Continuing Violations. Each day that a violation remains uncorrected after receiving notice of the violation from the City shall constitute a separate violation of this Ordinance. The imposition of a fine or penalty under this chapter shall not be construed to excuse or to permit the continuation of any violation.

I. Remedies Cumulative. The remedies and enforcement powers established in this chapter shall be cumulative, and the City may exercise them in any order.

§ 10.3. Penalties.

A. General. Any person, corporation, firm or partnership, or anyone acting on behalf of any person, corporation, firm or partnership, who admits responsibility or is found to be responsible through a municipal civil infraction determination for violation of any provision of this Ordinance shall be fined up to $500 for each day of the violation pursuant to § 10.2H: Continuing Violations.

B. Repeat Offenses. Each time a violation of this Ordinance occurs and a citation is issued by the City and resolved pursuant to this chapter 10, but the same violation occurs on the same property within six months after the prior citation, the amount of the daily fine for such violation shall double. For

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example, if a violation of this Ordinance occurs and is resolved, but a second citation is issued for the same offense on the same property within six months after the date of the first citation, the fine shall be $1,000 for each day of the violation. If the second violation is resolved, but a third citation is issued for the same offense on the same property within six months after the second citation, the fine shall be $2,000 per day of the violation.

C. Civil Fines. In the case of a firm or a partnership, the civil fine may be imposed upon the partners or members. In the case of a corporation, the civil fine may be imposed upon the officers of the corporation.

D. Lien. The City may impose a lien on property of any person, corporation, firm or partnership, or other entity

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upon whom a municipal civil infraction is imposed pursuant to the chapter to recover the amount of any unpaid civil infraction.

E. Additional Penalties for Violation of Adult Use Provisions. Any person, business, or entity violating or refusing to comply with any provisions of § 4.2B: Adult Regulated Uses, shall, upon conviction in a court of competent jurisdiction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed $500 or by imprisonment for a period not to exceed 90 days, or both. Any premises, building, dwelling, or other structure in which an adult regulated use is repeatedly operated or maintained in violation of the provisions of this Ordinance shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the City in a court of competent jurisdiction.

§ 10.4. Remedies and Enforcement Powers.

The City shall also have the following remedies and enforcement powers:

A. Withhold Permit.

1. Uncorrected violation or condition or qualification of a permit, approval, certificate, or other authorization. The City may deny or withhold any and all permits, approvals, certificates, or other forms of authorization from an applicant on any land or structure or improvements when there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, approval, certificate, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. Persons who own, develop or otherwise cause an unauthorized violation. The City may deny or withhold all permits, approvals, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, approval, certificate, or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. Permits Approved with Conditions. In addition to withholding or denying a permit or other authorization, the City may grant such permit or other authorization subject to the condition that the violation be corrected.

C. Revoke Permits. Any development permit or other form of authorization required under this Ordinance may be revoked pursuant to § 10.6: Revocation, when the City determines that (1) there is departure from the plans, specifications, or conditions as required under terms of the permit; (2) that the development permit was procured by false representation or was issued in error; or (3) that any of the provisions of this Ordinance are being violated. Any permit or other authorization revoked under this procedure shall become null and void.

D. Stop Work. With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued, in accordance with its power to stop work under this Ordinance and the City building codes.

E. Injunctive Relief. The City may seek an injunction or other equitable relief in court to stop any

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violation of this Ordinance or of a permit, approval, certificate or other form of authorization granted by this chapter.

F. Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

G. Other Remedies. The City shall have such other remedies as are and as may be from time to time provided by

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Michigan law for the violation of zoning, sign or related Ordinance provisions.

H. Other Powers. In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted by Michigan law.

I. Continuation. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by any officer of the City pursuant to previous and valid ordinances and laws.

§ 10.5. Enforcement Procedures.

A. Nonemergency Matters. In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the City shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 10 days to correct the violation before further enforcement action may be taken. Notice shall be given by United States mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected. The City shall keep a record of all persons notified by mail.

B. Emergency Matters. In the case of violations of this Ordinance that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this chapter without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

§ 10.6. Revocation.

A. Duties of City Planner. The revocation process shall be initiated by the City Planner upon a determination that there are reasonable grounds for revocation of the subject permit or development approval.

B. Authority to Revoke. The decisionmaking body that approved the permit or development approval shall be authorized to revoke the permit or development approval.

C. Notice of Revocation Hearing. Notice of a revocation hearing shall be given in the same manner as required for the public hearing at which approval was granted. If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least 10 days prior to the hearing.

D. Decision, and Notice of Decision.

1. Hearing. At the hearing, the decisionmaking body shall hear testimony of the City Planner, the owner of the use or structure for which the permit or approval was granted, if present, and any other interested persons.

2. Required findings. The decisionmaking body shall revoke the permit or approval upon making one or more of the following findings:

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a) Erroneous or misleading. The permit was issued on the basis of erroneous or misleading information or misrepresentation;

b) Violation of terms or conditions. The terms or conditions of the approved site plan, permit or development approval have been violated or that other laws or regulations have been violated; or

c) Discontinuance. There has been a discontinuance of the exercise of the entitlement granted by the permit or development approval for 180 consecutive days.

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3. Matter subject to public hearing. Within 10 working days of the conclusion of the public hearing, the decisionmaking body shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

4. Matter not subject to public hearing. Within three working days of a decision on a revocation matter that is not the subject of a public hearing, the decisionmaking body shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

E. When Effective. A decision to revoke a permit or development approval shall become final immediately after the date of the decision. The date on which the revocation of a permit or development approval shall become effective shall be specified in the written decision and order of the revocation hearing.

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CHAPTER 11
Review and Decisionmaking Bodies

§ 11.1. City Commission.

A. Powers and Duties. In addition to any authority granted the City Commission by charter, ordinance or state law (this provision is not intended to in any way limit the City Commission's power and authority), the Commission shall have the following powers and duties under this Ordinance:

1. Amendments to Text and Zone District Map. To review, hear, consider and approve or disapprove:

   a) Text amendments. Petitions to amend the text of this Ordinance pursuant to § 8.3B: Amendments to Text of Zoning Ordinance or Zone District Map.

   b) Zone District Map amendments (Rezoning). Petitions to amend the Zone District Map pursuant to
   § 8.3B: Amendments to Text of Zoning Ordinance or Zone District Map.

2. Planned Unit Development Overlay (PUD-O) District Classification. To review, hear, consider and approve, approve with conditions or disapprove petitions for amendments to the Zone District Map to a Planned Unit Development Overlay (PUD-O) District classification pursuant to § 8.3C: Planned Unit Development Overlay (PUD-O) District.

3. Beneficial Use Determination. To review and make determinations on requests for beneficial use determinations pursuant to § 8.3M: Beneficial Use Determinations.

4. Initiate Amendments to Text and Zone District Map. To initiate petitions to the text of this Ordinance and the Zone District Map.

5. Other. To take any other action not delegated to the Planning Commission, Zoning Board of Appeals or heads of City departments, as the City Commission may deem desirable and necessary to implement the provisions of this Ordinance.

§ 11.2. Planning Commission. [Amended 3-19-2007 by Ord. No. 1822; 6-20-2011 by Ord. No. 1883]

A. Intent and Purpose.

1. The City of Kalamazoo by Ordinance No. 340, dated January 8, 1951, did establish the City of Kalamazoo Planning Commission, codified as §§ 2-58 through 2-67 under Article IV, Chapter Two of the City Code for the City of Kalamazoo.

2. The powers and duties of the Planning Commission are also set forth in § 11.2 under Chapter 11 of Appendix A, Zoning Ordinance.

3. Under P.A. 33 of 2008 the State of Michigan enacted the Michigan Planning Enabling Act, MCLA 125.3801 et. seq (Planning Act), which repealed the Municipal Planning Act, County Planning Act, and Township Planning Act.

4. The Planning Act authorizes the creation and/or continuation of a planning commission to address and recommend planning and zoning ordinances, master or neighborhood plans and

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similar actions in the City of Kalamazoo; to organize, enumerate powers and duties; to provide for the regulation and subdivision of land, coordinated and harmonious development of the City; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the County of Kalamazoo.

5. To ensure that proper record of action is noted and the provisions of the City Code and Zoning Ordinance are in compliance with the Planning Act, as amended, it is now desired to repeal Article IV,

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Chapter Two of the City Code for the City of Kalamazoo and to replace § 11.2, Chapter 11 of Appendix A, Zoning Ordinance by adopting this ordinance.

B. Creation of Planning Commission. The City of Kalamazoo Planning Commission (Commission) is created pursuant to the Planning Act, with the powers and duties as set forth and provided under the Planning Act and this ordinance. This ordinance shall be officially known and described as the "City of Kalamazoo Planning Commission Ordinance."

C. Membership.

1. The Commission shall consist of nine members appointed by the Mayor, with the approval of a majority vote of the City Commission. The individuals currently serving as members of the Commission shall continue to serve for the remainder of that individual's term.

2. An individual shall be a qualified elector of the City of Kalamazoo, in order to be appointed and to continue to serve as a member of the Commission.

3. The membership shall be representative of the important geographic and interest segments which are detailed in the Planning Act and which exist in and are relevant to the City of Kalamazoo.

4. Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all Commission members continue to expire each year. A member shall hold office until his or her successor is appointed.

5. Members shall serve no more than two consecutive full terms, not counting when a member is appointed to fill an expired term when a vacancy occurs.

6. Membership on the Commission shall otherwise comply with Rule 12 of the City Commission Rules, as amended.

D. Removal from Office.

1. The City Commission may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings, in accordance with City Commission Rule 12, shall be considered nonfeasance in office.

2. The Secretary of the Planning Commission shall report to the City Commission any member who has missed three regular meetings in a row without having made a request to be absent from a meeting for just cause.

E. Meetings.

1. The Commission shall meet at least four times in any calendar year. The Commission may meet more regularly than required under the Planning Act. The Commission shall publish the dates, times and places of its regular meetings in accordance with the provisions of the Open Meeting Act, MCLA 15.265, as amended.

2. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission. All questions which shall arise at a meeting where a quorum is

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present shall be determined by a majority vote of the members present at such meeting. If at any time during a public hearing a quorum is lost, it shall be stated in the minutes, and no final action on a matter shall be taken by the Commission.

3. The affirmative vote of six members of the Commission, regardless if vacancies or absences exist, shall be necessary for the adoption, or recommendation for adoption, of any land use plan or amendment to a

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F. Powers and Duties.

1. The Commission shall have the powers and duties as set forth in the Planning Act, and P.A. 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act (Zoning Act), (MCLA 125.3101 et seq.), including any amendments to those acts. The Commission is also subject to all limitations of those powers and duties as provided in either the Planning Act or Zoning Act, or any other federal or state statute.

2. Consistent with, and without limiting, the powers and duties provided under the Planning Act or Zoning Act, the Commission shall have the following powers and duties under this ordinance:

a) To review, hear, consider and make recommendations to the City Commission to approve or disapprove:

1) Text amendments. Petitions to amend the text of this Ordinance pursuant to § 8.3B, Amendments to Text of Zoning Ordinance or Zone District Map.

2) Zone District Map amendments (Rezoning). Petitions to amend the Zone District Map pursuant to § 8.3B, Amendments to Text of Zoning Ordinance or Zone District Map

b) To review, hear, consider and make recommendations to the City Commission to approve, approve with conditions or disapprove petitions for amendments to the Zone District Map to a Planned Unit Development Overlay District classification pursuant to § 8.3C, Planned Unit Development Overlay (PUD-O) District.

c) To review, hear, consider and approve, approve with conditions or disapprove special use permits pursuant to § 8.3D, Special Use Permit.

d) To review, hear, consider and approve, approve with conditions or disapprove site plans in the CBTR District pursuant to § 8.3H, Site Plan.

e) To initiate petitions to amend the text of this Ordinance or the Zone District Map.

f) To recommend to the City Commission the adoption of an ordinance or rules governing the subdivision of land as authorized under the Land Division Act (MCLA 560.101 et.seq.) or the development of property under the Condominium Act (MCLA 559.101 et. seq.)

g) To make its special knowledge and expertise available upon written request and authorization of the City Commission to any official, department, board, commission or agency of the City.

h) To make studies of the resources, possibilities and needs of the City upon the authorization of the City Commission, and report its findings and recommendations, with reference thereto, to the City Commission.

G. Staff-City Employees.

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1. To assist the Commission in carrying out its powers and duties under the Planning or Zoning Acts, or otherwise carrying out its functions as a planning commission, the City Planner and employees within the Community Planning and Development Department, as designated by the City Planner or the Director of that Department, shall be made available,

2. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, and employee or union contracts, if any.

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H. Conflicts Between Ordinance and Planning Act. If a conflict between any provisions of this ordinance and the Planning Act or Zoning Act, as amended, exists, the provisions of those Acts shall prevail.

§ 11.3. Zoning Board of Appeals.

A. Establishment. There is hereby established the Zoning Board of Appeals.

B. Powers and Duties. The Zoning Board of Appeals shall have the following powers and duties under this Ordinance:

1. Variances. To review, hear, consider and approve, approve with conditions or disapprove variances pursuant to § 8.3E: Variances.

2. Appeals of Administrative Decisions. To hear, review, consider, and affirm, modify or reverse any order, decision, determination or interpretation of the City Planner or any other administrative official made under the terms of this Ordinance pursuant to § 8.3F: Appeal of Administrative Decisions.

3. Change in Nonconforming Use. To review, hear, consider and approve, approve with conditions or disapprove a change of one nonconforming use to another nonconforming use pursuant to § 9.2F: Change to Other Nonconforming Use.

C. Membership.

1. Number. The Zoning Board of Appeals shall consist of six regular members, and two alternate members. The members of the Zoning Board of Appeals on October 18, 2005, shall be the members of the Board without change to the length of their terms of office.

2. No Elected Official or City Employees. No member of the City Commission or a City employee shall serve on the Zoning Board of Appeals.

3. Appointment. Members and alternate members of the Zoning Board of Appeals shall be appointed by the City Commission.

4. Term. The term of appointment shall be for three years. No member shall serve more than two full, concurrent, consecutive terms.

5. Filling Vacancy. Any vacancy on the Zoning Board of Appeals shall be filled for the unexpired term in the same manner as in the case of the original appointment.

6. Alternate Members. The alternate members shall consist of a first alternate member and a second alternate member. The alternate member with the most seniority on the Zoning Board of Appeals shall be the first alternate. The alternate members may take part in all deliberations of the Zoning Board of Appeals but shall not have a vote unless a regular member is unable to vote because of absence or a conflict of interest. The first alternate member shall have priority to replace the first regular member that is absent or unable to vote. The second alternate member shall replace the second regular member that is absent or unable to vote.

D. Quorum. No meeting of the Zoning Board of Appeals shall be called to order, nor may any business be transacted by the Board without a quorum consisting of at least four members (either regular or alternate) being present.

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E. Rules of Procedure. The Zoning Board of Appeals shall, by a majority vote of its entire membership, adopt rules of procedure governing its procedures on such matters as officers, voting, meetings, compensation and related matters as it may consider necessary or advisable.

F. Appeals. An appeal of a decision by the Zoning Board or Appeals must be filed with the Circuit Court within 30 days after the Board makes its decision in writing, or within 21 days after the Board approves the minutes

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of the meeting. **[Added 6-20-2011 by Ord. No. 1884]**

§ 11.4. Site Plan Review Committee (SPRC).

A. Powers and Duties. The Site Plan Review Committee (SPRC) shall have the following powers and duties under this Ordinance:

1. Action on Site Plans. To review, hear, consider and approve, approve with conditions or disapprove site plans, except in the CBTR District, pursuant to § 8.3H: Site Plans.

2. Advisory action on Site Plans. To review, hear, consider and take advisory action on site plans in the CBTR District pursuant to § 8.3H: Site Plans.

B. Outside Opinions. In the course of its duties, the SPRC may solicit any knowledgeable individual or organization regarding any aspect of the proposed development or its potential impacts, and may base its decision as to whether the proposed development complies with applicable standards on the opinions or recommendations received from such individuals or organizations.

C. Membership. The SPRC shall consist of staff members, designated by the department head, from the following divisions: Planning, Code Administration, Public Safety, Public Services, and others so designated by the City Manager. The Chair of the SPRC shall be the staff member assigned from the Community Planning and Development Department. The Chair of the Planning Commission, or his/her designee, shall also be a member of the SPRC.

D. Rules of Procedure. The SPRC may, by a majority vote of the entire membership, adopt rules governing its procedure as it may deem necessary or advisable.

~~§ 11.5. Downtown Design Review Committee (DDRC).~~

~~A. Powers and Duties. The DDRC shall have those powers and duties established for it by the City Commission by resolution.~~

~~B. Membership. The membership of the DDRC shall be as established by the City Commission by resolution.~~

~~C. Rules of Procedure. The DDRC shall, by a majority vote of the entire membership, adopt rules governing its procedure as it may deem necessary or advisable to carry out its powers and duties.~~

§ 11.6. City Planner.

A. General Authorization. The official authorized to administer this Ordinance by the City Manager shall be the City Planner.

B. Powers and Duties. In addition to the jurisdiction, authority and duties that may be conferred upon the City Planner by other provisions of this Ordinance and general or special law, the City Planner shall have the following jurisdiction, powers and duties under this Ordinance:

1. Administrative Adjustments. To review, hear, consider and approve or disapprove administrative adjustments pursuant to § 8.3G: Administrative Adjustments.

2. Temporary Use Permit. To review, hear, consider and approve, approve with conditions or disapprove temporary use permits pursuant to § 8.3J: Temporary Use Permits.

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3. Minor Deviations. To review, hear, consider and approve, approve with conditions or disapprove minor deviations for PUDs and site plans pursuant to § 8.3C.11: Planned Unit Development Overlay (PUD-O) Districts and § 8.3H.: Site Plans.

4. Interpretations. To render interpretations of all provisions of this Ordinance, including interpretations of

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the text of this Ordinance; interpretations of the Zone District Map boundaries; and determinations of whether an unspecified use falls within a use classification or use group allowed in a zone district pursuant to § 8.3L: Interpretations.

5. Enforcement. To enforce the provisions of this Ordinance.

6. Administer Ordinance. To establish application requirements and schedules for review of applications and appeals, to review and make recommendations to the City Commission, Planning Commission and Zoning Board of Appeals on all applications for development approval considered by those boards, and take any other actions necessary to administer the provisions of this Ordinance.

7. Provide Expertise and Technical Assistance. To provide expertise and technical assistance to the City Commission, Planning Commission and Zoning Board of Appeals, upon request.

§ 11.7. Zoning Inspector.

A. Powers and Duties. In addition to the jurisdiction, authority and other duties that may be conferred upon the Zoning Inspector by other provisions of this Ordinance, charter and state law, the Zoning Inspector shall have the following jurisdiction, powers and duties under this Ordinance:

1. Approval of Zoning Compliance. To review, consider and approve or disapprove Approvals of Zoning Compliance pursuant to § 8.3K: Approval of Zoning Compliance.

2. Permits. To review, consider and approve or disapprove all applicable permits pursuant to this Ordinance.

§ 11.8. City Attorney.

A. Powers and Duties. In addition to the jurisdiction, authority and other duties that may be conferred upon the City Attorney by other provisions of this Ordinance, charter and state law, the City Attorney shall have the following jurisdiction, powers and duties under this Ordinance:

1. General. To review and approve as to form ordinances and, as appropriate, other documents drafted by the City departments, the City Commission, the Planning Commission and the Zoning Board of Appeals, in connection with any requirement of this Ordinance.

2. Agreements, Easements, Performance Agreements. To review as to form all planned unit development agreements, and as appropriate, easements, declarations of covenants, letters of credit, performance bonds or such other documentation in connection with any requirement of this Ordinance.

3. Counsel. To counsel the City Commission, the Planning Commission, the Zoning Board of Appeals, the City Planner, the Zoning Inspector and the City departments in regard to the legal issues that may arise in the review of applications for development approval and the general implementation of this Ordinance.

§ 11.9. Hearing Officer.

A. Creation and Appointment. The City Commission shall confirm one or more Hearing Officers to hear and consider such matters as may be required to be conducted by a Hearing Officer under any

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provision of this Ordinance or as may be determined to be appropriate. Such Hearing Officer(s) shall serve at the pleasure of the City Commission for such period as is determined by the City Commission. The Hearing Officers shall be compensated at a rate to be determined by the City Commission. Whoever shall accept an appointment as a Hearing Officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the City in any matter involving land that was the subject of a proceeding that was pending during the time served as

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a Hearing Officer.

B. Minimum Qualifications. A Hearing Officer shall have the following minimum qualifications:

1. Professional Experience. Demonstrated knowledge of administrative, zoning and land use planning and law and procedures.

2. No Appointive or Elective Office. Hold no other appointive or elective public office or position in the City during the period of appointment.

C. Powers and Duties. A Hearing Officer shall have the following duties:

1. Beneficial Use Determination. To conduct hearings on appeals for beneficial use determinations and recommend approval, approval with conditions or disapproval to the City Commission pursuant to § 8.3M: Beneficial Use Determination.

2. Subpoenas, Production of Documents and Oaths. To issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at hearings.

3. Other. To perform such other tasks as the City Commission may assign.

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A:163

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CHAPTER 12
Definitions and Use Categories

For the purpose of this Ordinance certain terms, words and phrases shall, whenever used in this Ordinance, have the meaning defined as follows:

§ 12.1. Rules of Construction.

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "building" includes the word "structure," and "dwelling" includes "residence"; the word "person" includes "corporation," "copartnership," "association," as well as an individual; the word "shall" is mandatory and not directory. In addition, the rules of construction listed in § 1-2 of the Code of Ordinances of Kalamazoo shall apply to the extent not inconsistent with the previous sentence.

A. Terms not defined in this chapter 12 shall have the meanings assigned to them in other portions of the Kalamazoo Code of Ordinances.

B. Terms not defined in this chapter 12 or elsewhere in the Kalamazoo Code of Ordinances shall have the meaning customarily assigned to them.

§ 12.2. Use Categories.

A. Purpose. This section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of present and future uses to districts.

B. Classification Considerations.

1. Uses are assigned to the use category that most closely describes the nature of the principal use, based on the "characteristics" description of each use category. Developments may have more than one principal use, as described below.

2. The following factors are considered to determine what use category the use is in, and whether the activities constitute principal uses or accessory uses:

a) The description of the activity(ies) in relationship to the characteristics of each use category.

b) The relative amount of site or floor space and equipment devoted to the activity.

c) Relative amounts of sales from each activity.

d) The customer type for each activity.

e) The relative number of employees in each activity.

f) Hours of operation.

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g) Building and site arrangement.

h) Vehicles used with the activity.

i) The relative number of vehicle trips generated by the activity.

j) Signs.

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k) How the use advertises itself.

l) Whether the activity would be likely to be found independent of the other activities on the site.

C. Developments with Multiple Principal Uses. When all principal uses of a development fall within one use category, then the development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and is subject to the regulations for that category.

§ 12.3. Definitions and Use Categories.

ACCESSORY BUILDING — A subordinate building the use of which is clearly incidental to that of the main building or to use of the land.

ACCESSORY USE — A use subordinate to a main permitted use on a lot and used for purposes clearly incidental to the principal use.

ADJACENT — In general, the land or property directly adjoining the property in question, or land located across an alley, easement, street or highway from the property in question. When used in connection with § 6.1: Off- Street Parking and Loading, adjacent means the land directly adjoining the building referred to as the principal use, or land located across an alley, easement, street or highway from the building incidental to which such space for vehicle storage or parking is required.

ADULT FOSTER-CARE GROUP HOME — See definition of "group

living." ADULT REGULATED USE — Any of the following:

a) ADULT ARCADE or MINI MOTION-PICTURE THEATER — Any place to which the public is permitted or invited where coin-operated or slug-operated, or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this Ordinance).

b) ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE — A commercial
establishment that offers for sale or rental for any form of consideration and that has as a substantial or significant portion of its stock-in-trade, books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, recordings, other audio matter, and novelties or devices that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. The adult bookstore, adult novelty store, or adult video store may have other principal business purposes that do not involve the offering for sale or rental materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as adult bookstore, adult novelty store, adult video store so long as a substantial or significant portion of its business includes the offering for sale

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or rental for consideration the specified materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

c) ADULT BOOTH — A small enclosed or partitioned area inside an adult regulated use that is (1) designed or used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations, recordings, and novelties or devices that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas by one or more persons, and (2) is accessible to any person, regardless of whether a fee is charged for access. "Adult booth" does not include a foyer through which any person can enter or exit the establishment, or a rest room.

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d) ADULT CABARET — A nightclub, cafe, restaurant, lounge, bar or similar establishment (which may or may not include the service of food or beverages), where male or female impersonators, dancers, entertainers, waiters, waitresses, or employees regularly provide live performances that are distinguished or characterized by their emphasis on specified anatomical areas or specified sexual activities for the observation or entertainment of patrons, guests, and/or members. Adult cabaret also includes an establishment that permits, provides or features topless dancers and/or bottomless dancers, go-go dancers, strippers, topless or bottomless waiters, waitresses and/or employees.

e) ADULT MOTEL — A hotel, motel, or similar commercial establishment that (1) offers accommodations to the public for any form of consideration; and (2) provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and (3) has a sign visible from the public right-of-way that a) advertises the availability of this adult type of photographic reproductions, or b) offers a sleeping room for rent for a period of time that is less than 10 hours, or c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

f) ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are regularly shown in which a substantial portion of the total presentation is devoted to the showing of material that are distinguished or characterized by their emphasis on the depiction, description, or relation to specified sexual activities or specified anatomical areas for observation or entertainment of patrons, guests, and/or members.

g) ADULT OUTDOOR MOTION-PICTURE THEATER — A commercial establishment having an open lot or part of an open lot with appurtenant facilities devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions for any form of consideration to persons in motor vehicles or in outdoor seats, and presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation or entertainment of patrons, guests, and/or members.

h) ADULT MODEL STUDIO — Any place where a person who displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Such an establishment includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performance or dance performances, barber shops or hair salons, car washes, and/or convenience stores. An adult model studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college, or university supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing, and (2) where in order to participate in a class a student must enroll at least three days in advance of the class, and (3) where no more than one nude or seminude model is on the premises at any one time.

i) ADULT PHYSICAL CULTURE BUSINESS — Any commercial establishment, club, or business

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by whatever name designated, that regularly offers or advertises or is equipped or arranged to provide massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural business may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

j) ADULT PERSONAL SERVICE BUSINESS — A commercial business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis. Such a business includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performances or dance performances, barber shops

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or hair salons, car washes, convenience stores or other commercial business establishments where food or goods and services are sold, and tattoo parlors where services are being performed by a person who is nude or partially nude. "Nude" or "partially nude" is defined as having attire that reveals specified anatomical areas as defined in this section.

k) ADULT THEATER — A commercial establishment that is a theater, concert hall, auditorium, or similar commercial establishment, either indoor or outdoor in nature, that, for any form of consideration, regularly features live performances that are distinguished or characterized by their emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by guests, patrons, and/or members. An adult theater does not include a theater, concert hall, auditorium, or similar establishment that, for any fee or consideration, regularly features live performances that are not distinguished or characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

AGRICULTURAL SALES — On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

AGRICULTURAL SERVICE — Provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include crop dusting and tree service firms.

AGRICULTURE — Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises, or uses, but no farms shall be operated as piggeries, or chicken brooderies or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except for consumption by persons residing on the premises.

AGRICULTURE, CROP. — Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.

ANCILLARY. — When used in conjunction with § 4.2W: Telecommunications Facilities, the buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

ANEMOMETER — Temporary wind speed indicator equipment utilized for the purpose of analyzing the potential for utilizing a wind energy system at a given site. Such devices monitor wind speed and flow direction characteristics over a period of time for a particular location.**[Added 9-20-2010 by Ord. No. 1872]**

ANIMAL SERVICE. — The following are animal services use types:

a) KENNELS — Kennel services for dogs, cats, and small animals, including overnight care. Typical uses include boarding kennels and dog training centers.

b) SALES AND GROOMING — Sales, grooming and day time care of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

c) VETERINARY CLINIC — A building, or any portion of a building, used for the treatment of house pets as outpatients only and not having exterior or interior kennels and overnight lodgings appurtenant to or as part of the use. Overnight boarding of animals is only permitted when necessary for unanticipated complications from treatment. Typical uses include veterinary offices, pet clinics.

d) VETERINARY HOSPITAL — A building, or any portion of a building, used for the treatment of

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house pets, and that may have exterior or interior kennels and overnight lodgings appurtenant to or as part of the use. Typical uses include veterinary offices and animal hospitals.

ANTENNA — An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

ANTENNA SUPPORT STRUCTURE — Any building or other structure other than a transmission tower that can be used for location of telecommunications facilities.

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APPLICATION — Application means the process by which the owner of a parcel of land within the City submits a request for any type of development review or approval identified in Chapter 8 of this Ordinance. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

ASSISTED LIVING FACILITY — See definition of "group living." ATTACHED DWELLING — See definition of "household living."

ATTACHMENT — When used in conjunction with § 4.2.W: Telecommunications Facilities, an antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.

AWNING — A retractable or fixed shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

BED — When used in for computing required amounts of parking or loading pursuant to § 6.1: Off-Street Parking and Loading, such beds as are occupied by the patients or guests of the hospital or building in question; provided, however, that bassinets and incubators shall not be counted as beds.

BED-AND-BREAKFAST — See definition of "lodging."

BREWERY — A large-scale brewer that produces beer for sale on premises, as well as for off-site sales, as licensed by the State of Michigan.**[Added 8-20-2012 by Ord. No. 1900]**

BREWPUB — See definition of "eating and drinking establishments."

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy. This shall include tents or vehicles situated on private property and used for purposes of a building.

BUILDING MAINTENANCE SERVICE — Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

BUILDING SETBACK LINE — A line indicating the minimum distance required to be maintained between the front property line and the nearest supporting member of any structure on the lot.

BULK OF A BUILDING — The gross cubical contents of a building measured to the outside surfaces but excluding uncovered porches, fire escapes, steps, and terraces and enclosed portions of the building that project beyond the main surfaces less than three feet and excluding basement spaces not meeting the definition of a story.

BUSINESS SUPPORT SERVICE — Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trades schools that do involve outdoor storage or manufacturing processes are classified as "Limited Manufacturing and Production."

CANOPY — A permanent, roof-like shelter that extends from part or all of a building face and is constructed of nonrigid material, except for the supporting framework.

CAR WASH — See definition of "vehicle and equipment sales and service."

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CEMETERIES AND MAUSOLEUMS — See definition of "funeral and interment service." CITY COMMISSION — The City Commission of the City of Kalamazoo.

CITY-OWNED FACILITIES — Any structures, buildings or land owned by the City of Kalamazoo or its agents.

CLINICS — An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

CLUB — A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on

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as a commercial enterprise.

CLUSTER HOUSING DEVELOPMENT — See definition of "household living."

COLLOCATED FACILITY — When used in conjunction with § 4.2W: Telecommunications Facilities, a wireless telecommunication facility that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

COLLOCATION — When used in conjunction with § 4.2W: Telecommunications Facilities, placement of an antenna on an existing transmission tower, building, light or utility pole or water tower where the antenna and all supports are located on the existing structure.

COLLEGE or UNIVERSITY — An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

COMMERCIAL ESTABLISHMENT — Any business, location, or place that conducts or allows to be conducted on its premises any activity for commercial gain.

COMMUNICATIONS SERVICE — Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "major utilities and services" and "minor utilities." Typical uses include recording studios, television and radio studios, and telecommunication service centers.

COMMUNITY RECREATION — Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation buildings.

a) OPEN SPACE/NATURE PRESERVE — Any parcel or area of land or water in which human activities are very limited and where the natural environment is protected from human changes and may be reserved for public or private use or enjoyment.

b) PARKS/RECREATION FACILITY — A tract of land or a place designed and equipped for the conduct of sports and leisure-time activities available to the general public for recreational purposes.

COMMUNITY SERVICE CENTER — A nonprofit facility used for recreational, social, educational, cultural, and advisory services/activities, including, for example, services to children, tax assistance, housing assistance, computer tutoring, or educational classes. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community services or facilities that have membership provisions are open to the general public to join at any time. This use does not include any facility that meets the definition of a school, religious assembly, lodge, fraternal, or civic assembly.

CONDOMINIUM — A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION SALES AND SERVICE — Construction activities and incidental storage on lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as "automotive" and/or "heavy equipment" use types. Typical uses include building materials stores, tool and equipment rental or sales building contracting/construction offices and landscape maintenance/contractor offices.

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CONVENIENCE STORE — See definition of "food and beverage retail sales." CREMATING — See definition of "funeral and interment service."

CULTURAL EXHIBITS, LIBRARIES AND MUSEUMS — Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

DAY CARE — Uses providing care, protection and supervision for children or adults on a regular basis away from

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their primary residence for less than 24 hours per day.

a) DAY CARE HOME, FAMILY — A facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than 24 hours per day. Children being cared for in a day care home shall be under the age of 12 years unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The facility shall provide care, protection, and supervision to no more than six children at one time, plus any children related to an adult member of the provider's family by blood, marriage, or adoption. Care of children shall be provided for periods of less than 24 hours, and for more than four weeks in a calendar. Operation of a "day care home" is considered, for purposes of this Ordinance, to be an accessory use to a principal residential use. The operator of the facility must live in the facility as his or her primary residence.

b) DAY CARE HOME, GROUP — A licensed day-care center in a private home as an accessory use in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. Notwithstanding its status as an accessory use, a group day care home requires a permit. The operator of the facility must live in the facility as his or her primary residence.

c) DAY-CARE CENTER (COMMERCIAL OR INSTITUTIONAL) — (a) a facility, whether nonprofit or for- profit, that provides care, protection, and supervision for eight or more adults on a regular basis away from their primary residence for less than 24 hours per day; or (b) an institutional facility that is maintained for the whole or part of a day for the care of one or more children under the age of 18 years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes, and for periods of less than 24 hours, and for periods of not more than two consecutive weeks, where the parents, relatives, or legal guardians of the children are not immediately available. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for mentally retarded children and those facilities that give less than 24 hour per day care for dependent and neglected children. Day-care centers are also those facilities for children under the age of six years with stated educational purposes that are operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six grades.

DAY-CARE CENTER (COMMERCIAL OR INSTITUTIONAL) — See definition of "day

care." DAY CARE HOME, FAMILY — See definition of "day care."

DAY CARE HOME, GROUP — See definition of "day care."

DECK — An unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts.

DECOMMISSION PLAN — A plan detailing the process and time frame for terminating the operation of and completely removing a wind energy system, including all related structures, equipment, wiring, foundations, and access roads.**[Added 9-20-2010 by Ord. No. 1872]**

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DENSITY — The relationship of the number of dwelling units to the gross area of the lot or tract upon which a residential structure or structures are to be located or erected.

DETACHED DWELLING — See definition of "household living."

DETENTION BASIN — A facility for the temporary storage of stormwater runoff.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON — For the purpose of interpreting, administering and enforcing the provisions of § 4.2B: Adult Regulated Uses, the dominant or principal theme of the object so described. For example, "films that are distinguished or characterized by an emphasis upon the

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exhibition or description of specified sexually activities or specified anatomical areas," the films so described are
those whose dominant or principal character are the exhibition or description of "specified anatomical areas" or "specified sexual activities."

DORMITORY — See definition of "group living."

DRIVEWAY — An access roadway leading from an authorized drive approach to a garage, carport or required parking space, including turnaround areas, and including circular driveways from an authorized drive approach to another authorized drive approach.

DROP-IN CENTER — A facility operated and supervised by a profit or nonprofit organization, agency, association, group or company or individual where people with special needs are informally invited to gather.

DUPLEX — See definition of "household living."

DWELLING — A building, or portion of a building, designed and used exclusively for residential purposes.

DWELLING UNIT — Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended for use for sleeping, eating and living purposes.

EATING AND DRINKING ESTABLISHMENT — Sale of prepared food and beverages for on and off premises consumption. The following are eating and drinking establishment use types:

a) BREWPUB — A facility licensed as a brewpub by the Michigan Liquor Control Commission that manufactures and sells beer only for consumption on the premises, as well as food for takeout or consumption on the premises. **[Amended 8-20-2012 by Ord. No. 1900]**

b) FAST ORDER FOOD, WITHOUT DRIVE-THROUGH — An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and
c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold. Does not include drive-through fast order food establishments.

c) FAST ORDER FOOD, DRIVE-THROUGH — Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent on a long driveway that provides adequate room for vehicle stacking at a drive-up service window or on a parking area near a walk-up service window.

d) SIT-DOWN RESTAURANT — — Sale of food prepared and served to be generally consumed on the premises. Typically, clientele does not turn over rapidly. No more than 1/3 of the customer floor area on any floor level may consist of bar facilities, including alcoholic drink preparation/storage/serving areas, bar stools or other adjacent sitting areas for consuming drinks, or adjacent standing areas. No cover charge or other charge for admission is required, and the facility generally closes by midnight each day. **[Amended 1-3-2012 by Ord. No. 1888]**

e) TAVERN OR LOUNGE — — An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold. The service of alcoholic beverages predominates over the service of food. A cover charge or admission charge is often included but not exclusively, and the facility is generally open until 2:00 a.m. Entertainment, recorded or otherwise, is a common feature. **[Amended 1-3-2012 by Ord. No. 1888]**

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f) TEAROOM/CAFE — An eating and drinking establishment that specializes in serving tea and/or coffee, and where packaged tea, coffee, and food may also be served or sold for on-premises or off-premises consumption. This use shall not include any establishment that meets the definition of a sit-down restaurant, tavern, lounge, or fast order food establishment.

EFFECTIVE DATE — The date on which this Zoning Ordinance became effective, as stated in § 1.3: Effective Date.

EMPLOYEE — For the purpose of interpreting, administering and enforcing the provisions of § 4.2B: Adult

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Regulated Uses, a person who performs any service for any consideration on the premises of an adult regulated use
on a full-time, part-time, or contract basis, whether or not the person is called an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said adult regulated use. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises. When used in other contexts, a person who performs services for an establishment for at least 30 hours per week, on average, whether or not the person is called an employee, independent contractor, agent, or otherwise.

EMPLOYMENT AGENCY PRIMARILY FOR DAY WORKERS — Any person or entity engaged in the business of providing day workers (laborers) to third-party employers and that charges the third-party employer for the service of providing day workers for employment offered by the employer. This includes a labor broker or labor pool.

ENCROACHMENT — Any object including but not limited to banners, signs, street furniture, waste bins, newspaper boxes, works of art, either permanent or temporarily placed in or above the public right-of-way on sidewalk, alleys, or streets.

ENGINEER — Any engineer licensed by, or authorized to perform work in, the State of Michigan.

ENTERTAINMENT AND SPORTS, SPECTATOR — Provision of cultural, entertainment, athletic, and other events to spectators. Typical uses include cinemas, live theaters, sports arenas and stadiums.

a) LIMITED — Those uses conducted within an enclosed building with a capacity of 199 or fewer people. Typical uses include small theaters and meeting halls.

b) GENERAL — Those uses, whether indoor or outdoor with a capacity of 300 or more people.

ESTABLISHMENT — For the purpose of interpreting administering and enforcing the provisions of § 4.2B: Adult Regulated Uses, the site or premises on which an adult regulated use is located, including the interior of the establishment or portions of the interior, upon which certain activities or operations are being conducted for commercial gain.

EXPLOSIVE STORAGE — Storage of any quantity of explosives. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

FAMILY —

a) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit, or

b) A collective number of individuals domiciled together whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation, organization, or group of individuals whose domestic relationship is of a transitory or seasonal nature, nor shall it include residents of a state-licensed residential facility, except to the extent permitted by law.

FAST ORDER FOOD — See definition of "eating and drinking establishments."

FINANCIAL, INSURANCE AND REAL ESTATE SERVICES — Financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

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FLEET STORAGE — See definition of "vehicle and equipment sales and service."

FLICKER EFFECT — Alternating changes in light intensity caused by the sun shining through the moving blades of a wind energy system that casts shadows on adjacent properties and objects, such as the windows of a building.**[Added 9-20-2010 by Ord. No. 1872]**

FOOD AND BEVERAGE RETAIL SALES — Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens.

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a) CONVENIENCE STORE — A retail establishment offering for sale food and beverage for off-site consumption, household items, newspapers and magazines, and other small convenience items typically found in establishments with long or late hours of operation. A convenience store has a gross floor area no larger than 5,000 square feet. This definition excludes delicatessens or other specialty food stores. A convenience store does not offer gasoline products for sale; if gasoline products are offered for sale, the use shall be classified as gasoline and fuel sales.

b) PACKAGE LIQUOR STORE — A retail sales 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 a sit-down restaurant, tavern, lounge, or fast order food establishment.

c) FOOD SALES (GROCERY) — A retail sales establishment selling food and beverages for off-site preparation and consumption that maintain a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood and/or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods. Establishments at which 20% or more of the transactions are sales of prepared food for on-site consumption shall be classified as eating and drinking establishments.

FOSTER FAMILY GROUP HOME — See definition of "group

living." FOSTER FAMILY HOME — See definition of "group

living." FRATERNITY OR SORORITY — See definition of

"group living."

FREESTANDING FACILITY — When used in conjunction with § 4.2W: Telecommunications Facilities, a new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

FUNERAL AND INTERMENT SERVICE — Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services use types:

a) CEMETERIES and MAUSOLEUMS — A parcel of land designated to be used for the burial of human remains or storage of cremated remains of the dead., include columbaria, crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of such cemetery.

b) CREMATING — Crematory services involving the purification and reduction of the bodies by fire. Typical uses include crematories and crematoriums.

c) FUNERAL HOME — Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

GASOLINE AND FUEL SALES — Retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services. Typical uses include automobile service stations, filling stations and truck stops.

a) WITHOUT VEHICLE SERVICE OR REPAIR — An establishment offering only sales of items listed above, and not offering or providing any of the types of service listed in the definition of "gasoline and fuel sales with minor vehicle service or repair below" or any other form of vehicle repair service.

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b) WITH MINOR VEHICLE SERVICE OR REPAIR — An establishment offering sales of the items listed above that may also provide passenger vehicle minor repair or maintenance services within completely enclosed buildings. Minor motor vehicle services include quick-lube businesses, brake and muffler shops, battery and tire service shops and other vehicle maintenance establishments that do not typically render vehicles inoperable overnight. Minor vehicle service does not include body or fender bumping or painting shops, major motor repairing businesses, transmission and clutch repairs, or other types of vehicle repair that typically render vehicles inoperable overnight.

GOVERNMENT OFFICE — Any department, commission, independent agency, or instrumentality of the United

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States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other
governmental unit.

GREENHOUSE — An establishment where flowers, shrubs, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

GROSS FLOOR AREA — The sum of the gross horizontal floor areas including: Areas occupied by fixtures and equipment for display or sale of merchandise, and mezzanines and other partial floor areas. Such area shall be measured from the exterior faces of exterior walls or from the center line of walls separating two buildings or structures, excluding stairwells at each floor, elevator shafts at each floor, floors or parts of floors devoted exclusively to vehicular parking or loading, and all floors below the first or ground floor, except when used for or intended to be used for service by customers, patrons, clients, patients, or tenants.

GROUP LIVING — Residential occupancy of a dwelling unit by other than a household and providing communal kitchen/dining facilities, for a period that includes overnight lodging. Typical uses include occupancy of fraternity and sorority houses, nursing/retirement homes, boarding houses and cooperatives. This use type does not include other group care facilities more specifically defined in this Ordinance.

a) ADULT FOSTER-CARE FAMILY HOME (SIX OR FEWER RESIDENTS) — Residence for the adult
population in a private home with a design capacity of six or fewer residents (not including staff) that provides rooms, meals, personal care, and supervision of self-administered medication for five or more days a week, and for periods of two or more weeks. They may provide other services, such as recreational activities, financial services, and transportation. The adult foster care family home licensee must be a member of the household and an occupant of the home.

b) ADULT FOSTER-CARE SMALL GROUP HOME (SIX OR FEWER RESIDENTS) — Residence for the
adult population with a design capacity of six or fewer residents (not including staff) that provides rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. The facility need not be located in a private home, and the licensee and caregivers need not live at the facility.

c) ADULT FOSTER-CARE MEDIUM/LARGE GROUP HOME (SEVEN TO 20 RESIDENTS) — Residence
for the adult population with a design capacity of more of seven to 20 residents (not including staff) that provides rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. The facility need not be located in a private home, and the licensee and caregivers need not live at the facility.

d) ASSISTED LIVING FACILITY — Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Assisted living facilities do not include the provision of health services by trained medical professionals on the premises.

e) DORMITORY — A building or portion of a building used by and financially supported by educational, medical, religious or other public and private institutions of higher learning used for

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housing students, but not including hotels, motels or rooming houses (also residence halls).

f) FOSTER FAMILY GROUP HOME (FIVE TO SIX CHILDREN) — A private home in which five or six minor children, who are not related to an adult member of the household by blood or marriage and who are not placed in the household pursuant to the Michigan Adoption Code, Chapter X of the Probate Code of 1939, 1939 PA 288, MCLA § 710.21 to 710.70, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

g) FOSTER FAMILY HOME (FOUR OR FEWER CHILDREN) — A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage and who are not placed in the household pursuant to the Michigan Adoption Code, Chapter X of the Probate Code of 1939, 1939 PA 288, MCLA § 710.21 to 710.70, are given care and supervision for 24 hours a day, for four

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or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

h) FRATERNITY or SORORITY — A dwelling occupied by members of a fraternity or sorority that is recognized by a local institution or higher learning.

i) NURSING/CONVALESCENT HOME — A state licensed medical establishment providing accommodation and care for aged or infirm persons, but not including a facility meeting the definition of a "hospital."

j) REHABILITATION CENTER (LIVE-IN FACILITIES WITH UP TO SIX BEDS) — A facility that provides
short-term, primarily in patient care, treatment, and/or rehabilitation services for up to six persons recovering from mental or physical illness or injury who do not require continued hospitalization but do require medical or psychiatric treatment. This use does not include facilities meeting the definition of a "hospital" or "nursing/ convalescent home." A rehabilitation center may include a nursing/convalescent home that provides all of the following services: (1) physical therapy services, (2) occupational therapy services, and (3) speech therapy services.

k) ROOMING/BOARDINGHOUSE — Any dwelling or that part of any dwelling or dwelling unit containing one or more rooming units in which each rooming unit is let for sleeping purposes by the owner or operator to more than four persons who are not related by blood, marriage or adoption to the owner or operator. A "rooming unit" means any room or group of rooms forming a single, habitable unit or intended to be used for living and sleeping but not for cooking or eating purposes.

l) TRANSITIONAL RESIDENCES — A residential facility operated by a government agency or private, nonprofit organization that provides temporary accommodations and on-site management for homeless persons and/or homeless families or other persons requiring interim housing arrangements.

GUYED TOWER — See definition of "transmission tower."

HEAVY EQUIPMENT REPAIR — See definition of "vehicle and equipment repair."

HISTORIC RESOURCES — Historic resources are all those currently designated either as districts or individually, locally or to the National Register of Historic Places; are included in any of the previous historic resources surveys carried out by the City, or are considered eligible for any of these designations or surveys.

HOME OCCUPATION — A business, profession, occupation, or trade that is conducted for gain as an accessory use within a dwelling unit by a resident of the dwelling unit. Home occupations must comply with those standards and conditions stated in § 4.3G: Home Occupations.

HOTEL — See definition of "lodging."

HOSPITAL — A state licensed medical establishment whose facilities provide in-patient accommodations; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences that are integral with and accessory to the principal use of the establishment.

HOUSEHOLD LIVING — A use category including mostly household dwelling, and including residential occupancy of a dwelling unit by a household with tenancy arranged on a month-to-month or longer basis.

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a) ATTACHED DWELLING — A dwelling containing no less than three nor more than eight dwelling units arranged side by side separated from each other by vertical party walls. No portion of a dwelling unit shall be constructed over or under any portion of an adjoining dwelling unit. No more than one dwelling unit may be served by a single stairway or by a single exterior door. An attached house may include condominium units.

b) CLUSTER HOUSING DEVELOPMENT — A residential development in which not all of the lots comply with minimum lot area and width standards, but in which the development as a whole conforms to the requirements of § 4.2G: Cluster Housing Developments. A cluster housing development may include condominium units.

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c) DETACHED DWELLING — A dwelling containing one dwelling unit, and not attached to any other structure containing a dwelling unit. A detached house may also include a mobile home, modular home, manufactured home, or a condominium that meets all requirements of this Ordinance, including without limitation those use standards for a single-family dwelling contained in § 4.2L: Detached Dwelling.

d) DUPLEX — A dwelling containing two dwelling units, attached side-to-side or with one dwelling unit located above the second dwelling unit. A duplex may include condominium units.

e) MULTI-UNIT DWELLING — A dwelling containing three or more dwelling units. A multi-unit dwelling may include condominium units.

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

INDOOR RETAIL SALES AND SERVICE — See definition of "retail sales and service."

INDUSTRIAL, GENERAL — Production, processing, assembling, packaging, or treatment of food and nonfood products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General industrial uses do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

a) Continuous, frequent, or repetitive noises or vibrations;

b) Noxious or toxic fumes, odors, or emissions;

c) Electrical disturbances; or

d) Night illumination into residential areas.

Notwithstanding the foregoing, the following types of impacts are consistent with a general industrial classification: noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

INDUSTRIAL, INTENSIVE — Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the "general industrial" use type classification.

KENNEL — See definition of "animal service."

LARGE COLLECTION FACILITIES — See definition of "recycling

facility." LATTICE TOWER — See definition of "transmission tower."

LAUNDRY SERVICE — Laundering, dry cleaning, or dyeing services other than those classified as "personal services, general". Typical uses include laundry agencies, diaper services and linen supply services.

LIGHT EQUIPMENT REPAIR — See definition of "vehicle and equipment sales and service."

LODGE, FRATERNAL AND CIVIC ASSEMBLY — Meetings and activities primarily conducted for

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members of such groups. Excludes group living, group care and lodging use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

LODGING — Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

a) BED-AND-BREAKFAST — An establishment located within a detached house that is the principal residence

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of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.

b) HOTEL — An establishment that does not meet the definition of bed-and-breakfast where (i) short-term lodging is offered for compensation; and (ii) lodging units are accessed from interior hallways. Hotel structures are generally more than two stories in height.

c) MOTEL — An establishment that does not meet the definition of bed-and-breakfast where (i) short-term lodging is offered for compensation; and (ii) lodging units are accessed by exterior doors opening directly on exterior parking areas or passageways. Motel structures generally do not exceed two stories in height.

LOT — A parcel of land, utilized in compliance with all the provisions of the Zoning Ordinance. A lot may or may not be a lot of record. A lot must have at least 20 feet of frontage on a public street or on an unobstructed and permanent easement to a public street.**[Amended 3-19-2007 by Ord. No. 1822]**

LOT, DOUBLE FRONTAGE — A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot (as distinguished from a corner lot).

LOT OF RECORD — A parcel of land, the dimensions of which are shown on a recorded plat on file with the Kalamazoo County Register of Deeds.

MANUFACTURED HOME — A single-family detached housing unit that is built to the National Manufactured Housing Construction and Safety Standards of 1974 (42 U.S.C. § 5401), which became effective June 15, 1976 (i.e., HUD approved). The structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or 30 body feet or more in length, or, when erected on site is 360 or more square feet, and that is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating and/or air conditioning, and electrical systems contained in such structure.

MANUFACTURING AND PRODUCTION, LIMITED — Establishments that do not involve outside storage of materials, do not require federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following.**[Amended 8-20-2012 by Ord. No. 1900]**

a) On-site production of goods by hand manufacturing involving use of hand tools or light mechanical equipment. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, for display or sale on site, or to order for customers or firms. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or

b) Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics; or

c) Craft food and beverage production, generally with a retail sales component on site. Typical uses include bakeries, microbreweries, wineries, or distilleries, cottage food operations, or packaged foods from local producers.

MANUFACTURING AND PRODUCTION, TECHNOLOGICAL — Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require federal air quality discharge permits.

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MARIHUANA or MARIJUANA — That term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.**[Added 4-2-2018 by Ord. No. 1957]**

MARIHUANA FACILITY — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Act, MCL 333.27101 et seq., including a marihuana grower, marihuana

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processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility.

The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Marihuana Act, MCL 333.26421 et seq.**[Added 4-2-2018 by Ord. No. 1957]**

a) GROWER — A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marijuana for sale to a processor or provisioning center.

   1) Class A: A licensed grower who is authorized to grow not more than 500 marihuana plants.

   2) Class B: A licensed grower who is authorized to grow not more than 1,000 marihuana plants.

   3) Class C: A licensed grower who is authorized to grow not more than 1,500 marihuana plants.

b) PROCESSOR — 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

c) 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.

d) 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.

e) SECURE TRANSPORTER — A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilitates for a fee.

f) MEDICAL CANNABIS DISPENSARY: A provisioning center operated and whose license to operate is held solely by one or more registered qualifying patients and/or registered primary caregivers operating at a fixed location.

MARQUEE — A permanent, roof-like shelter that extends from part or all of a building face and is constructed entirely of noncombustible materials.

MEDICAL SERVICE — Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical offices, clinics, dental laboratories, and health maintenance organizations. Excludes use types more specifically classified, such as hospitals.

MICROBREWERY — A small-scale brewer that produces beer for sale on the premises, as well as for off-site sales, as licensed by the State of Michigan.**[Added 8-20-2012 by Ord. No. 1900]**

MINI-WAREHOUSES — See definition of "wholesale, storage, and distribution."

MINING — Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil

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and gas drilling.

MIXED USE — Whenever the expression "mixed use" is used, it shall refer to the use of land for storage or parking space accessible to two or more different principal uses on adjacent lands.

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

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MOBILE HOME PARK — See definition of "household living."

MODULAR HOME — A dwelling unit that consists of building materials commonly used in on-site construction but that is pre-constructed off site into units and transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot.

MONOPOLE — See definition of "transmission

tower." MOTEL — See definition of "lodging."

MULTI-UNIT DWELLING — See definition of "household living."

MURAL — A design or representation that is either (i) painted, (ii) drawn, or (iii) produced off-site and affixed in a structurally sound and workmanlike manner on the exterior wall of a building or structure that does not direct attention to a product, service, place, activity, person, institution, business or solicitation.**[Amended 6-29-2009 by Ord. No. 1854]**

NUDITY or STATE OF NUDITY — The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this chapter, does not include a woman's breastfeeding of a baby regardless of whether the nipple or areola is exposed during or incidental to the feeding.

NURSING/CONVALESCENT HOME — See definition of "group living."

OFFICE, ADMINISTRATIVE AND PROFESSIONAL — Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

OPACITY — The percentage of view blocked by a typical one foot square section of a fence, barrier, or buffer material. An "opaque" fence or wall is one with opacity of greater than 90%.

OPEN SPACE/NATURE PRESERVE — See definition of "community recreation."

OUTDOOR RETAIL SALES AND SERVICE — See definition of "retail sales and

service."

OWNER — The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this Ordinance, the owner is the person who last paid taxes on any parcel as identified by property tax records. For purposes of making applications for approvals under this Ordinance, or responding to notices or enforcement actions under this Ordinance, the owner may also include a person or entity authorized in writing to appear on behalf of the person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. When used in conjunction with § 4.2W: Telecommunications Facilities, a person or entity with free title or a long-term (exceeding 10 years) leasehold to any parcel of land within the City who desires to develop, construct, build, modify, or erect a transmission tower upon such parcel of land.

PACKAGE LIQUOR STORE — See definition of "food and beverage retail sales."

PARKING, COMMERCIAL — Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking use.

PARKING SPACE — A surfaced area, enclosed in the main building or in an accessory building or unenclosed, that is designated and used for off-street parking of a motor vehicle.

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PARKS/RECREATION FACILITY — See definition of "community recreation."

PERSON — Any natural person, firm, partnership, association, corporation, company, trust estate, or other legal entity, private or public, whether for profit or not for profit.

PERSONAL CONVENIENCE SERVICE — Provision of small personal items or consumer-oriented, personal services that do not include services from a licensed health or mental health care professional. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include

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neighborhood grocery stores, drugstores, laundromats/dry cleaners and barbershops.

PERSONAL IMPROVEMENT SERVICE — Informational, instructional, personal improvement, and similar services. Excludes services classified as "spectator sports and entertainment," "participant sports and recreation" or "transient habitation." Typical uses include photography studios, driving schools and weight reducing salons.

PLANNING COMMISSION — The Planning Commission of the City of Kalamazoo.

POSTAL SERVICE — Mailing services and processing as traditionally operated or leased by postal and parcel service companies.

PRIMARY FACADE — The exterior face of a building that is the architectural and functional front of a building, and is oriented toward the primary street. A building has only one primary facade.

PRINCIPAL USE — The predominant use or uses to which a lot or structure is devoted.

PROCESSING CENTER — See definition of "recycling facility."

PROVIDER — When used in conjunction with § 4.2W: Telecommunications Facilities, a person in the business of designing and using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

PUBLIC LIBRARY — A library established and operated by an accredited college or university, community college district, the City, a public school district, or other local unit of government or authority, or combination of local units of governments and authorities, and whose services are available for use by the public.**[Added 4-2-2018 by Ord. No. 1957]**

PUBLIC SAFETY SUBSTATION — A facility that provides protection to a district or entity according to fire, life, and safety code sections, together with the incidental storage and maintenance of necessary vehicles, but not including a facility in which only administrative services are provided (i.e. headquarters offices). Typical uses include fire stations, police stations and ambulance services.

PUBLIC UTILITY — Any person, firm, or corporation, municipal department, board or commission duly authorized to provide public utilities under federal, state, or municipal regulations, including but not limited to gas, steam, electricity, sewage disposal, communication, telegraph, and water.

RECYCLING FACILITY — A licensed facility for the collection and/or processing of recyclable materials, primarily household and communal waste. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use that is used solely for the recycling of material generated by that residential property, business or manufacturer. A recycling facility does not include scrap or salvage establishments and does not include the washing of equipment. Recycling facilities may include the following:

a) LARGE COLLECTION FACILITIES — A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public occupying an area of more than 500 square feet, that may or may not include permanent structures.

b) SMALL COLLECTION FACILITIES — A center or facility for the acceptance by donation, redemption, or purchase, of recyclable materials from the public occupying an area of no more than 500 square feet.

c) PROCESSING CENTER — A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an

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end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

REGULARLY — When used in connection with the terms "regular features," "regularly shown" or similar terms in § 4.2B: Adult Regulated Uses, a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

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REHABILITATION CENTER — See definition of "group living."

RELIGIOUS ASSEMBLY — Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

REPAIR SERVICE, CONSUMER — Provision of repair services to individuals and households, but not to firms. Excludes automotive and equipment use types. This use does not include heavy or light equipment sales, servicing, or repair. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

RESEARCH AND DEVELOPMENT — Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

RESTAURANT — An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

RETAIL SALES AND SERVICE — Businesses involved in the sale, lease or rent of new or used products to the general public. Excludes agricultural sales, animal services, automotive and equipment, business equipment sales and services, construction sales and services, food and beverage retail sales, gasoline sales and swap meets.

a) INDOOR — The display and sale of products and services shall take place entirely within an enclosed building or structure. Typical uses in this category include department stores; apparel stores; hobby stores; bookstores; media stores; and furniture stores.

b) OUTDOOR — Part or all of the display and sale of products and services, may take place outside of an enclosed building or structure. Typical uses in this category include sales of automobiles, trucks, motor homes, and other large vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil (not in conjunction with gasoline or fuel sales); farm equipment; burial monuments; building and landscape materials; and lumber.

RETAIL STORE — Any and all mercantile establishments selling goods, wares or merchandise at retail or wholesale except as otherwise specified in this Ordinance.

RETENTION BASIN — A pond, pool, or basin used for the permanent storage of water runoff.

ROOFLINE — The top edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette.

ROOMING/BOARDINGHOUSE — See definition of "group

living." SALES AND GROOMING — See definition of "animal

service."

SCHOOLS — Public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

SCRAP AND SALVAGE OPERATIONS — Storage, sale, dismantling, or other processing of used, source- separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junkyards, and salvage yards, but not recycling facilities.

SEATING CAPACITY — When used in computing required amounts of parking or loading pursuant to § 6.1: Off- Street Parking and Loading, the capacity of a facility to accommodate patrons or visitors,

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measured as follows:

a) If the plans and specifications filed with the Building Inspector specify a certain fixed seating capacity for a particular building such specified fixed seating capacity shall be used as the basis for computing the storage or parking area required.

b) If no plans or specifications specifying a seating capacity have been filed with the Building Inspector, then the number of seats shall be calculated by dividing the lateral length of seating facilities by 20 linear inches.

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Each twenty-inch length in such measurement shall be counted as one seat.

SEMINUDE OR STATE OF SEMINUDITY — A state of dress in which opaque covering covers no more than the genitals or anus and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided that the areola and nipple are not exposed in whole or in part.

SIGN — A structure, device, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, poster, trade flag or representation, illuminated or nonilluminated, that is visible from a public place, including, but not limited to, highways, streets, alleys or public property, or is located on private property and exposed to the public, that directs attention to a product, service, place, activity, person, institution, business or solicitation.

SIGN, ABANDONED — A sign that no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity or service.

SIGN AREA — The entire area within a circle, triangle, parallelogram or any other shape that encloses the extreme limits of writing, representation, emblem, logo or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign and decorative elements to enclose sign supports. Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign except:

a) If the sign contains two faces, the area of the sign shall be computed as the area of one face; and if such faces are of an unequal area, the larger of the two faces shall determine the area.

b) If the sign contains more than two faces (for example, a triangular sign with three distinct faces), the area of the sign shall be computed as the total area of all faces added together.

c) Where a sign consists solely of writing, representation, emblems, logos or any other figure of similar character that is painted or mounted on the wall of a building or a self-supporting wall or fence, without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

SIGN, AWNING — A sign painted on, printed on or attached flat against the surface of an awning.

SIGN, CANOPY — A sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits of the canopy.

SIGN, CHANGEABLE COPY — Either of the following:**[Amended 8-19-2013 by Ord. No. 1912]**

a) MANUAL — A sign on which a copy is changed manually, such as header boards with changeable letters or pictorials; or

b) AUTOMATIC — An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign. The following definitions are used in association with automatic changeable copy signs:

   1) DISSOLVE — A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

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2) FADE — A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

3) FLASH — A mode of message transition on an electronically changeable copy sign accomplished by

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varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.

4) SCROLL — A mode of message transition on an electronically changeable copy sign accomplished by the movement of a message.

SIGN, COLD-AIR INFLATABLE BALLOON — A temporary/portable sign composed of a nonporous bag of tough, light material filled with unheated oxygen that may or may not float in the atmosphere.

SIGN, COMMUNITY SPECIAL EVENT — A sign, other than a public building bulletin board, that is erected for a limited time to call attention to special events of interest to the general public and sponsored by nonprofit groups, associations or corporations.

SIGN, CONSTRUCTION — A sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, that is located on a site being developed or improved.

SIGN, DIRECTIONAL — Any sign that serves to designate the location or direction of any place or area located on the premises on which the sign is located.

SIGN, ELECTION CAMPAIGN — A sign that advocates or opposes a candidate for political office or an issue to be determined at an official federal, state, county, school or municipal election.

SIGN, FESTOON — A sign consisting of strings of exposed incandescent light bulbs, balloons or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.

SIGN, FLASHING — A sign (i) that contains an intermittent or flashing, shimmering, or blinking light, or (ii) that gives the illusion of intermittent or flashing light by means of animation, mirrored surfaces, or an externally mounted intermittent light source, or (iii) that produces moving images through the use of video presentations or the creation of animated or moving images (such as "Jumbotron" light signs).

SIGN, FREESTANDING — A sign erected on a freestanding frame, mast, or pole and not attached to a building.

SIGN, HEIGHT — The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

SIGN, HELIUM-INFLATABLE BALLOON — A temporary/portable sign composed of a nonporous bag of tough, light material filled with helium that may or may not float in the atmosphere.

SIGN, ILLUMINATED — A sign that provides artificial light directly on or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.**[Amended 8-19-2013 by Ord. No. 1912]**

SIGN, MARQUEE — A sign displayed on a marquee and does not extend vertically or horizontally beyond the limits of the marquee.

SIGN, NONCONFORMING — A sign that lawfully occupies a building or land that does not conform to the regulations of the zoning district in which it is located.

SIGN, OFF-PREMISES — A sign other than an on-premises sign.

SIGN, OFF-PREMISES DOUBLE-FACED — An off-premises sign containing not more than two sign faces located back-to-back and parallel to each other on the same structure.

SIGN, OFF-PREMISES STRUCTURE — A freestanding column, including associated supports and framework, that supports an off-premises sign independent of any building.

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SIGN, ON-PREMISES — A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

SIGN, PERMANENT — Any sign that does not meet the definition of a "sign, temporary/portable."

SIGN, PROJECTING — A sign, other than a wall or marquee sign, that is perpendicularly attached to and projects from a structure or building face.

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SIGN, REAL ESTATE — A sign pertaining to the sale, lease, or rental of a building or land.

SIGN, ROOF — A sign erected upon, against or directly above a roof, or on top of or above the parapet of a building.

SIGN, SANDWICH BOARD — A temporary A-frame sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way.

SIGN, SPECIAL EVENT — A temporary sign that advertises a special event. This does not include signs held or supported by a human or animal, which are not permitted.

SIGN, SPECIAL PURPOSE OR SEASONAL — A sign, other than an on- or off-premises sign, including, but not limited to, traffic signs, rest room signs, vending machines, door-opening directions, residential merchandise sales signs, organizations and signs, such as Christmas decorations, used for a historic holiday and installed for a limited period of time.

SIGN, SUBDIVISION — A sign that advertises a residential or commercial subdivision.

SIGN, SWINGING — A sign, installed on an arm or spar, that is not permanently fastened to an adjacent wall or upright pole and is prohibited.

SIGN, TEMPORARY/PORTABLE — A sign and sign structure (a) that is not constructed or intended for long term use in a fixed location, or (b) that is designed to facilitate the movement of the sign from one location to another, or (c) that is not permanently affixed including, but not limited to, devices, such as balloons or other inflatable devices, flags, streamers, searchlights, twirling or sandwich signs, banners, posters, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type and strings of lights, but not including a seasonal sign. The sign may or may not have wheels, changeable letters and/or hitches for towing.

SIGN, WALL — A sign that is painted or attached directly to the wall or other exterior surface of a building, or is directly visible through and attached to the inside or outside of a window of a building, and that does not project more than 18 inches from the exterior surface, with the face of the sign running on a parallel plane to the exterior surface of the building wall.

SIT-DOWN RESTAURANT — See definition of "eating and drinking

establishments." SMALL COLLECTION FACILITIES — See definition of

"recycling facility." SPECIFIED ANATOMICAL AREAS — Portions of the

human body defined as follows:

a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola;

b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — The explicit display of one or more of the following:

a) Human genitals in a state of sexual stimulation or arousal;

b) Acts of human masturbation, sexual intercourse, or sodomy;

c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

SPORTS AND RECREATION, PARTICIPANT — Provision of sports or recreation primarily by and

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for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

a) INDOOR — Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

b) OUTDOOR — Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf

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courses and swimming pools.

STEALTH — When used in conjunction with § 4.2W: Telecommunications Facilities, any transmission tower or telecommunications facility that is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and transmission towers designed to look other than like a transmission tower such as light poles, power poles, and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole transmission tower designs.

STORAGE OF VEHICLES AND BOATS — See definition of "vehicle and equipment sales and service."

STORY — That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four feet above the average adjoining ground surface. An attic is to be counted as a story if it is occupied as a dwelling unit, or a part of a dwelling unit, or used for business sales or showrooms.

STRUCTURE — Anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURAL ALTERATION — Any change in the supporting members of a building, bearing walls, columns, beams or girders, or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

SUBSTANTIALLY ALTERED — When used in connection with Chapter 7 (Signs), a change in a sign or sign structure, as differentiated from maintenance or repair, including a change in height, location, area, shape or material, except that which occurs in manual or automatic changeable-copy signs.

TAVERN or LOUNGE — See definition of "eating and drinking establishments." TEAROOM/CAFE — See definition of "eating and drinking establishments."

TELECOMMUNICATIONS FACILITIES — When used in conjunction with § 4.2W: Telecommunications Facilities, any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a transmission tower or antenna support structure. However, the term telecommunications facilities shall not include any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

TEMPORARY USE — A use approved by the Zoning Board of Appeals to exist for a defined period of time.

TRANSIENT MERCHANT — A person or entity engaged in the sale or goods or the provision of services for payment or benefit, but who has no fixed place of business. Transient merchants are required to obtain a permit to do business from the City Clerk's office, and to maintain such permit in good standing at all times when business is conducted.

TRANSITIONAL RESIDENCES — See definition of "group living."

TRANSMISSION TOWER — When used in conjunction with § 4.2W: Telecommunications Facilities, the monopole or lattice framework designed to support transmitting and receiving antennas. For the purposes of this section, amateur radio transmission facilities are not "transmission towers." Transmission towers include:

a) GUYED TOWER — A tower that is supported by the use of cables (guy wires) that are

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permanently anchored;

b) LATTICE TOWER — A tower characterized by an open framework of lateral cross members that stabilize the tower; and

c) MONOPOLE — A single upright pole, engineered to be self supporting and does not require lateral cross supports or guys.

UTILITIES AND PUBLIC SERVICE — Services and public utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual

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restraints of the district for reasons of necessary location and community wide interest. Typical uses include: water
and wastewater treatment facilities, major water storage facilities, airports, and detention, probation and correction institutions

VEHICLE AND EQUIPMENT SALES AND SERVICE — Sales of motor vehicles or services related to motor vehicles. The following are vehicle and equipment sales and service use types:

a) CAR WASH — Washing and polishing of automobiles. Typical uses include automatic and hand car washes.

b) FLEET STORAGE — Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

c) HEAVY EQUIPMENT REPAIR — Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

d) LIGHT EQUIPMENT REPAIR — Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages and auto glass shops.

e) HEAVY EQUIPMENT SALES/RENTALS — Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

f) LIGHT EQUIPMENT SALES/RENTALS (INCLUDING AUTOMOBILES) — Sale, retail, wholesale, or
rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 pounds gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicles sales and rental agencies.

g) STORAGE OF NONOPERATING VEHICLES — Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways and impound yards.

h) STORAGE OF RECREATIONAL VEHICLES AND BOATS — Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.

VETERINARY CLINIC — See definition of "animal

service." VETERINARY HOSPITAL — See definition of

"animal service."

WHOLESALE, STORAGE, AND DISTRIBUTION — Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

a) MINI-WAREHOUSES — Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of

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stored materials by the tenant; but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

b) LIGHT — Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.

c) HEAVY — Open-air storage, distribution, and handling of materials and equipment, or bulk storage of fuel. Typical uses include monument or stone yards, grain elevators and large-scale fuel storage.

WIND ENERGY UNIT — A wind energy conversion system that converts wind energy into electricity through the

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use of a wind turbine generator, and includes a wind turbine, blades, tower or monopole, and all related electrical equipment or system components. Such systems include building-mounted and freestanding units.**[Added 9-20-2010 by Ord. No. 1872]**

a) BUILDING-MOUNTED WIND ENERGY UNIT — A wind energy structure that is installed on the top of a building roof or attached to the side or rear of a building.

b) SMALL, FREESTANDING WIND ENERGY UNIT — A monopole or tubular-designed wind energy structure with a maximum height of 60 feet.

c) LARGE, FREESTANDING WIND ENERGY UNIT — A monopole or tubular-designed wind energy structure with a maximum height of 200 feet.

d) MULTIPLE WIND ENERGY UNITS — Grouping of monopole or tubular-designed, freestanding wind energy structures that are allowed on multi-acre parcels.

e) BREAKING/FEATHERING SYSTEM — A system included in a wind energy structure that prevents uncontrolled rotation, over-speeding, and excessive pressure on the tower facility, rotor blades, and other wind energy components to promote safe and efficient operation.

YARD, FRONT — That area measured by the full width of the front lot line to a depth measured from said front lot line to the first supporting member of a structure. In the case of corner lots, the front yard shall be the area measured by the lot lines on each street to a depth measured from said lot lines to the first supporting member of the structure.

YARD, REAR — That area measured by the full width of the rear lot line to a depth measured from said rear lot line to the rear-most supporting member of a structure.

YARD, SIDE — An open space unoccupied and unobstructed from the ground upward between the building and the side lot line extending from first supporting member of a structure in the front to the rear-most supporting member of a structure.

ZONING BOARD — The Zoning Board of Appeals of the City of Kalamazoo.

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August 28, 2023

Community Planning Economic Development
245 N Rose St
Kalamazoo, MI 49007

SUBJECT: Richard L Booden
528 Hutchinson St
Kalamazoo, MI 49008

Dear Christina Anderson:

I received a notice in the mail that my property, listed above, is in the process of being changed from commercial to residential. This property has been commercial under Michigan Glass. There is still a 40x30 structure that is set for commercial use. I am hoping to sell this property next year and I really need it to remain commercial so that I can sell it for a higher amount than if it is changed to residential. My family has lived here for over 64 years and has continuously paid the taxes on this property as commercial use. To now change it to residential would cost us an extremely large amount when trying to sell it.

If you have any questions or need any further information, please don't hesitate to call my home phone at 269-345-3344.

Thank you for your consideration to this matter.

Sincerely,

Richard L Booden

Richard L Booden

WESTWOOD
CHRISTIAN REFORMED CHURCH
Finding & Following Jesus

August 14, 2023

City of Kalamazoo - Community Planning and Economic Development Department
ATTN: Christina Anderson, City Planner
245 Rose Street, Suite 101
Kalamazoo, MI. 49007

Peter C Eldridge, AICP, Zoning Administrator,

We, the Ministry Council of Westwood Christian Reformed Church, support the proposed rezoning for 4140 W. Main St. to be considered by the Planning Commission on September 7, 2023. A CC2 zoning will allow the current sale to proceed and hopefully come to completion. The buyer will use the property in a manner that is comfortable for Westwood CRC and beneficial to the surrounding neighborhood.

Thank you for considering this zoning proposal that will benefit Westwood CRC, the neighborhood, and the Kalamazoo community.

Sincerely,

B.J. Huizenga

B.J. Huizenga, Council Chair
Westwood Christian Reformed Church

620 Northampton Rd., Kalamazoo, MI 49006 • Ph: 269-381-8691 • Fx: 269-381-8699

CITY OF KALAMAZOO
SITE PLAN REVIEW PROJECT LIST

Year 2023	Project Address	Project Description	Applicant	Property Owner	Pre-App. Received	Pre-App. Meeting	Pre-App. Approval Date	Date Site Plan Rec.	Fee	Committee Meet. Date	Design Review	Site Plan Review Status	Final Site Plan Approval Date	Final Inspect.	Process Issues
Full Site Plan															
PSP23-001	2300 Glendenning Rd	Replace Modular Office Building	AR Engineering	T-M Asphalt	9/27/2022	10/5/2022	10/5/2022	12/21/2022	$500	1/25/2023	NA	Site Plan Approved	5/3/2023		Lot line adjustment
PSP23-002	3921 Oakland Dr	Country Club Buildings and Golf Course	Hurley & Stewart	Oakland Finance Company	11/29/2022	12/14/2022	12/14/2022	1/3/2023	$500	2/8/2023	NFP	Site Plan Approved	7/11/2023		
PSP23-003	1827 Reed Ave	New Trucking Warehouse & Distribution Building	Byce & Associates	Reed 1827, LLC	11/3/2022	11/16/2022	11/16/2022	1/11/2023	$500	7/28/2023	NA	Project Under Review			Rail Spur Approval from RR
PSP23-004	5235 Portage Rd	Snow Equipment Storage Building	RS& H Michigan	Kalamazoo County Airport	11/29/2022	12/7/2022	12/7/2022	1/9/2023	$500	2/15/2023	NA	Site Plan Approved	3/21/2023		
PSP23-005	3505 Emerald Dr	Cell Antenna Collocation	Cellco Partnership	T-Mobile Central	NA	NA	NA	1/26/2023	$250	2/22/2023	NA	Site Plan Approved	2/28/2023		
PSP23-006	710 Collins	Cell Antenna Collocation	T-Mobile	T-Mobile Central	NA	NA	NA	1/19/2023	$250	2/22/2023	NA	Site Plan Approved	3/3/2023		
PSP23-007	2101 Fulford	Building (Truck Bay) Addition	Hurley & Stewart	Flowserve US Inc	12/2/2022	12/14/2022	12/14/2022	1/25/2023	$500	2/22/2023	NA	Site Plan Approved	6/9/2023		
PSP23-008	215 E Michigan Ave	Change of Use to Restaurant	Terry Patterson & Fritz Brown	215 EM Partners, LLC	12/12/2022	1/4/2023	1/4/2023	1/31/2023	$500	3/1/2023	DDRC	Site Plan Approved	4/6/2023		
PSP23-009	900 Hatfield	Cell Antenna Collocation	AT&T Mobility	SBA Towers II, LLC	NA	NA	NA	2/6/2023	$250	3/8/2023	Na	Site Plan Approved	3/14/2023		
PSP23-010	3651 E Cork St	Lease Co & New Wash Bldg	Enterprise Leasing Co. of Detroit	Clark Logistics Group XLI, LLC	2/7/2023	2/15/2023	2/15/2023	3/2/2023	$500	3/29/2023	NA	Site Plan Approved	5/10/2023		
PSP23-011	5225 Portage Rd	New storage building and building addition	Hurley & Stewart	5225, LLC	8/8/2022	8/24/2022	8/24/2022	3/8/2022	$500	3/29/2022	NA	Site Plan Approved	4/27/2023		
PSP23-012	3915 Stadium Dr	Paving Expansion	Hurley & Stewart	Car L Shine, LLC	3/6/2023	3/22/2023	3/22/2023	3/31/2023	$250	4/26/2023	NFP	Site Plan Approved	7/6/2023		
PSP23-013	1400 Harrison St	Site work and equipment building for clarifier	Hurley & Stewart	Graphic Packaging	2/22/2023	3/8/2023	3/8/2023	4/4/2023	$500	5/17/2023	NFP	Project Under Review			
PSP23-014	2634 MT. Olivet Rd	Cell Antenna Collocation	Verizon Wireless	City of Kalamazoo	NA	NA	NA	5/10/2023	$250	6/7/2023	NA	Site Plan Approved	7/6/2023		
PSP23-015	2536 S Sprinkle Road	Change of Use - Gas Station to Cannabis Retailer	2536 S Sprinkle Road LLC	C&H LLC	1/17/2023	1/20/2023	NA	6/12/2023	$250.00	7/12/2023		Project Under Review			
PSP23-016	209 E Stockbridge Ave	Mixed-use Development	LIFT Foundation	Kalamazoo County Housing Choiices	3/22/2023	4/26/2023	4/28/2023	6/22/2023	$610.00	7/12/2023	NFP	Project Under Review			
PSP23-017	128 E Frank St	Site work and residential building additions	Byce & Associates	Mt Zion Baptist Church	6/15/2022	7/28/2022	7/28/2022 - CONDITIONAL APPROVAL	6/29/2023	$500.00	7/26/2023		Project Under Review			
PSP23-018	112/120 E Cork Street	Change of Use - Parking Lot for Kzoo Vet Hospital	Bosch Architecture	Moiles Properties LLC	6/30/2023	7/12/2023	7/14/2023	8/17/2023	$610.00	9/13/2023	NFP	Project Under Review			
PSP23-019	918 Jasper Street	Site work and accessory bu	Hurley & Stewart	Senior Services Inc.	2/9/2023	3/22/2023	3/24/2023	7/28/2023	$500.00	8/23/2023	DDRC	Project Under Review			
PSP23-020	2045 E Michigan Ave	Site work and new iron and	Wightman	City of Kalamazoo	6/16/2023	6/28/2023	6/30/2023	8/11/2023	$500.00	9/6/2023		Project Under Review			
							Total		$8,720						