



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, October 26, 2020

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation
2. Introduction of Guests
3. Proclamations
 - a. Lights on Afterschool Day - Kalamazoo, October 22-24, 2020
 - b. Imagine a Day Without Water Day - Kalamazoo, October 21, 2020

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC HEARINGS

1. Public hearing to receive comments on RESOLUTION #4, for the purpose of approving the 2019 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of \$15.753. (**Action: Motion to adopt the resolution**)
2. Public hearing to receive comments on extending an ORDINANCE to temporarily remove the required minimum off-street parking requirements of Section 50-7.2 *Required Vehicular Off-Street Parking Spaces* through March 31, 2021, to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID-19. (**Action: Motion to adopt the ordinance**)

3. Adoption of a RESOLUTION approving a request from Zoetis LLC, for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$47,859,166. **(Action: Motion to adopt the resolution)**

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-5”, postpone item “6” until November 2, 2020, and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a 2-year contract with Total Property Management for the mowing and trimming of parks and greenspaces in the amount of \$220,270.20.
2. Approval of a one-year contract with Student Haulers for the removal and disposal of trash, nuisances, and garbage collected pursuant to the enforcement of various city ordinances in the amount of \$120,000.
3. Adoption of a RESOLUTION setting a public hearing regarding an amendment to the Kalamazoo Downtown Economic Growth Authority Development and Tax Increment Financing Plan.
4. Approval and acceptance of easements for water main to be installed as part of the 30th Street Water Main Project.
5. Approval of a Snow Melt System Easement Agreement with First National Bank that would allow the bank to install a snow melt system in the City's right-of-way and maintain the system for 20 years' time.
6. Adoption of a resolution vacating Scudder Court between Frank and Parsons Streets. *(Postpone until November 2, 2020)*

H. REGULAR AGENDA

1. First reading an ordinance to amend the text of Chapter 50 Zoning Code and update the Zoning Map for Downtown and adjacent blocks and schedule a public hearing for November 2, 2020. **(Action: Motion to offer the ordinance for first reading and schedule a public hearing)**
2. Approval of a proposed settlement and release with Georgia-Pacific and 3M Company whereby the City will receive funds to pay for Cooper Township property connections to the City of Kalamazoo water system. **(Action: Motion to approve)**

I. REPORTS AND LEGISLATION

1. City Clerk's Report
2. City Manager's Report
 - a. Recommendation from the Environmental Concerns Committee Regarding a Sustainability Plan for the the City of Kalamazoo

J. UNFINISHED BUSINESS**K. POLICY ITEMS****L. NEW BUSINESS**

1. Adoption of a RESOLUTION amending the City Commission Rules to govern electronically-held meetings to take advantage of, and conform with, the recently adopted Public Act 228 of 2020. **(Action: Motion to adopt the resolution)**

M. COMMISSIONER COMMENTS**N. CLOSED SESSION****O. ADJOURNMENT**

ADDITIONAL INFORMATION

Get news, information, and alerts from the City of Kalamazoo. Sign up at www.kalamazoocity.org/connect, follow @KalamazooCity on Twitter, and search for The City of Kalamazoo on Facebook.

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **E.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Brianna Clawson, CPA, Support Services Division Manager

DATE: October 26, 2020

SUBJECT: 2019 Kalamazoo Mall Maintenance Assessment

RECOMMENDATION:

It is recommended that the City Commission adopt Resolution #4, for the purpose of approving the 2019 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of \$15.753.

BACKGROUND:

Historically, property owners on the Kalamazoo Mall have been assessed a per front foot cost to cover expenses associated with annual sidewalk maintenance activities performed by the City of Kalamazoo. This cost varies from year to year mainly due to snow removal activities associated with the snow melt system on the Mall. The 2019 assessment reflects natural gas costs associated with the Mall's snow melt system.

This assessment was originally designed to cover expenses for general sidewalk maintenance which also includes sweeping and cleaning, litter control, and brick repair. Please note that this assessment does not cover expenses for turf maintenance, lighting, flower plantings, crosswalk area maintenance or holiday decorations.

In 1999, the City of Kalamazoo, property owners and Downtown Kalamazoo Incorporated, (DKI), reached an agreement designed to protect property owners from significant increases due to weather conditions as well as to ensure that the City of Kalamazoo recovers the true cost of performing this work. The agreement included the following:

1. There will be one rate for mall maintenance, rather than one rate for those properties fronting on the snow melt system and those without snow melt.

2. The assessed rate will be an average of the last three years of actual costs to perform this work or the actual cost for the year being assessed, should it be lower than the three-year average.

3. If the actual cost for the year being assessed is greater than the three-year average, DKI will cover the “shortfall”, up to \$15,000. The 2019 assessment will require a subsidy from DKI of \$5,846.73.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Connected City - A City networked for walking, biking, riding, and driving

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Collaborate (two-way conversation) - the community will have a chance to shape the project by providing feedback.

FISCAL IMPACT:

Per front foot costs and averages for Kalamazoo Mall sidewalk maintenance for the last three years are as follows:

Actual Cost Three Year Average

2017 \$14.322 \$14.983

2018 \$15.168 \$14.756

2019 \$17.769 \$15.753

Following the public hearing, assessment notices will be distributed in the amount of \$15.753 per front foot for a total of \$45,687.11.

This assessment will reimburse the General Fund for Mall maintenance activities performed during the 2019 season. It should be noted that this assessment roll represents only 16% of the 2019 Kalamazoo Mall Maintenance expenditures of \$282,669.

**CITY OF KALAMAZOO, MICHIGAN
RESOLUTION NO. 4 RE: IMPROVEMENT PROJECT**

#4

2019 KALAMAZOO MALL MAINTENANCE PROGRAM

RESOLUTION NO. _____

Minutes of a regular meeting of the City Commission of the City held on October 19, 2020, at or after 7:00 p.m., local time, at Kalamazoo City Hall, 241 W. South Street, Kalamazoo, Michigan.

PRESENT, Commissioners:

ABSENT, Commissioners:

The following preamble and resolution was offered by _____ and supported by _____.

WHEREAS, the City Commission has met in a public hearing, as resolved and noticed for the purpose of reviewing a special assessment roll prepared for the purpose of defraying the private property share of expenses of the above-entitled project; has heard all persons desiring to be heard with respect to the expenses, necessity, and assessment thereof, orally or in writing; and has made all corrections thereto s were necessary to order construction of the project;

BE IT RESOLVED:

(1) That the undertaking of said improvement project is hereby determined to be necessary, that the benefits to adjoining property exceed the assessments, and the work is hereby approved and ordered done;

(2) That the following designated special assessment roll, namely Maintenance Roll No. #49 shall be divided, be payable, bear interest and penalty fees, and be subject to such other terms as appear in said roll or were provided in prior resolutions in this series, except as amended as follows:

[There are no amendments.]

(3) That said assessment roll is confirmed in the amount of \$45,687.11 which will be assessed to property owners.

(4) That the special assessments upon the above project shall be collected directly from the special assessment roll herein confirmed, and the City Clerk is hereby directed to attach a warrant to the same, commanding the City Treasurer to collect from each of the persons or parcels assessed the amount of money assessed to such person or parcel

in the manner provided in accordance with the City Charter, including interest and penalty fees, and the same shall be a lien upon said parcel from and after this date in favor of the City.

(5) The special assessment to be imposed shall be paid on November 2, 2020 and there shall be charged from such date a penalty of one-half (1/2) of one percent (1%) per month or major fraction thereof upon any sums not paid within thirty (30) days after the same shall become due and payable.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on October 19, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling
City Clerk

CITY OF KALAMAZOO, MICHIGAN

CERTIFICATE OF CITY ASSESSOR - IMPROVEMENT PROJECT

2019 KALAMAZOO MALL MAINTENANCE PROGRAM
MAINTENANCE ROLL #49

I hereby certify that this assessment roll was prepared pursuant to a resolution of the City Commission, and that in making the assessments herein, I have, according to my best judgment, conformed in all respects to the directions contained in said resolution and to the Charter and ordinances of the City of Kalamazoo.

Aaron Powers, City Assessor

2019 MALL MAINTENANCE ROLL #49					
NORTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-340-201 225 N. Kalamazoo Mall	Downtown Development Authority 162 E. Michigan Avenue Kalamazoo, MI 49007		23.00	\$	362.32
06-15-341-002 228 N. Kalamazoo Mall	Downtown Development Authority 162 E. Michigan Avenue Kalamazoo, MI 49007		20.00	\$	315.06
06-15-341-004 251 N. Kalamazoo Mall	Kalamazoo Valley Community College 6767 West O Avenue Kalamazoo, MI 49009	Kalamazoo Valley Community College PO Box 4070 Kalamazoo, MI 49003-4070	130.79	\$	2,060.33
06-15-341-291 252 N. Kalamazoo Mall	City of Kalamazoo Public Services 241 W. South Street Kalamazoo, MI 49007		9.86	\$	155.32
06-15-341-301 230 N. Kalamazoo Mall, #101 Unit 1 - 230 N Kalamazoo Mall Condos	CenturyTel Fiber Company II 931 14th Street, Suite 103 Denver, CO 80202		14.54	\$	229.05
06-15-341-302 230 N. Kalamazoo Mall, #201 Unit 2 - 230 N Kalamazoo Mall Condos	Valda I. Karlsons & Robert J. Brown 2646 Springbrook Drive Kalamazoo, MI 49004		4.15	\$	65.37
06-15-341-303 230 N. Kalamazoo Mall, #202 Unit 3 - 230 N Kalamazoo Mall Condos	Alanta Lary 230 N. Kalamazoo Mall, #202 Kalamazoo, MI 49007		4.85	\$	76.40
06-15-341-304 230 N. Kalamazoo Mall, #203 Unit 4 - 230 N Kalamazoo Mall Condos	John R Deleo 230 N. Kalamazoo Mall, #203 Kalamazoo, MI 49007		4.15	\$	65.37
06-15-341-305 230 N. Kalamazoo Mall, #204 Unit 5 - 230 N Kalamazoo Mall Condos	Michael L. Willis 230 N. Kalamazoo Mall, #204 Kalamazoo, MI 49007		4.85	\$	76.40
06-15-341-306 230 N. Kalamazoo Mall, #301 Unit 6 - 230 N Kalamazoo Mall Condos	Michael L. & Deborah M. Killarney 230 N. Kalamazoo Mall, #301 Kalamazoo, MI 49007		4.15	\$	65.37
06-15-341-307 230 N. Kalamazoo Mall, #302 Unit 7 - 230 N Kalamazoo Mall Condos	Tom O'Brien Lisa Stech 230 N. Kalamazoo Mall, #302 Kalamazoo, MI 49007		4.85	\$	76.40
06-15-341-308 230 N. Kalamazoo Mall, #303 Unit 8 - 230 N Kalamazoo Mall Condos	Frederick & Kimberly Searing 230 N. Kalamazoo Mall, #303 Kalamazoo, MI 49007		3.46	\$	54.51
06-15-341-309 230 N. Kalamazoo Mall, #304 Unit 9 - 230 N Kalamazoo Mall Condos	Steven & Christine Kindy 230 N. Kalamazoo Mall, #304 Kalamazoo, MI 49007		4.85	\$	76.40
06-15-341-310 230 N. Kalamazoo Mall, #401 Unit 10 - 230 N Kalamazoo Mall Condos	Richard & Joanne Stewart 5526 Lower Shore Drive Harbor Springs, MI 49740-8912		8.99	\$	141.62

2019 MALL MAINTENANCE ROLL #49					
NORTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-341-311 230 N. Kalamazoo Mall, #402 Unit 11 - 230 N Kalamazoo Mall Condos	Beth A. McLaren, Trustee 230 N. Kalamazoo Mall, #402 Kalamazoo, MI 49007		10.38	\$	163.52
06-15-341-320 250 N. Kalamazoo Mall	S & K Properties of Kalamazoo, LLC 5108 North 36th Street Richland, MI 49083		44.72	\$	704.47
06-15-346-001 224 N. Kalamazoo Mall	Downtown Development Authority 162 E. Michigan Avenue Kalamazoo, MI 49007		20.00	\$	315.06
06-15-346-242 201 N. Kalamazoo Mall	Kalamazoo Valley Community College 6767 West O Avenue Kalamazoo, MI 49009	Kalamazoo Valley Community College PO Box 4070 Kalamazoo, MI 49003-4070	131.64	\$	2,073.72
06-15-346-301 222 N. Kalamazoo Mall, #300 Unit 1 - Arcadia Condominiums	Jon R Hogarth 222 N. Kalamazoo Mall, #300 Kalamazoo, MI 49007		3.91	\$	61.59
06-15-346-302 222 N. Kalamazoo Mall, #310 Unit 2 - Arcadia Condominiums	Ronald A. Cleveland 222 N. Kalamazoo Mall, #310 Kalamazoo, MI 49007		2.95	\$	46.47
06-15-346-303 222 N. Kalamazoo Mall, #320 Unit 3 - Arcadia Condominiums	Carol L. Hodges 222 N. Kalamazoo Mall, #320 Kalamazoo, MI 49007		4.31	\$	67.90
06-15-346-304 222 N. Kalamazoo Mall, #330 Unit 4 - Arcadia Condominiums	David S. & Virginia H. Antoniotti 386 Summit Drive Kalamazoo, MI 49001		2.89	\$	45.53
06-15-346-305 222 N. Kalamazoo Mall, #340 Unit 5 - Arcadia Condominiums	Nabil & Hessen Ghazal 222 N. Kalamazoo Mall, #340 Kalamazoo, MI 49007		3.66	\$	57.66
06-15-346-306 222 N. Kalamazoo Mall, #350 Unit 6 - Arcadia Condominiums	Theodore Baird & Gianna Service 222 N. Kalamazoo Mall, #350 Kalamazoo, MI 49007		4.19	\$	66.00
06-15-346-307 222 N. Kalamazoo Mall, #360 Unit 7 - Arcadia Condominiums	Scott R & Kimmie J Swope 222 N. Kalamazoo Mall, #360 Kalamazoo, MI 49007		2.91	\$	45.84
06-15-346-308 222 N. Kalamazoo Mall, #370 Unit 8 - Arcadia Condominiums	James M Teeter 222 N. Kalamazoo Mall, #370 Kalamazoo, MI 49007		3.58	\$	56.40
06-15-346-309 222 N. Kalamazoo Mall, #380 Unit 9 - Arcadia Condominiums	Rachel Hall 222 N. Kalamazoo Mall, #380 Kalamazoo, MI 49007		2.84	\$	44.74
06-15-346-310 222 N. Kalamazoo Mall, #390 Unit 10 - Arcadia Condominiums	Issa M & Michael M Malki 222 N. Kalamazoo Mall, #390 Kalamazoo, MI 49007		3.01	\$	47.42

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NORTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-346-311 222 N. Kalamazoo Mall, #200 Unit 11 - Arcadia Condominiums	Patricia E Villalobos Nayda Collazo-Llorens 222 N. Kalamazoo Mall, #200 Kalamazoo, MI 49007		3.89	\$	61.28
06-15-346-312 222 N. Kalamazoo Mall, #210 Unit 12 - Arcadia Condominiums	William Service 222 N. Kalamazoo Mall, #210 Kalamazoo, MI 49007		2.95	\$	46.47
06-15-346-313 222 N. Kalamazoo Mall, #220 Unit 13 - Arcadia Condominiums	Marianne Amerine 222 N. Kalamazoo Mall, #220 Kalamazoo, MI 49007	Marianne Amerine 3790 Via Dela Valle #201 Delmar, CA 92014	4.30	\$	67.74
06-15-346-314 222 N. Kalamazoo Mall, #230 Unit 14 - Arcadia Condominiums	Martha R. Cohen 222 N. Kalamazoo Mall, #230 Kalamazoo, MI 49007		3.03	\$	47.73
06-15-346-315 222 N. Kalamazoo Mall, #240 Unit 15 - Arcadia Condominiums	Roger & Ada Sutton 222 N. Kalamazoo Mall, #240 Kalamazoo, MI 49007	Roger & Ada Sutton 7338 E. Maritime Drive Tucson, AZ 85756-9040	2.89	\$	45.53
06-15-346-316 222 N. Kalamazoo Mall, #250 Unit 16 - Arcadia Condominiums	Mark A. Kraai & Linda M. Lesniak 222 N. Kalamazoo Mall, #250 Kalamazoo, MI 49007		4.95	\$	77.98
06-15-346-317 222 N. Kalamazoo Mall, #260 Unit 17 - Arcadia Condominiums	Key Lime Properties, LLC 5207 Portage Road Portage, MI 49002	Key Lime Properties, LLC 2725 Airview Blvd, Ste 301 Portage, MI 49002	2.81	\$	44.27
06-15-346-318 222 N. Kalamazoo Mall, #270 Unit 18 - Arcadia Condominiums	Monica Pender 222 N. Kalamazoo Mall, #270 Kalamazoo, MI 49007		3.54	\$	55.77
06-15-346-319 222 N. Kalamazoo Mall, #280 Unit 19 - Arcadia Condominiums	Patrick McGuiggan 222 N. Kalamazoo Mall, #280 Kalamazoo, MI 49007		2.90	\$	45.68
06-15-346-320 222 N. Kalamazoo Mall, #290 Unit 20 - Arcadia Condominiums	Tarik Monteiro 222 N. Kalamazoo Mall, #290 Kalamazoo, MI 49007		3.11	\$	48.99
06-15-346-321 222 N. Kalamazoo Mall, #100 Unit 21 - Arcadia Condominiums	Hospice Care of Southwest Michigan 222 N. Kalamazoo Mall, #100 Kalamazoo, MI 49007		51.38	\$	809.39
06-15-375-004 100 W. Michigan Avenue	Catalyst Development Co., L.L.C. 100 West Michigan Avenue, Suite 300 Kalamazoo, MI 49007		269.94	\$	4,252.36
06-15-376-005 132 N. Kalamazoo Mall	Kalamazoo Valley Community College 6767 West O Avenue Kalamazoo, MI 49009	Kalamazoo Valley Community College PO Box 4070 Kalamazoo, MI 49003-4070	264.00	\$	4,158.79
TOTAL NORTH END			1103.17	\$	17,378.22

2019 MALL MAINTENANCE ROLL #49					
SOUTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-381-001 107 W. Michigan Avenue, Unit 1 Unit 1 - Kalamazoo Building Condos	Mercantile Bank 310 Leonard Street NW Grand Rapids, MI 49504		10.09	\$	158.95
06-15-381-002 107 W. Michigan Avenue, Unit 2 Unit 2 - Kalamazoo Building Condos	Del S Eldridge 4022 Broken Ridge Galesburg, MI 49053	Del S Eldridge 107 W Michigan Ave, #200 Kalamazoo, MI 49007	10.46	\$	164.78
06-15-381-003 107 W. Michigan Avenue, Unit 3 Unit 3 - Kalamazoo Building Condos	Mercantile Bank 310 Leonard Street NW Grand Rapids, MI 49504		10.55	\$	166.19
06-15-381-004 107 W. Michigan Avenue, Unit 4 Unit 4 - Kalamazoo Building Condos	Davis-Reed, LLC 107 W. Michigan Avenue, Ste 400 Kalamazoo, MI 49008		10.55	\$	166.19
06-15-381-005 107 W. Michigan Avenue, Unit 5 Unit 5 - Kalamazoo Building Condos	VLG Holdings, LLC 107 W. Michigan Avenue, 5th Floor Kalamazoo, MI 49007		10.55	\$	166.19
06-15-381-006 107 W. Michigan Avenue, Unit 6 Unit 6 - Kalamazoo Building Condos	Kal Building 6, LLC 107 W. Michigan Avenue, 6th Floor Kalamazoo, MI 49007		10.50	\$	165.41
06-15-381-007 107 W. Michigan Avenue, Unit 7 Unit 7 - Kalamazoo Building Condos	GPS Acquisitions, LLC 905 Inkster Avenue Kalamazoo, MI 49008		10.50	\$	165.41
06-15-381-008 107 W. Michigan Avenue, Unit 8 Unit 8 - Kalamazoo Building Condos	GPS Acquisitions, LLC 905 Inkster Avenue Kalamazoo, MI 49008		9.55	\$	150.44
06-15-381-009 107 W. Michigan Avenue, Unit 9 Unit 9 - Kalamazoo Building Condos	Frances A Little, Trustee Frances A Little Trust 4415 Duke Street Kalamazoo, MI 49008		4.65	\$	73.25
06-15-381-010 107 W. Michigan Avenue, Unit 10 Unit 10 - Kalamazoo Building Condos	Mercantile Bank 310 Leonard Street NW Grand Rapids, MI 49504		10.91	\$	171.86
06-15-381-011 107 W. Michigan Avenue, Unit 11 Unit 11 - Kalamazoo Building Condos	Frances A Little, Trustee Frances A Little Trust 4415 Duke Street Kalamazoo, MI 49008		1.69	\$	26.62
06-15-381-015 108 E. Michigan Avenue	Peregrine - 1st National, LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine - 1st National, LLC 3930 Lakeside Drive Kalamazoo, MI 49008	100.00	\$	1,575.30
06-15-381-124 124 S. Kalamazoo Mall	Gilmore Real Estate, LLC 162 E. Michigan Avenue Kalamazoo, MI 49007		21.75	\$	342.63
06-15-381-128 126 S. Kalamazoo Mall	Peregrine-128, LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine-128, LLC 3930 Lakeside Drive Kalamazoo, MI 49008	21.75	\$	342.63

2019 MALL MAINTENANCE ROLL #49					
SOUTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-381-132 132 S. Kalamazoo Mall	AZ Venture, LLC 132 S. Kalamazoo Mall Kalamazoo, MI 49007		22.50	\$	354.44
06-15-381-222 136 S. Kalamazoo Mall	Lerner Building, LLC 146 S. Kalamazoo Mall Kalamazoo, MI 49007		66.00	\$	1,039.70
06-15-382-103 125 S. Kalamazoo Mall	Kalamahajan KCC, LLC Callander Commercial 628 W. Milham Avenue Portage, MI 49024		143.41	\$	2,259.13
06-15-386-002 210 S. Kalamazoo Mall	James & Laura Endres 8880 West G Avenue Kalamazoo, MI 49009		23.00	\$	362.32
06-15-386-005 230 S. Kalamazoo Mall Unit 1 - Burdick South Condominium	Rustica Property, LLC 6907 Hickory Point Drive East Portage, MI 49024		10.25	\$	161.47
06-15-386-006 230 S. Kalamazoo Mall Unit 2 - Burdick South Condominium	230 South Burdick Street, LLC 230 S. Kalamazoo Mall, Ste 200 Kalamazoo, MI 49007	230 South Burdick Street, LLC 7156 Inverness Drive Kalamazoo, MI 49009	10.25	\$	161.47
06-15-386-007 230 S. Kalamazoo Mall Unit 3 - Burdick South Condominium	Annie Waring Todd c/o Atlassian Level 6, 341 George Street Sydney, NSW 2000 Australia		10.25	\$	161.47
06-15-386-008 230 S. Kalamazoo Mall Unit 4 - Burdick South Condominium	Annie Waring Todd c/o Atlassian Level 6, 341 George Street Sydney, NSW 2000 Australia		10.25	\$	161.47
06-15-386-011 217 S. Kalamazoo Mall Unit 1 - Style Shop Bldg Condominium	Shannibear Properties, LLC 1035 Northampton Road Kalamazoo, MI 49006		8.12	\$	127.91
06-15-386-012 219 S. Kalamazoo Mall Unit 2 - Style Shop Bldg Condominium	Paul Stanley Lightle 219 S. Kalamazoo Mall Kalamazoo, MI 49007		7.42	\$	116.89
06-15-386-013 221 S. Kalamazoo Mall Unit 3 - Style Shop Bldg Condominium	Craig A LaPine 9418 East Shore Drive Portage, MI 49002		7.66	\$	120.67
06-15-386-101 214 S. Kalamazoo Mall	Catalyst Development Co. 4, LLC 100 W. Michigan Avenue, Suite 300 Kalamazoo, MI 49007		72.00	\$	1,134.21
06-15-386-223 154 S. Kalamazoo Mall	Catalyst Development Co. 7, LLC 100 W. Michigan Avenue, Suite 300 Kalamazoo, MI 49007		66.00	\$	1,039.70
06-15-386-226 236 S. Kalamazoo Mall	Rustica Properties, LLC 6907 Hickory Point East Portage, MI 49024		21.31	\$	335.70

2019 MALL MAINTENANCE ROLL #49					
SOUTH END					
RATE PER FRONT FOOT \$15.753					
Parcel Number & Address	Taxpayer	Send Bill to (if applicable)	Front Feet		Cost
06-15-386-230 202 S. Kalamazoo Mall	William & Susan Van Dis 202 S. Kalamazoo Mall Kalamazoo, MI 49007		43.00	\$	677.38
06-15-387-104 214 Farmers Alley Unit 4 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		0.86	\$	13.55
06-15-387-106 213 S. Kalamazoo Mall Unit 6 - Milliner Center Condominium	Hassan R & Malda Ayad 213 S. Kalamazoo Mall Kalamazoo, MI 49007		5.25	\$	82.70
06-15-387-107 209 S. Kalamazoo Mall Unit 7 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		10.24	\$	161.31
06-15-387-108 207 S. Kalamazoo Mall Unit 8 - Milliner Center Condominium	Joseph Cekola 207 S. Kalamazoo Mall Kalamazoo, MI 49007		5.74	\$	90.42
06-15-387-109 215 S. Kalamazoo Mall Unit 9 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		18.73	\$	295.05
06-15-387-112 209 S. Kalamazoo Mall Rear Unit 12 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		4.15	\$	65.37
06-15-387-113 206 Farmers Alley Unit 13 - Milliner Center Condominium	Cory & Anna Asbury 206 Farmers Alley Kalamazoo, MI 49007		6.82	\$	107.44
06-15-387-114 208 Farmers Alley Unit 14 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		4.99	\$	78.61
06-15-387-115 212 Farmers Alley Unit 15 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		1.33	\$	20.95
06-15-387-116 210 Farmers Alley Unit 16 - Milliner Center Condominium	Radiant Church 8157 E DE Avenue Richland, MI 49083		7.20	\$	113.42
06-15-387-214 223 S. Kalamazoo Mall	Fuller Building, LLC 223 S. Kalamazoo Mall Kalamazoo, MI 49007	Patricia Hirsch 610 W. South Street Kalamazoo, MI 49007	44.93	\$	707.78
06-15-387-216 157 S. Kalamazoo Mall	Vernon Group MP, LLC 5937 W. Main Street Kalamazoo, MI 49009		86.50	\$	1,362.63
06-15-390-210 316 S. Kalamazoo Mall	Peregrine Towers, LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine Towers, LLC 3930 Lakeside Drive Kalamazoo, MI 49008	165.00	\$	2,599.24

2019 MALL MAINTENANCE ROLL #49					
SOUTH END					
RATE PER FRONT FOOT \$15.753					
<i>Parcel Number & Address</i>	<i>Taxpayer</i>	<i>Send Bill to (if applicable)</i>	<i>Front Feet</i>	<i>Cost</i>	
06-15-391-204 315 S. Kalamazoo Mall	SAJO 315, LLC 315 S. Kalamazoo Mall Kalamazoo, MI 49007		114.00	\$	1,795.84
06-15-391-227 250 S. Kalamazoo Mall	South Street Kalamazoo, LLC 250 S. Kalamazoo Mall Kalamazoo, MI 49007		67.11	\$	1,057.18
06-15-391-230 241 S. Kalamazoo Mall	Peregrine-International, LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine-International, LLC 3930 Lakeside Drive Kalamazoo, MI 49008	115.50	\$	1,819.47
06-15-396-001 336 S. Kalamazoo Mall	Peregrine Towers LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine Towers LLC 3930 Lakeside Drive Kalamazoo, MI 49008	65.64	\$	1,034.03
06-15-396-204 321 S. Kalamazoo Mall	Joy Rentals, LLC Matt Vernon 5937 W. Main Street Kalamazoo, MI 49009		53.63	\$	844.83
06-15-396-206 359 S. Kalamazoo Mall	Kalamazoo Cultural Center 359 S. Kalamazoo Mall, Suite 203 Kalamazoo, MI 49007	Kalamazoo Cultural Center c/o Phoenix Properties 2725 Airview Boulevard, Suite 302 Portage, MI 49002	160.70	\$	2,531.50
06-15-396-207 346 S. Kalamazoo Mall	Peregrine-McNair, LLC 336 S. Kalamazoo Mall Kalamazoo, MI 49007	Peregrine-McNair, LLC 3930 Lakeside Drive Kalamazoo, MI 49008	93.81	\$	1,477.79
TOTAL SOUTH END			1797.05	\$	28,308.89
TOTAL ROLL			2900.22	\$	45,687.11



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **E.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Community Planning and Economic Development Director
Prepared by: Christina Anderson, City Planner

DATE: October 26, 2020

SUBJECT: Extension of an Ordinance to Temporarily Remove the Required Minimum Off-Street Parking Requirements of 50-7.2 Required Vehicular Off-Street Parking Spaces

RECOMMENDATION:

It is recommended that the City Commission adopt an ordinance to extend the temporary removal of the required minimum off-street parking requirements of Section 50-7.2 *Required Vehicular Off-Street Parking Spaces* through March 31, 2021, to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID-19.

BACKGROUND:

Staff recommends extension of this emergency action in the wake of COVID-19. The intent of this action remains to allow businesses to use existing off-street parking spaces without facing zoning violation penalties. These businesses would use the space for dining, outdoor sales, and gathering space in order to increase their capacity as we remain in COVID restrictions and mandatory social distancing.

This is being proposed as an emergency measure in the wake of COVID-19. Understanding that social distancing will be a part of our world for at least the near future, this Ordinance provides the flexibility for businesses to use their existing, off-street parking spaces for outdoor dining, outdoor sales, and gathering without being in violation of the City's Zoning Code, specifically 50-7.2 Required Vehicular Off Street Parking Spaces. The Ordinance provides this flexibility through March 31, 2021.

As an emergency measure, this Ordinance can be proposed and approved at one meeting pursuant to Section 13 of the City Charter.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

This action is designed to give Kalamazoo businesses flexibility to take social distancing into consideration allowing businesses to increase capacity in a way that meets the State's required distancing and acknowledges that many residents will be hesitant to be in settings that feel crowded.

COMMUNITY ENGAGEMENT:

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.

This emergency action is in alignment with the work Downtown Kalamazoo Partnership is doing with the City to give businesses more flexibility and capacity. We hear that businesses are facing challenges in balancing the social distance requirement and making it worthwhile to be open with reduced capacity. This measure is in response to this new reality.

FISCAL IMPACT:

This action is intended to support Kalamazoo businesses as they re-open post COVID-19. Allowing expanded capacity out-of-doors could have an impact on a businesses' ability to remain open after months of closure and an incremental re-opening. Fiscal impact to the City of Kalamazoo will be minimal.

**CITY OF KALAMAZOO, MICHIGAN
ORDINANCE NO. _____**

**AN EMERGENCY ORDINANCE TO SUSPEND PROVISIONS OF CHAPTER 50
“ZONING” OF THE CITY OF KALAMAZOO CODE OF ORDINANCES ADDRESSING
OFF-STREET PARKING REQUIREMENTS AND PERMITTING THE USE OF ON-
STREET PARKING SPACES FOR COMMERCIAL USE**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Declaration of Emergency. The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and is easily spread from person to person. Since March 10, 2020 the Governor has issued a series of Executive Orders in an effort to suppress the spread of COVID-19 which required businesses to temporarily close or significantly curtail operations in an effort to limit in-person contact to the fullest extent possible; as a result of these efforts, retail and service businesses have suffered a loss of revenue, with small businesses being particularly hard hit. And the success of such businesses is a key component of an economically vibrant City and in particular its downtown, it is determined by the City Commission that immediate action is required to address the challenges of retail and services businesses in reopening for business while continuing to observe social distancing protocols to prevent the spread of COVID-19. Therefore, this ordinance is enacted pursuant to Section 13 of the City Charter as an emergency measure for the preservation of the public peace, property, health or safety.

Section 2. Suspension of Ordinance. Section 50-7.2 of Chapter 50, “Zoning” requiring a minimum number of off-street parking spaces for Commercial Eating & Drinking Establishments and for Retail/Service business is suspended until November 1, 2020 at 3:00 am. Additionally, such parking spaces are permitted to be used of by the adjacent business for outdoor sales, dining or gathering of patrons to meet social distancing requirements and guidelines to prevent the spread of COVID-19.

Section 3. On-Street Parking. The City Manager, the Traffic Engineer, and the Traffic Board are also authorized to permit and make available the use of on-street parking spaces to permit their use by adjacent businesses for outdoor sales, dining or gathering of patrons to meet social distancing requirements and guidelines to prevent the spread of COVID-19. Provided, however, the commercial use of on-street parking spaces as permitted by this section will be revoked if the permittee is non-compliant with any conditions imposed for the use of on-street parking spaces or if in the judgement of the Traffic Engineer or Traffic Board the use of on-street parking spaces should be curtailed due to traffic safety concerns.

Section 4. Construction. Nothing in this emergency ordinance permits the sale or service of alcoholic beverages as a principal or accessory use by a business except as permitted and regulated by Michigan Liquor Control Commission rules.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision

and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 6. Effective Date. Pursuant to Section 13(a) of the City Charter, this ordinance, by affirmative vote by 5 members of the City Commission shall take effect immediately and remain in effect until November 1, 2020 at 3:00 am at which time it shall sunset.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976, M.C.L. § 15.261 et. seq). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **E.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Community Planning & Economic Development Director
Prepared by: Antonio Mitchell, Community Investment Manager

DATE: October 26, 2020

SUBJECT: Resolution Approving an Application from Zoetis, LLC for an Industrial Facilities Tax Exemption Certificate (IFTEC)

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION approving a request from Zoetis LLC, for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$47,859,166.

BACKGROUND:

Zoetis, LLC has a long history in Kalamazoo through the Pfizer Corporation animal health division before becoming its own separate organization. Zoetis is the world's largest producer of medicine and vaccinations for pets and livestock. The company directly markets their products in approximately 45 different countries around the world.

Zoetis LLC plans to invest around \$94,366,000 million to the current operation in the City of Kalamazoo near Kalamazoo Battle Creek International Airport. The organization expansion will allow Zoetis to bring in three new products to the Kalamazoo manufacturing location. The production growth is estimated to create around 22 new full-time jobs with the planned expansion.

Updated Information for October 19, 2020

Please find below additional information as requested by the City Commission.

The City's Community Planning and Economic Development (CPED) staff inquired with the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE) on the current status of Zoetis in Kalamazoo County. EGLE appraised CPED staff that Zoetis had a violation

in 2017 but had resolved the issue and was currently violation free with EGLE.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Discussion

Strategic Goal Impact:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Discussion

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

This recommendation did not require advisory board consultation. A public hearing would be scheduled for October 19, 2020, on the request to consider Zoetis LLC application for a PA 198 Industrial Facilities Tax Exemption Certificate.

Engagement/Communication Tools

City of Kalamazoo City Commission Public Hearing

FISCAL IMPACT:

The City Assessor's staff has completed a fiscal impact analysis based upon the company's tax exemption certificate application. With the Industrial Facilities Tax Exemption, the total revenue collected will be \$143, 577 while \$143,578 is abated. The Tax Abatement Impact Statement is attached to offer more detail on the fiscal impact of the Industrial Facilities Tax Exemption.

TO: Kalamazoo City Commission
FROM: Aaron Powers, Assessor
DATE: September 23, 2020
SUBJECT: Zoetis, LLC
SCHOOL: Comstock Public Schools

Development District(s): IDD #39 Established 12/15/1980
PRD #32 Established 8/18/1985

TAX ABATEMENT IMPACT STATEMENT

			OPERATING REVENUE - CITY			REVENUE - ALL OTHER			TOTAL REVENUE			TOTAL EFFECTIVE VALUE
OWNER	PROP TYPE	CERT TYPE	NEW IFT REVENUE	ABATED REVENUE	REVENUE IF NO IFT	NEW IFT REVENUE	ABATED REVENUE	REVENUE IF NO IFT	NEW IFT REVENUE	TOTAL ABATED REVENUE	TOTAL TAXABLE VALUE	
Zoetis, LLC	R	N	\$143,577	\$143,578	\$287,155	\$701,156	\$557,593	\$1,258,749	\$844,733	\$701,171	23,929,583	11,964,792

	TOTAL TAXABLE	IFT ROLL	% OF TOTAL	
BEGINNING 2020 ROLL	\$1,686,097,223	\$13,475,178	0.8%	
IFT'S IN PROCESS	\$63,929,583	\$63,929,583	100.0%	Anticipated gain to city budget from initial request
TOTAL	\$1,750,026,806	\$77,404,761	4.4%	
				estimated company savings over initial period
				estimated city revenue gained over initial period
				estimated city revenue losted over initial period

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

A RESOLUTION APPROVING THE APPLICATION OF, LLC FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR ITS FACILITY IN KALAMAZOO INDUSTRIAL DEVELOPMENT DISTRICT NO. 39 AND PLANT REHABILITATION DISTRICT NO. 32, AND APPROVING LOCAL AGREEMENT PURSUANT TO PUBLIC ACT 334 OF 1993

Minutes of a regular meeting of the City Commission of the City held on October 19, 2020, at or after 7:00 p.m., local time, in compliance with Executive Order 2020-154 (COVID-19) issued by Governor Whitmer on July 17, 2020.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, pursuant to 1974 PA 198, Sec. 207.55I, et seq., after a duly noticed public hearing held on December 15, 1980, this City Commission by resolution established Kalamazoo Industrial Development District No. 39;

WHEREAS, pursuant to 1974 PA 198, Sec. 207.55I, et seq., after a duly noticed public hearing held on August 18, 1985, this City Commission by resolution established Plant Rehabilitation District No. 32;

WHEREAS, by resolution adopted on October 5, 2020, this City Commission accepted the application of ZOETIS P&U, LLC for an Industrial Facilities Exemption Certificate for its facility in Kalamazoo Industrial Development District No. 39 and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Industrial Development District No.39 and Plant Rehabilitation District No. 32 that the application for an Industrial Facilities Tax Exemption Certificate would be considered at a meeting of the City Commission on October 19, 2020, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the City Commission held on October 19, 2020, the Applicant, the Assessor, and a representative of the affected taxing units

were afforded an opportunity to be heard and
_____appeared;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That this City Commission finds:

- (a) That the building improvements did not occur before the establishment of the district.
- (b) That the building improvements had not begun earlier than six (6) months before February 14, 2020, the date of acceptance of the application for an Industrial Facilities Tax Exemption Certificate.
- (c) That the application relates to building improvements which, when completed, will constitute a new facility within the meaning of the Act and will be situated in Kalamazoo Industrial Development District No. 39 established in Kalamazoo on December 15, 1980, and Plant Rehabilitation District No. 32 by resolutions of this City Commission.
- (d) That the completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Kalamazoo.
- (e) That completion of the facility will not have the primary effect of transferring employment from elsewhere in Michigan to the City of Kalamazoo.
- (f)
 - (i) That the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Kalamazoo, after granting the certificates, will not exceed 5% of an amount equal to the sum of the SEV of the City, plus the SEV of personal and real property thus exempted; and
 - (ii) That the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of any Industrial Facilities Exemption Certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the City of Kalamazoo or impairing the financial soundness of a taxing unit which levies ad valorem property taxes on real estate and property to be located in Kalamazoo Industrial

Development District No. 39, because the equivalent effect of exemptions issued under 198 PA 1974 and 255 PA 1978 is to understate the SEV of the City by \$77,404,761 or approximately 4.4%.

2. That the application of ZOETIS P&U, LLC for an Industrial Facilities Tax Exemption Certificate regarding building improvements in Kalamazoo Industrial Development District No. 39 and Plant Rehabilitation District No. 32 is approved with the following conditions:

- (a) That the holder of the Industrial Facilities Tax Exemption Certificate shall, no later than June 30 of each year, report to the City Clerk the status of the tax exemption certificate, including the current value of the property to which the exemption applies, the value on which the industrial facilities tax is based, the number of jobs retained or created by the exemption, and a description of the current use of the facility.
- (b) Failure to provide the requested information by June 30, failure to complete the project within two (2) years, failure to proceed in good faith with the project consistent with the purpose of 1974 PA 198, failure to create or retain the jobs as represented in the application, or failure to use the project in the manner as described in the application shall be grounds for the revocation of the certificate.

3. The Industrial Facilities Tax Exemption Certificate (IFEC) for the building improvements, unless earlier revoked, shall be in effect for a period of six (6) years and an additional period of 6 years upon sufficient evidence of compliance with the Local Agreement by ZOETIS P&U, commencing on December 31, 2020, and expiring on December 30, 2026. On or before October 30 of the fifth year of the approved IFEC period, if sufficient evidence of compliance with the Local Agreement has been provided by ZOETIS P&U, LLC to the City of Kalamazoo, the City of Kalamazoo shall notify ZOETIS P&U, LLC of its intent to recommend an extension of the original IFEC for the additional period of 6 years.

4. Pursuant to the provisions of Public Act 334 of 1993, the attached local agreement is hereby approved.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on October 19, 2020. Public notice was given, and the meeting was conducted in compliance with Executive Order 2020-154(COVID -19) issued by Governor Whitmer on July 17, 2020 suspending portions of the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk

INDUSTRIAL FACILITIES

EXEMPTION CERTIFICATE [IFEC] AGREEMENT (P.A. 198)

AGREEMENT made July 13, 2020, between the CITY OF KALAMAZOO, Kalamazoo County, Michigan (“City”); and Zoetis , LLC , located at 20605 E Kilgore Rd , City of Kalamazoo, Kalamazoo County, Michigan (“Applicant”).

Recitals:

A. The City has received a written application from Applicant under Public Act 198 of 1974, MCL 207.551 et. seq. (the “Act”), for the issuance of an Act 198 Industrial Facilities (Tax) Exemption Certificate (“Certificate”) for _Kilgore Road capital Investment (the “Project”) that was established as:

☐ X Industrial Development District Number 39 and/or ☐ X Plant Rehabilitation District Number 32 (the “District”) by the City of Kalamazoo on 12/15/80 and 8/19/85, which site is located at 20605 E Kilgore Rd, Kalamazoo, Michigan.

B. The Applicant has represented to the City that granting of the Certificate will enable it to complete the facility, which will create employment, retain employment, or prevent a loss of employment within the City.

C. The City has established a tax incentive policy that provides opportunities for business development, redevelopment and expansion, and more effectively uses those incentives to benefit the local economy through stimulating economic growth, creation/retention of jobs, increasing tax revenue, and providing a more favorable living and business climate.

D. The City has determined that Applicant meets the requirements within its tax incentive policy.

E. Public Act 334 of 1993, MCL 207.572, requires a written agreement between the City and the Applicant before the Michigan Department of Treasury may approve a Certificate (“Agreement”).

F. Before entering into this Agreement, Applicant has had the opportunity to review the City’s tax incentive policy as it relates to Act 198 Tax Abatements, and to seek legal counsel regarding this policy, the relevant provisions of the Act and its rights and obligations as set forth below.

NOW, THEREFORE, in consideration of the approval of the Industrial Facilities Exemption Certificate, the parties agree as follows:

1. The above recitals are acknowledged as true and correct and are incorporated by reference into this section.
2. The Applicant, as a result of the construction, restoration, replacement, or other capital investments (collectively "Improvements") to an existing or new facility or in new technology, as more fully stated in its application, shall create not less than ____ new full time equivalent jobs and relocate and retain not less than ____ full time equivalent existing jobs, as detailed below, from its existing location as a consequence of, and for the duration of, its Project. The Applicant agrees to pay the City's wage standard for such new jobs within the District, defined as an hourly rate which, on an annual basis, is equal to or exceeds:

- a. 125% of the federal poverty income guidelines from the U.S. Department of Health and Human Services for a family of three, plus health care insurance coverage; or
- b. 150% of the federal poverty income guidelines from the U.S. Department of Health and Human Services for a family of three if health benefits are not provided to the employees.

The specific categories of employment to be used by the applicant in reporting are shown below. In addition, the average wage information, per category of job is also identified below and shown as it will be reported during the annual abatement report.

JOBS INFORMATION	Initial Year of Abatement			
	Jobs Created		Jobs Retained	
	New Full-time Jobs	Average Weekly Wage	Full-time Jobs	Average Weekly Wage
Jobs Category				

Managerial				
Professional				
Technical				
Sales				
Clerical				
Craftsman (skilled)				
Operators(semi-skilled)				
Laborers (untrained)				
Service				

3. Applicant expects that the costs of the proposed Improvements as the basis for which the Certificate is issued, shall be within 10 percent (10%) of the estimated amount stated in its application for the Certificate.

4. Throughout the term of this Agreement, and as long as the Certificate remains effective, Applicant shall, in addition to the requirements under section 2, perform or satisfy each of the following obligations:

a. The Applicant will not cease or relocate any portion of the business, facility or operations located within the District prior to the termination of the Certificate without the prior approval by the City of a transfer of the Certificate to a third party who continues adequate operations within the District or elsewhere in the City.

b. Applicant will pay all taxes owing under this Certificate when due, and will timely file its annual personal property tax statements with the City Assessor's Office.

c. The Applicant shall submit annual or other regular reports to the City and the City Assessor as required under City policy and procedure, setting forth the progress in attaining and maintaining the requirements of this Agreement and the provisions of the application for the Certificate. Applicant acknowledges its responsibility to report the Project completion within 30 days and final investment and job creation/retention figures within 90 days of completion of the IFEC project to both the State Tax Commission and the City Assessor's Office.

d. By accepting the benefits of the tax abatement Applicant waives appeal of personal or real property tax assessments concerning property which is the subject of the Certificate. Appeal of such personal or real property taxes is considered a default of this Agreement, for which the City may seek its remedies under section 7.

e. The Applicant shall comply with all applicable City codes.

5. The parties agree that the City, in approving the tax abatement, has relied on the actions, representations, promises, and good faith of Applicant, including the estimates and expectations described in its application, to mean the state approved form for this purpose plus any supplemental information required by the City to process such application. These documents are attached and incorporated by reference as Exhibit A.
6. The term of the Certificate granted by the City shall be three (3) years for personal property (machinery and equipment) and six (6) years for real property (building). This Agreement shall remain in force as to each Certificate granted for the term of such Certificate.
7. The parties agree that exclusive jurisdiction to commence proceedings for any disputes in this Agreement shall be in Kalamazoo County, Michigan. The City shall enforce any default of the provisions of this Agreement in law or equity, and without limitation include:
- a. the right to request that the State Tax Commission either reduce the term of the abatement or revoke the Certificate prospectively.
 - b. the right to revoke the Certificate and terminate the District.
 - c. the right to require the Applicant to repay the City all abated taxes which previously benefited the Applicant for disbursement proportionately to all taxing units having taxing jurisdiction over the improvements, plus all accrued interest, penalties and administration fees
 - d. the right, at its option, to seek repayment of future taxes as allowed under section 21(2) of the Act, being MCL 207.571(2).
 - e. the right to collect any payments due under the above subsections c. and d. by either court proceedings or by adding to the next taxes due against the Applicant's property on the next tax roll of the City.
8. The City, however, shall not seek any remedy under section 7 until after all of the following have occurred:
- a. The City shall have given written notice to the Applicant declaring a default and specifying the manner in which the Applicant is in default. Before a default is declared, the City and the Applicant shall meet with appropriate representatives to discuss the claimed default and how it may be cured.

- b. The Applicant has not cured that default within thirty (30) days after receiving the notice, except that if the Applicant is diligently pursuing a cure, this thirty (30) day period shall automatically be extended for an additional thirty (30) days.
9. It is understood that the City of Kalamazoo encourages the Applicant to review job applications of city residents, particularly those City of Kalamazoo residents who have completed or have participated in local employment training programs, prior to filling new jobs in its facilities. In fulfilling this requirement Applicant will make good faith efforts to consult with Michigan Works and/or other workforce development agencies identified in the list provided to the Applicant by the City as a part of this Application.
10. The Applicant further agrees that during the term of the Certificate, the Applicant shall not discriminate against any person on the basis of race, creed, color, sex, religious orientation, age, or other criteria as prohibited by City, state or federal ordinances and legislation.
11. The Applicant further agrees that if Applicant ceases its use of the Project, and another entity asks the City for a transfer of the abatement, the Applicant will cooperate with the City regarding the transfer by advising the transferee or new owner of the terms and conditions of this Agreement and by assisting the City to obtain the signature of the authorized agent of the transferee or new owner on this Agreement or one substantively the same.
12. Notices required under this Agreement are effective if done in writing and forwarded or delivered to the other party (i) in person, or (ii) through a nationally recognized overnight courier, or by first-class or certified mail-return receipt requested, with postage fully pre-paid, and addressed to the parties at the last known address in the City of Kalamazoo.
13. If the various sections and provisions of this Agreement are declared unconstitutional or invalid by any court of competent jurisdiction, the same shall not affect the validity of the Agreement as a whole or any other section or provision except the section or provision declared to be unconstitutional or invalid.
14. The benefits and obligations under this Agreement shall accrue to and shall bind the successors, assignees, and transferees of the Applicant.
15. This Agreement contains all of the terms of the Agreement between the parties with respect to its subject matter and may be amended only in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Signed in the presence of:

CITY OF KALAMAZOO

By _____

Its _____

Zoetis LLC

By 

Its Senior Vice President - Global Tax



MICHELLE L. MCGOWAN

NOTARY PUBLIC

STATE OF NEW JERSEY

ID # 2409814

MY COMMISSION EXPIRES JUNE 22, 2021

F:\John\ Tax Abatement Agreement - PA 198

Revised 8/01/07

Revision 9/2/09

Revision 3/15/12

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and one copy of this form and the required attachments (two complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires one complete set (one original). One copy is retained by the clerk. If you have any questions regarding the completion of this form, call 517-335-7460.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date Received by Local Unit

STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Zoetis LLC		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 2834	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 2605 E Kilgore Road		1d. City/Township/Village (indicate which) Kalamazoo	1e. County Kalamazoo
2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment		3a. School District where facility is located Comstock	3b. School Code 39030
		4. Amount of years requested for exemption (1-12 Years) 12	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

The total project costs are \$95,000,000 of which \$47,859,166 are real estate costs. The project is solely owned and occupied by the applicant and therefore there are no leasehold improvements.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	► \$47,859,166 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	► N/A Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	► \$94,366,000 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	► 11/01/2019	01/01/2021	► ☐ Owned ☐ Leased
Personal Property Improvements	►		► ☐ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. No. of existing jobs at this facility that will be retained as a result of this project. 322	10. No. of new jobs at this facility expected to create within 2 years of completion. 50
---	--

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	

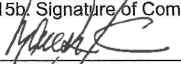
12a. Check the type of District the facility is located in:
☒ Industrial Development District ☒ Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) IDO #39 12/15/80 PRD #32 8/18/85	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No
---	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name William DuBois	13b. Telephone Number (972) 770-1112	13c. Fax Number (972) 770-1102	13d. E-mail Address billdubois@mfpoer.com
14a. Name of Contact Person Latoya Edwards	14b. Telephone Number (973) 443-2958	14c. Fax Number (862) 703-3952	14d. E-mail Address latoya.edwards@zoetis.com
▶ 15a. Name of Company Officer (No Authorized Agents) Maushumi Nerurkar			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (970) 703-3952	15d. Date 12/16/2019
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 10 Sylvan Way Parsippany, NJ 07054		15f. Telephone Number (973) 443-2714	15g. E-mail Address maushumi.nerurkar@zoetis.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit ☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.			
16c. School Code			
17. Name of Local Government Body		▶ 18. Date of Resolution Approving/Denying this Application	

Attached hereto is an original application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time, and that any leases show sufficient tax liability.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original of the completed application and all required attachments to:

Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, MI 48909

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Michigan Economic Development Corporation
Project Investment and Staffing Information

Company Name Zoetis LLC

Project Name Project Z

Estimated Capital Investment in the Project

Note: Capital investment may begin in years prior to the start of operations.

(Thousands of Dollars)

	Year 1 2019	Year 2 2020	Year 3 2021	Year 4 2022	Year 5 yyyy	Total
Land Costs						0
Building - New Construction	8,368	34,557	4,091			47,016
Building - Purchase of Existing						0
Building Renovations	107	500				607
Building - Annual Lease Cost						0
Leasehold Improvements						0
Machinery & Equipment	16,257	20,979	6,896			44,132
Furniture & Fixtures	29	322				351
Computers		235				235
Pollution Control Equip		400				400
Special Tooling		1,625				1,625
Other Personal Property						0
Total Capital Investment	\$24,761	\$58,618	\$10,987	\$0	\$0	\$94,366

Cumulative Estimated Job Creation at the Project

(Job creation in excess of current statewide MI employment)

Employment Category	Current Full Time MI Employees	By the end of the First Year of Operation Year Ending: 12/31/2020		By the end of the Second Year of Operation Year Ending: 12/31/2021		By the end of the Third Year of Operation Year Ending: 12/31/2022		By the end of the Fourth Year of Operation Year Ending: mm/yy/dd		By the end of the Fifth Year of Operation Year Ending: mm/yy/dd	
		New Full Time Jobs Created	Avg Weekly Wage	New Full Time Jobs Created	Avg Weekly Wage	New Full Time Jobs Created	Avg Weekly Wage	New Full Time Jobs Created	Avg Weekly Wage	New Full Time Jobs Created	Avg Weekly Wage
Managerial		1	\$ 1,596								
Professional		2	\$ 1,596	4	\$ 1,596						
Technical		7	\$ 1,136	5	\$ 1,076						
Sales											
Clerical											
Craftsman (skilled)		2	\$ 1,208								
Operators (semi-skilled)		10	\$ 960	10	\$ 973	9	\$ 973				
Laborers (unskilled)											
Service											
Total		22	\$ 1,125	19	\$ 1,131	9	\$ 973		\$ -		\$ -

Cumulative Job Creation - at the project, in excess of current employment and full time employees only

Note:

Headcounts should include full time employees of the company only. Part time, temporary, or seasonal workers should not be reported.

Wage should be base wage only, without benefits, overtime, or bonus pay.

Benefits - Please provide a brief description of the benefits offered to employees in the area below.

Competitive salary, generous vacation and holiday pay, comprehensive medical, dental, and vision insurance options, 401k match and profit sharing, disability and life insurance coverage, tuition reimbursement, employee assistance program, and a variety of voluntary benefits such as legal services, pet insurance, and identity theft protection.

Additional Project Information

Project Description - Please include project address, product/service and a brief description of the project including timing.

Zoetis GMS Kalamazoo is starting the second phase of the Oral Solid Dose (OSD) manufacturing and packaging project at the 2605 E. Kilgore Road, Kalamazoo, MI facility. This phase of the project brings in 3 new products to Kalamazoo manufacturing. The design considerations for this project began in 2018, with final design completed in 2019. The project timeline: design and construction January 2019 - October 2020, Equipment installation July 2020 - January 2021, Process Validation & Commissioning April 2021 - October 2021. All operations will be fully functional in the 1st quarter of 2022.

Project Alternatives - Are other sites or project configurations under consideration?

One alternative considered for this project was to leave further OSD manufacturing with external suppliers.

Company Employment History - How has the full time employment level of the company and company affiliates in Michigan changed over the last year? Explain any major changes.

Zoetis Global Manufacturing and Supply operations within Michigan have added approximately 60 new full time jobs in 2018 & 2019.

Project Financing - Explain the sources and amounts of project financing, and whether it has been secured or is under development.

This project is funded through capital investments made by Zoetis LLC.

INDUSTRIAL FACILITIES EXEMPTION APPLICATION AFFIDAVIT OF PROJECT BEGIN DATES

I do swear and affirm by my signature below that the real property project beginning of construction date and/or personal property project installation begin date, associated with the application for Industrial Facilities Tax Exemption Certificate under P.A. 198 of 1974, as amended, in the amount of \$47,859,166, filed with the City of Kalamazoo, for a facility located at 20605 E Kilgore Rd. are as follows:

Real Property Project Begin Date:

11/1/2019

Applicant Name:

Zoetis, LLC

Signature:



Printed Name:

Maushumi Nerurkar

Title:

Senior Vice President- Global Tax

Date:

8/31/2020

Subscribed and sworn to before me this 31st day of August, 2020

Michelle L. McGowan
Signature of Notary

Printed Name:

MICHELLE L. MCGOWAN

NOTARY PUBLIC

STATE OF NEW JERSEY

ID # 2409814

County:

Commission expires:

MY COMMISSION EXPIRES JUNE 22, 2021



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Sean R. Fletcher, CPRP, Parks and Recreation Director
Prepared by: Patrick McVerry, CPRP, Parks and Recreation Deputy Director

DATE: October 26, 2020

SUBJECT: Approval of 2-year contract extension for the mowing and trimming of Parks and Greenspaces (Bid Ref#988-52-046.1.2)

RECOMMENDATION:

It is recommended that the City Commission approve a 2-year contract with Total Property Management Group, for the purchase of mowing and trimming of parks and greenspaces in the amount of \$220,270.20.

BACKGROUND:

The Parks and Recreation Department has contracted out mowing of Parks and Greenspaces since 2012. This was done to save money and due to staff reductions. Total Property Management has performed to our expectations over the past 12 months and we would like to continue the partnership. This contract would be in place from December 1, 2020 through November 20, 2022.

STRATEGIC VISION ALIGNMENT:



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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.

FISCAL IMPACT:

The budget for annual mowing expenses is included in the Parks and Recreation General Fund operating budget.



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Wendy Burlingham, Administrative Support Manager

DATE: October 26, 2020

SUBJECT: One (1) Year Contract for Code Enforcement, Site Cleanup, Hauling and Disposal Services (Bid Ref#90974-001.0)

RECOMMENDATION:

It is recommended that the City Commission approve a one-year contract with Student Haulers for the removal and disposal of trash, nuisances and garbage collected pursuant to the enforcement of various city ordinances (15A, 22-3, 22-4 and 22-5) in the amount of \$120,000.

BACKGROUND:

Under Sections 15A, 22-3, 22-4 and 22-5 of the Kalamazoo Code of Ordinances, the City has authority to correct nuisances located on public and private properties. The City uses the services of a contractor to remove and dispose of nuisance materials. The cost of each nuisance related corrective action is billed to the property owner of record. Unpaid bills become liens against the property. The City also uses the contractor to remove trash collected from the Building Blocks and Summer YOU programs.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Solid Waste – Code Enforcement

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal

FISCAL IMPACT:

Funds for this contract were included in the respective year Solid Waste budget.



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: From: Richard O. Cherry, Deputy City Attorney/BRA Counsel

DATE: October 26, 2020

SUBJECT: Resolution for Setting the Public Hearing for Kalamazoo Downtown Economic Growth Authority (DEGA) Development and Tax Increment Financing (TIF) Plan Amendment

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION approving the proposed Kalamazoo Downtown Economic Growth Authority (DEGA) Development and Tax Increment Financing (TIF) Plan Amendment allowing the Brownfield Redevelopment Authority to step in and collect tax increment on parcels within the DEGA district.

BACKGROUND:

On October 15, 2018 Kalamazoo City Commission voted to create the Kalamazoo Downtown Economic Growth Authority under the Corridor Improvement Authority Act (Public Act 280 of 2005) ("the Act"). This authority was created to allow for a new method of financing activities associated with the continued growth, maintenance, administration, and programming of Downtown Kalamazoo. When a new tax increment financing (TIF) district is created, a plan for how the funds will be collected and invested over the duration of the plan is required.

Since the DEGA is in its initial phases of growth, and funds to support development in the DEGA district are not yet fully established, the Kalamazoo Downtown Partnership and the City of Kalamazoo Community Planning and Economic Department have collaborated with the Brownfield Redevelopment Authority (BRA) to use BRA TIF to support development in the DEGA for the short-term, to ensure growth continues in the district. In order to do that, pursuant to the Act, the DEGA must amend its TIF plan to forgo capture of tax increment in its district on selected parcels so that the BRA can capture tax increment on those parcels to better support eligible activities on new development projects in the DEGA district. This amending of the plan is a several step process therefore the following additional actions by the DEGA, the BRA and

City Commission under the Act and Act 381 are tentatively scheduled as follows:

October 19 – City Commission adopts resolution setting public hearing for approving amended TIF plan

November 16 – City Commission conducts public hearing

November 16 – City Commission considers adoption of resolution amending the DEGA's Development and Tax Increment Financing (TIF) Plan.

November 16 – City Commission considers adoption of resolution approving the Amendment to the Brownfield Redevelopment Plan

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Economic Vitality- A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Given the nature of this amendment, no community resources were consulted.

FISCAL IMPACT:

There is no impact to the City of Kalamazoo general fund. The DEGA will forego the incremental revenue growth on selected parcels until the BRA completes reimbursement of eligible activities on each project. Incremental revenues would then flow to DEGA, allowing investment in core services, programming, initiatives, and capital improvements. Impact to local taxing units will remain consistent BRA projects that have been approved in recent years.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
APPROVAL OF AN AMENDED DEVELOPMENT AND TAX
INCREMENT FINANCING PLAN FOR THE CITY OF KALAMAZOO
DOWNTOWN ECONOMIC GROWTH AUTHORITY (DEGA)**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held electronically on October 26, 2020, at or after 7:00 o'clock p.m., local time.

PRESENT, Commissioners:

ABSENT, Commissioners:

The following preamble and resolution was offered by _____ and supported by _____.

WHEREAS, the Corridor Improvement Authority Act, Act 280 of the Public Acts of Michigan of 2005, as amended, MCL 125.2871 et seq., and now recodified within Public Act 57 of 2018 (the “Act”), authorized the City to establish a corridor improvement authority and to designate the boundaries of an authority corridor improvement development area provided certain criteria required by the Act had been met for the purpose of correcting and preventing deterioration in business districts, encouraging historic preservation and promoting economic growth; and

WHEREAS, on October 15, 2018, the Kalamazoo City Commission voted to create the Kalamazoo Downtown Economic Growth Authority (the DEGA) under the Act to allow for a new method of financing activities associated with the continued growth, maintenance, administration, and programming of downtown Kalamazoo; and

WHEREAS, since the DEGA is in its initial phases of growth, and funds to support development in the DEGA district are not yet fully established, the Kalamazoo Downtown Partnership and the City of Kalamazoo Community Planning and Economic Department have collaborated with the Brownfield Redevelopment Authority (BRA) to use BRA TIF to support development in the DEGA for the short-term, to ensure growth continues in the district; and

WHEREAS, in order to do that, pursuant to the Act, the DEGA must amend its TIF plan to forego capture of tax increment in its district on selected parcels so that the BRA can capture tax increment on those parcels to better support eligible activities on new development projects in the DEGA district; and

WHEREAS, pursuant to the Act, the City Commission may consider the approval of an Amended Plan after conducting a public hearing with respect thereto upon giving such notice as required by the Act; and

WHEREAS, the City Commission desires to set the time and date for a public hearing regarding the Amended Plan and to cause such a notice of the public hearing to be given as required by the Act.

NOW, THEREFORE, BE IT RESOLVED

1. The public hearing will take place during the regular City Commission business meeting held on Monday, November 16, 2020, at 7:00 p.m.
2. During the public hearing all citizens, taxpayers and representatives or officials from any taxing jurisdiction whose millage subject to capture under the Downtown Kalamazoo Economic Growth Authority, shall be afforded an opportunity to be heard on proposed amendments to the tax increment financing and development plan.
3. The governing bodies of each taxing jurisdiction shall be contacted and given an opportunity to meet to discuss the proposed Plan Amendment.
4. The City Clerk shall cause all notices to be published, mailed or posted as required by this resolution and Act. The notice shall be in substantially the same form as presented in in attached Exhibit A.
5. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

The above resolution was offered by _____ and seconded by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on October 26, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267 of 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

AMENDMENT TO TIF AND DEVELOPMENT PLAN OF THE DOWNTOWN

On Monday, November 16, at or after 7:00 p.m., the Kalamazoo City Commission will conduct a public hearing regarding a proposed amendment to the Downtown Economic Growth Authority (DEGA) Tax Increment Finance and Development Plan under the Recodified Tax Increment Financing Act (PA 57 of 2018).

The boundaries of the qualified development area of the DEGA established by City Commission in 2018 is the area generally described as follows. The proposed Plan amendment would not change or alter the boundaries of the area:

Commencing at the intersection of the westerly right-of-way line of South Westnedge Avenue with the southerly right-of-way line of West Cedar St.; thence EAST along the southerly right-of-way line of West Cedar Street to its intersection with the westerly right of way line of South Rose Street; thence SOUTH along the westerly right-of-way line of South Rose Street to the southerly right-of-way line of Walnut Street; thence EAST along the southerly right-of-way line of Walnut Street to the westerly right-of-way line of Burdick Street; thence SOUTH to the southerly right-of-way line of Dutton Street; thence EAST to the easterly right-of-way line of John Street; thence NORTH to the southerly right-of-way line of E. Walnut Street; thence EAST along the southerly right-of-way line of E. Walnut Street to its intersection with the westerly right-of-way line of Portage Street; thence SOUTH along the westerly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of East Dutton/Second Street; thence EAST along the southerly right-of-way line of Second Street to its intersection with the easterly right-of-way line of Pitcher Street; thence NORTH along the easterly right-of-way line of Pitcher Street to its intersection with the extension of the northerly right-of-way line of East Lovell Street; thence WEST along the northerly right-of-way line of East Lovell Street to its intersection with the easterly right-of-way line of Portage Street ; thence NORTH along the easterly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of South Street; thence EAST along the southerly right-of-way line of South Street to its intersection with the westerly right-of-way line of Pitcher Street; thence EAST along a line being the extension of the southerly right-of-way line of South Street to the westerly right-of-way line of the Grand Elk railroad (formerly the westerly right-of-way line of the Grand Rapids and Indiana Railroad); thence SOUTH along the westerly right-of-way line of the Grand Elk Railroad to its intersection with the centerline of Portage Creek; thence running NORTHEASTERLY downstream along the centerline of Portage Creek to its intersection with southern property line of the parcel known as 140 Parkway Drive; then EAST to the eastern property line of said parcel; thence NORTH along the eastern property line of said parcel to its intersection with the southern property line of the parcel known as 646 East Michigan Avenue; thence EAST along the extension of the southern property line of 646 East Michigan Avenue to the midpoint of Parkway Drive; thence NORTH along the extension of the midpoint of Parkway Drive to its intersection with the southerly right-of-way line of East Michigan Avenue, (being Michigan Trunkline M-43); thence EAST along the southerly right-of-way of East Michigan Avenue to its

EXHIBIT A

intersection with the centerline of the Kalamazoo River; thence running upstream and EASTERLY along the centerline of the Kalamazoo River to its intersection with the extended western property line of the parcel known as 151 Mills Street; thence NORTHERLY along said western property line of 151 Mills St to the southerly boundary of the Norfolk Southern Railway right-of-way; thence WESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way to its intersection with the westerly right-of-way line of the North Park Street; thence SOUTHWESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way (becoming the Amtrak right-of-way) to its intersection with the extended northerly right-of-way line of Oliver Street; thence SOUTHEASTERLY along the extension of the northerly right-of-way line of Oliver Street to the southerly right-of-way line of Business Loop 94, known as Stadium Drive/West Michigan Avenue; thence NORTHEASTERLY along the southerly right-of-way line of Business Loop 94 to its intersection with the southerly right-of-way line of West South Street; thence EAST along the southerly right-of-way line of West South Street to its intersection with the westerly right-of-way line of South Westnedge Avenue; thence SOUTH along the westerly right-of-way line of South Westnedge Avenue to the southerly right-of-way of West Cedar Street and the point of beginning. (The development area of the DEGA is also depicted on the enclosed map.)

The public hearing will take place on Monday, November 16, 2020 at or after 7:00 p.m. during the regular City Commission business meeting. Persons who wish to contact members of the City Commission to provide input on the proposed amendment may do so on November 16th between 6:30 p.m. and the end of the public hearing by calling 269.226.6573 and leaving a recording. (Note: the public hearing will take place near the beginning of the meeting.) This meeting will be streamed live on the City's Facebook page (<https://www.facebook.com/KalamazooCity/>) and YouTube Channel (<https://www.youtube.com/channel/UCIgXSSXLSDxThVaaiRM5R5Q>). Maps, plats, and a description of the amendment to the Plan will be included in the November 16th meeting packet, which will be available at <https://kalamazoomi.civicclerk.com/web/home.aspx>. The proposed Plan amendment would allow the DEGA to forego capture under certain circumstances. No families or individuals would be displaced as a result of the amendment. All aspects of the Plan will be open for discussion at the public hearing.

At the public hearing, all citizens, taxpayers and representatives or officials from any taxing jurisdiction whose millage is subject to capture under the Downtown Economic Growth Authority, shall be afforded an opportunity to be heard on the proposed amendment to the tax increment financing and development plan.

Scott A. Borling
City Clerk

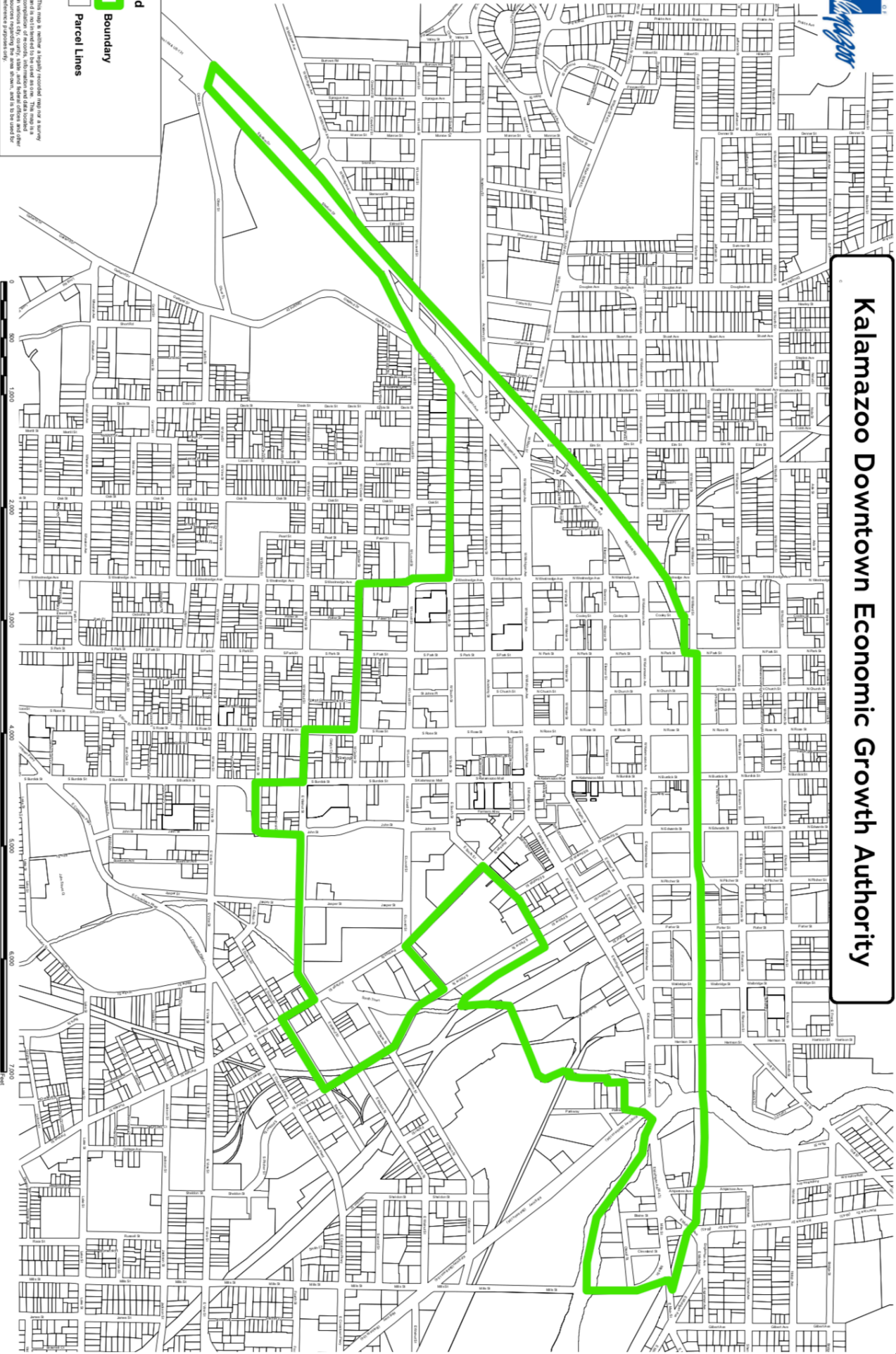


Kalamazoo Downtown Economic Growth Authority

Legend

-  Boundary
-  Parcel Lines

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of various sources, including aerial photography, and is not intended to be used as a legal document. For more information, please contact the Kalamazoo Downtown Economic Growth Authority.





**KALAMAZOO DOWNTOWN
ECONOMIC GROWTH
AUTHORITY**

CITY OF KALAMAZOO

**DOWNTOWN
ECONOMIC
GROWTH
AUTHORITY**

**Development Plan
&
Tax Increment Financing Plan**

2018

TABLE OF CONTENTS

- I. INTRODUCTION**
- II. DEVELOPMENT PLAN**
- III. TAX INCREMENT FINANCING PLAN**

EXHIBITS

1. Legal Description of the Qualified Development Area.
2. Map of the Qualified Development Area.
3. Existing Land Uses including Brownfield Projects in the Qualified Development Area.
4. Proposed Land Use Framework in the Qualified Development Area.
5. Estimated Tax Increment Financing Revenue.
6. Development Plan Priorities, Estimates and Timeline.
7. List of Parcels Not Contributing to Downtown Economic Growth Authority.

I. INTRODUCTION

In 1988, the Kalamazoo Downtown Development Authority (“DDA”) implemented a Development Plan and Tax Increment Financing Plan (“DDA Development and TIF Plan”) to halt deterioration in the downtown of the City of Kalamazoo (“Downtown”) and to promote economic growth within the Downtown through the capture of tax increments derived from new development to be used for the construction of public improvements such as parking ramps, sidewalks and streetscapes. The incentives of such public infrastructure worked. For approximately 20 years, development occurred within the Downtown leading to economic growth.

However, since 2008, there have been several factors which have negatively impacted the growth and economic well-being of the Downtown. First, there was the nationwide great recession where real property values declined significantly resulting in a decline in tax revenue. Second, the demolition of long-standing facilities, which generated considerable tax revenue, and change of ownership of other taxable properties to tax-exempt entities also contributed to a decline in values. Due to these factors, the overall value of the DDA district has fallen below the initial assessed value thereby completely eliminating tax increment revenue for the purpose of promoting and encouraging economic development in the Downtown. To continue its economic vitality, something needs to be done.

There exists another Michigan statute for use as a tool in economic development. Act 280 of 2005, the Corridor Improvement Authority Act (“Act”), authorizes governmental bodies to establish a Corridor Improvement Authority (“CIA”) together with a qualified development area (“QDA”) as a means to promote economic growth through the capture of tax increments in the QDA similar to the operation and functioning of the DDA Development and TIF Plan. The powers granted to a CIA board are similar to those granted to the DDA and to the City’s Brownfield Redevelopment Authority (“BRA”) in order to carry out the intent of the Act. The activities of the CIA are largely funded by proceeds from a Tax Increment Financing Plan (“TIF Plan”), revenue bonds, donations, special assessments and fees.

The City of Kalamazoo (“City”), on October 15, 2018, adopted a resolution creating a CIA to be known as the Downtown Economic Growth Authority (“DEGA”) and established a QDA. The QDA is bisected by the business routes (BR) of US Highway 131, and Interstate I-94. BR US 131 is a north-south one-way pair crossing the district, sharing right-of-way with local streets Park Street and Westnedge Avenue. BR I-94 shares right-of-way with Stadium Drive at the west/southwest end of the QDA, and with King Highway at the east/southeast end of the QDA. As it crosses the center of the QDA, BR I-94 becomes a one-way pair, sharing right-of-way with local streets Kalamazoo and Michigan Avenues, and State Highway M-43. The QDA contains streets of each of the types described in the Imagine Kalamazoo 2025 Plan. (**Exhibit 4**) Amtrak railroad right-of-way serves as western and northern boundary for much of QDA. There are additional freight railroads that cross the district near its east end. Arcadia Creek, Portage Creek, and the Kalamazoo River flow through the QDA. Arcadia Creek’s course within the QDA begins at the southwest extent of the district as an exposed creek bed running northeast parallel to Stadium Drive at the edge of the Western Michigan University Campus. As it continues, Arcadia Creek turns east flowing through a man-made channel for several blocks until it opens into a pond at the Arcadia Creek Festival Place. From there it flows underground to its intersection with the Kalamazoo

River. The Kalamazoo River flows through a small portion of the QDA at its easternmost point flowing north from Mills Street to East Michigan Avenue. Portage Creek flows north through the QDA, first entering the QDA at Walnut Street, and flowing northeast to its confluence with the Kalamazoo River. The QDA Boundary follows Portage Creek for a stretch between Portage Street and Michigan Avenue. All three bodies of water are assets to the district, having spurred early and continued redevelopment efforts in areas adjacent to their banks.

In summary, the City Commission created the DEGA pursuant to Section 4 of the Act and included all properties, including a transit-oriented facility, within the QDA so as to meet the qualifying criteria set forth in Section 5 and Section 23 of the Act. The creation of DEGA is consistent with the City of Kalamazoo 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, and the 2009 Downtown Kalamazoo Comprehensive Plan. It will provide a needed source of revenue to the development of Downtown and ongoing infrastructure investment since it will reset the basis upon which tax increment revenues will be captured. The DEGA will also solicit resources from the City of Kalamazoo for the purpose of partially funding its activities on an interim basis.

With the establishment of the DEGA, the Downtown Development Authority (DDA) TIF District and TIF and Development Plans will be dissolved. The DDA will continue to exist, levying a two-mill tax to support operations and administration of downtown activities and to oversee the management of the municipal parking system within Downtown Kalamazoo.

The Downtown Development Authority has several ongoing commitments (see tables on page 3) to support reimbursement of eligible expenses incurred by developers that have funded public infrastructure through development projects within the DDA TIF District (also in the DEGA TIF District). DDA agreements whose project obligations and compliance have been completed by the developer, will be honored by DEGA, Brownfield Redevelopment Authority, City, or with a combination of funds. These projects have reimbursement agreements with the DDA totaling \$1,462,137.35. Each of these projects also has an agreement with the Kalamazoo Brownfield Redevelopment Authority (BRA). Should the dissolution of the DDA TIF Plan result in additional BRA capture on these parcels the BRA may direct those funds to reimburse for expenses that were eligible for DDA reimbursement that are also eligible for BRA reimbursement. Alternately, DEGA TIF may be used to cover reimbursement of DDA-eligible expenses that are also DEGA-eligible. The final DDA development agreement in question is for the Exchange Building at 155 West Michigan Avenue for \$1,300,000. As the project is not yet complete, it is projected that new DEGA TIF on this project will be sufficient to meet DDA reimbursement obligations. DEGA and DDA will work with each developer to amend development agreements in a satisfactory manner.

Additionally, the DDA is obligated repay the City of Kalamazoo \$459,600 to cover the cost of the final Arcadia Creek Channel Project bond payment paid by the City in 2017. This cost will be assumed by DEGA, and paid with TIF. The DDA is also obligated to pay a loan to the City of Kalamazoo \$44,990 covering payment of an assessment appeal at 333 Portage Street. This will be repaid to the City with DEGA TIF.

DDA Project Reimbursements	Parcel(s)	Amount
Catalyst Development – 277 S. Rose Street	Parcel ID 06-15-390-300	\$450,137.35
Mavcon – 100 Block of E. Michigan Ave.	Parcel ID 06-15-376-010; 06-15-376-011	\$978,000.00
PlazaCorp – 421/427 E. Michigan Ave	Parcel ID 06-15-416-122; 06-15-411-271	\$34,000.00
Exchange Building – 155 W. Michigan Ave.	Parcel ID 06-15-380-081	\$1,300,000.00

DDA Debt Obligations	Description	Amount
City of Kalamazoo – Arcadia Creek Channel Project	Final Bond Payment	\$459,600.00
City of Kalamazoo – Assessment Appeal	Loan Repayment	\$44,990.00

As the revenues climb in early years, it will be necessary for the City of Kalamazoo to provide operational and programmatic support for DEGA activities. Annual budgets will be developed in conjunction with City Administration, and operational loans provided. It is anticipated that the DEGA will be self-sufficient in approximately 2025, at which time, payback to the City would commence to be paid by local TIF dollars.

With the goal of simplifying the development process in the district, and in keeping with the spirit of assorted efforts at the State-level, including the *Redevelopment-Ready Communities Program*, the DEGA endeavors to subsume the project support and remediation activities of the Brownfield Redevelopment Authority within district boundaries. This proposed structure will allow for a single point of contact for project support within downtown, with one timeline, set of approvals, and a single development agreement. This may be accomplished through interlocal agreement, or other means. Prior to any shift in project support responsibilities, policy will be developed in conjunction with DEGA and BRA staff and Boards, City, MEDC, MDEQ, and additional parties as needed.

General priorities and objectives of the Development Plan (“Development Plan”) are organized by six priority areas (mobility improvements, streetscape improvements, public space investment and maintenance, development and project support, economic development planning and research, and additional programs, services and administration), and are summarized below. Categories 1-6 will be supported through local TIF dollars. Categories 1-4 may be supported by local TIF, State of Michigan TIF, or a combination of the two.

1) Mobility Improvements

Make key investments to improve connectivity and accessibility both within the QDA boundaries and between the Downtown district and surrounding neighborhoods, taking into consideration various modes of transportation and key corridors.

Support and/or make investments to improve mobility for various modes of transportation Downtown, including:

Vehicles

Parking Management – Assess and evaluate parking system and supply/demand; implement improvements to support existing businesses and continued growth and development Downtown; invest in landscaping, lighting, signage and cosmetic improvements to existing surface lots and ramps; develop new parking facilities to accommodate demand arising from new investment in the Downtown; assess and invest in additional, innovative parking solutions, including, but not limited to, valet programs, ride share, car share, and autonomous vehicles. Continue operation of the public parking system in the Downtown for the City’s benefit either by assuming the responsibilities of the DDA under the existing Sublease or informally by providing assistance when necessary under the existing Sublease arrangement.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

Street Conversions – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.

Estimated Investment	Implementation Timeline
\$3.5 – 4 million	5-30 years

Public Transit – Plan for and support transit-oriented development projects. Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, and relocations of tracks.

Estimated Investment	Implementation Timeline
\$1.5 – 2 million	5-30 years

Bicycles

Bicycle infrastructure – Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in bicycle amenities, such as additional and/or improved bicycle parking and signage.

Estimated Investment	Implementation Timeline
\$2 – 2.5 million	0-15 years

Pedestrians

Pedestrian infrastructure – Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.

Estimated Investment	Implementation Timeline
\$4 – 5 million	0-15 years

Corridors

Key corridors – Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

2) Streetscape Improvements

Make key investments in streetscape infrastructure to improve accessibility and walkability Downtown.

Streetscape Planning – Create and implement a comprehensive streetscape plan for Downtown.

Estimated Investment	Implementation Timeline
\$100,000 – 125,000	0-5 years

Sidewalk Network – Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.

Estimated Investment	Implementation Timeline
\$5 – 7 million	0-30 years

Streetscape Elements – Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; increase Downtown tree canopy; install planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.

Estimated Investment	Implementation Timeline
\$5 – 7 million	0-30 years

Maintenance – Engage in ongoing maintenance of streetscape and streetscape elements, existing and to be added.

Estimated Investment	Implementation Timeline
\$2 – 2.35 million	0-30 years

3) Public Space Investment & Maintenance

Make key investments in public spaces to add value to and improve the vibrancy of Downtown.

Activation

Capital Improvements – Invest in permanent structural changes to existing and proposed public spaces Downtown, including Kalamazoo Mall, Arcadia Creek Festival Place and other strategic locations, to create accessible and inviting public spaces. Investments may be allocated toward improvements to waterfront areas along Kalamazoo River, Arcadia Creek and Portage Creek. Investments may also include installation of public facilities such as public restrooms.

Estimated Investment	Implementation Timeline
\$3 – 3.5 million	5-30 years

Public Art – Commission and/or install engaging public art to create vibrant public spaces Downtown, including, but not limited to, functional public art for transportation infrastructure.

Estimated Investment	Implementation Timeline
\$1.5 – 1.75 million	0-30 years

Furniture – Invest in street furniture and related infrastructure to encourage regular use of key public spaces Downtown.

Estimated Investment	Implementation Timeline
\$1.5 – 2 million	0-30 years

Green Space – Assess need for, acquire, and develop green space Downtown.

Estimated Investment	Implementation Timeline
\$2 – 2.25 million	5-30 years

Maintenance

Public space maintenance – Maintain existing public spaces within the district boundaries, including, but not limited to, landscaping, furniture and permanent infrastructure.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

Storm system maintenance – Continue to maintain the reconstructed Arcadia Creek storm system and pond areas; provide additional cosmetic enhancements and water features to the creek area and pond site; conduct planning and engineering studies to reduce long-term clean-up costs associated with annual sediment removal efforts; undertake capital improvements to the storm system as required.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

Presence

Ambassador Program – Create an ambassador program Downtown to maintain a clean, safe, and friendly Downtown.

Estimated Investment	Implementation Timeline
\$1.5 – 1.6 million	0-30 years

4) Development & Project Support

Promote development Downtown through targeted project incentives and promotion of or direct investment in key land and/or property.

Project Incentives – Identify development priorities to create and maintain a toolbox of project incentives for new development Downtown. Priorities will include, but are not limited to: Mixed-Use Development; additions to existing buildings; diversification of residential mix and types of housing, sustainable infrastructure, energy efficiency measures, job creation, including specific incentives targeted at affordable and workforce housing; engagement in workforce development programs.

Estimated Investment	Implementation Timeline
Project-/Parcel-based TIF	0-30 years

Land Acquisition, Redevelopment and Remediation – Acquire and/or redevelop land; acquire, redevelop or construct buildings; and support remediation activities at key development sites located within the QDA to further the goals and objectives of the Development Plan.

Estimated Investment	Implementation Timeline
\$5 – 5.25 million	5-30 years

Information Technology Infrastructure – Support planning, site preparation, installation, and maintenance of IT infrastructure, including but not limited to fiber optic, wireless, facilities, and sensors.

Estimated Investment	Implementation Timeline
\$3 – 3.25 million	0-30 years

Business Development – Provide resources and support to existing and new businesses, including, but not limited to workshops and grant programs.

Estimated Investment	Implementation Timeline
\$2 – 2.25 million	0-30 years

5) Economic Development Planning & Research

Commission and conduct research, studies, plans and/or reports to inform and further Downtown development priorities and the implementation of programs, services and initiatives.

Estimated Investment	Implementation Timeline
\$1 – 1.25 million	0-30 years

6) Additional Programs, Services and Administration

Implement various components of the Development Plan, 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans. This may include the continuation of programs established by the DDA, including:

- Business Retention and Recruitment Program designed to encourage business development and retention in the Downtown, the Design Assistance Program to

assist with exterior façade improvements to historic Downtown commercial structures;

- Façade Improvement and Building Rehabilitation Program designed to bring dormant or under-utilized buildings in the central business district into productive use and to meet modern code, fire, safety and accessibility requirements;
- Downtown Kalamazoo Innovation Program to assist new retail, restaurant, service organizations and office tenants and to develop and fund such additional programs promoting the economic vitality of the Downtown;
- Conducting market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
- Fulfilling DDA financial commitments incurred with the construction of public infrastructure, such as streetscape, public space and snowmelt.

Tax increment financing (“TIF”) administration shall include audit and legal services and Development Plan updates as needed. Administration may also include support for staffing and execution of all programs, services and initiatives outlined in this plan.

Estimated Investment	Implementation Timeline
\$3 – 3.1 million	0-30 years

II. DEVELOPMENT PLAN

A. Designation of Boundaries of the QDA in Relation to Highways, Streets, Streams or Otherwise.

1. General Description of Boundaries and Size of the QDA.

The QDA is bisected by the business routes (BR) of US Highway 131, and Interstate I-94. BR US 131 is a north-south one-way pair crossing the district, sharing right-of-way with local streets Park Street and Westnedge Avenue. BR I-94 shares right-of-way with Stadium Drive at the west/southwest end of the QDA, and with King Highway at the east/southeast end of the QDA. As it crosses the center of the QDA, BR I-94 becomes a one-way pair, sharing right-of-way with local streets Kalamazoo and Michigan Avenues, and State Highway M-43. The QDA contains streets of each of the types described in the Imagine Kalamazoo 2025 Plan. (**Exhibit 4**) Amtrak railroad right-of-way serves as western and northern boundary for much of QDA. There are additional freight railroads that cross the district near its east end. Arcadia Creek, Portage Creek, and the Kalamazoo River flow through the QDA. Arcadia Creek’s course within the QDA begins at the southwest extent of the district as an exposed creek bed running northeast parallel to Stadium Drive at the edge of the Western Michigan University Campus. As it continues, Arcadia Creek turns east flowing through a man-made channel for several blocks until it opens into

a pond at the Arcadia Creek Festival Place. From there it flows underground to its intersection with the Kalamazoo River. The Kalamazoo River flows through a small portion of the QDA at its easternmost point flowing north from Mills Street to East Michigan Avenue. Portage Creek flows north through the QDA, first entering the QDA at Walnut Street, and flowing northeast to its confluence with the Kalamazoo River. The QDA Boundary follows Portage Creek for a stretch between Portage Street and Michigan Avenue. All three bodies of water are assets to the district, with having spurred early and continued redevelopment efforts in areas adjacent to their banks.

2. Legal Description of the Boundaries and Size of the QDA. See **Exhibit 1**.
3. Map of the QDA. See **Exhibit 2**.

B. The Location and Extent of Existing Streets and Other Public Facilities Within the QDA Designating the Location, Character, and Extent of the Categories of Public and Private Land Uses Presently Existing and Those Proposed for the QDA, Including Residential, Recreational, Commercial, Industrial, Educational and Other Uses.

The QDA contains a varied assortment of public and private land uses, including commercial, cultural, industrial, educational, governmental, medical, institutional, residential, open space, parking, vacant and public street areas. Provided below and as shown on **Exhibit 3** is a detailed account of the character and extent of existing public and private uses found in the QDA. **Exhibit 3** also depicts the location and extent of existing streets.

1. Location and Extent of Existing Streets and Other Public Facilities.

The QDA contains approximately 87 acres of public street right-of-way as well as the following existing public land uses.

2. Existing Public Land Uses.

Existing public uses in the QDA include the following:

- (a) Kalamazoo Transportation Center;
- (b) The Kalamazoo Mall;
- (c) Approximately 3,000 public parking spaces, including two parking garages or decks, surface lots and on street spaces;
- (d) Federal Office Building;

- (e) City and County government administrative offices;
- (f) City and County courts;
- (g) Public safety stations;
- (h) Bronson Park;
- (i) Rose Park Veterans Memorial;
- (j) The Kalamazoo Valley Community College downtown campus;
- (k) The Kalamazoo Valley Museum;
- (l) The Kalamazoo Public Library.

In total, approximately 232 acres is devoted to public use and street right-of-way.

3. Existing Private Land Uses.

Existing private uses in the QDA include the following:

- (a) Radisson Plaza Hotel at Kalamazoo Center mixed-use facility containing hotel, conference, convention, office and retail space;
- (b) Commercial office, retail and restaurant space located primarily along Kalamazoo and Michigan Avenues, Park and Rose Streets, Westnedge Avenue, South, Edwards, Academy, Water, Eleanor, Portage and Lovell Streets and the Kalamazoo Mall/South Burdick Street;
- (c) Major cultural and entertainment facilities such as the Kalamazoo Institute of Arts, Civic Auditorium, State Theatre, Epic Center, Carver Center, AMC Movie Theater and numerous places of worship;
- (d) Multiple brewing and distilling facilities;
- (e) Bronson Hospital and Medical Center;
- (f) Western Michigan University Homer Stryker M.D. School of Medicine;
- (g) Major banks and savings and loan associations;

- (h) Office, service and community facilities occupied by nonprofit organizations;
- (i) A full-service automobile sales and service dealership and other auto-related services and businesses;
- (j) A number of vacant parcels, vacant, and partially vacant structures;
- (k) Private surface parking lots and parking ramps.

In all, approximately 190 acres of land in the QDA are devoted to private land uses, total building square footage is approximately 6.39 million, which includes 1.84 million square feet of office space, 3.3 million square feet in retail and restaurant use, approximately 66,000 square feet in industrial uses, and 1.18 million square feet of “other” uses. The total Downtown workforce is estimated at approximately 10,570.

4. Location and Extent of Proposed Improvements – Public and Private Uses

The location, character and extent of public and private land uses resulting from development activities and retention of many of the existing uses within the QDA are described below.

(a) Proposed Improvements – Public Uses

The proposed public land uses within the QDA are consistent with the 2025 Imagine Kalamazoo Master Plan (see Future Land Use Map in **Exhibit 4**). Proposed changes to public land uses within the QDA include the following:

- (i) Construction and rehabilitation of new and existing public parking spaces, including both surface lots and ramps, distributed throughout the QDA.
- (ii) Major street construction which may include conversion of one-way streets to two-way streets, reconfiguration of road beds and right-of-ways, to allow for the development of public and/or private facilities consistent with approved land uses and based on community input.
- (iii) Investments in mobility infrastructure along priority and main streets, and neighborhood connector corridors as identified by the 2025 Imagine Kalamazoo Master Plan (see **Exhibit 4**).

- (iv) Improvements to public spaces and streetscaping in the QDA.
- (v) Public utility improvements such as street improvements, curbs, sidewalks, water, sanitary sewer, storm drainage, electrical lines, and information technology infrastructure as needed in support of Downtown revitalization.
- (vi) Land acquisition needed for public and private improvements and to further the goals and objectives of the Development Plan.
- (vii) Other general public improvements as may be needed to stimulate private investment in the QDA.

(b) Proposed Improvements – Private Uses

Projects by private developers include:

- (i) Construction of a multi-story apartment building on the west side of South Rose Street between Lovell and Cedar streets.
- (ii) Construction of an eight-story mixed-use facility in former Lot 9 immediately north of the buildings in the 100 block of East Michigan Avenue which is to be a mixed-use facility and to include a private parking ramp.
- (iii) A multi-story mixed-use facility at the southeast corner of Michigan Avenue and Rose Street.
- (iv) Rehabilitation of existing structures and/or construction of new buildings to accommodate private, commercial, retail, office and residential uses, including a new hotel located on the west side of South Rose Street between Eleanor and Lovell Streets as well as multi-story residential structures abutting Arcadia Creek between South Westnedge and Park Street.
- (v) Construction of a multi-family housing project on the southern and western portion of the block bounded by Park, Lovell, Rose and Cedar streets.
- (vi) Construction of mixed-use facility at 433 South Burdick.

- (vii) Construction of additional facilities associated with Bronson Hospital throughout the campus area.
- (viii) Construction of buildings across a mix of uses and types along southern extension of Harrison Street.
- (ix) Redevelopment of Merchant's Crossing area bounded by East Michigan Avenue, Mills Street and the Kalamazoo River.
- (x) Construction of mixed-use buildings on surface parking lots located on the block bounded by Portage, South, and Edwards streets and East Michigan Avenue.
- (xi) Additional retail, office, restaurant, entertainment, residential and other commercial and mixed uses as opportunities arise.
- (xii) Redevelopment remediation of land parcels assembled in order to eliminate blight and to accommodate private, public and institutional development in the QDA.

C. Description of Existing Improvements in the QDA to be Demolished, Repaired or Altered and an Estimate of the Time Required for Completion.

There are currently no plans to demolish, repair, or alter buildings associated with public projects within the QDA, nor have there been any requests for support of private projects requiring demolition. Any future demolitions, alterations or repairs to buildings within the QDA to be supported with DEGA funds would be carried out in accordance with the objectives of this Development Plan.

D. Description and Location of Improvements Contemplated for the QDA and an Estimate of the Time Required for Completion. See **Exhibit 6.**

E. Stages of Construction and Estimated Time of Completion of Each Stage. See **Exhibit 6.**

F. Description of Those Parts of the QDA to be Left as Open Space and the Use Contemplated for the Space.

- a. Arcadia Creek Festival Place – Improvements to and maintenance of the site and promenade, which will be continue to be used for festivals, events, and everyday public use.
- b. Bronson Park – Coordination with City to activate and/or improve Bronson Park.

- c. Rose Park Veterans Memorial – Coordination with City to activate and/or improve park.
- d. Other open space and streetscape improvements, to be defined.

G. Description of Any Portions of the QDA that the DEGA Desires to Sell, Donate, Exchange or Lease to or From the City and the Proposed Terms Thereof.

There are no current plans to convey portions of the QDA to or from the City. However, the DEGA anticipates that activities defined in the Development Plan may require land or parcels within the QDA to be conveyed to or from the City. All land transactions or exchanges shall be in written format and also further the goals and objectives of this Development Plan.

H. Description of Desired Zoning Changes and Changes in Streets, Street Levels, Intersections, Traffic Flow Modifications or Utilities.

Planned improvements in the QDA will be accomplished in accordance with the City's Zoning Ordinances. Such changes will be compatible with the public and private improvements and also be consistent with the 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future development plans.

Street, intersection and utility changes envisioned include, but are not limited to, the following:

1. *Street Conversions* – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.
2. *Public Transit* – Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, and relocations of tracks.
3. *Bicycle infrastructure* – Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in

bicycle amenities, such as additional and/or improved bicycle parking and signage.

4. *Pedestrian infrastructure* – Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.
5. *Key corridors* – Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.
6. *Sidewalk Network* – Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.
7. *Streetscape Elements* – Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; trees, tree pits, planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.

I. Estimate of the Cost of Development, a Statement of the Method of Financing the Development Plan and the Ability of the DEGA to Arrange the Financing.

Estimates for the projects as referred to above range from \$55.8 million to \$66.2 million. These estimates are tied to projected district revenues calculated at a 3% inflationary growth of the initial assessed value of buildings and parcels in the district. Methods of financing for these projects may include tax increment to be generated from the TIF Plan, including local school taxes and the State Education Tax, to be approved through the Michigan Strategic Fund, bonds, special assessments, state and federal funds, private philanthropy and other sources to fund

the public infrastructure. Consistent with Brownfield Redevelopment Authority policy, local school taxes and the State Education Tax will be held harmless.

Pending approval, Michigan Strategic Fund-approved funds are anticipated to represent 100% of the increment of local school taxes and the State Education Tax in the district for a period of 15 years or until which time contributions reach \$11 million. At that juncture, State of Michigan participation in the plan will be reviewed and assessed for possible extension. State funding for individual development projects will be considered on a case-by-case basis.

J. Designation of the Person or Persons, Natural or Corporate, to Whom All or a Portion of the Development is to be Used, Sold or Conveyed in any Manner and for Whose Benefit the Project is Being Undertaken if that Information is Available to the DEGA.

Currently, there are no private interests, parties or developers to whom commitments have been made by the DEGA to sell, lease or otherwise convey land which it may acquire and clear for private development. Several private developments are contemplated as referred above. It is likely that the DEGA will enter into agreements with each developer of such project to fund or construct the public infrastructure component connected to each project which may include parking ramps, street improvements, sidewalks, storm drainage and the like. The specific terms of such undertakings have not been negotiated with any of the developers.

The DEGA anticipates that any conveyances of properties to private as well as public entities will be on terms and conditions approved by the DEGA board of directors.

K. The Procedure for Bidding for the Leasing, Purchasing or Conveying in Any Manner of all or a Portion of the Development Upon Its Completion.

Those areas within the QDA scheduled for public improvements, presently or in the future, will be retained in the name of either the City, its Building Authority or the DEGA and, when applicable, subject not only to the approval of the board of directors of the DEGA, but also subject to the approval of the City Commission on terms and conditions compliant with the Development Plan.

Disposition of other parcels for private development will be pursuant to practices to be approved by the DEGA and, if needed, the City Commission.

Bidding, purchasing, and procurement policies will be consistent with those of the City of Kalamazoo.

L. Estimates of the Number of Persons Residing in the QDA and the Number of Families and Individuals to be Displaced.

There are approximately 2,500 permanent residents in the QDA. It is anticipated that no families or individuals will be displaced as a result of property acquisition, clearance activities and development of parcels.

M. Plan for Establishing Priority for the Relocation of Persons Displaced by the Development in Any New Housing in the QDA.

As indicated, there is no plan to displace individuals or businesses in the QDA. If these plans should change and entities and individuals will be displaced, the DEGA, in collaboration with the City, will establish a priority for the relocation of persons to be displaced.

N. Provision for the Costs of Relocating Persons and Businesses Displaced by the Development and Financial Assistance and Reimbursement of Expenses.

No displacement of businesses or persons is anticipated as a result of this Development Plan. However, if displacement should occur, financial assistance and reimbursement of expenses by those businesses and individuals to be displaced will be in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, Public Law 91-646.

O. Plan for Compliance with 1972 PA 227; MCL 213.321 to 213.332.

The relocation of any businesses or individuals who may be displaced shall also be carried out in accordance with the statutory requirements and provisions of State of Michigan Act 227 of the Public Acts of 1972. Costs for relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, shall be provided in accordance with the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, being Public Law 91-646, 42 USC 4601, *et seq.*

P. Amendments to the Development Plan or TIF Plan.

Any amendments to either this Development Plan or TIF Plan shall receive approval by the Board of DEGA and the City Commission.

Q. Schedule to Periodically Review the Effectiveness of the Development Plan.

Progress on the implementation of this Plan will be tracked on an annual basis by DEGA staff or contractors and published as part of an annual report. Both the Development Plan and Tax Increment Financing Plan will be reviewed every five

(5) years to identify any need for revisions. A public work session will be conducted to support this process. Amendments to this Development Plan, if any, will be completed in compliance with Section 22 of the Act.

- R. Other Material that the Authority, Local Public Agency, or Governing Body Considers Pertinent. It is anticipated that the Authority will assume various obligations of the DDA which were incurred in connection with the financing or construction of various public improvements such as streetscape, public space and snowmelt.

III. TAX INCREMENT FINANCING PLAN

- A. Introduction. The activities of the DEGA may be financed through several sources in accordance with Section 14 of the Act. One such source is proceeds of a TIF Plan established under Sections 18 to 20 of the Act.

TIF is a funding technique which utilizes the tax revenues derived from the increase in assessed value of all taxable property within the QDA to secure and pay the costs of public improvements authorized by the Act and needed to carry out the objectives of the Development Plan. Revenues derived from the TIF Plan will be used to pay the actual costs of such improvements or to meet debt service payments on bonds issued by the City, its Building Authority or the DEGA.

- B. TIF Procedure.

1. The TIF procedure, as outlined in the Act, requires approval by the City Commission by adoption of a resolution of a Development Plan and a TIF Plan submitted to it by the DEGA. The approval process of the TIF Plan must comply with Sections 22 and 23 of the Act, to-wit:

- (a) Public Hearing. Before adoption of a resolution approving a Development Plan or TIF Plan, the City must hold a public hearing. At the time set for the public hearing, the City shall provide an opportunity for interested persons to speak and shall receive and consider communications in writing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for consideration of documentary evidence pertinent to the Development Plan and TIF Plan.

Before the public hearing on the TIF Plan, the City shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the City. The DEGA shall fully inform the taxing jurisdictions of the physical and economic implications of the proposed QDA. The taxing jurisdictions may present their recommendations at the public hearing on the TIF Plan. The DEGA may enter into agreements with the taxing jurisdictions and the City in which the QDA is located to share a portion of the captured assessed value of the QDA. (Section 18(3))

- (b) Notices of Public Hearing. Notice of the time and place of the public hearing must be published twice in a newspaper of general circulation designated by the City. The first notice must be published at least 20 days prior to the scheduled hearing date. The notice must contain all of the information required in Section 22(2) of the Act. Further, at least 20 days prior to the scheduled hearing date, the notice must be posted in at least 20 conspicuous and public

places within the QDA and mailed to all property owners of record in the QDA and by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the TIF Plan is approved.

- (c) Right to Be Heard. At the public hearing on the Development Plan and TIF Plan, the taxing jurisdictions within the QDA may present their recommendations. The City must provide an opportunity for interested persons to speak and shall receive and consider communications in writing. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for consideration of documentary evidence pertinent to the Development and TIF Plans. The City shall make and preserve a record of the public hearing, including all data presented at the hearing.
 - (d) Determination of Public Purpose and Approval of Ordinance. After the public hearing on the Development and TIF Plans, the City shall determine whether the Plans constitute a public purpose. If it determines that there is a public purpose, the City, by resolution, shall approve or reject the Development and TIF Plans or approve it with modification based upon the criteria set forth in Section 23 of the Act.
 - (e) Application to the Michigan Economic Growth Authority. Within 60 days after City approval of the Development and TIF Plans, the DEGA intends to make a written request to the Michigan Economic Growth Authority, or its successor, to include within the definitions of tax increment revenues under Section 3 of the Act (a) taxes under the State Education Tax Act (1933 PA 331; MCL 211.901 to 211.906) and (b) taxes levied by local or intermediate school districts under the Revised School Code (1976 PA 451; MCL 380.1 to 380.1852).
2. Procedure for Capture and Tax Increment Revenue. The Act permits the DEGA to capture the increase (“Increment”) that the current assessed value of the QDA exceeds the initial assessed value (IAV) of the QDA. Revenue thus captured may be expended by the DEGA pursuant to the Act and consistent with the Development and TIF Plans. The City and County Treasurers shall transmit the tax increment revenues to the DEGA which shall expend such revenues only upon the terms of the TIF Plan.

The IAV is being established as of December 31, 2017. The IAV is the State Equalized Value of the eligible property on that date, effective for property taxes levied for the fiscal year from January 1, 2018 – December

31, 2018. The Authority will capture the increment on the assessed value growth, including growth from inflation.

In certain circumstances depending on the size and duration of an economic development project, as well as other relevant economic factors as determined by the DEGA Board of Directors, or a project committee thereof, the DEGA may determine to forego all or a portion of capture that it is otherwise entitled to capture for specific projects, for a defined period of time, in order to allow the Brownfield Redevelopment Authority (BRA) within the QDA boundary to capture in its place only during such defined period of time. Under those circumstances, once all BRA eligible costs are reimbursed, the Brownfield Plan will terminate and the DEGA would thereafter capture all of the project TIF.

C. Estimates of Captured Assessed Value, Impact of TIF on the Assessed Values and Tax Revenues of the Affected Taxing Units.

The taxing units affected by this TIF plan are listed in the table below along with the corresponding millage rate that will be captured and the percent at which it will be captured by the DEGA. The local units participating in this TIF plan each have facilities within the QDA. Kalamazoo Regional Educational Service Agency (KRESA) millages and the Kalamazoo County Housing Millage are not impacted by this plan. **Exhibit 5** shows the current estimates of tax revenue that will be captured within the QDA and eligible State contributions. All revenue projections are estimates only.

Taxing Unit	Millage	DEGA Capture
	2018	(% of incremental growth captured within the QDA)
Central & Kalamazoo County Transit Authorities	1.0645	100%
City of Kalamazoo	13.8000	100%
Kalamazoo County	6.4782	100%
Kalamazoo Public Library	3.9487	50%
Kalamazoo Valley Community College	2.8089	100%

In the event that the DEGA assumes the responsibilities of the Brownfield Redevelopment Authority (BRA) within the QDA boundary, agreements may be entered into with local taxing units to share project-specific tax increment growth consistent with BRA TIF capture policy for reimbursement of eligible activities.

The DEGA may allow the BRA to capture the project TIF relating to specific projects during the term of a Brownfield Plan and use the project TIF to reimburse all eligible costs which would affect the percentage of incremental growth

captured by the DEGA. Under those circumstances, once all Brownfield Plan eligible costs are reimbursed, the Brownfield Plan will terminate and the DEGA would thereafter capture all of the project TIF.

D. Use of Revenues Derived from the DEGA's Share of Captured Assessed Value.

1. General. The tax increment revenues received by the DEGA will be accumulated and held in a Project Fund until such time as there is an amount sufficient to finance public infrastructure projects on behalf of the City or on behalf of private developers as incentives to private development. Revenues received will also be used to pay debt service on bonds which may be issued by the DEGA, the City or the City's Building Authority for development projects. Revenues from the collection of the tax increment will be used annually by the DEGA as it may deem necessary and appropriate in carrying out the purposes of the Development and TIF Plans with the following order of priority:

- (a) To pay into a debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to the Development and TIF Plans in an amount equal to the interest and principal coming due prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- (b) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this TIF Plan to the extent required by any resolution authorizing bonds.
- (c) To pay the administrative and legal costs of formulating, adopting and administering the Development Plan and TIF Plan and any subsequent amendments.
- (d) To pay or place in a reserve account revenue for the purpose of paying the cost of completing the public improvements as set forth in the Development and TIF Plans to the extent those costs are not financed from other sources. The reserve fund shall not exceed \$800,000, or roughly six months of operating expenses, unless otherwise allocated to a specific project approved by DEGA Board that is consistent with Development Plan.
- (e) To pay for the public infrastructure improvements the DEGA has committed to a developer as an incentive to the developer's project.
- (f) To reimburse developers and other parties for expenses incurred in the funding of public infrastructure improvements through an agreement with the DDA if such obligations are assumed by the DEGA.

2. Project Uses.

Revenues derived from the captured assessed value will be retained by the DEGA to fulfill the purposes and objectives of the Development Plan, made a part of this TIF plan by reference, and shall be expended by the DEGA for such projects.

In the event that tax increment revenues are greater or less than projection used for the purpose of this TIF Plan, the available funds will be used to complete as much of the Development Plan, as is possible. The Authority will reevaluate, reprioritize, or reallocate revenues based on actual capture and where investment by the Authority will have the most positive impact within the QDA.

3. Project Costs.

The total estimated costs of projects and improvements are outlined in **Exhibit 6.**

E. Bonded and Other Indebtedness to be Incurred.

1. General.

Costs of public infrastructure improvements as described in the Development Plan and TIF Plan are to be financed on a cash basis or through one or more series of bonds or other instruments of debt as capturable tax revenue from private development occurs over the life of the Development and TIF Plans. Revenues in support of debt instruments will come from captured assessed value and other sources. The decision to utilize debt and public bonding as the instrument of debt, the number and timing of bond issues, and the dollar amounts for each bond to be incurred by the DEGA and/or the City shall be determined by the DEGA with approval of the City.

2. Maximum Amount of Bonded Indebtedness.

The Authority anticipates funding the Development plan on a pay-as-you-go basis, or through other internal financing means, however, in some cases these strategies may not be practical. Should bonding be deemed necessary to effectively implement the Development Plan, it will be done subject to any limitation and in accordance with any requirements prescribed by law. Additionally, if bonding is found necessary, the maximum amount of bonded indebtedness or debt capacity will be determined by the City's Financial Officer, in consultation with the City's Financial Advisor and in compliance with the legal debt limits as established by State Law, based on:

- The costs of the projects described in the Development Plan and adjusted for costs born by project partners, grants or other sources;
- The ability of the Authority to make all bond payments based on updated TIF projections, within the duration of the Plan;
- The marketability of such bonds at a competitive and favorable rate; and
- The expenses related to the issuance of the bonds, including all bond fees, attorney fees and associated costs.

Any determination by the City's Finance Officer will be subject to the approval of City Commission.

F. Duration of the TIF Plan.

This TIF Plan shall be in effect for a period of 30 years subject to its adoption on December 3, 2018, and shall terminate on December 3, 2048, unless this Plan is amended to extend or shorten its duration in accordance with MCL 125.2888. State of Michigan participation in this plan shall be limited to a term of 15 years, or until contributions reach \$11 million. At that juncture, State of Michigan participation in the plan will be reviewed and assessed for possible extension. State funding for individual development projects shall be considered on a case-by-case basis.

G. Reports.

The DEGA will submit annually to the City a report on the status of the TIF account and shall comply with the requirements of the Act.

H. Reimbursement of City.

In the event the City issues obligations on behalf of the DEGA, and the City is required in any fiscal year to pay out of its general fund any portion of the debt service on such an obligation, the DEGA shall fully reimburse the City.

Exhibit 1 - Legal Description of the Boundaries and Size of the QDA

The boundaries commence at the intersection of the westerly right-of-way line of South Westnedge Avenue with the southerly right-of-way line of West Cedar St.; thence EAST along the southerly right-of-way line of West Cedar Street to its intersection with the westerly right of way line of South Rose Street; thence SOUTH along the westerly right-of-way line of South Rose Street to the southerly right-of-way line of Walnut Street; thence EAST along the southerly right-of-way line of Walnut Street to the westerly right-of-way line of Burdick Street; thence SOUTH to the southerly right-of-way line of Dutton Street; thence EAST to the easterly right-of-way line of John Street; thence NORTH to the southerly right-of-way line of E. Walnut Street; thence EAST along the southerly right-of-way line of E. Walnut Street to its intersection with the westerly right-of-way line of Portage Street; thence SOUTH along the westerly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of East Dutton/Second Street; thence EAST along the southerly right-of-way line of Second Street to its intersection with the easterly right-of-way line of Pitcher Street; thence NORTH along the easterly right-of-way line of Pitcher Street to its intersection with the extension of the northerly right-of-way line of East Lovell Street; thence WEST along the northerly right-of-way line of East Lovell Street to its intersection with the easterly right-of-way line of Portage Street ; thence NORTH along the easterly right-of-way line of Portage Street to its intersection with the southerly right-of-way line of South Street; thence EAST along the southerly right-of-way line of South Street to its intersection with the westerly right-of-way line of Pitcher Street; thence EAST along a line being the extension of the southerly right-of-way line of South Street to the westerly right-of-way line of the Grand Elk railroad (formerly the westerly right-of-way line of the Grand Rapids and Indiana Railroad); thence SOUTH along the westerly right-of-way line of the Grand Elk Railroad to its intersection with the centerline of Portage Creek; thence running NORTHEASTERLY downstream along the centerline of Portage Creek to its intersection with southern property line of the parcel known as 140 Parkway Drive; then EAST to the eastern property line of said parcel; thence NORTH along the eastern property line of said parcel to its intersection with the southern property line of the parcel known as 646 East Michigan Avenue; thence EAST along the extension of the southern property line of 646 East Michigan Avenue to the midpoint of Parkway Drive; thence NORTH along the extension of the midpoint of Parkway Drive to its intersection with the southerly right-of-way line of East Michigan Avenue, (being Michigan Trunkline M-43); thence EAST along the southerly right-of-way of East Michigan Avenue to its intersection with the centerline of the Kalamazoo River; thence running upstream and EASTERLY along the centerline of the Kalamazoo River to its intersection with the extended western property line of the parcel known as 151 Mills Street; thence NORTHERLY along said western property line of 151 Mills St to the southerly boundary of the Norfolk Southern Railway right-of-way; thence WESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way to its intersection with the westerly right-of-way line of the North Park Street; thence SOUTHWESTERLY along the southerly boundary of the Norfolk Southern Railway right-of-way (becoming the Amtrak right-of-way) to its intersection with the extended northerly right-of-way line of Oliver Street; thence SOUTHEASTERLY along the extension of the

northerly right-of-way line of Oliver Street to the southerly right-of-way line of Business Loop 94, known as Stadium Drive/West Michigan Avenue; thence NORTHEASTERLY along the southerly right-of-way line of Business Loop 94 to its intersection with the southerly right-of-way line of West South Street; thence EAST along the southerly right-of-way line of West South Street to its intersection with the westerly right-of-way line of South Westnedge Avenue; thence SOUTH along the westerly right-of-way line of South Westnedge Avenue to the southerly right-of-way of West Cedar Street and the point of beginning.

The identified QDA includes approximately:

ACRES	
Total Acres	422.21
Private Land	189.70
Tax Exempt Land	74.33
Streets, railroads, river, creeks, & ponds	158.18
BUILDING SQUARE FOOTAGE	
Total Building Square Footage	6,390,000
Industrial Building Square Footage	66,100
Office Building Square Footage	1,839,500
Retail & Restaurant Square Footage	3,300,000

Exhibit 2 - Map of the Qualified Development Area

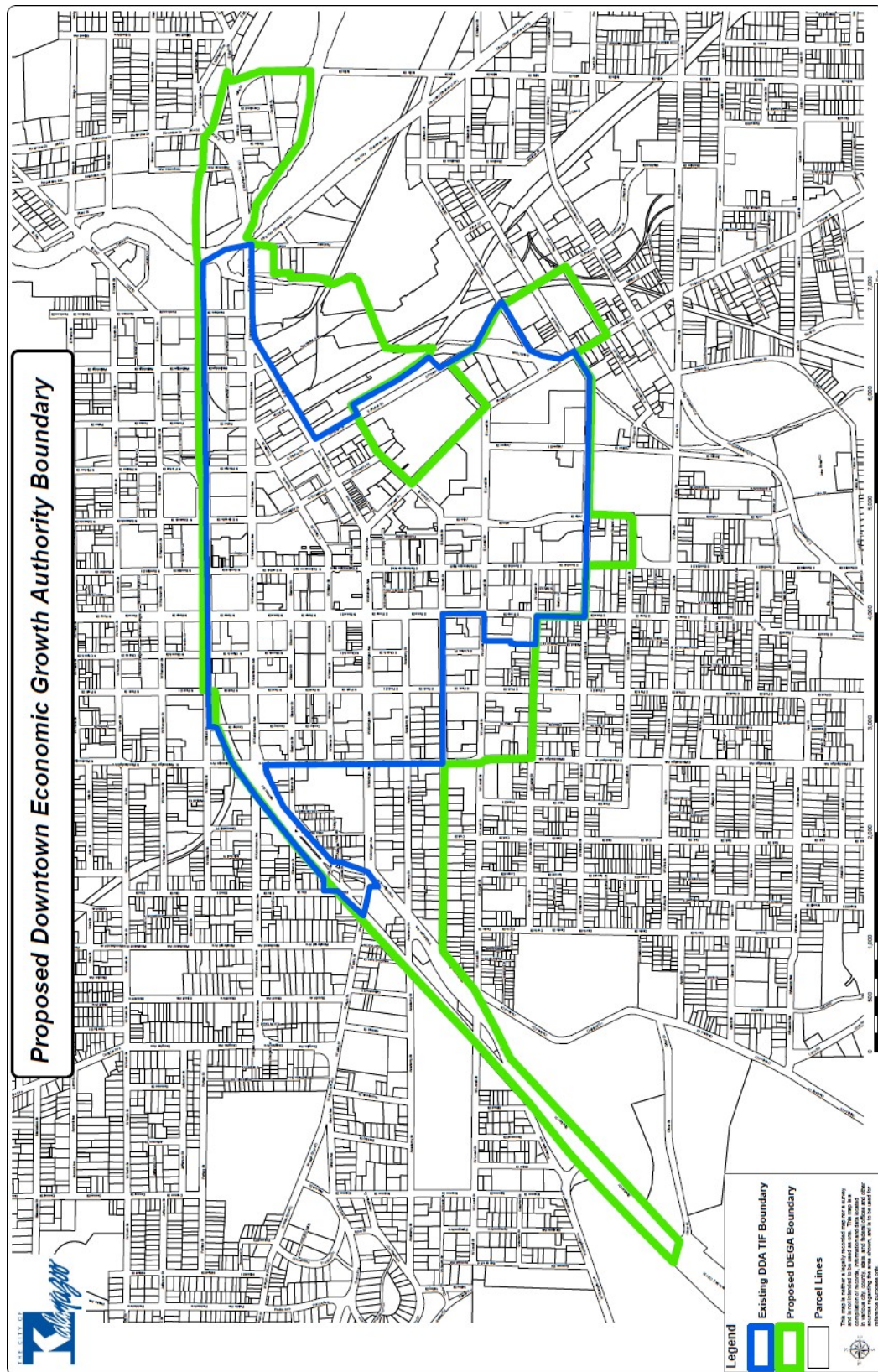


Exhibit 3 - Existing Land Uses including Brownfield Projects in the Qualified Development Area

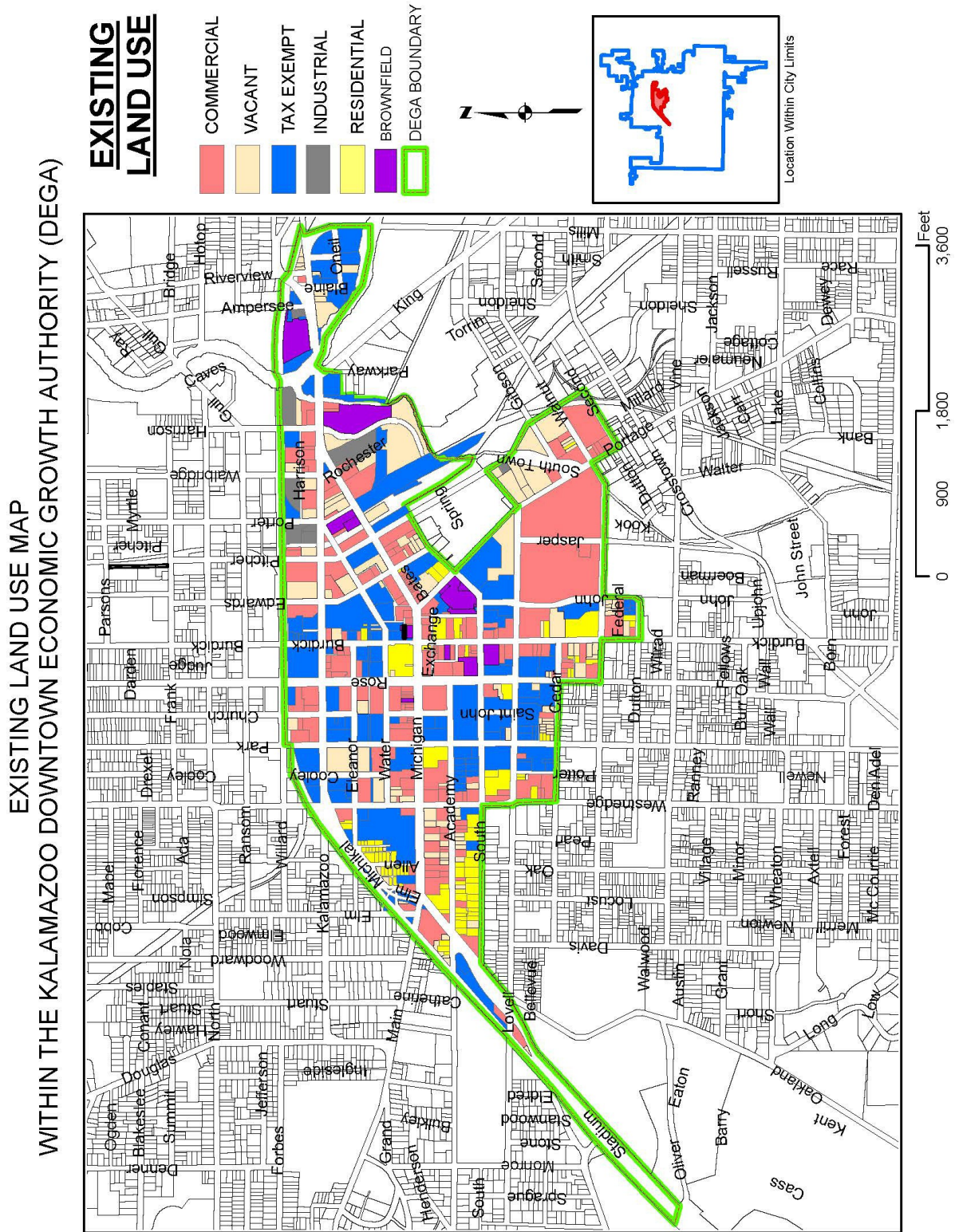


Exhibit 4 - Proposed Land Use Framework in the Qualified Development Area

Exhibit 4A. 2025 Imagine Kalamazoo Master Plan Future Land Use Map

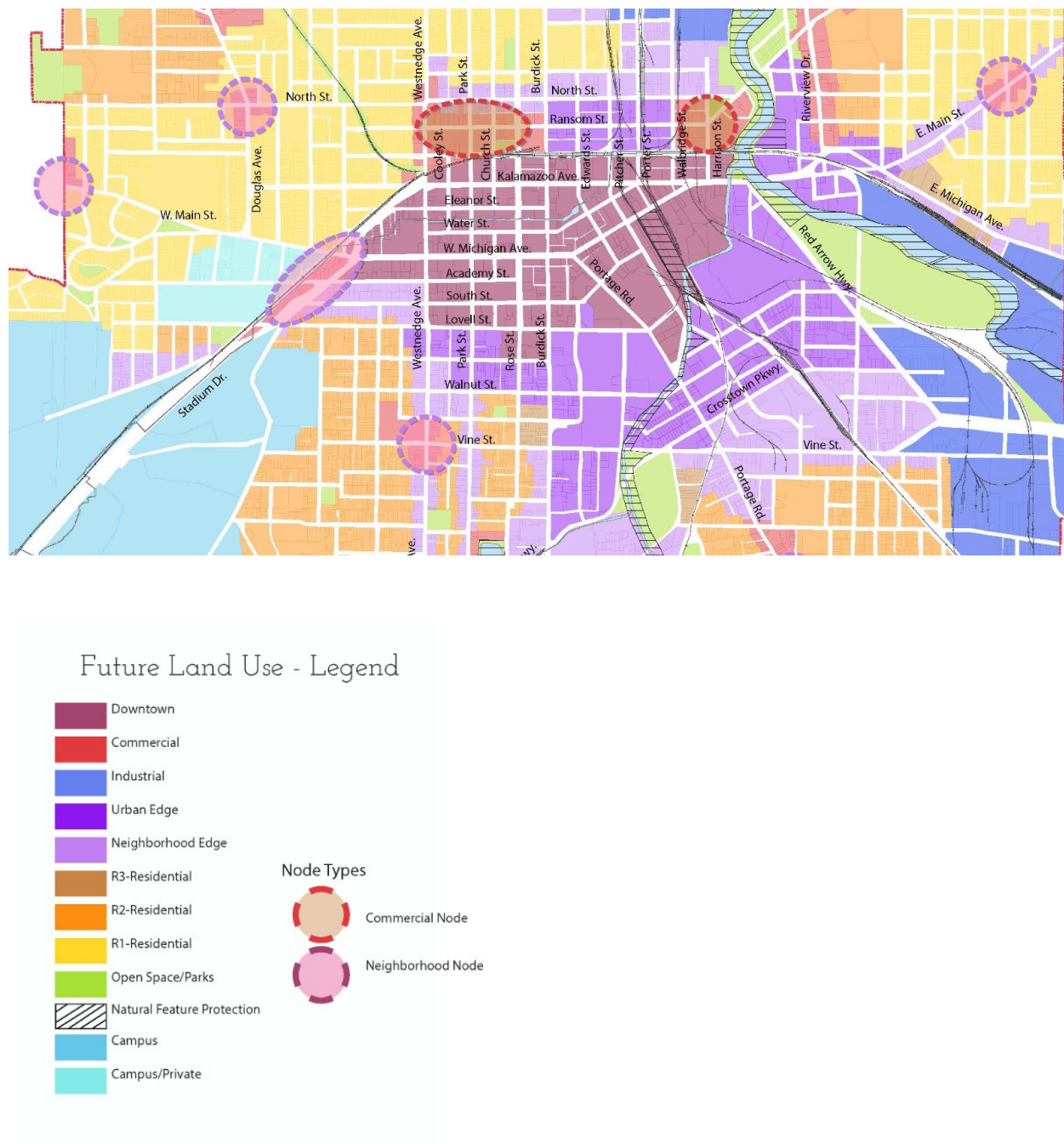
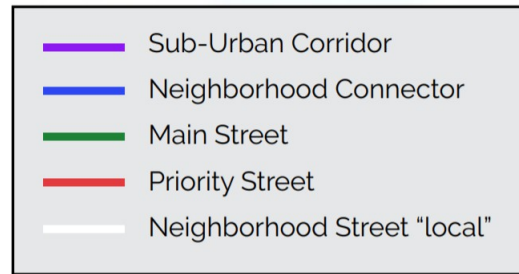
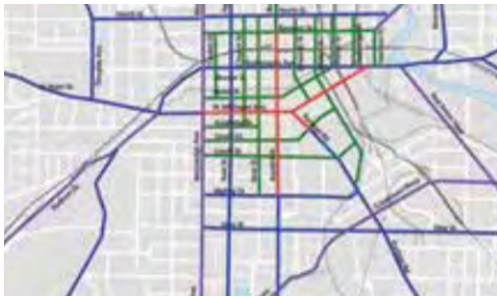


Exhibit 4B. 2025 Imagine Kalamazoo Master Plan Framework of Streets Map



Priority Streets



Main Streets



Neighborhood Connectors

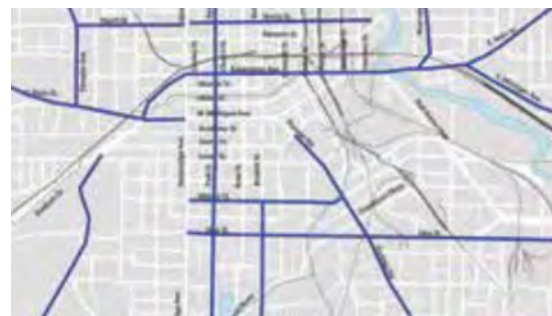


Exhibit 5 - Estimated Tax Increment Financing Revenue

Exhibit 5A. Central and Kalamazoo County Transit Authorities

Kalamazoo Downtown Economic Growth Authority - Estimates					
Central + Kalamazoo County Transit Authorities					
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture - CCTA	DEGA Tax Capture - KCTA	TOTAL
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)	(Dollar estimate based on Assessed Value Growth in Downtown District)	(CCTA +KCTA)
Millage			0.75	0.3145	1.0645
2018	131,244,499				
2019	135,181,834	3,937,335	\$ 2,531	\$ 1,061	\$ 3,592
2020	139,237,289	7,992,790	\$ 5,137	\$ 2,154	\$ 7,291
2021	143,414,408	12,169,909	\$ 7,822	\$ 3,280	\$ 11,102
2022	147,716,840	16,472,341	\$ 10,587	\$ 4,439	\$ 15,026
2023	152,148,345	20,903,846	\$ 13,435	\$ 5,634	\$ 19,069
2024	156,712,795	25,468,296	\$ 16,369	\$ 6,864	\$ 23,233
2025	161,414,179	30,169,680	\$ 19,390	\$ 8,131	\$ 27,521
2026	166,256,605	35,012,106	\$ 22,503	\$ 9,436	\$ 31,939
2027	171,244,303	39,999,804	\$ 25,708	\$ 10,780	\$ 36,489
2028	176,381,632	45,137,133	\$ 29,010	\$ 12,165	\$ 41,175
2029	181,673,081	50,428,582	\$ 32,411	\$ 13,591	\$ 46,002
2030	187,123,273	55,878,774	\$ 35,914	\$ 15,060	\$ 50,974
2031	192,736,971	61,492,472	\$ 39,522	\$ 16,573	\$ 56,095
2032	198,519,081	67,274,582	\$ 43,238	\$ 18,131	\$ 61,369
2033	204,474,653	73,230,154	\$ 47,066	\$ 19,736	\$ 66,802
2034	210,608,893	79,364,394	\$ 51,008	\$ 21,389	\$ 72,398
2035	216,927,159	85,682,660	\$ 55,069	\$ 23,092	\$ 78,161
2036	223,434,974	92,190,475	\$ 59,252	\$ 24,846	\$ 84,098
2037	230,138,023	98,893,524	\$ 63,560	\$ 26,653	\$ 90,213
2038	237,042,164	105,797,665	\$ 67,997	\$ 28,513	\$ 96,511
2039	244,153,429	112,908,930	\$ 72,568	\$ 30,430	\$ 102,998
2040	251,478,032	120,233,533	\$ 77,275	\$ 32,404	\$ 109,679
2041	259,022,373	127,777,874	\$ 82,124	\$ 34,437	\$ 116,561
2042	266,793,044	135,548,545	\$ 87,118	\$ 36,532	\$ 123,650
2043	274,796,835	143,552,336	\$ 92,262	\$ 38,689	\$ 130,951
2044	283,040,740	151,796,241	\$ 97,561	\$ 40,911	\$ 138,471
2045	291,531,963	160,287,464	\$ 103,018	\$ 43,199	\$ 146,217
2046	300,277,922	169,033,423	\$ 108,639	\$ 45,556	\$ 154,195
2047	309,286,259	178,041,760	\$ 114,429	\$ 47,984	\$ 162,413
2048	318,564,847	187,320,348	\$ 120,393	\$ 50,485	\$ 170,877
Millage	1.0645	<i>(combined CCTA county-wide millage and KCTA urban millage)</i>			
Initial Assessed Value (IAV)	131,244,499				
Estimated Annual Inflation Rate	1.03				

Exhibit 5B. City of Kalamazoo

Kalamazoo Downtown Economic Growth Authority - Estimates			
<i>City of Kalamazoo</i>			
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)
2018	131,244,499		
2019	135,181,834	3,937,335	\$ 46,562
2020	139,237,289	7,992,790	\$ 94,522
2021	143,414,408	12,169,909	\$ 143,920
2022	147,716,840	16,472,341	\$ 194,799
2023	152,148,345	20,903,846	\$ 247,206
2024	156,712,795	25,468,296	\$ 301,184
2025	161,414,179	30,169,680	\$ 356,782
2026	166,256,605	35,012,106	\$ 414,048
2027	171,244,303	39,999,804	\$ 473,032
2028	176,381,632	45,137,133	\$ 533,785
2029	181,673,081	50,428,582	\$ 596,361
2030	187,123,273	55,878,774	\$ 660,814
2031	192,736,971	61,492,472	\$ 727,201
2032	198,519,081	67,274,582	\$ 795,579
2033	204,474,653	73,230,154	\$ 866,009
2034	210,608,893	79,364,394	\$ 938,552
2035	216,927,159	85,682,660	\$ 1,013,270
2036	223,434,974	92,190,475	\$ 1,090,231
2037	230,138,023	98,893,524	\$ 1,169,500
2038	237,042,164	105,797,665	\$ 1,251,148
2039	244,153,429	112,908,930	\$ 1,335,244
2040	251,478,032	120,233,533	\$ 1,421,864
2041	259,022,373	127,777,874	\$ 1,511,082
2042	266,793,044	135,548,545	\$ 1,602,977
2043	274,796,835	143,552,336	\$ 1,697,629
2044	283,040,740	151,796,241	\$ 1,795,120
2045	291,531,963	160,287,464	\$ 1,895,536
2046	300,277,922	169,033,423	\$ 1,998,964
2047	309,286,259	178,041,760	\$ 2,105,496
2048	318,564,847	187,320,348	\$ 2,215,223
Millage	13.8000		
Initial Assessed Value (IAV)	131,244,499		
Estimated Annual Inflation Rate	1.03		

Exhibit 5C. Kalamazoo County

Kalamazoo Downtown Economic Growth Authority - Estimates					
<i>Kalamazoo County</i>					
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture - Operating	DEGA Tax Capture - Senior Millage	TOTAL
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)		(Operating + Senior)
Millage			6.1282	0.35	
2018	131,244,499				
2019	135,181,834	3,937,335	\$ 20,677	\$ 1,181	\$ 21,858
2020	139,237,289	7,992,790	\$ 41,974	\$ 2,397	\$ 44,372
2021	143,414,408	12,169,909	\$ 63,911	\$ 3,650	\$ 67,561
2022	147,716,840	16,472,341	\$ 86,505	\$ 4,941	\$ 91,446
2023	152,148,345	20,903,846	\$ 109,777	\$ 6,270	\$ 116,047
2024	156,712,795	25,468,296	\$ 133,748	\$ 7,639	\$ 141,386
2025	161,414,179	30,169,680	\$ 158,437	\$ 9,049	\$ 167,486
2026	166,256,605	35,012,106	\$ 183,867	\$ 10,501	\$ 194,369
2027	171,244,303	39,999,804	\$ 210,060	\$ 11,997	\$ 222,058
2028	176,381,632	45,137,133	\$ 237,039	\$ 13,538	\$ 250,577
2029	181,673,081	50,428,582	\$ 264,827	\$ 15,125	\$ 279,953
2030	187,123,273	55,878,774	\$ 293,449	\$ 16,760	\$ 310,209
2031	192,736,971	61,492,472	\$ 322,930	\$ 18,444	\$ 341,373
2032	198,519,081	67,274,582	\$ 353,295	\$ 20,178	\$ 373,473
2033	204,474,653	73,230,154	\$ 384,571	\$ 21,964	\$ 406,535
2034	210,608,893	79,364,394	\$ 416,785	\$ 23,804	\$ 440,589
2035	216,927,159	85,682,660	\$ 449,966	\$ 25,699	\$ 475,664
2036	223,434,974	92,190,475	\$ 484,142	\$ 27,651	\$ 511,792
2037	230,138,023	98,893,524	\$ 519,343	\$ 29,661	\$ 549,004
2038	237,042,164	105,797,665	\$ 555,600	\$ 31,732	\$ 587,332
2039	244,153,429	112,908,930	\$ 592,945	\$ 33,865	\$ 626,810
2040	251,478,032	120,233,533	\$ 631,411	\$ 36,062	\$ 667,472
2041	259,022,373	127,777,874	\$ 671,030	\$ 38,325	\$ 709,355
2042	266,793,044	135,548,545	\$ 711,838	\$ 40,655	\$ 752,493
2043	274,796,835	143,552,336	\$ 753,870	\$ 43,056	\$ 796,926
2044	283,040,740	151,796,241	\$ 797,163	\$ 45,528	\$ 842,692
2045	291,531,963	160,287,464	\$ 841,755	\$ 48,075	\$ 889,830
2046	300,277,922	169,033,423	\$ 887,685	\$ 50,698	\$ 938,383
2047	309,286,259	178,041,760	\$ 934,993	\$ 53,400	\$ 988,393
2048	318,564,847	187,320,348	\$ 983,719	\$ 56,183	\$ 1,039,903
Millage	6.478				
Initial Assessed Value (IAV)	131,244,499				
Estimated Annual Inflation Rate	1.03				

Exhibit 5D. Kalamazoo Public Library

Kalamazoo Downtown Economic Growth Authority - Estimates				
<i>Kalamazoo Public Library</i>				
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	Estimated Tax Increment Amount	DEGA Capture - 50% Tax Increment Share
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)	
2018	131,244,499			
2019	135,181,834	3,937,335	\$ 13,323	\$ 6,661.62
2020	139,237,289	7,992,790	\$ 27,046	\$ 13,523.09
2021	143,414,408	12,169,909	\$ 41,181	\$ 20,590.40
2022	147,716,840	16,472,341	\$ 55,739	\$ 27,869.73
2023	152,148,345	20,903,846	\$ 70,735	\$ 35,367.45
2024	156,712,795	25,468,296	\$ 86,180	\$ 43,090.09
2025	161,414,179	30,169,680	\$ 102,089	\$ 51,044.41
2026	166,256,605	35,012,106	\$ 118,475	\$ 59,237.37
2027	171,244,303	39,999,804	\$ 135,352	\$ 67,676.11
2028	176,381,632	45,137,133	\$ 152,736	\$ 76,368.01
2029	181,673,081	50,428,582	\$ 170,641	\$ 85,320.67
2030	187,123,273	55,878,774	\$ 189,084	\$ 94,541.91
2031	192,736,971	61,492,472	\$ 208,080	\$ 104,039.79
2032	198,519,081	67,274,582	\$ 227,645	\$ 113,822.60
2033	204,474,653	73,230,154	\$ 247,798	\$ 123,898.90
2034	210,608,893	79,364,394	\$ 268,555	\$ 134,277.49
2035	216,927,159	85,682,660	\$ 289,935	\$ 144,967.43
2036	223,434,974	92,190,475	\$ 311,956	\$ 155,978.08
2037	230,138,023	98,893,524	\$ 334,638	\$ 167,319.04
2038	237,042,164	105,797,665	\$ 358,000	\$ 179,000.23
2039	244,153,429	112,908,930	\$ 382,064	\$ 191,031.86
2040	251,478,032	120,233,533	\$ 406,849	\$ 203,424.43
2041	259,022,373	127,777,874	\$ 432,378	\$ 216,188.79
2042	266,793,044	135,548,545	\$ 458,672	\$ 229,336.07
2043	274,796,835	143,552,336	\$ 485,756	\$ 242,877.77
2044	283,040,740	151,796,241	\$ 513,651	\$ 256,825.73
2045	291,531,963	160,287,464	\$ 542,384	\$ 271,192.12
2046	300,277,922	169,033,423	\$ 571,979	\$ 285,989.50
2047	309,286,259	178,041,760	\$ 602,462	\$ 301,230.81
2048	318,564,847	187,320,348	\$ 633,859	\$ 316,929.35
Millage	3.9487			
Initial Assessed Value (IAV)	131,244,499			
Estimated Annual Inflation Rate	1.03			

Exhibit 5E. Kalamazoo Valley Community College

Kalamazoo Downtown Economic Growth Authority - Estimates			
Kalamazoo Valley Community College			
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value Growth	DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus IAV)	(Dollar estimate based on Assessed Value Growth in Downtown District)
2018	131,244,499		
2019	135,181,834	3,937,335	\$ 9,477
2020	139,237,289	7,992,790	\$ 19,239
2021	143,414,408	12,169,909	\$ 29,294
2022	147,716,840	16,472,341	\$ 39,650
2023	152,148,345	20,903,846	\$ 50,317
2024	156,712,795	25,468,296	\$ 61,304
2025	161,414,179	30,169,680	\$ 72,621
2026	166,256,605	35,012,106	\$ 84,277
2027	171,244,303	39,999,804	\$ 96,283
2028	176,381,632	45,137,133	\$ 108,648
2029	181,673,081	50,428,582	\$ 121,385
2030	187,123,273	55,878,774	\$ 134,504
2031	192,736,971	61,492,472	\$ 148,017
2032	198,519,081	67,274,582	\$ 161,935
2033	204,474,653	73,230,154	\$ 176,270
2034	210,608,893	79,364,394	\$ 191,036
2035	216,927,159	85,682,660	\$ 206,245
2036	223,434,974	92,190,475	\$ 221,909
2037	230,138,023	98,893,524	\$ 238,044
2038	237,042,164	105,797,665	\$ 254,663
2039	244,153,429	112,908,930	\$ 271,780
2040	251,478,032	120,233,533	\$ 289,411
2041	259,022,373	127,777,874	\$ 307,571
2042	266,793,044	135,548,545	\$ 326,276
2043	274,796,835	143,552,336	\$ 345,541
2044	283,040,740	151,796,241	\$ 365,385
2045	291,531,963	160,287,464	\$ 385,824
2046	300,277,922	169,033,423	\$ 406,876
2047	309,286,259	178,041,760	\$ 428,560
2048	318,564,847	187,320,348	\$ 450,894
Millage	2.8089		
Initial Assessed Value (IAV)	131,244,499		
Estimated Annual Inflation Rate	1.03		

Exhibit 5F. Estimated State Contributions

Kalamazoo Downtown Economic Growth Authority - Local and State Estimates							
Year	DEGA District Total Assessed Value	DEGA District Projected Assessed Value	Local Tax Capture	SET	KPS	Total State Capture	Total Projected DEGA Tax Capture
	(Values based on estimated 3% growth annually)	(Projected Total Assessed Value, minus Initial Assessed Value)		(Reimbursed)	(Reimbursed)	(SET + KPS)	
Initial Assessed Value	131,244,499						
2019	135,181,834	3,937,335	\$ 88,151	\$ 20,157	\$ 55,422	\$ 75,579	\$ 163,730
2020	139,237,289	7,992,790	\$ 178,947	\$ 40,918	\$ 112,506	\$ 153,424	\$ 332,371
2021	143,414,408	12,169,909	\$ 272,466	\$ 62,302	\$ 171,303	\$ 233,605	\$ 506,071
2022	147,716,840	16,472,341	\$ 368,791	\$ 84,328	\$ 231,863	\$ 316,191	\$ 684,982
2023	152,148,345	20,903,846	\$ 468,006	\$ 107,015	\$ 294,241	\$ 401,256	\$ 869,262
2024	156,712,795	25,468,296	\$ 570,198	\$ 130,382	\$ 358,489	\$ 488,871	\$ 1,059,069
2025	161,414,179	30,169,680	\$ 675,455	\$ 154,450	\$ 424,666	\$ 579,116	\$ 1,254,571
2026	166,256,605	35,012,106	\$ 783,869	\$ 179,240	\$ 492,827	\$ 672,067	\$ 1,455,936
2027	171,244,303	39,999,804	\$ 895,537	\$ 204,774	\$ 563,034	\$ 767,808	\$ 1,663,345
2028	176,381,632	45,137,133	\$ 1,010,554	\$ 231,074	\$ 635,346	\$ 866,420	\$ 1,876,974
2029	181,673,081	50,428,582	\$ 1,129,021	\$ 258,163	\$ 709,828	\$ 967,991	\$ 2,097,012
2030	187,123,273	55,878,774	\$ 1,251,043	\$ 286,064	\$ 786,545	\$ 1,072,609	\$ 2,323,652
2031	192,736,971	61,492,472	\$ 1,376,726	\$ 314,803	\$ 865,563	\$ 1,180,366	\$ 2,557,092
2032	198,519,081	67,274,582	\$ 1,506,179	\$ 344,403	\$ 946,951	\$ 1,291,354	\$ 2,797,533
2033	204,474,653	73,230,154	\$ 1,639,515	\$ 374,892	\$ 1,030,781	\$ 1,405,673	\$ 3,045,188
2034	210,608,893	79,364,394	\$ 1,776,852			\$ -	\$ 1,776,852
2035	216,927,159	85,682,660	\$ 1,918,308			\$ -	\$ 1,918,308
2036	223,434,974	92,190,475	\$ 2,064,009			\$ -	\$ 2,064,009
2037	230,138,023	98,893,524	\$ 2,214,080			\$ -	\$ 2,214,080
2038	237,042,164	105,797,665	\$ 2,368,654			\$ -	\$ 2,368,654
2039	244,153,429	112,908,930	\$ 2,527,864			\$ -	\$ 2,527,864
2040	251,478,032	120,233,533	\$ 2,691,851			\$ -	\$ 2,691,851
2041	259,022,373	127,777,874	\$ 2,860,758			\$ -	\$ 2,860,758
2042	266,793,044	135,548,545	\$ 3,034,732			\$ -	\$ 3,034,732
2043	274,796,835	143,552,336	\$ 3,213,925			\$ -	\$ 3,213,925
2044	283,040,740	151,796,241	\$ 3,398,494			\$ -	\$ 3,398,494
2045	291,531,963	160,287,464	\$ 3,588,600			\$ -	\$ 3,588,600
2046	300,277,922	169,033,423	\$ 3,784,409			\$ -	\$ 3,784,409
2047	309,286,259	178,041,760	\$ 3,986,092			\$ -	\$ 3,986,092
2048	318,564,847	187,320,348	\$ 4,193,826			\$ -	\$ 4,193,826
TOTAL			\$ 55,836,910			\$ 10,472,330	\$ 66,309,240

Exhibit 6 - Development Plan Priorities, Estimates and Timeline

Priority Area	Description	Estimated Investments		Implementation Timeline		
Mobility Improvements		\$ 17,000,000	\$ 20,500,000	Years		
Vehicles		Low	High	0-5	5-15	15-30
Parking Management	Assess and evaluate parking system and supply/demand; implement improvements to support existing businesses and continued growth and development Downtown; invest in landscaping, lighting, signage and cosmetic improvements to existing surface lots and ramps; develop new parking facilities to accommodate demand arising from new investment in the Downtown; assess and invest in additional, innovative parking solutions, including, but not limited to, valet programs, ride share, car share, and autonomous vehicles. Continue operation of the public parking system in the Downtown for the City's benefit either by assuming the responsibilities of the DDA under the existing Sublease or informally by providing assistance when necessary under the existing Sublease arrangement.	\$ 3,000,000	\$ 3,500,000			
Street Conversions	Street Conversions – Invest in streetscape and parking infrastructure in coordination with City efforts to convert one-way streets to two-way streets. Invest in intersection reconfigurations, road diets, traffic calming, and other necessary changes to better accommodate all modes of travel.	\$ 3,500,000	\$ 4,000,000			
Public Transit	Plan for and support transit-oriented development projects. Assess and/or implement additional transit needed, including bus, bus rapid transit, light rail and other modes. Make improvements to public transit facilities, including bus stops, bus shelters, and installation of accessibility compliance infrastructure. Support planning of and changes to rail infrastructure downtown, including, but not limited to signals, crossings, relocations of tracks.	\$ 1,500,000	\$ 2,000,000			
Bicycles						
Bicycle infrastructure	Support further investment in bicycle network Downtown, including, but not limited to coordination of protected bicycle lane pilot programs; extension of bicycle trails throughout Downtown, bicycle share programs; and investment in bicycle amenities, such as additional and/or improved bicycle parking and signage.	\$ 2,000,000	\$ 2,500,000			
Pedestrians						
Pedestrian infrastructure	Coordinate with City to enhance pedestrian safety and mobility, including but not limited to investments in sidewalks, crosswalks, traffic signs and signals, lighting and accessibility compliance. Activate vacant land, property and public space (see Priority 3), and make key streetscape improvements (see Priority 2) throughout the QDA to encourage pedestrian mobility.	\$ 4,000,000	\$ 5,000,000			
Corridors						
Key corridors	Make improvements along primary gateway corridors into Downtown as identified by the 2025 Imagine Kalamazoo Master Plan, 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans to improve connectivity between the Downtown district and surrounding neighborhoods. Relocate utilities to support execution of corridor improvement strategies and street reconfigurations, including, but not limited to, burying of overhead utilities.	\$ 3,000,000	\$ 3,500,000			
Priority Area Subtotal		\$ 17,000,000	\$ 20,500,000			
Streetscape Improvements		\$ 12,100,000	\$ 16,475,000	Years		

Streetscape Planning		Low	High	0-5	5-15	15-30
	Create and implement a comprehensive streetscape plan for Downtown.	\$ 100,000	\$ 125,000			
Sidewalk Network						
	Improve and maintain the quality of sidewalks and sidewalk network Downtown; assess and implement potential areas for expansion of the existing snowmelt system; identify investments needed consistent with accessibility compliance standards.	\$ 5,000,000	\$ 7,000,000			
Streetscape Elements						
	Invest in the addition and maintenance of streetscape amenities, including, but not limited to: updates, improvement and expansion of wayfinding signage; lighting throughout the district; benches, tables, chairs and additional furniture for public use; pedestrian islands; increase Downtown tree canopy; install planters, hanging baskets and other beautification elements; sustainable streetscape elements including permeable pavers and stormwater mitigation infrastructure.	\$ 5,000,000	\$ 7,000,000			
Maintenance						
	Engage in ongoing maintenance of streetscape and streetscape elements, existing and to be added.	\$ 2,000,000	\$ 2,350,000			
Priority Area Subtotal		\$ 12,100,000	\$ 16,475,000			
Activation		Low	High	0-5	5-15	15-30
Capital Improvements	Invest in permanent structural changes to existing and proposed public spaces Downtown, including Kalamazoo Mall, Arcadia Creek Festival Place and other strategic locations, to create accessible and inviting public spaces. Investments may be allocated toward improvements to waterfront areas along Kalamazoo River, Arcadia Creek and Portage Creek. Investments may also include installation of public facilities such as public restrooms.	\$ 3,000,000	\$ 3,500,000			
Public Art	Commission and/or install engaging public art to create vibrant public spaces Downtown, including, but not limited to, functional public art for transportation infrastructure.	\$ 1,500,000	\$ 1,750,000			
Furniture	Invest in street furniture and related infrastructure to encourage regular use of key public spaces Downtown.	\$ 1,500,000	\$ 2,000,000			
Green Space	Assess need for, acquire, and develop green space Downtown.	\$ 2,000,000	\$ 2,250,000			
Maintenance						
Public Space Maintenance	Maintain existing public spaces within the district boundaries, including, but not limited to, landscaping, furniture and permanent infrastructure.	\$ 1,500,000	\$ 1,600,000			
Storm System Maintenance	Continue to maintain the reconstructed Arcadia Creek storm system and pond areas; provide additional cosmetic enhancements and water features to the creek area and pond site; conduct planning and engineering studies to reduce long-term clean-up costs associated with annual sediment removal efforts; undertake capital improvements to the storm system as required.	\$ 1,500,000	\$ 1,600,000			
Presence						
Ambassador Program	Create an ambassador program Downtown to help make Downtown clean, safe and friendly.	\$ 1,500,000	\$ 1,600,000			
Priority Area Subtotal		\$ 12,500,000	\$ 14,300,000			

Development & Project Support		\$ 10,000,000	\$ 10,750,000	Years		
Project Incentives		Low	High	0-5	5-15	15-30
Identify development priorities to create and maintain a toolbox of project incentives for new development Downtown. Priorities will include, but are not limited to: Mixed-Use Development; additions to existing buildings; diversification of residential mix and types of housing, including specific incentives targeted at affordable and workforce housing; engagement in workforce development programs.		(project-based TIF dollars)				
Land Acquisition, Redevelopment and Remediation						
Acquire and/or redevelop land; acquire, redevelop or construct buildings; and support remediation activities at key development sites located within the QDA to further the goals and objectives of the Development Plan.		\$ 5,000,000	\$ 5,250,000			
Information Technology Infrastructure						
Support planning, site preparation, installation, and maintenance of IT infrastructure, including but not limited to fiber optic, wireless, facilities, and sensors.		\$ 3,000,000	\$ 3,250,000			
Business Development						
Provide resources and support to existing businesses, including, but not limited to workshops and grant programs.		\$ 2,000,000	\$ 2,250,000			
Priority Area Subtotal		\$ 10,000,000	\$ 10,750,000			
Economic Development Planning & Research		Low	High	0-5	5-15	15-30
Commission and conduct research, studies, plans and/or reports to inform and further Downtown development priorities and the implementation of programs, services and initiatives.		\$ 1,000,000	\$ 1,125,000			
Priority Area Subtotal		\$ 1,000,000	\$ 1,125,000			
Additional Programs, Services & Administration		Low	High	0-5	5-15	15-30
Implement various components of the Development Plan, 2025 Imagine Kalamazoo Master Plan, the 2018 Urban Growth Initiative for Greater Downtown Kalamazoo, the 2009 Downtown Kalamazoo Comprehensive Plan, and future Downtown plans. This may include the continuation of programs established by the DDA, including business retention and recruitment efforts, façade and building rehabilitation programs and improvements, providing services for start-up businesses, marketing and promoting the Downtown area, and support for staffing and execution of all programs, services and initiatives outlines in this plan.		\$ 3,000,000	\$ 3,100,000			
Priority Area Subtotal		\$ 3,000,000	\$ 3,100,000			
TOTAL PLANNED DOWNTOWN INVESTMENT OVER 30 YEARS		\$ 55,600,000 \$ 66,250,000				
PROJECTED TOTAL LOCAL CAPTURE FROM ALL TAXING UNITS OVER 30 YEARS		\$ 55,800,000				
PROJECTED TOTAL STATE CAPTURE OVER 15 YEARS		\$ 10,472,330				
PROJECTED TOTAL CAPTURE OVER 30 YEARS		\$ 66,272,330				

Exhibit 7 - Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-14-300-001	419		AMPERSEE	AVE		State Owned Vacant
06-14-300-005	410		AMPERSEE	AVE		State Owned Vacant
06-14-300-105	416		AMPERSEE	AVE		State Owned Vacant
06-14-306-001	10		MILLS	ST		Land Bank Authority
06-14-306-007	2		MILLS	ST		Land Bank Authority
06-14-306-012	20		MILLS	ST		Land Bank Authority
06-14-307-001	50		MILLS	ST		City BRA held Property
06-14-310-010	350		BLAINE	ST		Land Bank Authority
06-14-311-031	930		ONEILL	ST		County Land Bank Sale
06-14-311-033	910		ONEILL	ST		City BRA held Property
06-14-311-044	922 E		MICHIGAN	AVE		Land Bank Authority
06-14-312-026	74		MILLS	ST		State Owned Vacant
06-14-312-030	1002		ONEILL	ST		Land Bank Authority
06-15-252-001	420 E		MICHIGAN	AVE		Railroad Property
06-15-304-100	459 N		ROSE	ST		City Owned Vacant
06-15-305-004	436 W		KALAMAZOO	AVE		County Property
06-15-305-006	440 W		KALAMAZOO	AVE		Tax Exempt property
06-15-306-012	416 W		KALAMAZOO	AVE		County Property
06-15-310-102	330 N		WESTNEDGE	AVE		WMU/State Improved
06-15-310-103	431 W		KALAMAZOO	AVE		WMU/State Improved
06-15-312-001	335 W		KALAMAZOO	AVE		Tax Exempt property
06-15-313-001	323 N		CHURCH	ST		Tax Exempt property
06-15-313-004	317 W		KALAMAZOO	AVE		County Property
06-15-314-003	201 W		KALAMAZOO	AVE		County Property
06-15-315-106	452		ELEANOR	ST		WMU/State Vacant
06-15-318-006	303 N		CHURCH	ST		County Property
06-15-318-010	250 N		PARK	ST		Hospital Property
06-15-318-011	220 N		PARK	ST		Tax Exempt property
06-15-320-007	231		COOLEY	ST		Tax Exempt property
06-15-321-210	230		COOLEY	ST		Tax Exempt property
06-15-323-005	210 N		PARK	ST		Hospital Property
06-15-326-001	446 N		BURDICK	ST		Religious Use - Exempt
06-15-326-100	450 N		BURDICK	ST		Religious Use - Exempt
06-15-327-003	145 E		KALAMAZOO	AVE		Religious Use - Exempt
06-15-330-100	459 N		BURDICK	ST		City Owned Improved
06-15-331-001	444 N		BURDICK	ST		Religious Use - Exempt
06-15-331-002	440 N		BURDICK	ST		Religious Use - Exempt
06-15-331-003	436 N		BURDICK	ST		Religious Use - Exempt
06-15-331-012	402 N		BURDICK	ST		Religious Use - Exempt
06-15-331-013	426 N		BURDICK	ST		Religious Use - Exempt
06-15-332-010	123 E		KALAMAZOO	AVE		Religious Use - Exempt
06-15-336-005	335 N		BURDICK	ST		Tax Exempt property
06-15-336-105	345 N		BURDICK	ST		PILOT
06-15-340-003	121		ELEANOR	ST		Tax Exempt property
06-15-340-102	232 N		ROSE	ST		Tax Exempt property
06-15-340-201	225 N		KALAMAZOO	MALL		Tax Exempt property
06-15-341-002	228 N		KALAMAZOO	MALL		Tax Exempt property
06-15-341-004	251 N		KALAMAZOO	MALL		College
06-15-341-291	252 N		KALAMAZOO	MALL		City Owned Vacant
06-15-341-301	230 N		KALAMAZOO	MALL	# 101	State Assessed Utility
06-15-342-003	145 E		WATER	ST		City Owned Improved
06-15-345-236	202 N		ROSE	ST		College
06-15-346-001	224 N		KALAMAZOO	MALL		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-15-346-242	201	N	KALAMAZOO	MALL		College
06-15-346-321	222	N	KALAMAZOO	MALL	# 100	Tax Exempt property
06-15-347-247	162	E	WATER	ST		City Owned Improved
06-15-347-301	121	E	WATER	ST		City Owned Vacant
06-15-348-253	180	E	WATER	ST		City Owned Vacant
06-15-351-021	410	W	MICHIGAN	AVE		Federal Government
06-15-353-012	135	N	CHURCH	ST		Religious Use - Exempt
06-15-354-030	232	W	MICHIGAN	AVE		County Brownfield
06-15-357-001	345	W	MICHIGAN	AVE		Religious Use - Exempt
06-15-358-001	315	W	MICHIGAN	AVE		Religious Use - Exempt
06-15-358-002	302		ACADEMY	ST		Religious Use - Exempt
06-15-360-002	477		ACADEMY	ST		Religious Use - Exempt
06-15-360-050	465		ACADEMY	ST		Religious Use - Exempt
06-15-360-051	461		ACADEMY	ST		Religious Use - Exempt
06-15-361-052	447		ACADEMY	ST		Religious Use - Exempt
06-15-361-053	439		ACADEMY	ST		Religious Use - Exempt
06-15-361-054	431		ACADEMY	ST		Religious Use - Exempt
06-15-362-062	212	S	PARK	ST		Religious Use - Exempt
06-15-363-100	200	S	ROSE	ST		Public Park Property
06-15-366-058	438	W	SOUTH	ST		Tax Exempt property
06-15-366-059	426	W	SOUTH	ST		Tax Exempt property
06-15-366-063	224	S	PARK	ST		School Property
06-15-366-158	450	W	SOUTH	ST		Tax Exempt property
06-15-371-002	314	S	PARK	ST		Tax Exempt property
06-15-372-001	347	W	SOUTH	ST		Tax Exempt property
06-15-372-002	333	S	PARK	ST		Tax Exempt property
06-15-373-003	321	W	SOUTH	ST		Religious Use - Exempt
06-15-374-001	241	W	SOUTH	ST		City Owned Improved
06-15-376-005	132	N	KALAMAZOO	MALL		College
06-15-376-010	105	E	MICHIGAN	AVE		Brownfield
06-15-376-011	105	E	MICHIGAN	AVE	REAR	Brownfield
06-15-377-101	128	E	WATER	ST		City Owned Vacant
06-15-379-005	140	S	EDWARDS	ST		City Owned Improved
06-15-382-201	130		PORTAGE	ST		City Owned Improved
06-15-383-200	140		PORTAGE	ST		Brownfield
06-15-386-223	154	S	KALAMAZOO	MALL		Brownfield
06-15-387-300	231		FARMERS	ALY		Brownfield
06-15-387-301	149		FARMERS	ALY		City Owned Vacant
06-15-388-100	180		PORTAGE	ST		Brownfield
06-15-388-101	231	E	SOUTH	ST		Brownfield
06-15-390-210	316	S	KALAMAZOO	MALL		Brownfield
06-15-390-300	277	S	ROSE	ST		Brownfield
06-15-392-202	142	E	SOUTH	ST		City Owned Improved
06-15-392-300	173	E	SOUTH	ST		City Owned Vacant
06-15-394-267	300		PORTAGE	ST		WMU/State Improved
06-15-395-001	128	W	LOVELL	ST		State Assessed Utility
06-15-395-211	315	S	ROSE	ST		Tax Exempt property
06-15-397-198	151	E	LOVELL	ST		City Owned Improved
06-15-402-002	410	E	WILLARD	ST		Railroad Property
06-15-404-007	419		HARRISON	ST		City BRA held Property
06-15-411-271	427	E	MICHIGAN	AVE		Brownfield
06-15-412-001	539	E	MICHIGAN	AVE		Tax Exempt property
06-15-415-114	325	E	MICHIGAN	AVE		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-15-416-122	421	E	MICHIGAN	AVE		Brownfield
06-15-421-200	402	E	MICHIGAN	AVE		Tax Exempt property
06-15-422-003	426	E	MICHIGAN	AVE		Tax Exempt property
06-15-423-002	500	E	MICHIGAN	AVE		Railroad Property
06-15-428-001	667	E	MICHIGAN	AVE		City Owned Vacant
06-15-429-001	813	E	MICHIGAN	AVE		State Owned Vacant
06-15-429-003	701	E	MICHIGAN	AVE		Brownfield
06-15-432-001	645	E	MICHIGAN	AVE		Public Park Property
06-15-433-001	720	E	MICHIGAN	AVE		City Owned Vacant
06-15-435-011	600	E	MICHIGAN	AVE		Brownfield
06-15-437-004	646	E	MICHIGAN	AVE		City BRA held Property
06-15-441-002	140		PARKWAY	DR		City Owned Vacant
06-16-443-029	522		ELEANOR	ST		Tax Exempt property
06-16-444-001	219	N	WESTNEDGE	AVE		Religious Use - Exempt
06-16-445-025	200		ELM	ST		State Owned Vacant
06-16-448-011	206		OLD ORCHARD	PL		Religious Use - Exempt
06-16-448-020	542	W	MICHIGAN	AVE		Religious Use - Exempt
06-16-454-005	800	W	MAIN	ST		Public Park Property
06-16-467-001	824	W	MICHIGAN	AVE		College
06-16-467-002	840	W	MICHIGAN	AVE		Public Park Property
06-16-476-035	706	W	MICHIGAN	AVE		Religious Use - Exempt
06-16-493-008	602	W	SOUTH	ST		Religious Use - Exempt
06-16-494-001	222	S	WESTNEDGE	AVE		Tax Exempt property
06-22-101-002	425	W	LOVELL	ST		Tax Exempt property
06-22-101-004	431	W	LOVELL	ST		Tax Exempt property
06-22-101-013	405	W	LOVELL	ST		Tax Exempt property
06-22-102-001	415	S	PARK	ST		Religious Use - Exempt
06-22-102-002	419	S	PARK	ST		Tax Exempt property
06-22-102-003	301	W	LOVELL	ST		Religious Use - Exempt
06-22-102-004	341	W	LOVELL	ST		Tax Exempt property
06-22-103-002	247	W	LOVELL	ST		Religious Use - Exempt
06-22-104-002	215	W	LOVELL	ST		City Owned Vacant
06-22-106-001	416	W	CEDAR	ST		Tax Exempt property
06-22-106-004	424	W	CEDAR	ST		Tax Exempt property
06-22-109-001	424	S	ROSE	ST		City Owned Vacant
06-22-125-001	133	W	LOVELL	ST		State Assessed Utility
06-22-130-004	116	W	CEDAR	ST		City Owned Improved
06-22-131-002	440	S	BURDICK	ST		City Owned Vacant
06-22-132-002	127	E	CEDAR	ST		Hospital Property
06-22-137-004	105	E	WALNUT	ST		PILOT
06-22-137-006	530		JOHN	ST		PILOT
06-22-147-002	126		FEDERAL	CT		Hospital Property
06-22-147-003	130		FEDERAL	CT		Hospital Property
06-22-147-004	123	E	DUTTON	ST		Hospital Property
06-22-147-063	127	E	DUTTON	ST		Hospital Property
06-22-148-001	622		JOHN	ST		Hospital Property
06-22-148-003	133	E	DUTTON	ST		Hospital Property
06-91-002-117	125	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-002-720	458	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-004-022	541		PORTAGE	ST		Small Business Personal Property Exemption
06-91-005-880	653	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-006-840	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-008-219	762	W	MAIN	ST		Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-008-255	433	S	ROSE	ST		Small Business Personal Property Exemption
06-91-009-320	128	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-009-585	491	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-009-628	1040	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-010-190	136	E	MICHIGAN	AVE	7TH & 8TH FL	Small Business Personal Property Exemption
06-91-010-710	124	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-012-364	522	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-013-420	350	E	MICHIGAN	AVE	STE 510	Small Business Personal Property Exemption
06-91-013-618	229	E	MICHIGAN	AVE	# 140	Small Business Personal Property Exemption
06-91-013-663	119	N	CHURCH	ST	STE 202	Small Business Personal Property Exemption
06-91-015-015	471	W	SOUTH	ST	UNIT41B	Small Business Personal Property Exemption
06-91-018-194	234	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-018-990	1000	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-019-820	350	E	MICHIGAN	AVE	STE 225	Small Business Personal Property Exemption
06-91-021-010	502	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-021-567	100	N	EDWARDS	ST	# 100	Small Business Personal Property Exemption
06-91-021-990	122	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-022-621	534		GIBSON	ST		Small Business Personal Property Exemption
06-91-024-310	141	E	MICHIGAN	AVE	# 600	Small Business Personal Property Exemption
06-91-024-377	261	E	KALAMAZOO	AVE	L 400	Small Business Personal Property Exemption
06-91-026-605	121	E	SOUTH	ST		Small Business Personal Property Exemption
06-91-027-574	350	E	MICHIGAN	AVE	STE 516	Small Business Personal Property Exemption
06-91-027-580	141	E	MICHIGAN	AVE	# 500	Small Business Personal Property Exemption
06-91-027-690	519		ACADEMY	ST		Small Business Personal Property Exemption
06-91-028-210	277	S	ROSE	ST	STE5000	Brownfield
06-91-030-232	414	S	BURDICK	ST	STE 300	Small Business Personal Property Exemption
06-91-031-650	179		PORTAGE	ST		Small Business Personal Property Exemption
06-91-031-680	527	S	ROSE	ST		Small Business Personal Property Exemption
06-91-032-410	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-032-645	321	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-032-725	504	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-033-100	223	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-033-196	326	W	KALAMAZOO	AVE	#418-20	Small Business Personal Property Exemption
06-91-033-855	701	E	MICHIGAN	AVE		Brownfield
06-91-034-481	141	E	MICHIGAN	AVE	# 206	Small Business Personal Property Exemption
06-91-034-689	137	N	PARK	ST	STE 203 A	Small Business Personal Property Exemption
06-91-034-707	141	E	MICHIGAN	AVE	# 301	Small Business Personal Property Exemption
06-91-035-360	517	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-036-150	535	S	BURDICK	ST	STE 115	Small Business Personal Property Exemption
06-91-037-866	214	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-038-060	542	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-039-350	338	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-040-570	472	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-041-965	425	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-042-402	605	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-042-630	627	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-044-080	202	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-045-180	229	E	MICHIGAN	AVE	# 340	Small Business Personal Property Exemption
06-91-045-720	229	E	MICHIGAN	AVE	# 340	Small Business Personal Property Exemption
06-91-047-500	309	E	WATER	ST		Small Business Personal Property Exemption
06-91-047-750	633	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-050-646	319	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-050-655	151	S	ROSE	ST	LOWER L	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-050-714	137	N	PARK	ST	STE 201 A	Small Business Personal Property Exemption
06-91-050-761	405	W	MICHIGAN	AVE	# 130	Small Business Personal Property Exemption
06-91-050-762	711	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-050-850	475	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-051-013	251	N	ROSE	ST	STE 200	Small Business Personal Property Exemption
06-91-051-016	536	E	MICHIGAN	AVE	300	Small Business Personal Property Exemption
06-91-051-017	350	N	BURDICK	ST	STE 202	Small Business Personal Property Exemption
06-91-051-027	211	E	WATER	ST	STE 401	Small Business Personal Property Exemption
06-91-051-246	141	E	MICHIGAN	AVE	#408	Small Business Personal Property Exemption
06-91-051-248	151	S	ROSE	ST	STE 920	Small Business Personal Property Exemption
06-91-051-260	490	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-051-336	645	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-051-472	436	N	PARK	ST		Small Business Personal Property Exemption
06-91-051-508	472		ACADEMY	ST		Small Business Personal Property Exemption
06-91-051-509	137	N	PARK	ST	STE 102	Small Business Personal Property Exemption
06-91-051-604	459	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-051-693	132	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-051-746	203	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-051-792	326	W	KALAMAZOO	AVE	#209-I	Small Business Personal Property Exemption
06-91-051-974	214	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-051-986	11		MILLS	ST		Religious Use - Exempt
06-91-052-015	250	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-052-136	259	E	MICHIGAN	AVE	STE 225	Small Business Personal Property Exemption
06-91-052-167	107	W	MICHIGAN	AVE	STE 900	Small Business Personal Property Exemption
06-91-052-227	521	E	MICHIGAN	AVE	STE 201	Small Business Personal Property Exemption
06-91-052-272	633	E	WALNUT	ST		Small Business Personal Property Exemption
06-91-052-409	404	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-052-459	423	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-052-475	229	E	MICHIGAN	AVE	# 245B	Small Business Personal Property Exemption
06-91-052-559	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-052-566	350	E	MICHIGAN	AVE	STE 200	Small Business Personal Property Exemption
06-91-052-631	157	S	KALAMAZOO	MALL	STE 195	Small Business Personal Property Exemption
06-91-052-636	359	S	KALAMAZOO	MALL	# 102	Small Business Personal Property Exemption
06-91-052-894	117	W	SOUTH	ST		Brownfield
06-91-052-923	471	W	SOUTH	ST	UNIT41C	Small Business Personal Property Exemption
06-91-053-003	350	E	MICHIGAN	AVE	STE 435	Small Business Personal Property Exemption
06-91-053-036	336	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-053-042	107	W	MICHIGAN	AVE	STE 700	Small Business Personal Property Exemption
06-91-053-130	108	E	MICHIGAN	AVE		Tax Exempt property
06-91-053-144	543	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-054-175	762	W	MAIN	ST		Small Business Personal Property Exemption
06-91-054-234	326	W	KALAMAZOO	AVE	#313	Small Business Personal Property Exemption
06-91-054-257	225	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-258	237	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-260	359	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-054-688	262	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-054-704	107	W	MICHIGAN	AVE	STE 803	Small Business Personal Property Exemption
06-91-054-717	177		PORTAGE	ST		Small Business Personal Property Exemption
06-91-054-857	141	E	MICHIGAN	AVE	# 400	Small Business Personal Property Exemption
06-91-055-124	350	E	MICHIGAN	AVE	STE 101	Small Business Personal Property Exemption
06-91-055-137	405	W	MICHIGAN	AVE	# 130	Small Business Personal Property Exemption
06-91-055-145	480	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-055-199	211	S	ROSE	ST		Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-055-245	324	N	ROSE	ST		Small Business Personal Property Exemption
06-91-055-323	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-055-508	535	S	BURDICK	ST	STE 255	Small Business Personal Property Exemption
06-91-055-581	125	W	EXCHANGE	PL		Tax Exempt property
06-91-055-710	146	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-055-741	141	E	MICHIGAN	AVE	# 403	Small Business Personal Property Exemption
06-91-055-742	240	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-055-845	408	E	MICHIGAN	AVE		Tax Exempt property
06-91-055-898	414	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-055-939	224	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-055-967	200	E	MICHIGAN	AVE	STE 201	Small Business Personal Property Exemption
06-91-055-975	241	E	MICHIGAN	AVE	STE 235	Small Business Personal Property Exemption
06-91-056-009	407	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-120	132	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-133	166	S	KALAMAZOO	MALL	STE B	Small Business Personal Property Exemption
06-91-056-182	575	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-202	277	S	ROSE	ST		Brownfield
06-91-056-216	336	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-217	126	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-221	346	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-056-222	111		PORTAGE	ST		Small Business Personal Property Exemption
06-91-056-231	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-235	151	S	ROSE	ST	STE 105	Small Business Personal Property Exemption
06-91-056-249	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-310	535	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-316	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-319	140		PORTAGE	ST		Brownfield
06-91-056-320	231	E	SOUTH	ST		Brownfield
06-91-056-321	231		FARMERS	ALY		Brownfield
06-91-056-338	136	E	MICHIGAN	AVE		Tax Exempt property
06-91-056-339	136	E	MICHIGAN	AVE	9TH FL	Tax Exempt property
06-91-056-341	151	S	ROSE	ST	STE 311	Tax Exempt property
06-91-056-342	151	S	ROSE	ST	STE 332	Tax Exempt property
06-91-056-345	323	N	CHURCH	ST		Tax Exempt property
06-91-056-346	513		ELEANOR	ST		Tax Exempt property
06-91-056-347	318	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-348	410	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-349	225	N	ROSE	ST		Tax Exempt property
06-91-056-351	333	S	PARK	ST		Tax Exempt property
06-91-056-355	410	W	MICHIGAN	AVE		Tax Exempt property
06-91-056-356	222	S	WESTNEDGE	AVE		Tax Exempt property
06-91-056-359	222	N	KALAMAZOO	MALL		Tax Exempt property
06-91-056-360	426	S	PARK	ST		Tax Exempt property
06-91-056-398	315	N	BURDICK	ST		Tax Exempt property
06-91-056-399	315	N	BURDICK	ST	STE 500	Small Business Personal Property Exemption
06-91-056-400	345	N	BURDICK	ST		Tax Exempt property
06-91-056-401	348	N	BURDICK	ST		Tax Exempt property
06-91-056-402	436	N	BURDICK	ST		Tax Exempt property
06-91-056-403	448	N	BURDICK	ST		Tax Exempt property
06-91-056-418	401	S	BURDICK	ST		Tax Exempt property
06-91-056-419	420	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-420	432	S	BURDICK	ST		Religious Use - Exempt
06-91-056-421	535	S	BURDICK	ST	STE 230	Tax Exempt property

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-056-422	535	S	BURDICK	ST	STE 254	Tax Exempt property
06-91-056-472	431	N	ROSE	ST		Tax Exempt property
06-91-056-484	321	W	SOUTH	ST		Religious Use - Exempt
06-91-056-485	347	W	SOUTH	ST		Tax Exempt property
06-91-056-520	326	W	KALAMAZOO	AVE	#408-9	Small Business Personal Property Exemption
06-91-056-531	326	W	KALAMAZOO	AVE	#422	Small Business Personal Property Exemption
06-91-056-548	326	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-552	326	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-617	141	E	MICHIGAN	AVE	# 101	Tax Exempt property
06-91-056-639	200	N	PARK	ST		Hospital Property
06-91-056-644	125	W	EXCHANGE	PL		Tax Exempt property
06-91-056-699	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-710	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-056-738	161	E	MICHIGAN	AVE	# 500	Small Business Personal Property Exemption
06-91-056-756	800	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-056-767	141	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption
06-91-056-784	313	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-056-810	141	E	MICHIGAN	AVE	STE 501	Small Business Personal Property Exemption
06-91-056-812	434	N	CHURCH	ST		Religious Use - Exempt
06-91-056-847	150	N	EDWARDS	ST		Small Business Personal Property Exemption
06-91-056-881	525	E	KALAMAZOO	AVE		Tax Exempt property
06-91-056-883	402	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-056-887	418	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-888	418	W	KALAMAZOO	AVE		Tax Exempt property
06-91-056-897	240	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-056-926	415	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-056-956	137	N	PARK	ST		Small Business Personal Property Exemption
06-91-057-001	330	N	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-018	248	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-019	502	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-026	151	S	ROSE	ST	STE 104	Tax Exempt property
06-91-057-030	107	W	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-057-038	100	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-064	302	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-070	277	S	ROSE	ST	STE3100	Brownfield
06-91-057-080	201	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-089	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-109	151	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-135	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-159	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-184	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-198	312	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-247	161	E	MICHIGAN	AVE	4TH FL	Small Business Personal Property Exemption
06-91-057-316	350	S	ROSE	ST		Religious Use - Exempt
06-91-057-320	250	N	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-321	236	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-057-323	738		ACADEMY	ST		Tax Exempt property
06-91-057-327	221		FARMERS	ALY		Brownfield
06-91-057-358	308	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-391	340	E	MICHIGAN	AVE		Religious Use - Exempt
06-91-057-437	248	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-449	425	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-462	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-057-482	125	S	KALAMAZOO	MALL	STE 204	Small Business Personal Property Exemption
06-91-057-501	326	W	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-057-521	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-540	1104	S	WESTNEDGE	AVE		Small Business Personal Property Exemption
06-91-057-545	259	E	MICHIGAN	AVE	# 407	Small Business Personal Property Exemption
06-91-057-550	232	W	MICHIGAN	AVE	STE 101	County Brownfield
06-91-057-559	277	S	ROSE	ST	STE 3300	Brownfield
06-91-057-571	244	N	ROSE	ST		Small Business Personal Property Exemption
06-91-057-608	133	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-057-619	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-627	472		ACADEMY	ST		Small Business Personal Property Exemption
06-91-057-632	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-057-670	535	S	BURDICK	ST	STE 215	Small Business Personal Property Exemption
06-91-057-680	125	S	KALAMAZOO	MALL		Tax Exempt property
06-91-057-745	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-763	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-770	410	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-784	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-057-810	229	E	MICHIGAN	AVE	STE 245A	Small Business Personal Property Exemption
06-91-057-902	141	E	MICHIGAN	AVE	# 402	Small Business Personal Property Exemption
06-91-057-906	611	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-057-923	630	E	WALNUT	ST		Small Business Personal Property Exemption
06-91-057-964	304	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-057-966	420	N	CHURCH	ST	STE 1	Small Business Personal Property Exemption
06-91-057-988	326	W	KALAMAZOO	AVE	#301	Small Business Personal Property Exemption
06-91-058-019	229	E	MICHIGAN	AVE	# 345	Small Business Personal Property Exemption
06-91-058-064	125	E	MICHIGAN	AVE		Brownfield
06-91-059-002	154	S	KALAMAZOO	MALL		Brownfield
06-91-059-010	300	S	KALAMAZOO	MALL		Brownfield
06-91-059-032	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-059-033	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-059-068	346	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-059-075	321	S	KALAMAZOO	MALL	STE 214	Small Business Personal Property Exemption
06-91-059-081	141	E	MICHIGAN	AVE	STE 300	Small Business Personal Property Exemption
06-91-059-083	161	E	MICHIGAN	AVE	STE 102	Small Business Personal Property Exemption
06-91-059-084	203	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-059-090	229	E	MICHIGAN	AVE	STE 245A	Small Business Personal Property Exemption
06-91-059-092	259	E	MICHIGAN	AVE	STE 305	Small Business Personal Property Exemption
06-91-059-093	259	E	MICHIGAN	AVE	STE 107	Small Business Personal Property Exemption
06-91-059-096	350	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption
06-91-059-099	702	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-019	151	S	ROSE	ST	STE 611	Small Business Personal Property Exemption
06-91-060-020	471	W	SOUTH	ST	UNIT41A	Small Business Personal Property Exemption
06-91-060-023	471	W	SOUTH	ST	UNIT42A	Small Business Personal Property Exemption
06-91-060-073	154	S	KALAMAZOO	MALL		Brownfield
06-91-060-122	211	E	WATER	ST	STE 213L	Small Business Personal Property Exemption
06-91-060-123	230	N	KALAMAZOO	MALL	# 101	State Assessed Utility
06-91-060-124	229	E	MICHIGAN	AVE	#240	Small Business Personal Property Exemption
06-91-060-128	326	W	KALAMAZOO	AVE	#121A	Small Business Personal Property Exemption
06-91-060-139	414		WALBRIDGE	ST		Small Business Personal Property Exemption
06-91-060-140	773	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-143	402	S	BURDICK	ST		Small Business Personal Property Exemption
06-91-060-148	401	E	MICHIGAN	AVE	STE 100	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-060-151	117	W	CEDAR	ST	#B	Small Business Personal Property Exemption
06-91-060-155	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-160	180		PORTAGE	ST		Brownfield
06-91-060-182	261	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-060-187	117	W	CEDAR	ST	STE A	Small Business Personal Property Exemption
06-91-060-216	169		PORTAGE	ST		Small Business Personal Property Exemption
06-91-060-244	215	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-060-245	316	S	KALAMAZOO	MALL	STE 104	Brownfield
06-91-060-247	354	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-060-251	344	N	ROSE	ST		Small Business Personal Property Exemption
06-91-060-255	241	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-060-267	242	E	KALAMAZOO	AVE	STE 104	Small Business Personal Property Exemption
06-91-060-281	350	E	MICHIGAN	AVE	STE 500	Small Business Personal Property Exemption
06-91-060-313	701	E	MICHIGAN	AVE		Brownfield
06-91-060-318	447	W	SOUTH	ST		Small Business Personal Property Exemption
06-91-060-342	254	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-060-355	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-392	701	E	MICHIGAN	AVE		Brownfield
06-91-060-393	316	S	KALAMAZOO	MALL		Brownfield
06-91-060-414	141	E	MICHIGAN	AVE	#405	Small Business Personal Property Exemption
06-91-060-415	141	E	MICHIGAN	AVE	#406	Small Business Personal Property Exemption
06-91-060-416	141	E	MICHIGAN	AVE	# 602	Small Business Personal Property Exemption
06-91-060-420	259	E	MICHIGAN	AVE	#409	Small Business Personal Property Exemption
06-91-060-421	259	E	MICHIGAN	AVE	#105	Small Business Personal Property Exemption
06-91-060-423	259	E	MICHIGAN	AVE	#208	Small Business Personal Property Exemption
06-91-060-427	350	E	MICHIGAN	AVE	STE 17	Small Business Personal Property Exemption
06-91-060-463	211	E	WATER	ST	STE 201	Small Business Personal Property Exemption
06-91-060-477	121	W	SOUTH	ST		Brownfield
06-91-060-509	0		VARIOUS LOC-DDA ONLY			Small Business Personal Property Exemption
06-91-060-510	0		VARIOUS LOC-DDA & TIF			Small Business Personal Property Exemption
06-91-060-512	251	N	ROSE	ST		Small Business Personal Property Exemption
06-91-060-531	133	W	LOVELL	ST		Small Business Personal Property Exemption
06-91-061-046	600	E	MICHIGAN	AVE	STE C	Brownfield
06-91-061-227	325	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-061-245	121	E	MICHIGAN	AVE		Brownfield
06-91-061-246	161	E	MICHIGAN	AVE	LL2	Small Business Personal Property Exemption
06-91-061-247	214	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-266	729		ACADEMY	ST		Small Business Personal Property Exemption
06-91-061-270	166	S	KALAMAZOO	MALL	STE A	Small Business Personal Property Exemption
06-91-061-272	200	N	PARK	ST		Small Business Personal Property Exemption
06-91-061-292	125	W	EXCHANGE	PL		Small Business Personal Property Exemption
06-91-061-295	350	E	MICHIGAN	AVE	STE 112	Small Business Personal Property Exemption
06-91-061-299	277	S	ROSE	ST	STE 3500	Brownfield
06-91-061-318	527	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-329	300	E	WATER	ST		Brownfield
06-91-061-333	251	N	ROSE	ST	204/205	Small Business Personal Property Exemption
06-91-061-340	323	N	BURDICK	ST		Small Business Personal Property Exemption
06-91-061-362	245	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-365	505	E	KALAMAZOO	AVE	STE 4	Small Business Personal Property Exemption
06-91-061-366	511	E	KALAMAZOO	AVE		Small Business Personal Property Exemption
06-91-061-371	113	E	MICHIGAN	AVE		Brownfield
06-91-061-372	141	E	MICHIGAN	AVE	# 203	Small Business Personal Property Exemption
06-91-061-373	141	E	MICHIGAN	AVE	# 602	Small Business Personal Property Exemption

Parcels not contributing to capture in the DEGA

Parcel Number	Property address	Property Direction	Property Street Name	Property Suffix	Property Unit	Reason for non-DEGA Capture
06-91-061-374	141	E	MICHIGAN	AVE	# 601	Small Business Personal Property Exemption
06-91-061-375	141	E	MICHIGAN	AVE	# 404	Small Business Personal Property Exemption
06-91-061-376	151	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-379	259	E	MICHIGAN	AVE	# 307	Small Business Personal Property Exemption
06-91-061-382	259	E	MICHIGAN	AVE	# 209	Small Business Personal Property Exemption
06-91-061-383	276	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-384	405	W	MICHIGAN	AVE	STE 130	Small Business Personal Property Exemption
06-91-061-385	405	W	MICHIGAN	AVE	STE 415	Small Business Personal Property Exemption
06-91-061-386	405	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-387	445	W	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-388	427	E	MICHIGAN	AVE		Brownfield
06-91-061-389	600	E	MICHIGAN	AVE	STE A	Brownfield
06-91-061-400	600	E	MICHIGAN	AVE		Brownfield
06-91-061-415	180		PORTAGE	ST		Brownfield
06-91-061-428	225	N	ROSE	ST		Small Business Personal Property Exemption
06-91-061-435	131	W	SOUTH	ST		Brownfield
06-91-061-454	180		PORTAGE	ST		Brownfield
06-91-061-458	521	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-459	161	E	MICHIGAN	AVE	4TH FL	Small Business Personal Property Exemption
06-91-061-464	348	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-465	107	W	MICHIGAN	AVE	STE 804	Small Business Personal Property Exemption
06-91-061-473	211	S	ROSE	ST		Small Business Personal Property Exemption
06-91-061-480	350	E	MICHIGAN	AVE	STE 220	Small Business Personal Property Exemption
06-91-061-536	505	E	KALAMAZOO	AVE	STE A	Small Business Personal Property Exemption
06-91-061-541	600	E	MICHIGAN	AVE	STE D	Small Business Personal Property Exemption
06-91-061-552	225	W	WALNUT	ST	STE 209	Small Business Personal Property Exemption
06-91-061-553	125	E	KALAMAZOO	AVE	STE 102	Small Business Personal Property Exemption
06-91-061-554	312	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-555	238	S	KALAMAZOO	MALL		Small Business Personal Property Exemption
06-91-061-558	107	E	MICHIGAN	AVE	STE 200	Small Business Personal Property Exemption
06-91-061-559	224	E	MICHIGAN	AVE		Small Business Personal Property Exemption
06-91-061-560	241	E	MICHIGAN	AVE	STE 235	Small Business Personal Property Exemption

AGREEMENT

This Agreement ("Agreement") made this 26th day of November, 2018, by and between the Kalamazoo Downtown Economic Growth Authority ("Authority") and the Board of Trustees of the Kalamazoo Public Library, a district library, ("Library").

RECITALS

A. The City of Kalamazoo ("City"), by resolution adopted on October 15, 2018, created the Kalamazoo Downtown Economic Growth Authority as a corridor improvement authority pursuant to Public Act 280 of 2005 ("Act") whose designated boundaries comprise a qualified development area ("QDA").

B. The Authority has prepared a Development "Plan and Tax Increment Financing Plan ("Plan") for submittal to the City permitting the capture of tax increments.

C. The Library is considered a "taxing jurisdiction" under the Act which permits it, pursuant to Section 18, to enter into an agreement with the Authority for sharing of captured assessed value.

D. The Library and Authority desire to enter into an arrangement to share in the growth of tax revenue under the Act.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. For any taxes for Library purposes which were levied prior to January 1, 2017 and which would otherwise be subject to capture pursuant to section 18(5) of the Act, the parties agree to share the captured assessed value within the QDA 50% to the Authority and 50% to the Library.

2. In the event Authority assumes activities previously performed by the Brownfield Redevelopment Authority ("BRA"), then it shall provide the Library with a full and complete financial accounting of such activities on an annual basis.

3. This Agreement shall be effective only upon approval by the Board of Trustees of the Library. If such approval is not obtained by December 3, 2018, this Agreement is null and void.

4. This Agreement shall be filed with the City Clerk and may also be an exhibit to the Plan.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

**KALAMAZOO DOWNTOWN ECONOMIC
GROWTH AUTHORITY**

By: CAV V

Its: LDVR I evc\--

**KALAMAZOO PUBLIC LIBRARY BOARD OF
TRUSTEES**

By: &J

Ist



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.4.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anna C. Crandall, EIT, Senior Civil Engineer – Water Resources

DATE: October 26, 2020

SUBJECT: 30th Street Water Main Project Utility Easements

RECOMMENDATION:

It is recommended that the City Commission approve and accept the easements for water main that is to be installed as part of the 30th Street Water Main Project; and authorize the City Manager to sign all related and necessary documents regarding the acquisition of the easements.

BACKGROUND:

Construction of new water main for the 30th Street Water Main Project has been completed. As all public water mains and sanitary sewer are required to be in a dedicated easement or public right of way, the property owners in collaboration with Wightman and Associates, Inc., and the City of Kalamazoo Attorney have drafted these agreements for approval.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Records Management Tracking, review, and oversight of department records.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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.

FISCAL IMPACT:

The City of Kalamazoo will incur the cost of recording the easement with the Clerk-Register and \$100 for consideration for the grant of the easements.

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated _____, 20__ between Joyce E. Messer, whose address is 8180 North 30th Street, Richland, MI 49083 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 8180 North 30th Street in the Township of Richland and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with water main placement in conjunction with the 30th Street Water Main Project.
- C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of less than One Hundred Dollars (\$100.00) plus other valuable consideration, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit B. ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the pipelines, connections, leads and all other components of the city's water supply system and other public utilities systems placed within the Easement Area. ("Utility Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the Property, in order to carry out the Utility Activities, subject to the following conditions:

- a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Utility Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.
9. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a). *[If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 & 526]*

Joyce Messer

By: Joyce E. Messer

Its: Owner

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on July 13,
2020, by Joyce E. Messer, on behalf of the Grantor.

Jessica D. Bixler
JESSICA D. BIXLER Notary Public
Kalamazoo County, Michigan
My commission expires: 01/13/2022

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

JESSICA D BIXLER, Notary Public
State of Michigan, County of Kalamazoo
My Commission Expires 01/13/2022
Acting in the County of Kalamazoo

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on _____,
20__ by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007
(269) 337-8185

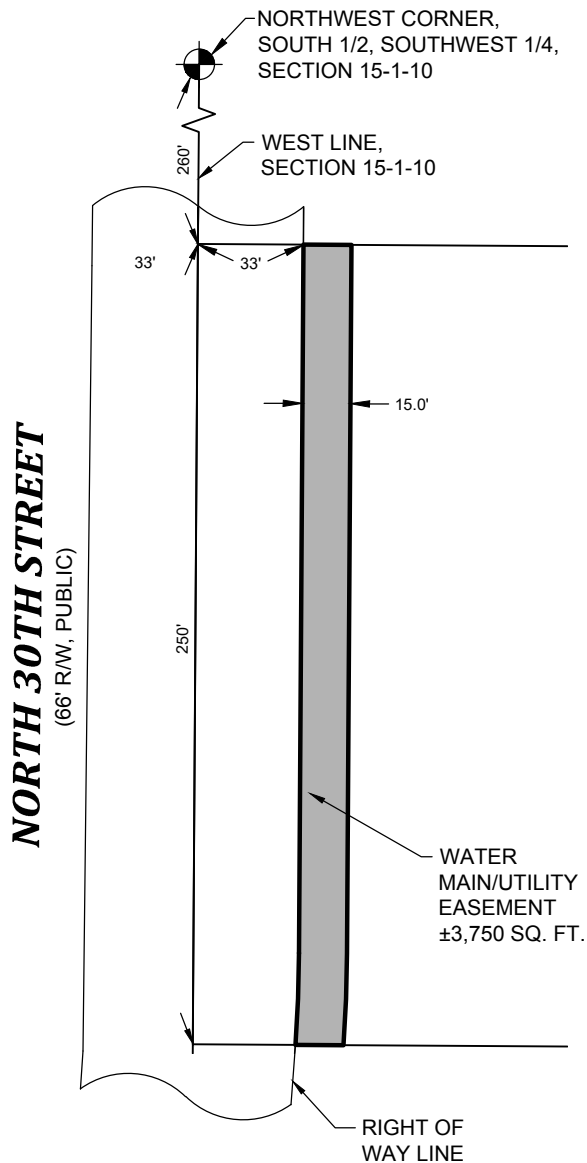
EXHIBIT A

THE EAST 15 FEET OF THE WEST 48 FEET OF THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, T1S, R10W, RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 260 FEET FOR THE PLACE OF BEGINNING; RUNNING THENCE EAST 913 FEET; THENCE SOUTHWESTERLY 428 FEET TO A POINT 520 FEET EAST OF THE WEST LINE OF SAID SECTION; THENCE WEST 520 FEET TO THE WEST LINE OF SAID SECTION; THENCE NORTH 250 FEET TO THE PLACE OF BEGINNING.

EXHIBIT "B"

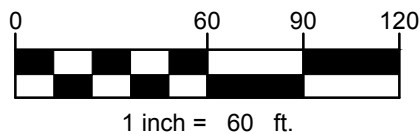
JOYCE ELAINE MESSER,
TRUSTEE OF THE JOYCE ELAINE MESSER
REVOCABLE TRUST AGREEMENT
DOCUMENT NO. 2009-004574

THIS IS NOT A
BOUNDARY SURVEY.



EASEMENT DESCRIPTION :

THE EAST 15 FEET OF THE WEST 48 FEET OF THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, T1S, R10W, RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 260 FEET FOR THE PLACE OF BEGINNING; RUNNING THENCE EAST 913 FEET; THENCE SOUTHWESTERLY 428 FEET TO A POINT 520 FEET EAST OF THE WEST LINE OF SAID SECTION; THENCE WEST 520 FEET TO THE WEST LINE OF SAID SECTION; THENCE NORTH 250 FEET TO THE PLACE OF BEGINNING.



AARON D. SMITH
PS - 43068

DATE

30TH STREET EASEMENTS CITY OF KALAMAZOO

MICHIGAN STATE PLANE COORDINATE SYSTEM
(SOUTH ZONE) INTERNATIONAL FEET

DRAWN BY: ACE

CHECKED BY:

PROPERTY ID: 03-15-351-020

SCALE: 1" = 60'

EASEMENT: 04

WATER MAIN EASEMENT

W&A JOB#: 182162

DATE CREATED: 12/18/2018

REVISIONS: 02/25/2020

EXHIBIT "B" PREPARED BY:
WIGHTMAN
433 EAST RANSOM STREET
KALAMAZOO, MI 49007
269-327-3532

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated August 17, 2020 between Liberty Farms, LLC, a Michigan (limited liability company), whose address is 3407 58th Street SE, Hamilton, MI 49419 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at North 30th Street in the Township of Richland and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with water main placement in conjunction with the 30th Street Water Main Project.
- C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of less than One Hundred Dollars (\$100.00) plus other valuable consideration, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit B. ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the pipelines, connections, leads and all other components of the city's water supply system and other public utilities systems placed within the Easement Area. ("Utility Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the

Property, in order to carry out the Utility Activities, subject to the following conditions:

- a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Utility Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.
9. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a). *[If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 & 526]*

Thomas L. Brink

By: Thomas L. Brink

Its: Member

STATE OF MICHIGAN }
 Ottawa } ss.
COUNTY OF ~~KALAMAZOO~~ }

The foregoing instrument was acknowledged before me on August 17,
2020, by Thomas Brink, on behalf of the Grantor.

Roneta Lynn Sisk
Ottawa Notary Public
Kalamazoo County, Michigan
My commission expires: August 30, 2020

CITY OF KALAMAZOO

By: _____

James K. Ritsema

Its: City Manager

STATE OF MICHIGAN }
 } ss.
COUNTY OF KALAMAZOO }

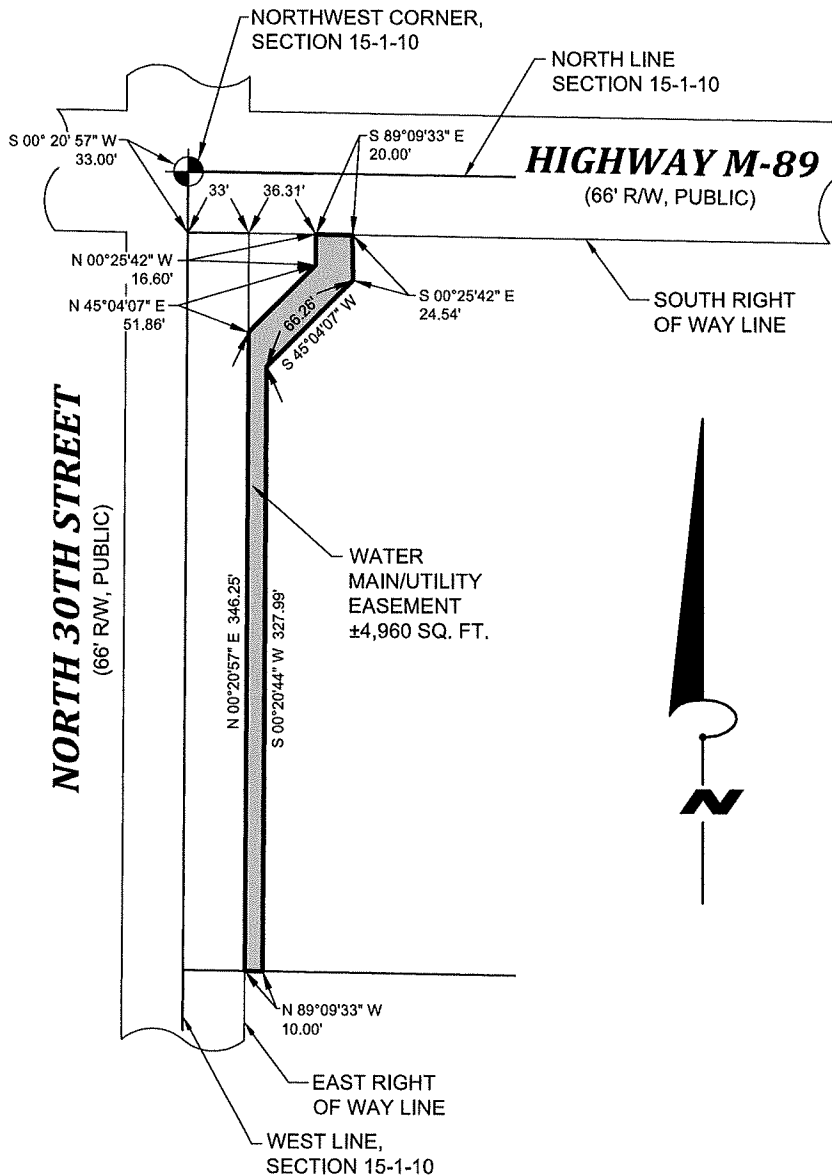
The foregoing instrument was acknowledged before me on _____,
20__ by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007
(269) 337-8185

EXHIBIT A

THAT PART OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 1 SOUTH, RANGE 10 WEST, RICHLAND TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 00° 20' 57" WEST ON THE WEST LINE OF SAID SECTION 15 A DISTANCE OF 33.00 FEET; THENCE SOUTH 89° 09' 33" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 15 A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NORTH 30TH STREET AND THE SOUTH RIGHT OF WAY LINE OF HIGHWAY M-89; THENCE CONTINUING SOUTH 89° 09' 33" EAST ON SAID SOUTH RIGHT OF WAY LINE 36.31 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89° 09' 33" EAST ON SAID SOUTH RIGHT OF WAY LINE 20.00 FEET; THENCE SOUTH 00° 25' 42" EAST 24.54 FEET; THENCE SOUTH 45° 04' 07" WEST 66.26 FEET; THENCE SOUTH 00° 20' 44" WEST PARALLEL WITH SAID WEST SECTION LINE 327.99 FEET; THENCE NORTH 89° 09' 33" WEST PARALLEL WITH SAID NORTH SECTION LINE 10.00 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTH 00° 20' 57" EAST ON SAID EAST RIGHT OF WAY LINE 346.25 FEET; THENCE NORTH 45° 04' 07" EAST 51.86 FEET; THENCE NORTH 00° 25' 42" WEST 16.60 FEET TO THE POINT OF BEGINNING.



EASEMENT DESCRIPTION :

THAT PART OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 1 SOUTH, RANGE 10 WEST, RICHLAND TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 00° 20' 57" WEST ON THE WEST LINE OF SAID SECTION 15 A DISTANCE OF 33.00 FEET; THENCE SOUTH 89° 09' 33" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 15 A DISTANCE OF 33.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NORTH 30TH STREET AND THE SOUTH RIGHT OF WAY LINE OF HIGHWAY M-89; THENCE CONTINUING SOUTH 89° 09' 33" EAST ON SAID SOUTH RIGHT OF WAY LINE 36.31 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89° 09' 33" EAST ON SAID SOUTH RIGHT OF WAY LINE 20.00 FEET; THENCE SOUTH 00° 25' 42" EAST 24.54 FEET; THENCE SOUTH 45° 04' 07" WEST 66.26 FEET; THENCE SOUTH 00° 20' 44" WEST PARALLEL WITH SAID WEST SECTION LINE 327.99 FEET; THENCE NORTH 89° 09' 33" WEST PARALLEL WITH SAID NORTH SECTION LINE 10.00 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTH 00° 20' 57" EAST ON SAID EAST RIGHT OF WAY LINE 346.25 FEET; THENCE NORTH 45° 04' 07" EAST 51.86 FEET; THENCE NORTH 00° 25' 42" WEST 16.60 FEET TO THE POINT OF BEGINNING.



1 inch = 100 ft.

AARON D. SMITH
PS - 43068

DATE

30TH STREET EASEMENTS
CITY OF KALAMAZOO

MICHIGAN STATE PLANE COORDINATE SYSTEM
(SOUTH ZONE) INTERNATIONAL FEET

DRAWN BY: ACE

CHECKED BY:

PROPERTY ID: 03-15-100-013

SCALE: 1" = 100'

EASEMENT: 18

WATER MAIN EASEMENT

W&A JOB#: 182162

DATE CREATED: 12/18/2018

REVISIONS: 02/25/2020

EXHIBIT "B" PREPARED BY:
WIGHTMAN
433 EAST RANSOM STREET
KALAMAZOO, MI 49007
269-327-3532

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated August 17, 2020 between Liberty Farms, LLC, a Michigan (limited liability company), whose address is 3407 58th Street SE, Hamilton, MI 49419 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 9237 North 30th Street in the Township of Richland and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the 30th Street Water Main project.
- C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of less than One Hundred Dollars (\$100.00) *[unless actual consideration is paid to the Grantor, in which case insert the amount]* plus other valuable consideration, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit B. ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the pipelines, connections, leads and all other components of the city's (water supply system) or (sanitary sewer system) or (storm water system) *[suggest which utility is the prime one for purposes of the easement]* and other public utilities systems placed within the Easement Area. ("Utility Activities")
- 3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the

Property, in order to carry out the Utility Activities, subject to the following conditions:

- a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Utility Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.
9. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a). *[If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 & 526]*

By: Thomas L. Smith

STATE OF MICHIGAN }
COUNTY OF Ottawa) ss.
COUNTY OF ~~KALAMAZOO~~)

The foregoing instrument was acknowledged before me on August 17th, 2020, by Thomas Brink, on behalf of the Grantor.

Hawa Lynn Jishir
Hawa Notary Public
Kalamazoo County, Michigan
My commission expires: August 30, 2020

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
COUNTY OF KALAMAZOO } ss.

The foregoing instrument was acknowledged before me on _____, 20__ by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires:

3

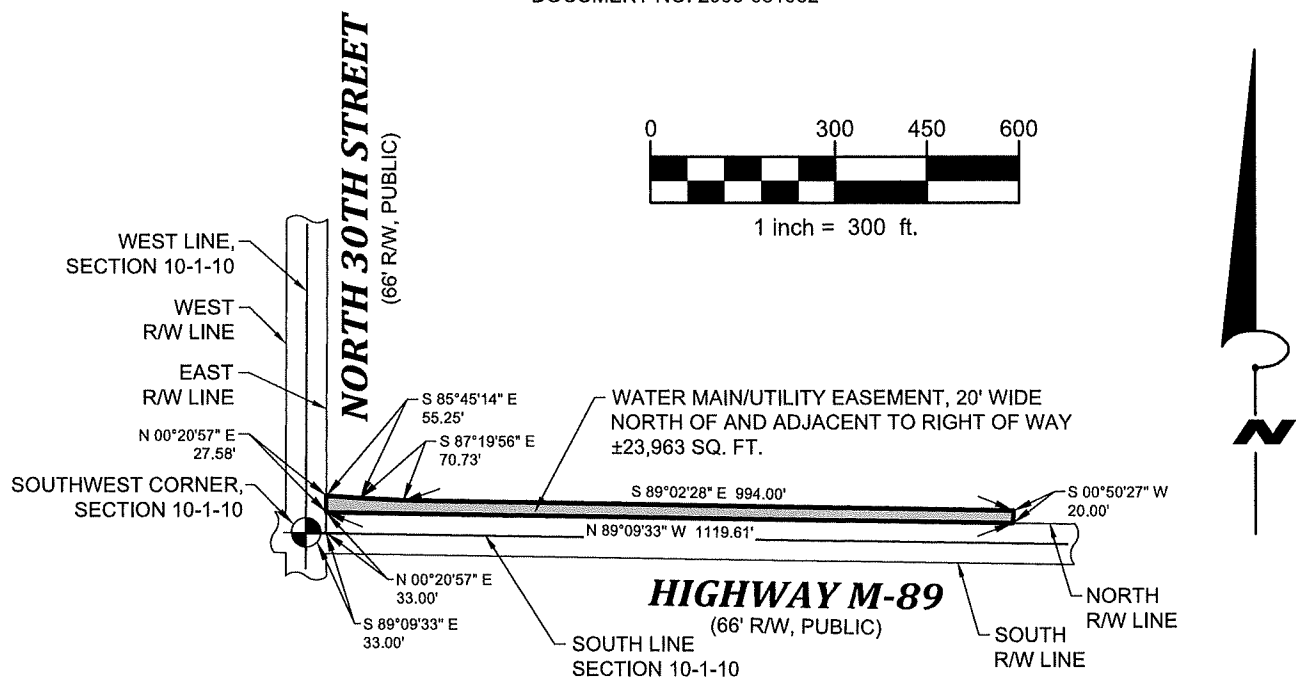
EXHIBIT A

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWN 1 SOUTH, RANGE 10 WEST, RICHLAND TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE SOUTH 89° 09' 33" EAST ON THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 33.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF NORTH 30TH STREET; THENCE NORTH 00° 20' 57" EAST ON SAID SOUTHERLY EXTENSION 33.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED, SAID POINT BEING THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE NORTH RIGHT OF WAY LINE OF HIGHWAY M-89; THENCE CONTINUING NORTH 00° 20' 57" EAST ON SAID EAST RIGHT OF WAY LINE 27.58 FEET; THENCE SOUTH 85° 45' 14" EAST 55.25 FEET; THENCE SOUTH 87° 19' 56" EAST 70.73 FEET; THENCE SOUTH 89° 02' 28" EAST 994.00 FEET; THENCE SOUTH 00° 50' 27" WEST 20.00 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 89° 09' 33" WEST ON SAID NORTH RIGHT OF WAY LINE 1119.61 FEET TO THE POINT OF BEGINNING.

STATE OF MICHIGAN
KALAMAZOO COUNTY
RICHLAND TOWNSHIP
SECTION 10, T. 01S, R. 10W

EXHIBIT "B"
LIBERTY FARMS, LLC
DOCUMENT NO. 2006-051932

THIS IS NOT A
BOUNDARY SURVEY.



EASEMENT DESCRIPTION :

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWN 1 SOUTH, RANGE 10 WEST, RICHLAND TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE SOUTH 89° 09' 33" EAST ON THE SOUTH LINE OF SAID SECTION 10 A DISTANCE OF 33.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF NORTH 30TH STREET; THENCE NORTH 00° 20' 57" EAST ON SAID SOUTHERLY EXTENSION 33.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED, SAID POINT BEING THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE NORTH RIGHT OF WAY LINE OF HIGHWAY M-89; THENCE CONTINUING NORTH 00° 20' 57" EAST ON SAID EAST RIGHT OF WAY LINE 27.58 FEET; THENCE SOUTH 85° 45' 14" EAST 55.25 FEET; THENCE SOUTH 87° 19' 56" EAST 70.73 FEET; THENCE SOUTH 89° 02' 28" EAST 994.00 FEET; THENCE SOUTH 00° 50' 27" WEST 20.00 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 89° 09' 33" WEST ON SAID NORTH RIGHT OF WAY LINE 1119.61 FEET TO THE POINT OF BEGINNING.

AARON D. SMITH
PS - 43068

DATE

**30TH STREET EASEMENTS
CITY OF KALAMAZOO**

MICHIGAN STATE PLANE COORDINATE SYSTEM
(SOUTH ZONE) INTERNATIONAL FEET

DRAWN BY: ACE

CHECKED BY:

PROPERTY ID: 03-10-100-010

SCALE: 1" = 300'

EASEMENT: 19

WATER MAIN EASEMENT

W&A JOB#: 182162

DATE CREATED: 04/16/2019

REVISIONS: 03/10/2020

EXHIBIT "B" PREPARED BY:
WIGHTMAN
433 EAST RANSOM STREET
KALAMAZOO, MI 49007
269-327-3532



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.5.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anthony Ladd, PE, Public Works Division Manager

DATE: October 26, 2020

SUBJECT: Approval of Snow Melt System Easement Agreement with First National Bank

RECOMMENDATION:

It is recommended that City Commission approve the Snow Melt System Easement agreement with First National Bank. This is an easement agreement that would allow First National Bank to install a snow melt system in City ROW and maintain the system for 20 years' time.

BACKGROUND:

This agreement would allow First National Bank to install and maintain a private snow melt system for 20 years and allow for either a continuation or option for the City to take over at that time or if at any time prior both parties are agreeable to doing so. This would be at no cost to the City and entirely sustained from this property itself. The site is located on the corner of Michigan Avenue and Park Street.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Record Keeping

Strategic Goal Impact:

Safe Community

Connected City

Economic Vitality

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal

Discussion:

This would be a benefit to the City and local businesses by allowing safe pedestrian movements and encouraging commerce year-round.

FISCAL IMPACT:

There is no fiscal impact to the City. The cost to install and maintain the snowmelt system under this easement agreement will be the responsibility of First National Bank.

SNOW MELT SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the City of Kalamazoo, Michigan, a municipal corporation, 241 W. South Street, Kalamazoo, MI 49007 (the "City"), for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by First National Bank of Michigan, 348 W. Michigan Avenue, Kalamazoo, MI 49007 does convey, grant and release to First National Bank of Michigan, an easement to construct, operate, maintain, repair and/or replace an underground snow melt system on the following original plat part of lots 9, 10, 11, 25, 26 & 27 situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and described as follows:

ORIGINAL PLAT OF THE TOWN (NOW CITY) OF KALAMAZOO, Liber 6 of Plats Page 8; Described as beginning at the southwest corner of Lot 25; thence South 89 degrees 59 minutes 13 seconds East 200.91 feet along the south line of Lot 25, Lot 26 and Lot 27 of said Plat, also being north line of West Michigan Avenue; thence South 00 degrees 06 minutes 27 seconds West 15.00 feet parallel with the east line of North Park Street; thence North 89 degrees 59 minutes 13 seconds West 200.91 feet parallel with the north line of West Michigan Avenue to the east line of North Park Street; thence North 00 degrees 06 minutes 27 seconds East 15.00 feet along the east line of North Park Street to the southwest corner of Lot 25 and the point of beginning.

It is understood and agreed that, unless otherwise set forth in a separate agreement, no buildings or construction of any kind or nature, other than the underground snow melt system and components, shall be placed upon the Burdened Parcel by either party without the prior written consent of the other party, its successors or assigns.

The parties acknowledge (1) that this easement is granted in connection with First National Bank of Michigan, a two story building on the northwest corner of W. Michigan Avenue and Park Street in downtown Kalamazoo as the Benefitted Property; (2) that the Burdened Parcel~~s~~ include a portion of the public right-of-way (sidewalk) along the north west side of W. Michigan Avenue, beginning at Park Street to the east end of the building on the Benefitted Property.

The parties further acknowledge that the area upon, under and over which First National Bank of Michigan shall construct, operate, maintain, repair and/or replace an underground snow melt system includes, in addition to the Burdened Parcel, as described above, certain open exterior spaces (sidewalks, entryways, etc.) owned by First National Bank of Michigan.

The area upon which the Snow Melt System Easement is located and all the components of the snow melt system, including but not limited to the boilers, pipes, tubing, valves, conduits, switches and controls necessary for the operation of the system, regardless whether any such component is

located in the Burdened Parcel or the Benefitted Property, shall be collectively considered and referred to as the “Snow Melt System.” First National Bank of Michigan will provide the City “as built” drawings of the Snow Melt System upon completion.

First National Bank of Michigan agrees to be solely responsible for the construction, maintenance and repair, replacement and operation of the Snow Melt System. Upon completion of such construction, maintenance, repairs or replacement, First National Bank of Michigan shall restore the Burdened Parcel and Benefitted Property pursuant to the site plan for the Building approved by the City of Kalamazoo, or, if no site plan is applicable, to the condition it was in prior to the construction, maintenance, repairs or replacement of the Snow Melt System. If the City intends to perform any maintenance, repairs, replacement, or new installations of the sidewalks, signs, signals or other improvements within the Burdened Parcel, the City shall notify First National Bank of Michigan not fewer than thirty (30) days prior to the intended work date so that First National Bank of Michigan may work with the City to ensure that no damage is done to the Snow Melt System. In addition, in the event the City removes or replaces the sidewalk when it otherwise is in good condition, the City shall pay the cost of any repairs or replacements of the Snow Melt System that are necessitated by the removal and/or replacement of the sidewalk. First National Bank of Michigan shall register the Snow Melt System with the MISS DIG 811 underground utility notification system and identify and locate the Snow Melt System in response to any excavation requests in the public right of way where the Snow Melt System is located.

First National Bank of Michigan shall operate and maintain the Snow Melt System, as set forth in this Agreement, for a period of not less than 20 years. During this period First National Bank of Michigan will not charge or assess any of the property owners occupying or owning property that abuts the Snow Melt System for costs incurred to maintain, repair, replace or service such system unless such cost is directly attributable to the negligent acts or omissions of the property owner or such owner’s tenants.

Upon the expiration of the 20-year period, or First National Bank of Michigan’s decision to abandon and no longer operate and maintain the Snow Melt System, whichever later occurs, this easement shall terminate, and First National Bank of Michigan shall have no further obligation to operate, maintain, repair or replace the Snow Melt System; provided, however, that First National Bank of Michigan must provide the City prior written notice of its decision to abandon the Snow Melt System not less than twelve (12) months before the date of abandonment. If, after receipt of such notice from First National Bank of Michigan, the City should desire to assume responsibility for the operation and maintenance of the Snow Melt System, the parties shall use the twelve (12) month notice period to engage in good faith negotiations to transfer some or all of the components of the Snow Melt System to the City, at a nominal cost, to enable the City to continue operating and maintaining the Snow Melt System, provided that such continued operation does not unreasonably interfere with First National Bank of Michigan’s use of its property.

First National Bank of Michigan shall defend, indemnify and hold the City, its successors and assigns, harmless from and against all claims, judgments, costs and expenses (including attorney fees) in connection with the exercise of the rights of use granted by this easement to First National Bank of Michigan.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

This instrument is made to create an easement, and since the grantor is a municipality, in accordance with MCL 207.526, Sec.6(h)(i) and MCL 207.505, Sec.5(h)(i), no State or County transfer tax is required.

This Easement Agreement shall be effective as of _____, 2020.

IN WITNESS WHEREOF, the undersigned have affixed their signatures on the date indicated below.

FIRST NATIONAL BANK OF MICHIGAN

By: _____
Daniel Bitzer, President & CEO

Dated: _____, 2020.

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2020, before me the undersigned, a Notary Public in and for said County, personally appeared Daniel Bitzer, to me personally known, who being by me duly sworn, did say that he is the President & CEO First National Bank of Michigan, and that he is executing this instrument on behalf of First National Bank of Michigan.

_____, Notary Public
Kalamazoo County, Michigan
Acting in Kalamazoo County
My Commission expires: _____

CITY OF KALAMAZOO

By: _____
James Ritsema

Its: City Manager

Dated: _____, 2020.

Page 128 of 291



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **G.6.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, CPED Director
Prepared by: Christina Anderson, City Planner

DATE: October 26, 2020

SUBJECT: Vacation of Scudder Court between Frank and Parsons Streets.

RECOMMENDATION:

It is recommended the City Commission adopt a resolution vacating Scudder Court between Frank and Parsons Streets.

BACKGROUND:

The applicant is requesting to vacate Scudder Court between E. Frank Street and E. Parson Street. The applicant owns the property to the west and is in agreement to purchase the property to the east from Norfolk Southern Railroad. It is the applicant's intent to combine vacated Scudder and the adjacent parcels to be used for parking and a pedestrian pathway to support the redevelopment of 225 Parsons Street, the former location of the Gibson Guitar Company. The building is currently home to the Heritage Guitar Company and Forensic Fluids, and is being renovated for a mixed use project, which is proposed to include a hotel.

The Planning Commission reviewed this request in September 2018, recommending approval with the condition that the utilities be abandoned. The delay in this item reaching the City Commission is a result of prolonged negotiations between the applicant and Norfolk Southern. These negotiations have been completed and the applicant is planning to close on the property to the east this fall. To clarify its position, Norfolk Southern has submitted a letter for your consideration.

STRATEGIC VISION ALIGNMENT:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

COMMUNITY ENGAGEMENT:

The vacation of Scudder Ct was heard through a public hearing at the Planning Commission in September 2018. At the time, all properties within 300' were notified with a mailed letter. The applicant also reached out to adjacent property owners and the Northside Association for Community Development (NACD).

FISCAL IMPACT:

The estimated value of vacated Scudder Ct according to the Assessor's Office is \$5,385.00, which will be proceeds to the Local Streets fund. The City also holds street infrastructure in the government-wide governmental activities capital assets. The infrastructure is fully depreciated, and therefore there is no additional disposal cost associated with this vacation.

The cost of abandoning the City utilities subject to this agreement would be paid by the developer.

City of Kalamazoo
PLANNING COMMISSION
Minutes
September 6, 2018
FINAL

Second Floor, City Hall
Commission Chambers
241W. South Street, Kalamazoo, MI 49007

Members Present: Rachel Hughes-Nilsson, Chair; Gregory Milliken, Vice Chair; Derek Wissner; Jack Baartman; James Pitts; Alfonso Espinosa; Emily Greenman Wright

Members Excused: Charley Coss; Sakhi Vyas

City Staff: Christina Anderson, City Planner; Robert Bauckham, Senior Development Planner; Clyde Robinson, City Attorney; and Beth Cheeseman, Code Administration Clerk/Cashier

A. CALL TO ORDER

Commissioner Hughes-Nilsson called the meeting to order at 7:05 p.m.

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Planner Anderson noted that minutes from August 21, 2018 and minutes from the September 6, 2018 meeting will be voted on at the October 4, 2018 meeting.

Commissioner Greenman Wright, supported by Commissioner Wissner, moved approval of the September 6, 2018 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

None

E. COMMUNICATIONS AND ANNOUNCEMENTS

None

F. PUBLIC HEARINGS

P.C. #2018.15: Request from PlazaCorp Realty Advisors, Inc. to vacate Scudder Court between E. Frank Street and E. Parsons Street. **[Recommendation: motion to recommend to the City Commission to approve the street vacation with one condition.]**

Planner Bauckham presented the staff report and reviewed site maps and photos. He noted the Court is currently open for vehicular traffic. The applicant owns the parcels to the west of the Court and the land to the east is owned by the Norfolk Southern Railroad Company. The applicant would like to vacate the entire Court and combine it with their property to create a parking lot. They are renovating their building at 225 Parsons Street and will be adding uses to it. Planner Bauckham reported that the existing parking for the building is not sufficient for the additional uses. The proposed parking lot will address this need. The applicant will go through the site plan review process if the request is approved. PlazaCorp Realty Advisors are working with the Norfolk Railroad Company to see if they are interested in obtaining the east half of Scudder Court. If the request is approved, the Public Services Department has requested that the utilities under the Court be abandoned by the applicant. Planner Bauckham said the fair market value of the property is \$5,385. This amount would be paid to the City if the vacation is approved. Notices of the public hearing were sent out and the director of the Northside neighborhood had no objections to the request. The vacation request meets the City Street Vacation Policy and meets the Economic Vitality goal of the Strategic Vision of the City for growing businesses and stabilizing the local economy. The City staff recommends the Planning Commission recommend to the City Commission to approve the street vacation with the condition that public utilities would be abandoned by the applicant.

Mr. Andy Wenzel, PlazaCorp Realty Advisors, and Mr. Bill Laditka, Intercept Architects, came forward to speak regarding the street vacation request and the plan for expansion and redevelopment of the historically known Gibson Guitar factory. Mr. Wenzel gave an overview of the project (the building will be ~140,000 sq. ft.). The plan includes the continued operation and expansion of the current Heritage Guitar factory in the building and the continued operation of Forensic Fluids. New uses will include a boutique hotel, a finishing area for Heritage Guitar, and a Learning Center to build musical instruments. There will be a restaurant with a small outdoor area, and a museum centered on the history of guitar making and other historical facts of Kalamazoo related to music. Other spaces will be set aside for retailers and/or office space. They also have a plan in place for a music venue. In light of all of the additional uses, Mr. Wenzel reported that they will need expanded parking. He emphasized they would like to make it a connectivity piece to the downtown with a walkable, non-motorized connection to the trail way on Kalamazoo Avenue. Mr. Wenzel said they conducted some additional outreach to the neighbors and circulated a letter to present their plans. They reportedly had good response from the neighbors. He stated there is an agreement in place to share the southern portion of the new parking lot with the current coffee shop.

Mr. Laditka stated that the road is more of an alley way. He emphasized the connection to downtown is only about a 10-14 minute walk. They are trying to minimize vehicular access and celebrate the pedestrian access to the site.

Commissioner Wissner asked how traffic would be slowed across Parsons Street for pedestrians. Mr. Laditka said a speed bump will be installed there to slow traffic.

Commissioner Hughes-Nilsson opened the public comments portion of the public hearing.

No one came forward.

Commissioner Espinosa, supported by Commissioner Baartman, motioned to close the public comment portion of the hearing. A voice vote was taken and passed.

Planner Anderson reported that the pedestrian speed bump mentioned will be reviewed during the site plan process.

Commissioner Espinosa inquired what will happen if the railroad company doesn't respond about purchasing their portion of Scudder Court. Planner Anderson responded that if they don't wish to purchase their half of the property, the applicant would have the opportunity to purchase the complete property.

Commissioner Wissner, with support from Commissioner Greenman Wright, moved to recommend to the City Commission to approve the street vacation with the condition of the underground utilities being abandoned by the applicant.

Commissioner Wissner stated that it looks like a solid plan and is well supported.

Commissioner Milliken asked about the utilities that will be abandoned. Planner Bauckham said that it includes a sanitary sewer and water line. He stated the City no longer has a need for them and requested they be abandoned.

Commissioner Milliken noted that the request is consistent with the City Street Vacation policy and the Master Plan goal of Economic Vitality.

A roll call vote was taken and the request was unanimously approved.

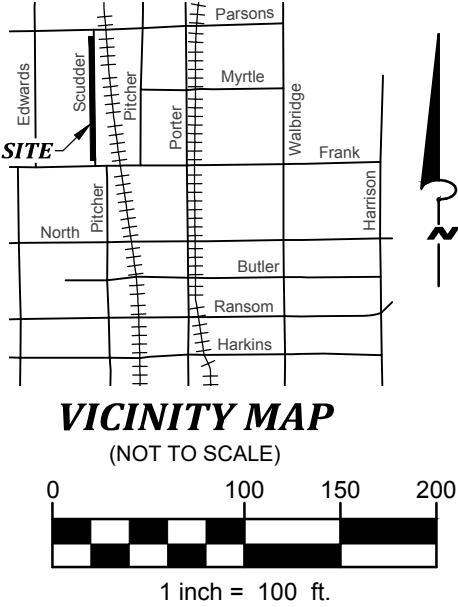
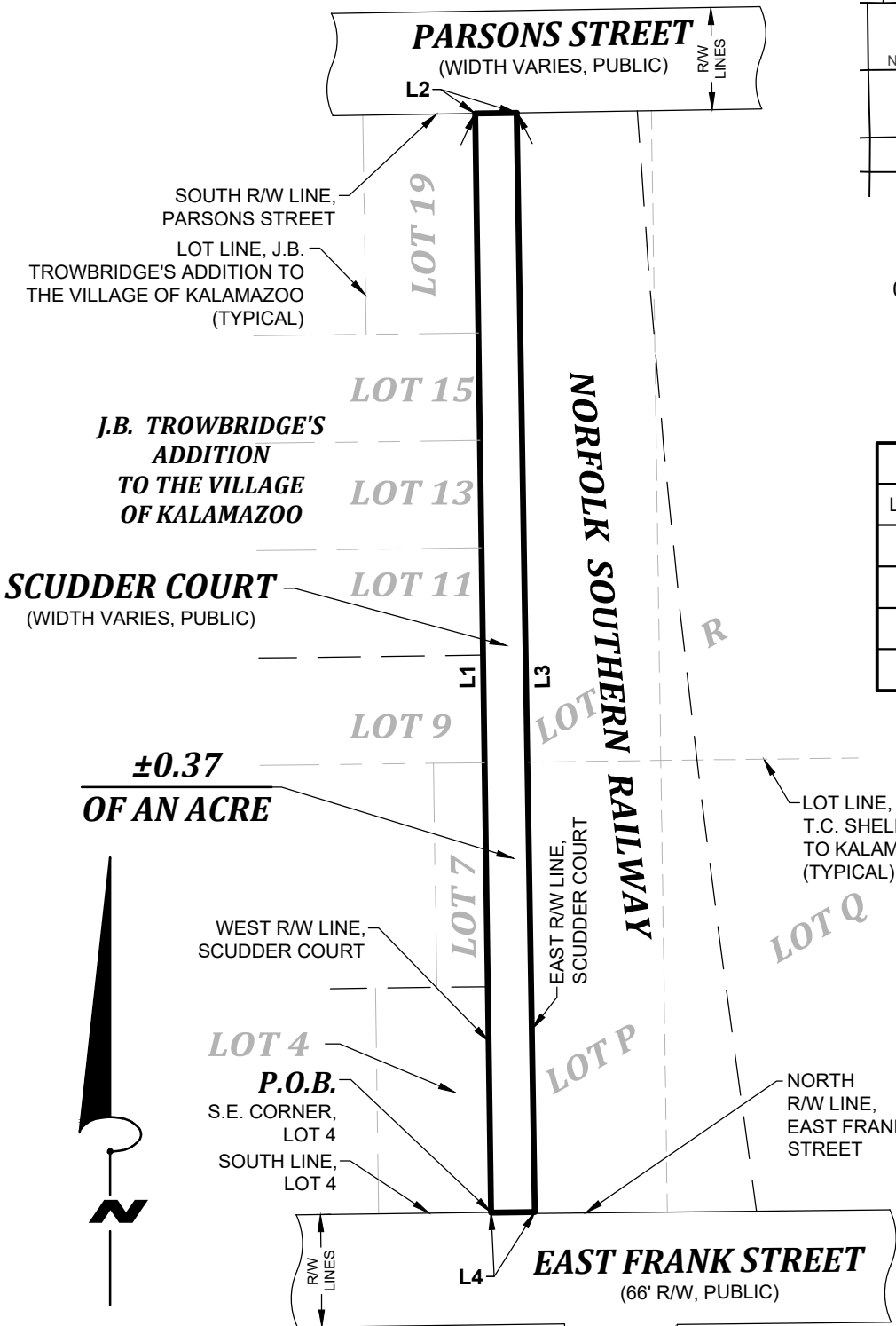
P.C. #2018.16: Request from the Community Planning & Economic Development Department for a text amendment to the Zoning Ordinance to add three new zoning districts; Live-Work 1, Live-Work 2, and Node. **[Recommendation: postpone action to the October 4 meeting.]**

and

P.C. #2018.17: Request from the Community Planning & Economic Development Department to rezone multiple parcels in the Northside neighborhood from Commercial, Community (CC), Commercial, Neighborhood (CN1), and Manufacturing, Limited (M1) to the new Live-Work 1, Live-Work 2, and Node zoning districts to make the current uses conforming. **[Recommendation: postpone action to the October 4 meeting.]**

SKETCH OF EXHIBIT
IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 11 WEST,
CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN

NOTE:
NO STRUCTURE
OBSERVED ON THE
SURVEYED PROPERTY



LINE TABLE		
LINE NO.	BEARING	LENGTH
L1	N 00°49'42" W	644.94'
L2	N 89°06'14" E	24.42'
L3	S 00°56'45" E	645.02'
L4	S 89°17'01" W	25.74'



LEGAL DESCRIPTION:

THAT PART OF J.B. TROWBRIDGE'S ADDITION TO THE KALAMAZOO VILLAGE, KALAMAZOO MICHIGAN, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER M OF DEEDS, PAGE 82, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 4; THENCE NORTH 00° 49' 42" WEST ON THE WEST RIGHT OF WAY LINE OF SCUDDER COURT 644.94 FEET TO THE NORTHEAST CORNER OF LOT 19 OF SAID J.B. TROWBRIDGE'S ADDITION TO THE KALAMAZOO VILLAGE, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF PARSONS STREET; THENCE NORTH 89° 06' 14" EAST ON SAID SOUTH RIGHT OF WAY LINE 24.42 FEET TO THE EAST RIGHT OF WAY LINE OF SCUDDER STREET; THENCE SOUTH 00° 56' 45" EAST ON SAID EAST RIGHT OF WAY LINE 645.02 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST FRANK STREET; THENCE SOUTH 89° 17' 01" WEST ON SAID NORTH RIGH T OF WAY LINE 25.74 FEET TO THE POINT OF BEGINNING.

W+ WIGHTMAN
BENTON HARBOR KALAMAZOO ALLEGAN ROYAL OAK
269.927.0100 269.327.3532 269.673.8465 248.791.1371
www.gowightman.com

CLIENT: PLAZACORP REALTY ADVISORS, INC
JOB No: 204139
DATE: SEPTEMBER 14, 2020
SCALE: 1" = 100'
DRAWN BY: ACE
CHECKED BY: ADS

Aaron D. Smith
AARON D. SMITH

09/15/2020
PS - 43068

CITY OF KALAMAZOO, KALAMAZOO COUNTY SECTION 15, T 2 S, R 11 W A-204139-SKETCH

CONSENT TO REQUEST TO VACATE THAT PART OF SCUDDER COURT
LOCATED BETWEEN E. FRANK STREET AND PARSONS STREET

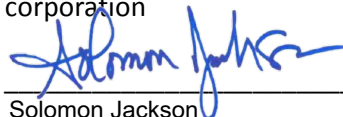
Norfolk Southern Railway Company, a Virginia corporation ("Norfolk"), is the owner of the property commonly known as 229 East Frank Street, Kalamazoo, Michigan (the "Property") which property is also being tax parcel number: 06-15-179-001. Norfolk has entered into a purchase and sale agreement with 148 Properties, LLC, pursuant to which Norfolk has agreed to sell the Property to 148 Properties, LLC, or its assignee (hereafter "PlazaCorp").

Norfolk understands that PlazaCorp has submitted an application to the City of Kalamazoo for vacation (the "Requested Vacation") of that portion of Scudder Court located between E. Frank Street and Parsons Street (the "Court"), which is located adjacent to the east of the Property. Norfolk understands upon the vacation of the Court, title to the east half of the vacated Court will vest in Norfolk (by operation of law as well as deed naming Norfolk as Grantee to confirm vesting of such interests), with any interest that Norfolk may obtain by operation of law or instrument confirming conveyance of the Court being conveyed as part of the transaction contemplated by the purchase and sale agreement with 148 Properties, LLC, in accordance with the terms and conditions of that purchase and sale agreement. Further, Norfolk and Plazacorp agree and acknowledge that, in the event that the transaction contemplated by the purchase and sale agreement has been closed and consummated prior to the City of Kalamazoo memorializing vacation of the Court in an instrument of conveyance to Norfolk, then the City of Kalamazoo is hereby directed to deliver any such conveyance instrument to the owner at the Property at the time that such an instrument of conveyance is executed.

Norfolk consents to the Requested Vacation as described herein on the condition that Norfolk shall not be responsible for any cost or liability in connection with Requested Vacation including, but not limited to, the vesting and/or conveyance (including, without limitation, the preparation of any deed instruments, recording fees, or other costs associated with placing such a conveyance of record) of the east half of the vacated Court to the owner of the Property.

Dated: September 10, 2020

Norfolk Southern Railway Company, a
Virginia corporation

By: 
Name: Solomon Jackson
Title: Real Estate Manager

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO.

**A RESOLUTION VACATING SCUDDER COURT BETWEEN PARSONS STREET
AND EAST FRANK STREET IN THE CITY OF KALAMAZOO, KALAMAZOO
COUNTY, MICHIGAN**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on October 19, 2020, at 7:00 o'clock p.m., local time at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

A. The City of Kalamazoo is empowered with the authority to vacate a street pursuant to City Charter Sections 150 and 171, the Constitution of the State of Michigan 1963, Article VII, Section 29, and the Land Division Act, MCL 560.256.

B. The City received a request from the PlazaCorp Realty Advisors, Inc. to vacate Scudder Court between Parsons Street and East Frank Street.

C. Scudder Court is lightly travelled and adjacent to Norfolk Southern Railway right of way. If vacated, Norfolk Southern has agreed to sell its interest in the east half of Scudder Court to 148 Properties, LLC, an assignee of PlazaCorp as evidenced by the attached agreement.

D. The City provided Notice of the Public Hearing before the Planning Commission on vacating a portion of Scudder Court by: (i) publication in the Kalamazoo Gazette; and (ii) mailing the notice first class with postage pre-paid to all listed property owners and occupants of parcels of land abutting the public court and located within three hundred (300) feet from any point on the boundary line of the public court.

E. A public hearing was held on September 6, 2018 by the Planning Commission where the public was able to provide testimony pertaining to the vacation of the public court. The Planning Commission received no public comment on the request to vacate Scudder Court.

F. The Planning Commission unanimously recommended that the City Commission vacate the public court on the condition that the City abandon underground utilities consisting of a sanitary sewer and water line in the portion of Scudder Court to vacated and that the vacated street be provided to the owners of the abutting parcels on each side.

G. The City Commission finds that the Public Services Department and Department of Public Safety no longer require that Scudder Court between Parsons Street and East Frank Street remain a public street.

H. The Public Services Department no longer requires an easement be retained by the City for Scudder Court to access underground utilities and that those utility lines in the street be abandoned.

I. Under City Commission policy, the owners of the property abutting Scudder Court have agreed to pay the \$5,385 fair market value of the vacated public street, each according to the portion of Scudder Court that it will receive as calculated by the City Assessor's Office.

J. The City Commission determines that the best interest of the health, welfare, comfort and safety of the citizens of Kalamazoo are met by the vacation of Scudder Court Parsons Street and East Frank Street as set forth in this resolution.

THEREFORE, IT IS RESOLVED:

1. The following section of Scudder Court is vacated and discontinued as a public street, on the condition that the underground municipal utilities contained therein are abandoned, as depicted in the attached map and more specifically described as:

That part of J. B. Trowbridge's Addition to the Village, now City, of Kalamazoo, Kalamazoo County, Michigan, being a subdivision in the Northeast quarter of Section 5, Township 2 South, Range 11 West, City of Kalamazoo, Kalamazoo County, Michigan as recorded in Liber M of Deeds, Page 82, Kalamazoo County records, described as: Beginning at the Southeast corner of Lot 4 of J.B. Trowbridge's Addition; thence North 00° 49'42" West on the westerly right of way line of Scudder Court 644.94 feet to the Northeast corner of Lot 19 of said J. B. Trowbridge's Addition, said point being on the south right-of-way line of Parsons Street; thence North 89° 06' 14" East on said south right-of-way line 24.42 feet to the east right of way line of Scudder Court; thence South 00° 56' 45" East on said east right-of-way line 645.02 feet to the north right-of-way line of East Frank Street; thence South 89° 17' 01" West on said north right-of-way line 25.74 feet to the point of beginning.

2. The west half of the Scudder Court is vacated and conveyed by quit claim deed by the City of Kalamazoo to the PlazaCorp Realty Advisors, Inc. or its assign for the sum of \$2,692.50 and the east half of the Scudder Court is vacated and conveyed by quit claim deed to Norfolk Southern Railway Co. or its assign for the sum of \$2,692.50.

3. The City Manager is authorized to sign any additional documents besides this resolution that are necessary to reflect this right-of-way vacation and conveyance of property.

4. Upon receipt of evidence that the condition set forth above is met, the City Clerk of the City of Kalamazoo shall record certified copies of this resolution with the Kalamazoo County Register of Deeds and the State Treasurer.

The above resolution was offered by Commissioner_____and supported by Commissioner_____/

AYES, Commissioners:

NAYS, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2018. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **H.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director of CPED
Prepared by: Christina Anderson, City Planner

DATE: October 26, 2020

SUBJECT: Ordinance to Amending the Zoning Code and Zoning Map for Downtown and Adjacent Blocks

RECOMMENDATION:

It is recommended the City Commission offer for first reading an ordinance to amend the text of Chapter 50 Zoning Code and update the Zoning Map for Downtown and adjacent blocks and schedule a public hearing for November 2, 2020.

BACKGROUND:

Update Intent. Since the approval of the 2025 Master Plan, the City has incrementally updated its Zoning Code to align its development standards with the Community Vision. Downtown and its adjacent blocks were planned for a spring 2020 review and update. This work was delayed to summer as a result of COVID.

The intent of this update is the following:

1. Create a set of zoning standards that are responsive to where in Downtown a lot is located and to the street type on which it is located. *The existing CCBD zone covers all Downtown and treats all locations with the same set of standards.*
2. Recognizing that the form of a building is equally as important as the use when it comes to creating an active, inviting block, the code update includes form-based standards such as entrance location, quantity of entrances, transparency (ratio between building wall and windows), and build-to zones (an area in which the front of a building must be located within). *Currently, these standards exist in the Downtown Design Review Guidelines, which is a separate document from the Zoning Code and is tied to its own review and approval process.*
3. Update the permitted uses in Downtown, recognizing that the central commercial blocks of the Kalamazoo Mall and Michigan Avenue are different than Cooley Street, South Street, or Westnedge Avenue and should be treated as such to promote an active shopping/entertainment core. *Current CCBD standards allow residential units on the ground floor, vehicle service/gas stations, and religious assembly for example, on all lots within the district.*
4. Discuss the incorporation of marihuana businesses into Downtown zoning districts. *Earlier this year, the City approved adult use marihuana in many zoning districts but left the discussion of its potential location in Downtown to this process.*
5. Review the blocks adjacent to Downtown to align the zoning with the directly adjacent to Downtown location,

specifically to support a mix of uses in an urban, walkable environment. *Adjacent to Downtown is a wide mix of commercial districts, including those that permit a narrow list of commercial uses, limit residential on the ground floor, and that are intended for large lot, sub-urban, commercial development*

Rezoning (Map Amendment). The Zoning Map is proposed to be updated to locate Downtown 1, Downtown 2, and Downtown 3 Districts (which were districts created earlier in 2020, but not mapped) and to update the zoning adjacent to Downtown to align the blocks leading into Downtown with the urban, walkable character of the area. The proposed Zoning Map is attached as is the description of zoning districts to be mapped.

Text Amendments. The text amendments primarily focus on adjusting the existing Downtown 1-3 Districts, using the mapping/location of the Districts and community discussions to guide the edits, which include adjustments to some uses and lot type standards, such as height and driveway access. This work also proposes the addition of Marihuana businesses in Downtown Districts and an update to the general provisions and definitions to support the standards. A summary of the edits is as follows:

1. Article 1 General Requirements. Updates to defined terms, including defining the Street Types, where previously the Master Plan was referenced for more information and updated Street Type Map. Many standards (both new and existing standards) in the code refer to the Street Type to determine the location of a use or of a permitted maximum building height.
2. Article 4 Use Regulations. Based on community input, the permitted uses and standards was updated, including the Use Table. The most significant change is the inclusion of marihuana establishments, in the Downtown 1-3 Districts. Beyond the addition of marihuana businesses, the permitted uses in the three Downtown Districts and those of the existing CCBD are similar. The proposed changes focus on *how* uses are permitted across the three districts - uses are permitted by district, but may have additional standards based on their location (street type) or location within a building (ground floor vs. upper floor). An example of this are residential units. In Downtown 1, which is mapped on the Kalamazoo Mall and blocks directly to the east and west of the intersection of the Mall with Michigan Avenue, residential units are permitted on upper floors or in the rear of the ground floor to leave the space directly against the building front for retail, dining, and other active commercial uses. In Downtown 2 and 3, which radiate out around Downtown 1, residential is permitted on ground and upper floors. The reason behind this is to support the most active, core blocks by allowing most active uses to occupy the critical space along the sidewalk/front building façade. This helps to generate interest, supporting an active and inviting block. Outside of the core, where a mix of uses on the ground floor is found, this regulation is not necessary and could be burdensome - resulting in vacant spaces.

Three marihuana businesses are proposed for inclusion: Retailer/Provisioning Center, Designated Consumption Establishment, and Safety Compliance (testing facility, like a medical laboratory). A retailer/provisioning center is proposed to be permitted in all three districts, as is designated consumption lounge. A safety compliance facility is proposed for Downtown 2 and 3. The distance requirements applied to these uses when located in other districts are required in Downtown as well, this includes the distances between retailers/provisioning centers and the distance between the marihuana business and protected uses, such as schools. At the Planning Commission meeting,

Commissioners discussed removing consumption establishments from the Downtown Districts, noting that it is a new business that comes with a lot of unknowns. There was not support amongst the Commissioners to make this change. Two public comments were received that suggested the distances from protected uses, such as from playgrounds, be removed for marihuana businesses Downtown. The Commissioners did not take this topic up for discussion.

3. Article 5 Zoning Standards: Lot Types. Based on the community input, changes to the lot types standards, are proposed. The edits primarily focus on height and driveway access requirements. Height was a big topic of discussion - ranging from not setting a maximum height anywhere in a Downtown District to considering the height of the historic core for the maximum. The conversation was focused on wanting to set standards that would support the urban core, support unique projects, allow a density appropriate for a Downtown, and to help meet the community's housing needs. Conversation was also centered around not decreasing the area where there is not a maximum building height required. Based on these conversations, the proposed height by districts is as follows: Downtown 1 and 2: 2-story minimum height and no maximum building height (the resulting area is similar to the existing area that permits no maximum height) and Downtown 3: 2-story minimum height and a maximum of 5-stories, except for Civic Buildings which are permitted up to 6 stories.

All information on this projects, engagement, presentations, and drafts is available at www.imaginekalamazoo.com/projects/downtownzoning

STRATEGIC VISION ALIGNMENT:



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

Downtown serves as everyone's neighborhood currently and has a growing residential population. Code updates are intended to support a mix of housing types and businesses to serve those that live Downtown, as well as those who work and play.



Connected City - A City networked for walking, biking, riding, and driving

The Code update follows the 2025 Master Plan to create standards that tie what happens on lots/in buildings with the activities and contexts of the streets.



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

The code update permits a wide range of Downtown uses that are thoughtfully permitted to support active retail and dining blocks and a wider mix of uses around the core.



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

Supporting Downtown has an inviting public place is a key intent of the Code update. The code does this through requiring such standards as clear entrances and transparency (ratio of walls to windows) to support the pedestrian activity of the Downtown.

COMMUNITY ENGAGEMENT:

The input activities for this project differed from our pre COVID pathway, which would have included in-person discussions. Instead, this project worked with both virtual and paper activities to seek input and worked with numerous community partners to spread the word on the project, including Downtown Kalamazoo Partnership, neighborhood associations, Downtown business groups, Discover Kalamazoo, and Southwest Michigan First. A description of the engagement activities follows:

Working Group. A small working group of Downtown residents, businesses, organizations/institutions, and developers was formed when the project began in June 2020. This group served as a discussion group and sounding board for City staff in creating the input activities and reviewing their results. This group was also charged with assisting in spreading the word for the input activities, including sharing flyers with tenants and neighbors and using email lists to share.

ImagineKalamazoo.com. With COVID, online communications became more critical. In addition to surveys and discussion threads, staff created presentations that could be both watched and/or listened to by those interested in learning more and participating in this project. These presentations mimicked a presentation that may have been given at a community meeting.

Engagement Hotline. Since COVID, CPED has offered the community another way to provide input or seek information on a project since we are not physically present at meetings or in the office. A telephone hotline in English and Spanish is available anytime for residents to use.

Mapping Exercise. In June and July, the first input activity was live virtually and available on paper with walking routes through the area. This activity focused on dividing the one large CCBD district into the three smaller districts and a review of the blocks adjacent to Downtown. Participants were presented with a draft map to confirm or edit. About seventy participants completed the online or paper survey and the initial draft map was updated for review again in exercise two.

Uses & Standards Exercise. In August, the second input activity focused on a review of the uses permitted in the Downtown districts; standards, such as height; and a consideration of how Downtown Design Review should be handled moving forward. About sixty responses were received through this activity, which also included another review of the proposed zoning map.

Development Survey. Throughout both input activities, a survey for those who have developed or opened a business in Downtown was available. The intent of this survey was to review the development process in Downtown in order to make it more efficient for both the City and the applicant. The results will impact not only this code update, but also the Administrative and Review Process work scheduled for later this year/early next.

Presentations. Staff presented this work to groups including the Downtown Kalamazoo Partnerships coalitions, Discover Kalamazoo, and City Boards/Commissions to answer questions and spread the word about the work.

Letters to Property Owners & Occupants. A letter was sent to all property owners and occupants alerting them to the available drafts on imaginekalamazoo.com/projects/downtownzoning; the planned virtual townhall; and the Planning

Commission public hearing.

Virtual Townhall. Staff held a virtual townhall meeting on September 24, 2020, to serve as an additional discussion and input activity prior to the Planning Commission's public hearing. A similar style meeting was held this spring with the Adult Use Marihuana Ordinance and the updates to Chapter 18 last month. The meeting included a presentation on the proposed Code and Map update and an opportunity to answer questions from the public that are received that day and during the meeting. In addition to staff, three members of the working group participated with staff.

Planning Commission. A public hearing in front of the Planning Commission was held on October 1, 2020. Commissioners made an amendment to the minimum height requirements for the Downtown 3 District and discussed, but did not make, an amendment to remove the allowance of designated consumption establishments from Downtown. Staff gave a lengthy presentation on the proposed text amendments and zoning map changes, this is available for viewing at <https://youtu.be/0dT7NFbTLOk>. The presentation starts at 9 minutes and 50 seconds into the meeting.

FISCAL IMPACT:

This work not have a direct fiscal impact, but the updated standards are intended to support the economic vitality of Downtown businesses.



Chapter 50: Zoning Ordinance

Draft
Oct. 2020

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: Lot Types

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

The Live-Work 1, Live-Work 2, Node, *Downtown 1, Downtown 2, and Downtown 3* zoning districts establish a set of development regulations that focus not only on the use of the building, but also the building's form and impact on the block. These regulations go beyond basic setback lines and maximum height to consider such development components as building entrance, minimum amount of transparent windows, and both minimum and maximum heights. This type of regulation is referred to as a form-based zoning. These development components are compiled into Lot Types (refer to 5.6 Lot Types) and each zoning district allows for one or more Lot Type. These regulations are different than the traditional zoning regulations in the City of Kalamazoo, but they are written plainly, organized using tables, and are clearly illustrated for ease of use.

To determine the zoning regulations that apply to a parcel, please follow these steps. The Planning Division is always available to answer questions at 269-337-8044.

1 Zoning District.

What zoning district is your property located?



Locate the property on the Zoning Map (refer to Figure 1.2-1 Zoning Map.)

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. Information on Accessory Uses and Structures can be found in Table 4.1-1.

3 Zoning Standards.

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



Refer to Table 5.6-1 Lot Types by District to determine which set of development standards are permitted, including dimensional standards that locate a building on a lot and standards for the building facades.

Review the Lot Type Standards in section 5.6, each of which is summarized in a table and with illustrations.

When rehabbing an existing building refer to section 1.4 to determine what activities would result in meeting the requirements of Chapter 50.

Article 50-1. General Requirements.

50-1.1 Purpose.

A. The intent of these requirements is to:

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

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

50-1.2 General Provisions.

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

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

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

50-1.3 Definitions.

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

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

Figure 1.2-1 Zoning Map.

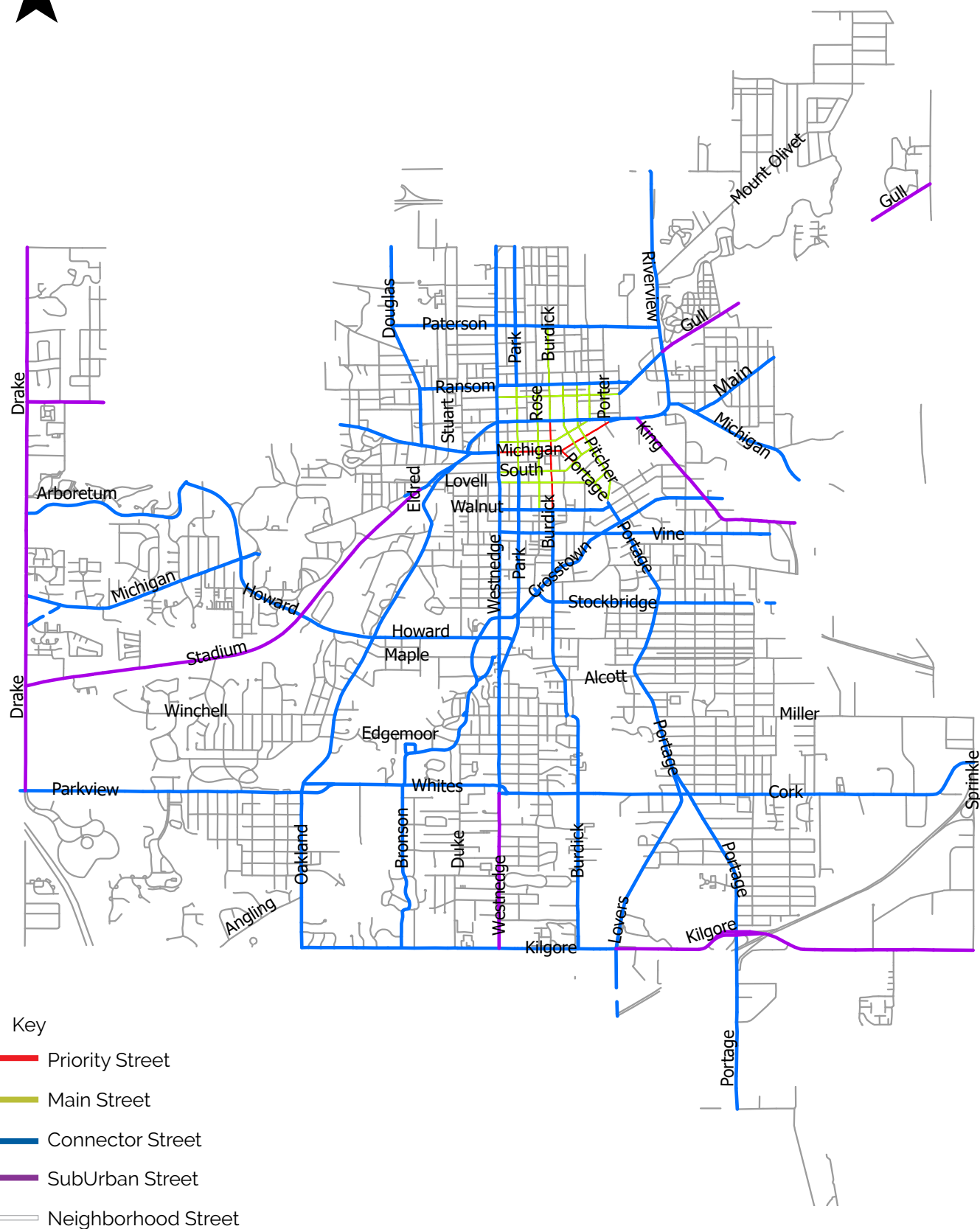


Figure 1.2-2 Street Type Map.

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

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

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

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

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

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

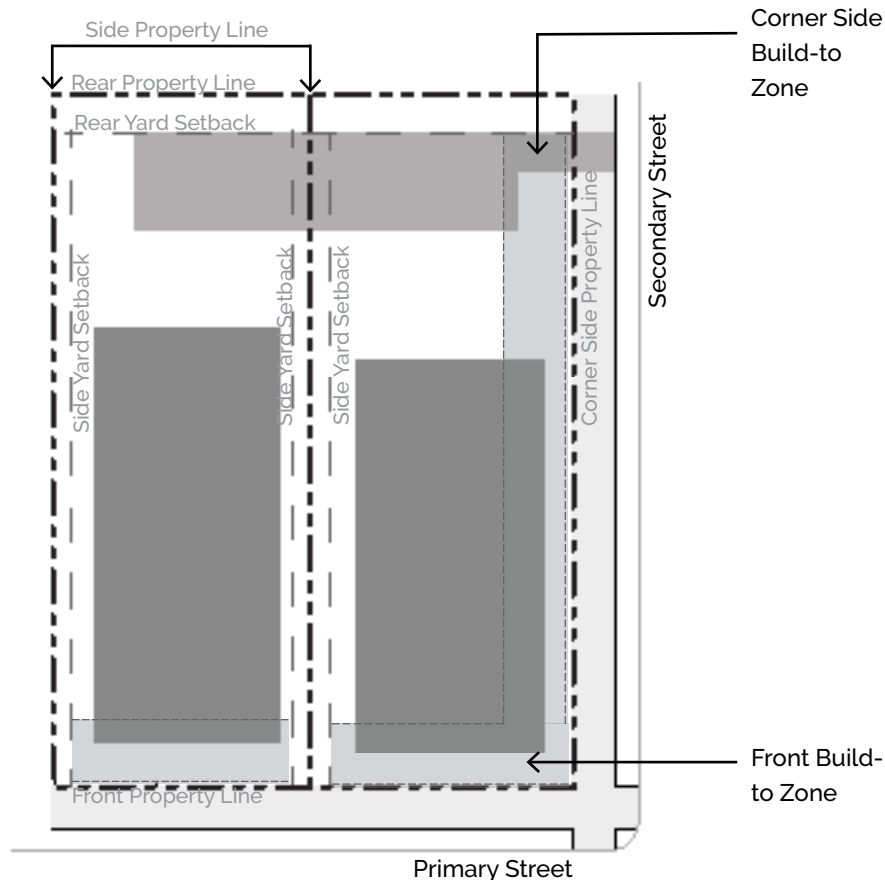


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

trunk diameter. Refer to Figure 1.3-2 Measuring Critical Root Zone.

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

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

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

L. Disturbance. Includes any of the following: 1) placement of impervious surface or structure; 2) exposure or movement of soil, including removal or addition of soil or other natural or manufactured materials; or 3) clearing, cutting, or removing of vegetation.

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

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

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

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

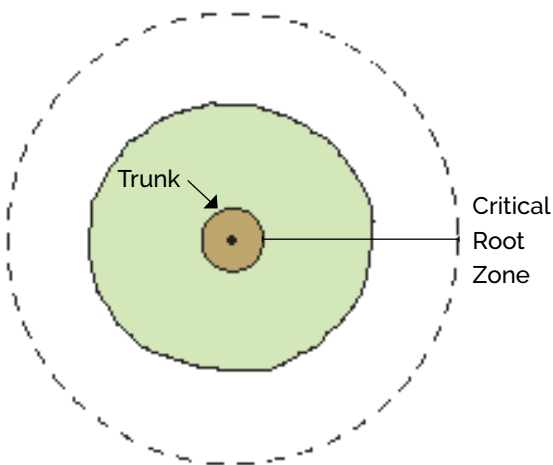


Figure 1.3-2 Measuring Critical Root Zone

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

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

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

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

T. Graminoids. Grasses, sedges, and rushes.

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

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

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

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

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

Z. Marihuana. All parts of the plant Cannabis sativa L. or of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or

preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

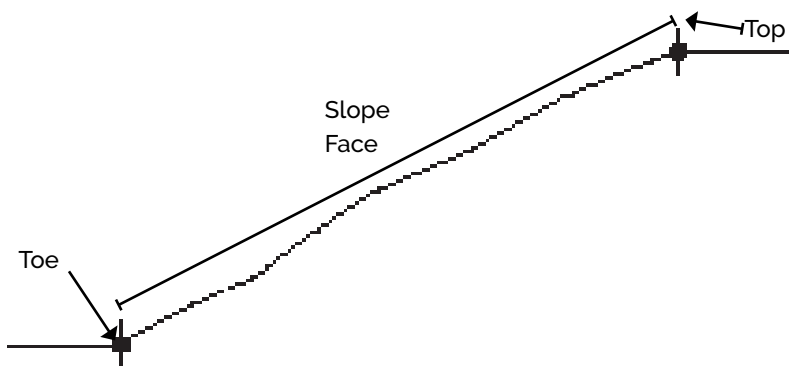


Figure 1.3-3 Parts of a Slope

street in this setting. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CCCC. Use, Accessory. May also be referred to as secondary use. This use typically takes up less space than the principal use and is often located in an accessory structure or in side or rear yards.

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

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

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

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

HHHH. Youth Center. *Any* recreational facility and/or gymnasium (including any parking lot appurtenant thereto),

intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities."

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

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

50-1.4 Nonconformances.

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

A. Regulations of Chapter 50 shall be met when,

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

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

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

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

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

Article 50-2. Review Bodies.

Reserved

Article 50-3. Zoning Districts.

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

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

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

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

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

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

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

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

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

Table 4.1-1 Use Table

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

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

Article 50-4. Uses.**50-4.1 General Provisions.** The following general provisions apply to the uses outlined in Table 4.1-1 Use Table.

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

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

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

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

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

Planner as similar.

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

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

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

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

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

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 on a lot that also serves as the principal residence of the operator.

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

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

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

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

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

(a) In Nodes and Downtown 1, 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 *and Downtown 3*, Yard - Detached Lot Type is permitted only when it contains two or more units.

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

(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"), 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.

(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.

B. Civic/Institutional Uses

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

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

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

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

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

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

(4) Hospital. A state licensed facility providing in-patient accommodations; a wide range of medical and surgical care; and other in-patient health services for sick or injured persons. Permitted secondary uses with this type of

facility may include laboratories, outpatient department, training facilities, central services, offices, residences, dining areas, and retail.

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

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

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

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

(8) School. A public or private education facility, including elementary, middle, and high schools. Schools may include space for classrooms, laboratories, gymnasium, pools, theaters, dining services, and outdoor athletic or recreational facilities.

C. Commercial

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

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

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

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

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

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

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

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

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

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

permitted to have at maximum attendance.

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

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

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

(4) 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.

(5) 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.

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

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

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

(7) 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.

(8) 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. In the districts where outdoor sales and storage is Permitted with Special Use Permit ("S"), the following standard applies.

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

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

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

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

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

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

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

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

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

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

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

(d) Required Treatment When Fronting on a Street.

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

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

(11) Vehicle Services. A category of uses that involve the servicing of vehicles and/or the sale of fuel. General retail is often associated with vehicle service uses. This category includes, vehicle service shops, car wash, and gas stations. In the districts where Vehicle Service is Permitted with Development Standards ("PD"), the following standards apply.

(a) Use Limitations.

[1] Gas Stations.

[a] Gas stations require a special use permit.

[b] Sale of packaged liquor at gas stations is permitted but must adhere to the development standards required for the packaged liquor use. Refer to 50.4-4.C(9).

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

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

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

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

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

(c) Outdoor Activities.

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

[2] Washing areas are not permitted outside.

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

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

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

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

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

D. Industrial.

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

(a) Retail Component.

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

[2] Retail and/or showroom component shall be located along the front facade of the building and utilize a storefront or stoop entrance treatment. Refer to 5.5 Street Facing Facades.

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

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 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(7) for additional requirements.

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

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

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

(b) Outdoor Activities.

[1] Fuel pumps are not permitted.

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

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

use permit.

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

- (a) Size Requirements. Maximum facility size is 20,000 square feet.
- (b) Outdoor Activity. Fuel pumps and outdoor storage are permitted as follows.
 - [1] Must be located in the rear yard.
 - [2] Must be screened from all adjacent uses according to 6.2 Landscaping and Open Spaces in Appendix A.
 - [3] Outdoor Storage shall follow the standards in 4.5.C((7)).
- (c) Vehicle Entrance Bays. Entrance bays are not permitted on facades facing primary streets.

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

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

- (a) General Requirements.
 - [1] All location criteria and required separation distances apply to both new marihuana establishments and to any proposed change in the location of an existing marihuana establishment.
 - [2] All location criteria and required separation distances apply to both marihuana establishments and similar protected uses located in adjacent governmental jurisdictions.
 - [3] A marihuana establishment is prohibited from operating in any residential zoning district or in a residential unit.
 - [4] 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.
 - [5] 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.

(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 (M-1), and General Manufacturing (M-2).

[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 (M-2).

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

[1] Area is contiguous with the facility building.

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

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

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

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

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

(a) Permitted in Limited Manufacturing (M-1), and General Manufacturing (M-2).

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

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

(a) Permitted in the following zones. Community Commercial (CC), Live Work 1 (LW-1), Live Work 2 (LW-

2), *Downtown 3 (D3)*, Business Technology, and Research (BTR), Limited Manufacturing (M-1), and General Manufacturing (M-2).

(b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in the occupied space along a Priority Street side of a building.

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

- (a) Permitted in Zones Community Commercial (CC), Limited Manufacturing (M-1), and General Manufacturing (M-2).
- (b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted Secure Transporter use.

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

- (a) Permitted in the *following* Zones

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

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

[3] Community Commercial (CC).

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

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

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

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

(e) A separation distance of one thousand (1000) feet is required from any other Retailer or Provisioning Center with the following exceptions.

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

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

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

substance to a minor.

[2] A location shared with a licensed Provisioning Center

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

(g) The sale, consumption, or serving of food to visitors is prohibited on a Retailer Establishment premises.

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

(a) Permitted in Zones Community Commercial (CC), Live Work 2 (LW-2), Limited Manufacturing (M-1), and General Manufacturing (M-2).

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

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

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

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

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

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

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

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

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

(a) Permitted in the *following* Zones

[1] Community Commercial (CC)

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

(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 one thousand (1,000) feet of the following:

- i.) A pre-existing private or public preschool, elementary, secondary, vocational or trade school, college or university.
- ii.) A public library.
- iii.) A housing facility owned by a public housing authority.

[b] A marihuana facility must not operate within five hundred (500) feet of the following.

- i.) A state-licensed childcare center.
- ii.) Religious assembly.
- iii.) A public pool, recreation facility, park or playground.
- iv.) A public or private youth center.
- v.) A transitional residence, correctional facility or substance abuse rehabilitation or treatment center.

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

(c) Shared Location. Marihuana facilities may operate from a location shared with an equivalent licensed marihuana establishment.

(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 (M-1) and General Manufacturing (M-2).
- (b) Permitted Outdoor Activities. All Grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.
 - [1] Area is contiguous with the facility building.
 - [2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.
 - [3] Marihuana plants cannot grow above the height of the fence or barrier.
 - [4] The fence is secured and only accessible to authorized persons and emergency personnel.
 - [5] Area is located at least 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 (M-1) and General Manufacturing (M-2)
- (b) Only one Medical Marihuana Processor facility license permitted per parcel or lot
- (c) All Processing operations must be conducted within an enclosed building
- (d) Licensees may occupy the same premises if holding a separate Grower and Processor licenses for the premises.

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

- (a) Secure Transporter Facility is permitted in Community Commercial (CC), Limited Manufacturing (M-1), and General Manufacturing (M-2).

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

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

(a) Permitted in the following zones. Community Commercial (CC), Live Work 1 (LW-1), Live Work 2 (LW-2), *Downtown 3 (D3)*, Business Technology, and Research (BTR), Limited Manufacturing (M-1), and General Manufacturing (M-2).

(b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in a building's occupied space fronting a Priority Street.

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

(a) Permitted in the *following* Zones

[1] Community Commercial (CC)

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when located on a Priority, SubUrban, Connector, or Main Street 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 six hundred sixty (660) feet of the following intersection: 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.

(e) A separation distance of one thousand (1000) feet is required from any other Provisioning Center or Retailer, except when operating from a shared location,

(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 sale, consumption, or serving of food to visitors is prohibited on Provisioning Center premises.

50-4.5 Accessory Uses and Structures.

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

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

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

- (1) Front Yard. Accessory structures are not permitted in the front yard unless otherwise noted.
- (2) Corner Side Yard. Accessory structures cannot be located closer to the corner-side property line than a principal structure.
- (3) Setback. Accessory structures shall be setback five (5) feet from side and rear property lines.

Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District							Key
	Node	LV1	LV2	D1	D2	D3	All R	
Accessory Dwelling Units (ADU)	PD	PD	PD		PD	PD	PD	P Permitted S Special Use PD Permitted - Development Standards Required
Agriculture	PD	P	P	PD	PD	PD		
Drive Through	PD	PD	PD		PD	PD		
Food Truck	PD	PD	PD		PD	PD		
Home Occupation	PD	PD	PD	PD	PD	PD	PD	
Kiosk	PD	PD	PD		PD	PD		
Outdoor Storage	PD	PD	PD					
Secondary Building	PD	PD	PD	PD	PD	PD	PD	
Sidewalk Café	PD	PD	PD	PD	PD	PD		

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

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

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

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

(a) Units in secondary buildings.

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

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

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

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

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

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

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

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

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

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

(3) Drive Through. Drive throughs provide service to customers who remain in their vehicle and may be used in conjunction with variety of uses including financial institutions and restaurants. In the districts where a drive through is Permitted with Development Standards ("PD"), the following standards apply, Refer to Figure 4.5-1 Drive Throughs.

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

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

[2] Other Districts. A drive through is permitted in the rear yard. If the lot does not front a *Priority or Main* street, a

drive through is also permitted in the side yard.

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

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

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

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

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

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

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

(a) Prohibited Uses. Prohibited uses include animal boarding, dispatch center, restaurants, vehicle or large equipment storage and repair.

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

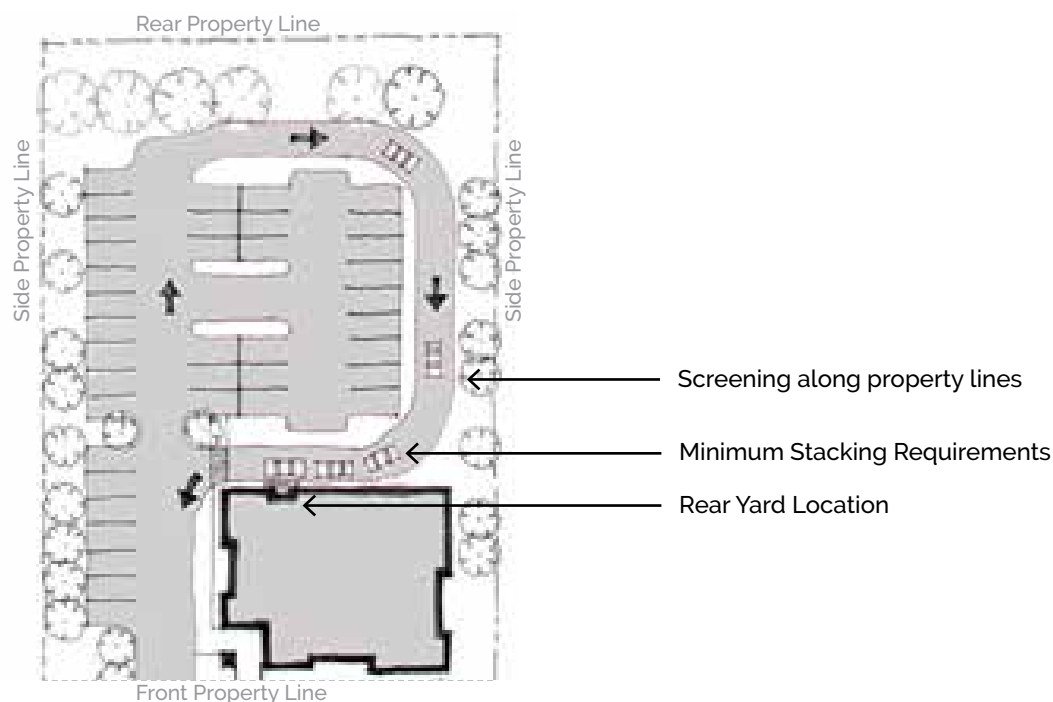


Figure 4.5-1. Drive Through Design

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. If located in a secondary building on the lot, the home occupation may not take more space than 500 square feet.

(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 or fluctuation in voltage measured at the lot line.

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

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

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

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

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

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

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

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

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

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

requirements.

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

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

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

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

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

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

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

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

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

[10] Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

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

Development Standards ("PD"), the following is required.

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

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

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

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

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

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

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

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

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

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

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

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

Article 5. Zoning Standards: Lot Types.

50-5.1 Lot Type General Requirements.

A. Applicability. The following Lot Types shall apply to all new construction and exterior renovation of existing structures with the parameters noted in 1. General Requirements.

- (1) Zoning District. Lot Types are permitted by zoning district. Refer to Table 5.6-1 Lot Types by Zoning District.
- (2) Uses. Lot Types may each house a variety of uses based upon the zoning district in which it is located. Refer to 4.1-1 Use Table.

B. Lot Type Requirements. A Lot Type is comprised of standards for the following development components.

- (1) Building Siting. The location of the building(s) on a lot, including the following. Refer to 50-5.2 Building Siting.
 - (a) Street Frontage. Refers to locating the building(s) on a lot.
 - (b) Lot Area and Coverage. Refers to the maximum coverage of a lot with buildings or pavement.
 - (c) Parking, Loading, and Access. Refers to the location of parking areas and access on a lot.
- (2) Height. The minimum and maximum height permitted. Refer to 50-5.3 Height.
- (3) Uses. The uses permitted on a Lot Type. Refer to 50-5.4 Use.
- (4) Street Facing Facades. Refers to the entrance location and minimum transparency of windows. Refer to 50-5.5 Street Facing Facades.
 - (a) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a building of at least four (4) feet.
 - [1] Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted.
 - [2] Upper Floor. Transparency is determined by Lot Type.
 - (b) Entrance. Refers to permitted ground floor entrance treatments and quantity and location of entrances.
 - (c) Roof Types. The allowance of special roof elements, tower and spire.

50-5.2 Building Siting.

A. Street Frontage. Refer to Figure 5.2-1 Building Siting.

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

- (3) Occupation of the Corner. Occupying the corner, the area where the front and corner build-to zones meet, with a principal structure.
- (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 landscaping, public or private outdoor space, or 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) If not occupied by a structure, this area will contain landscaping, public or private outdoor space, or sidewalk.
- (b) Vehicular parking is not permitted unless otherwise noted.
- (6) Encroachment. Certain building elements, such as balconies, awnings, or signage may be permitted to encroach into the right-of-way.
- (a) Where permitted, an encroachment agreement with the City is required.

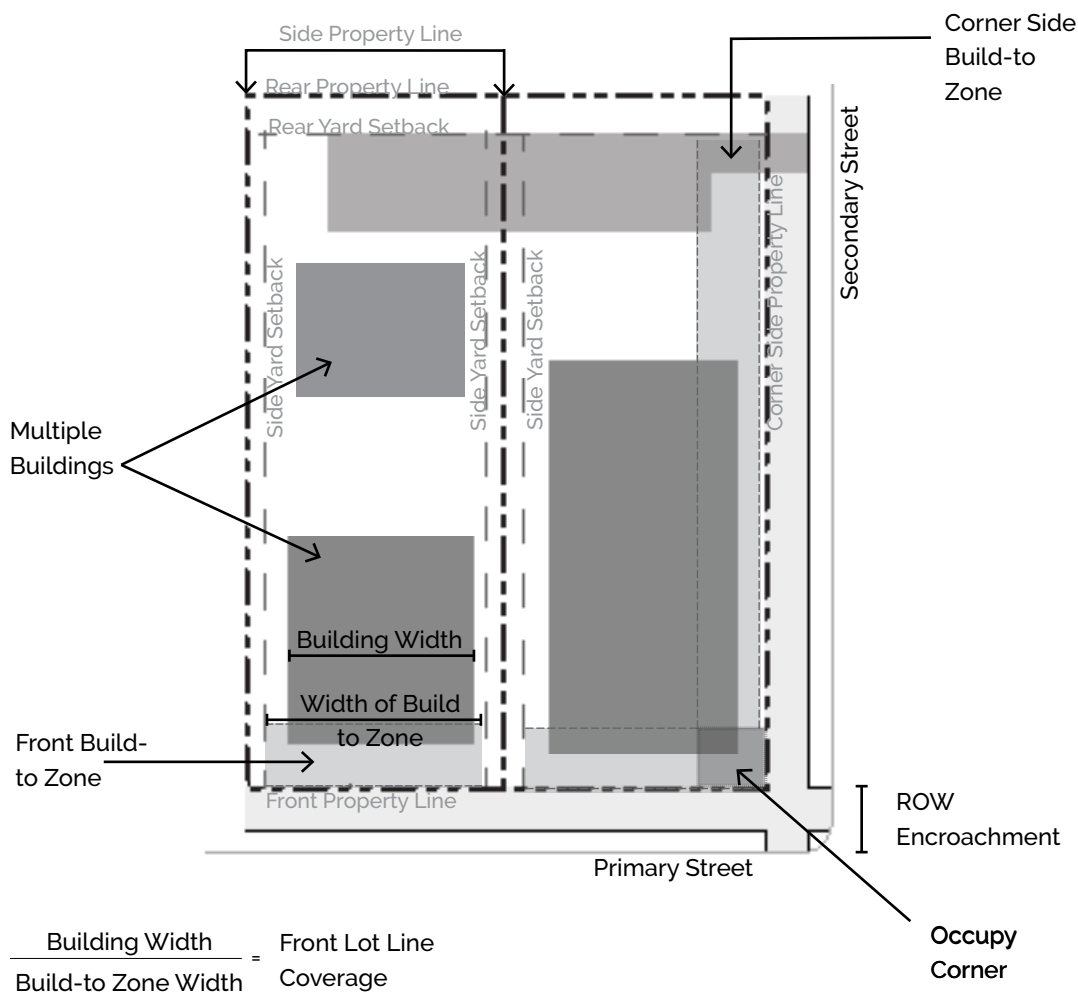


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

- (b) Encroachments shall not extend closer than two (2) feet from the back of the curb line.
- (c) A minimum height clearance of eight (8) feet must be maintained.

B. Lot Area.

- (1) Side Yard Setback. The minimum required setback along a side property line.
 - (a) Driveways are permitted in the side yard setback.
- (2) Rear Yard Setback. The minimum required setback along a rear property line.
 - (a) *Driveways are permitted in the rear yard setback.*

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

D. Parking, Loading, and Site Access. .

- (1) Parking Location. The yard in which a parking area and associated drive are permitted.
- (2) Service and Loading Locations. The façade on which access is permitted for servicing, loading, and unloading activities related to that building's use.
- (3) Vehicle Entrance Bay. The façade of the building on which an entrance bay to interior parking 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).
 - (c) Driveways on corner lots must be at least fifty (50) feet from the corner of the Lot.

50-5.3 Height.

A. Height. Overall height for all Lot Types 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.
 - (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.

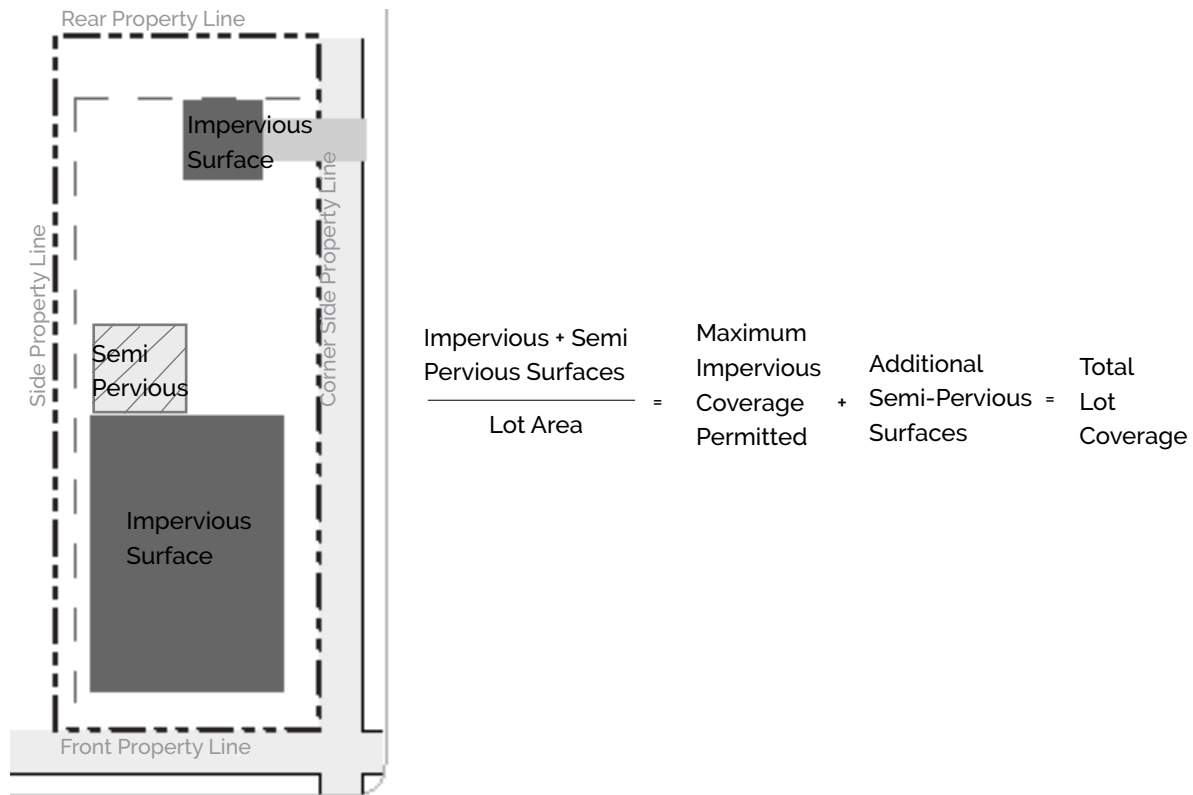


Figure 5.2-2 Lot Coverage

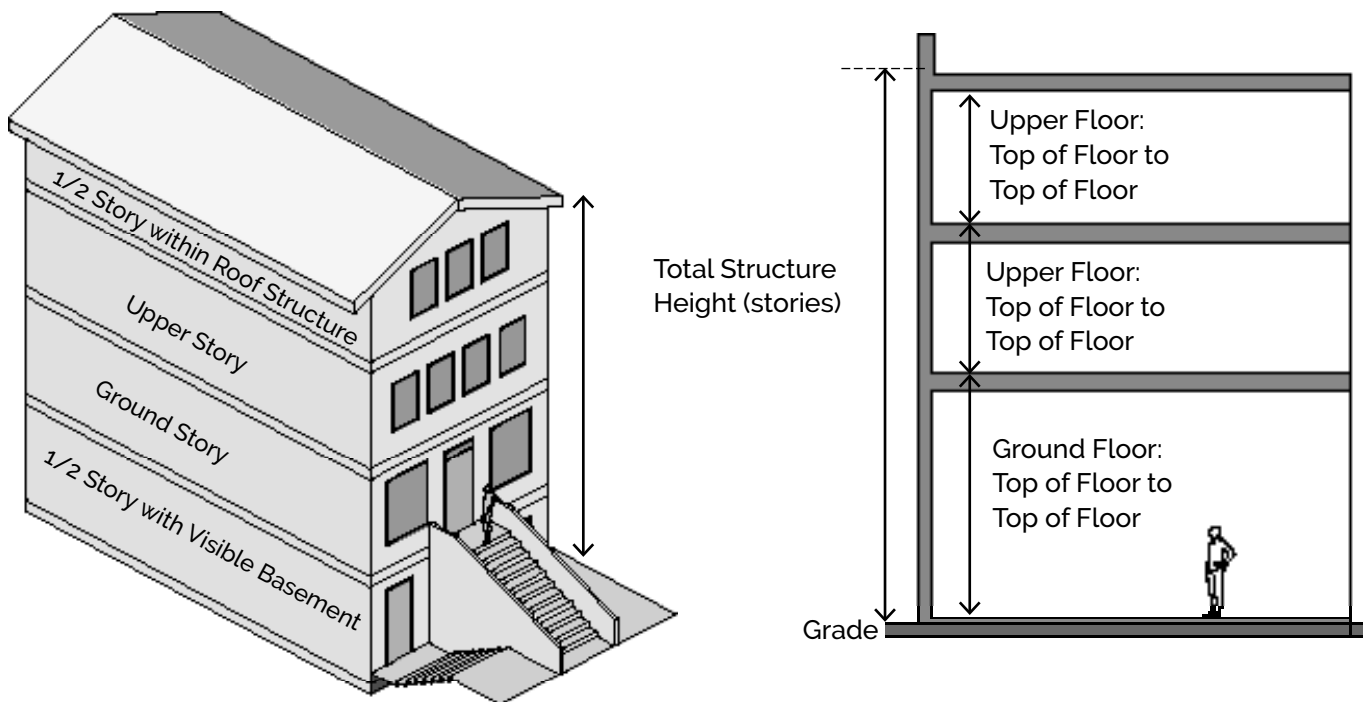


Figure 5.3-1. Measuring Height

50-5.4 Use.

A. Uses. Each Lot Type includes a list of permitted uses outline in Figure 4.1-1 Use Table. Also refer to 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 *or upper* floors unless otherwise stated in the Lot Types. Refer to 50.1-3.DD Occupied Space for additional information on occupied space.

50-5.5 Street Facing Facades.

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

- (1) Transparency. Measurement of the percentage of a façade that has clear, non-reflective windows that allow clear vision into a building's occupied space. Refer to Figure 5.5-1. Measuring Transparency.
 - (a) Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted in the Lot Type.
 - (b) Upper Floor. Transparency is noted by Lot Type.
 - (c) Full Façade. Transparency measured using the entire front façade rather than only one (1) story of the building.
- (2) Blank Wall Limitations. The maximum area on a façade permitted to be windowless.

B. Entrance. Required entrance locations and treatments.

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

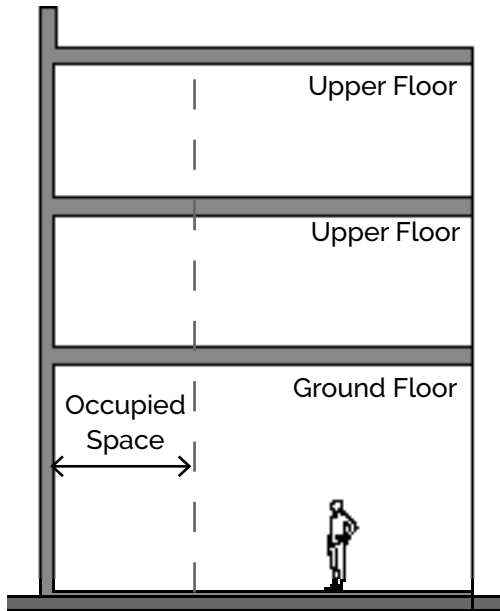


Figure 5.4-1 Permitted Uses Per Floor

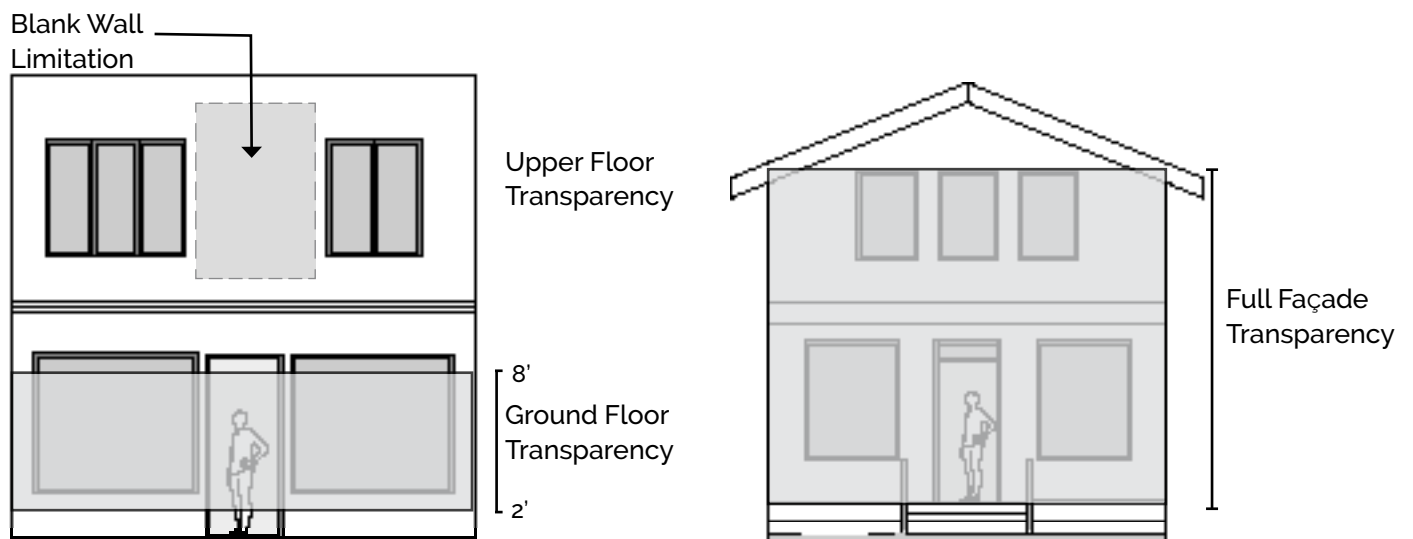


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

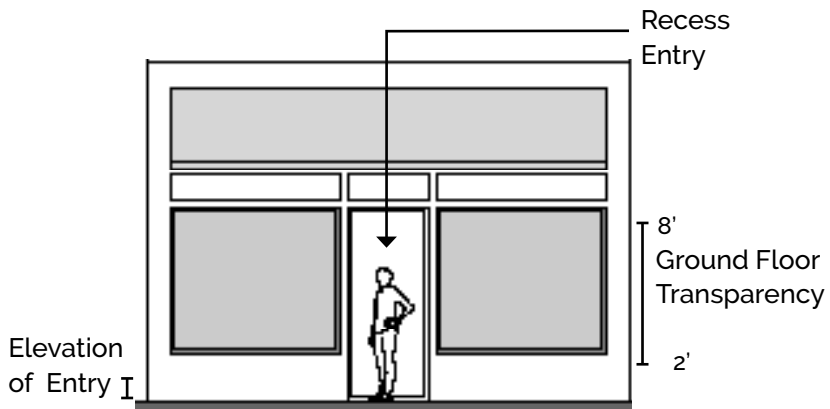


Figure 5.5-2. Storefront.

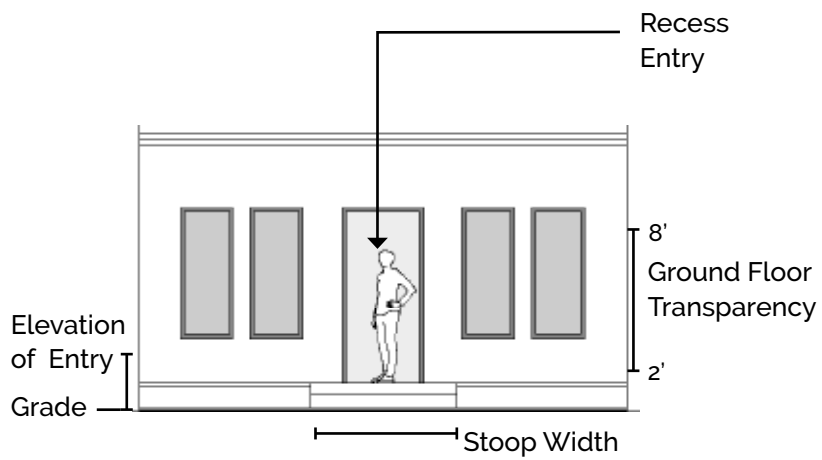


Figure 5.5-3. Stoop.

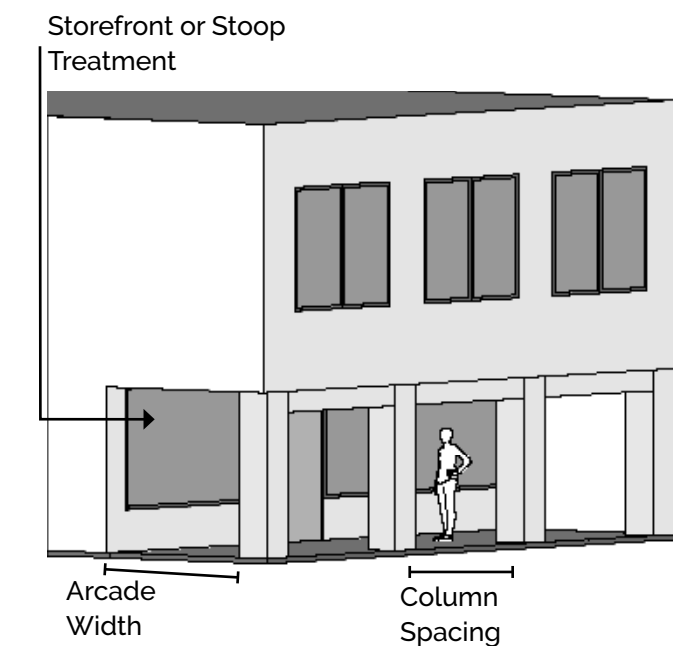


Figure 5.5-4. Arcade

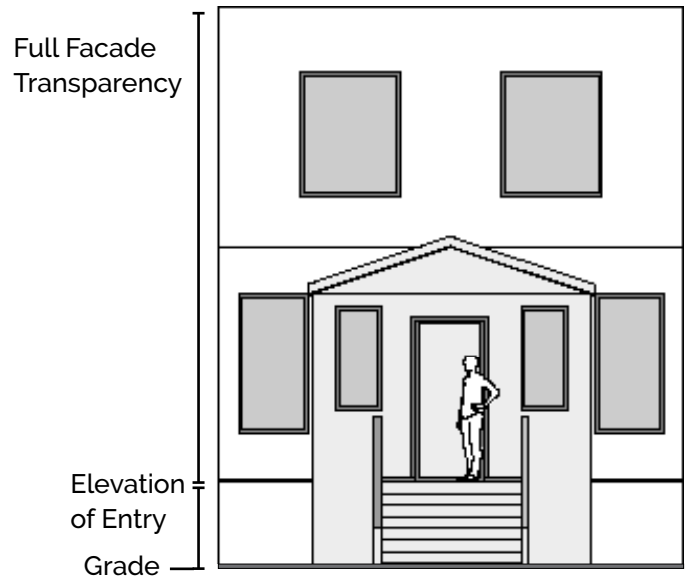


Figure 5.5-5. Porch.

(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.

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 5.6-1 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

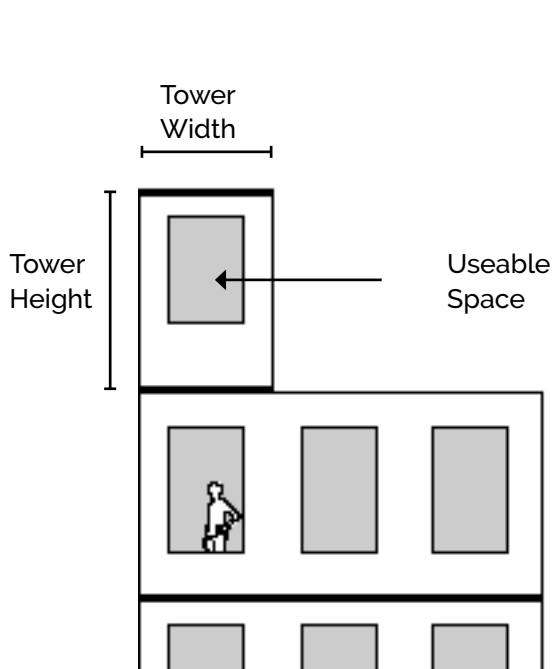


Figure 5.5-6. Tower.

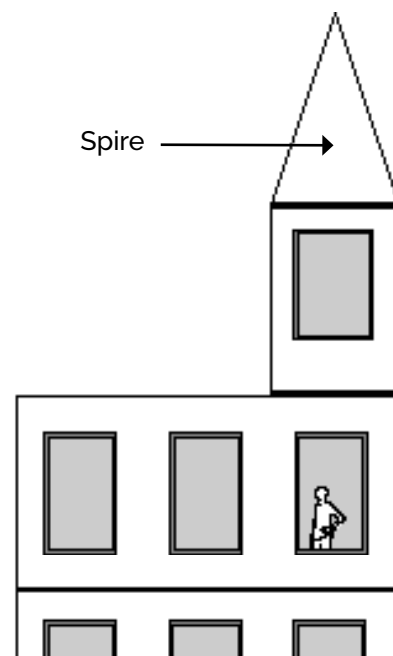


Figure 5.5-7. Spire

impervious coverage than the Yard - Detached Lot Type. In the Districts where the Cottage Commercial Building is Permitted with Development Standards ("PD"), the lot type is only permitted in Neighborhood Nodes, as designated in the 2025 Master Plan, Future Land Development Map.

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

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

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

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

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

Table 5.6-1 Lot Types by Zoning District

Lot Type	Zoning District					
	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		P	P			P

B. Lot Type: Commerce

(1) Building Siting (Figure 5.6-1)

(a) Street Frontage		
Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	80% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-5'; 0-10' if for public space, such as wider sidewalks, on-street parking, or cafes ²	4
Corner Build-to Zone		
ROW Encroachment	Yes	5
(b) Lot Area		
Side Yard Setback	0'	6
Rear Yard Setback	0', 0' off alley 10' next to R district	7
(c) Lot Coverage		
Impervious Surface (max)	100%	8
Semi-Impervious Surface	n/a	9

(d) Parking, Loading, & Access

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

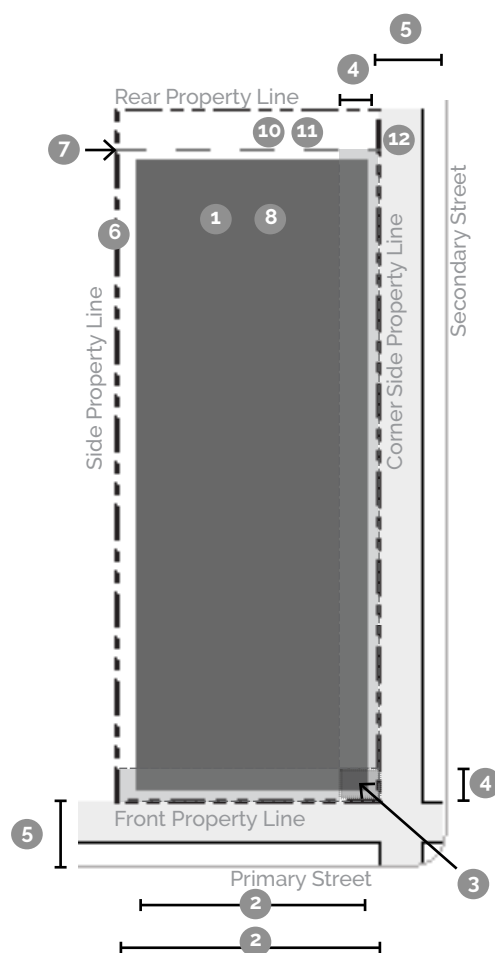


Figure 5.6-1 Building Siting.

Notes:

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

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

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

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

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

(2) Height (Figure 5.6-2)

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

(3) Uses (Table 4.1-1)

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

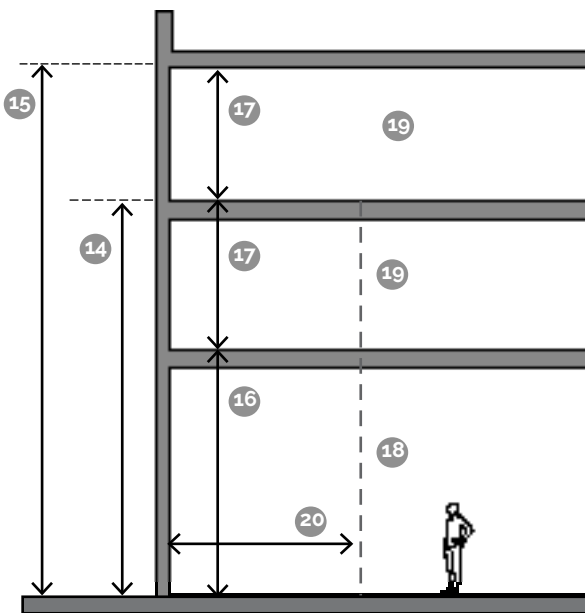


Figure 5.6-2 Height & Use

Notes:

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

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

(b) Entrance

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

(c) Roof Type

Tower	Permitted	27
Spire	Not Permitted	

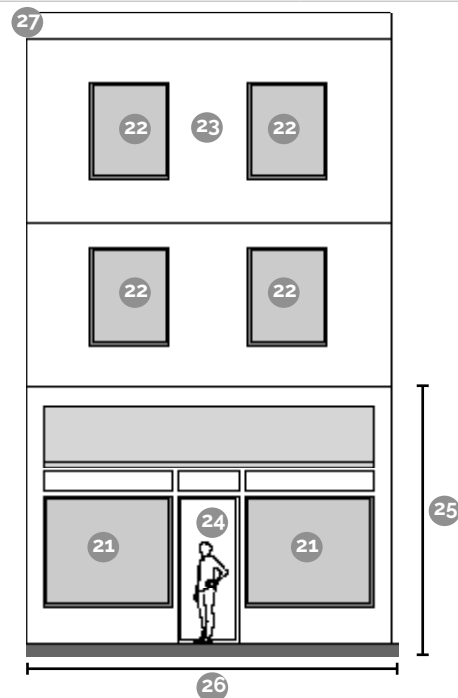


Figure 5.6-3 Street Facing Facades.

C. Lot Type: Flex

(1) Building Siting (Figure 5.6-4)

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

(d) Parking, Loading, & Access

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

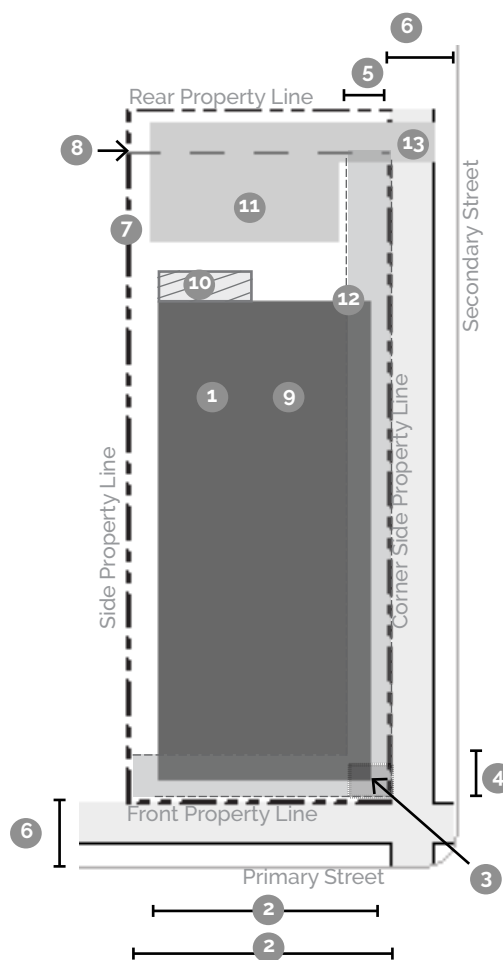


Figure 5.6-4 Building Siting.

Notes:

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

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

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

(2) Height (Figure 5.6-5)

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

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

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

(b) Entrance

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

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

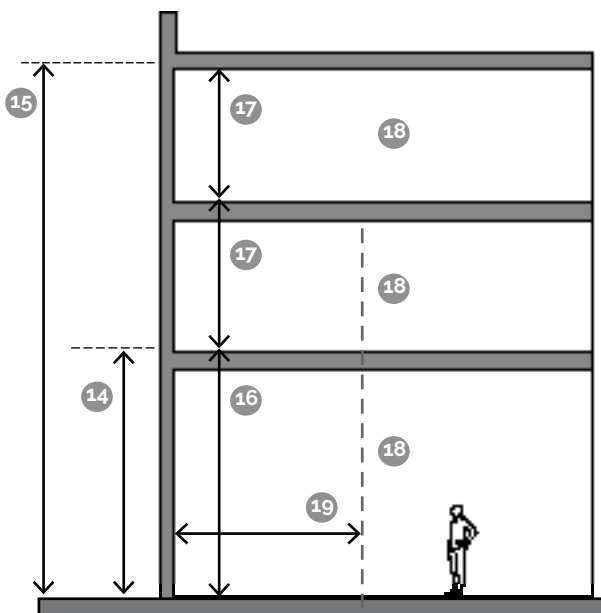


Figure 5.6-5 Height & Use

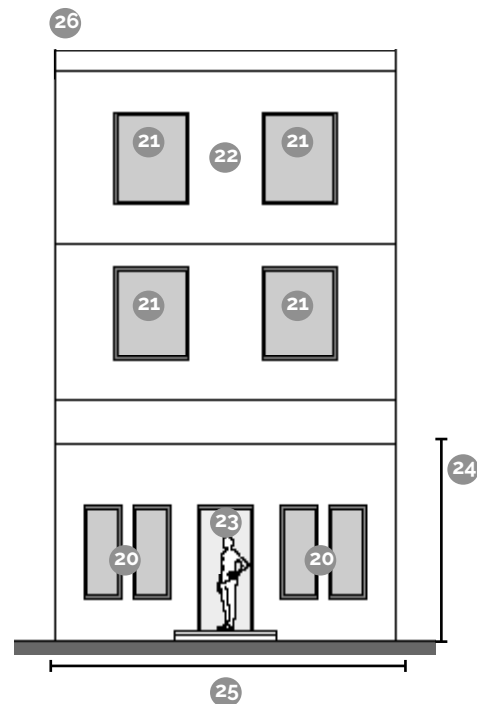


Figure 5.6-6 Street Facing Facades.

Notes:

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

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

D. Lot Type: Cottage Commercial

(1) Building Siting (Figure 5.6-7)

(a) Street Frontage

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

(b) Lot Area

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

(c) Lot Coverage

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

(d) Parking, Loading, & Access

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

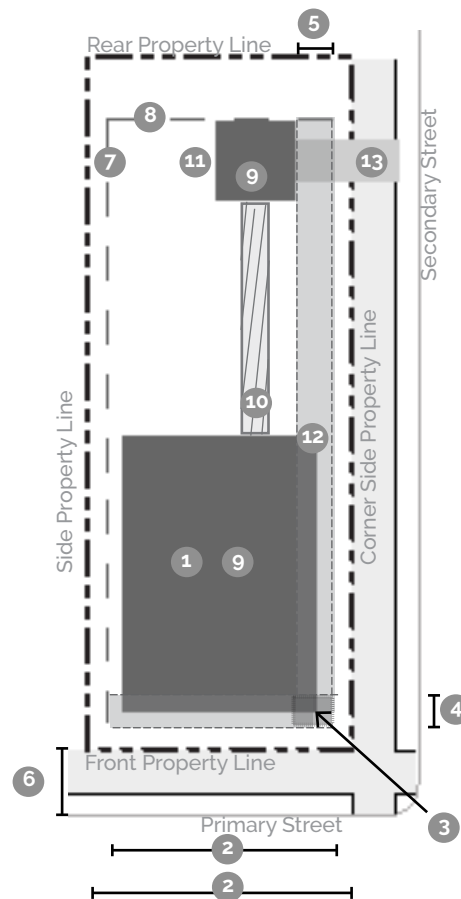


Figure 5.6-7 Building Siting Attached and Detached

Notes:

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

²Parking 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 <i>Restrictions</i>	Yes	18
Accessory Uses & Structures	See Table 4.5-1	

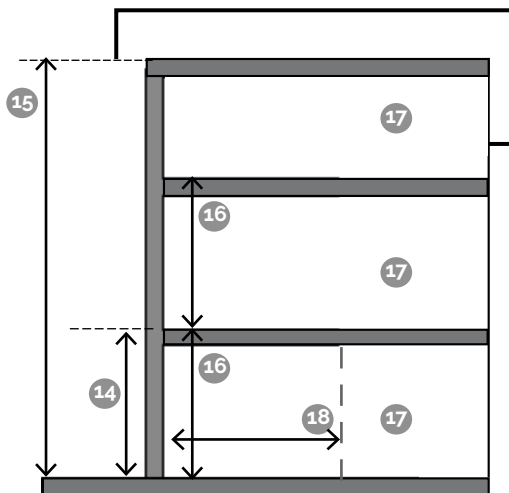


Figure 5.6-8 Height & Use

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

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

(b) Entrance

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

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

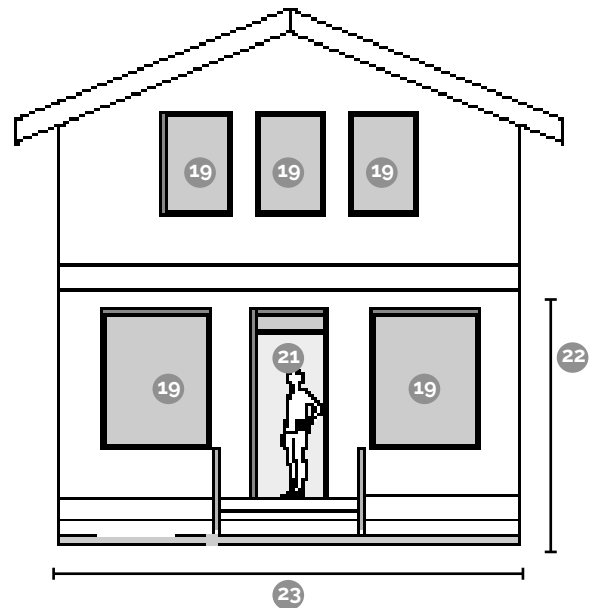


Figure 5.6-9 Street Facing Facades.

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	Alley, 1 on Corner Side ² , 1 on Front if an interior lot except in D2 ¹	13
Driveway Location		

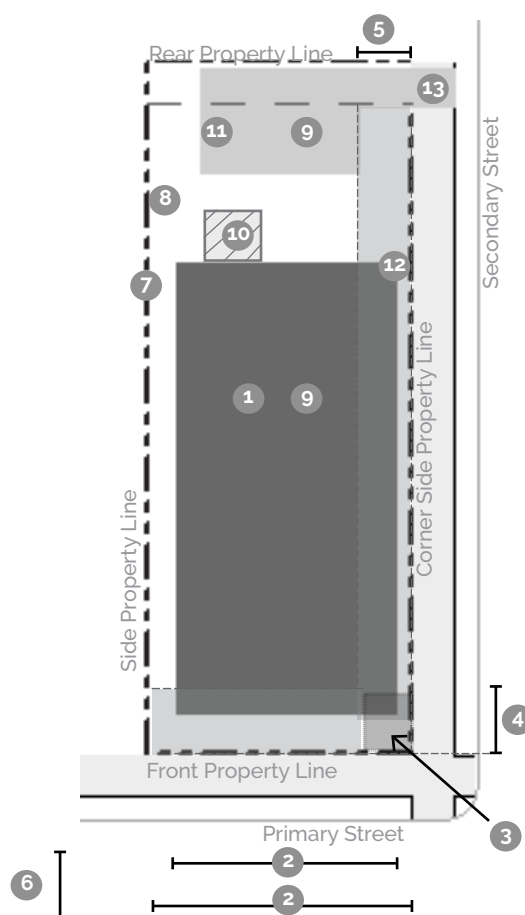


Figure 5.6-10 Building Siting.

Notes:

¹ Entrance bays for parking and loading are not permitted on primary streets. Entrance bays and driveways are not permitted on a Priority 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 ⁴	1 stories; 2 story min in D2 & D3	14
Maximum Height ³	3 stories; D2: no max. height; D3: up to 6 stories	15
Ground Floor	15'-30' ⁴	16
Upper Floor	9'-14'	17

(3) Uses (Table 4.1-1)

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

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

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

(b) Entrance

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

(c) Roof Type

Tower	Permitted	26
Spire	Permitted	27

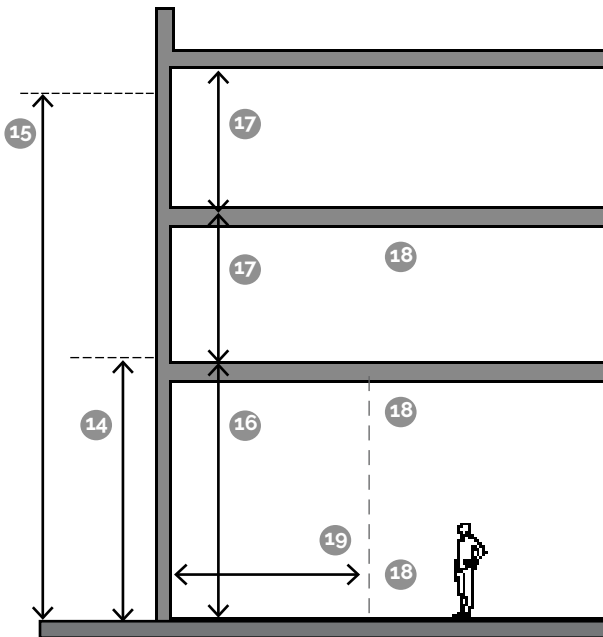


Figure 5.6-11 Height & Use

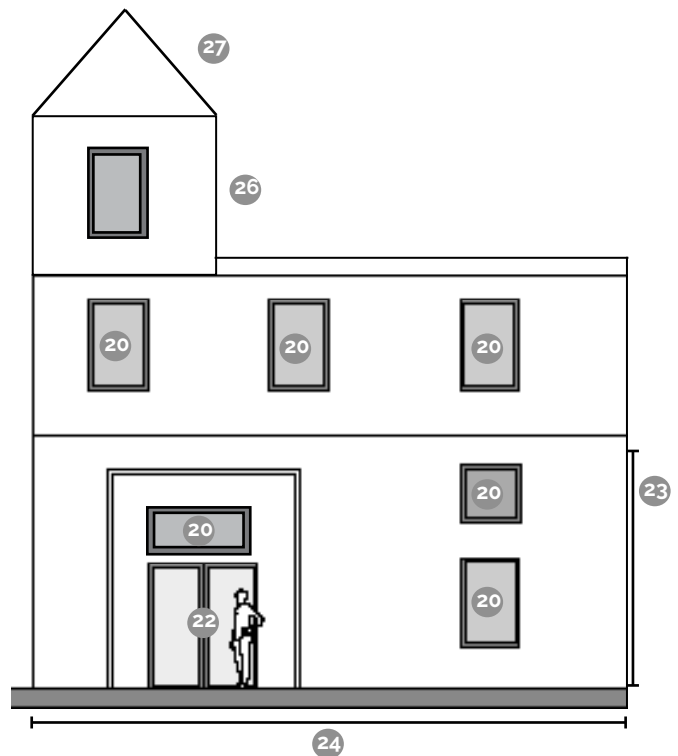


Figure 5.6-12 Street Facing Facades.

Notes:

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

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

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-15'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15', 0' off alley,	8

(c) Lot Coverage

Impervious Surface (max)	80%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side, Corner Side Facades ² , & 1 on Front Facade ²	12
Vehicle Entrance Bay	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13

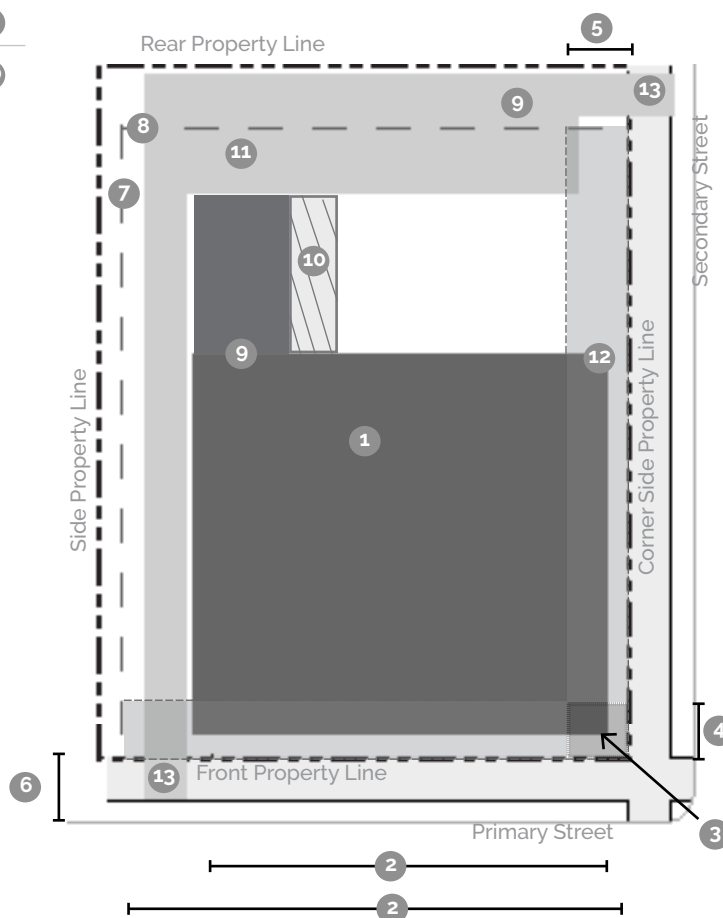


Figure 5.6-13 Building Siting.

Notes:

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

² Entrance bays for parking and loading not permitted on primary streets unless located at least fifty (50) feet behind the front facade.

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

(2) Height (Figure 5.6-14)

Minimum Height ⁵	1 stories	
Maximum Height ⁴	3 stories	15
Ground Floor	12'-30'	16
Upper Floor	9'-15'	17

(3) Uses (Table 4.1-1)

All Floors	Industrial	18
Occupied Space <i>Restrictions</i>	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% ⁶	19
Upper Floor(s)	10%	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop, Storefront	23
Entrances on Street Facing Facades	1 per 75' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

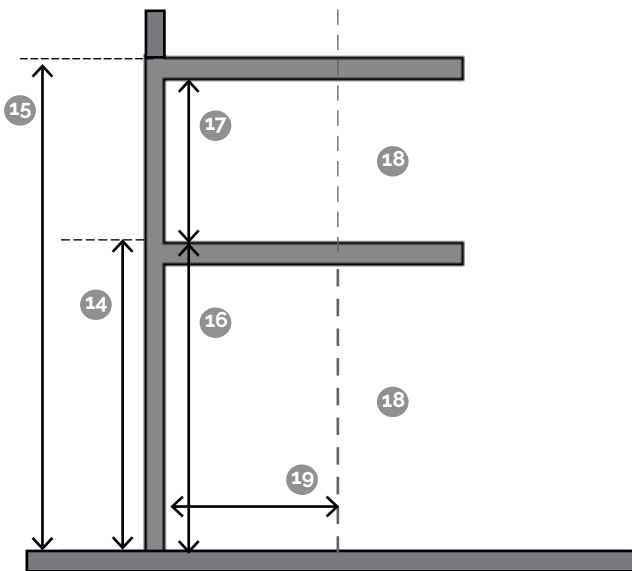


Figure 5.6-14 Height & Use

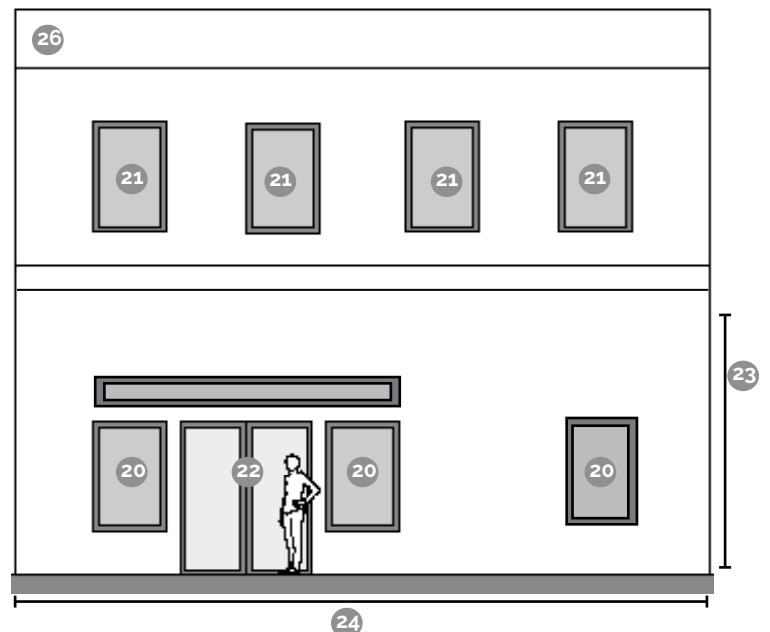


Figure 5.6-15 Street Facing Facades.

Notes:

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

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

⁶ Craftsman Industrial uses follow transparency for either the storefront or stoop entrance type. To determine transparency, the measurement can be taken in the location of the retail or showroom element and not along the entire ground floor facade.

G. Lot Type: Yard - Attached

(1) Building Siting (Figure 5.6-16)

(a) Street Frontage

Multiple Principal Buildings	Yes; Up to 5 units may be connected	1
Front Lot Line Coverage (min)	60%	2
Occupation of Corner	Not required	3
Front Build-to Zone	5'-15' ¹	4
Corner Build-to Zone	5'-15' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5' ²	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	60%	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

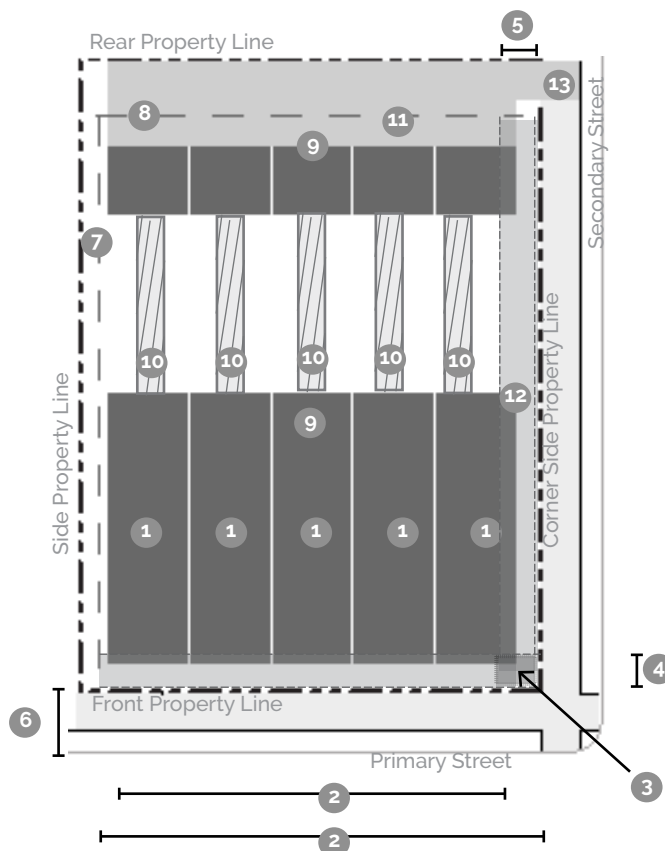


Figure 5.6-16 Building Siting

Notes:

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

² If buildings are attached, side yard setbacks apply to the set or row of buildings, not each individual building.

³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-17)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space <i>Restrictions</i>	Not Required, except for <i>internal</i> parking	18
Accessory Uses & Structures	See Table 4.5-1	

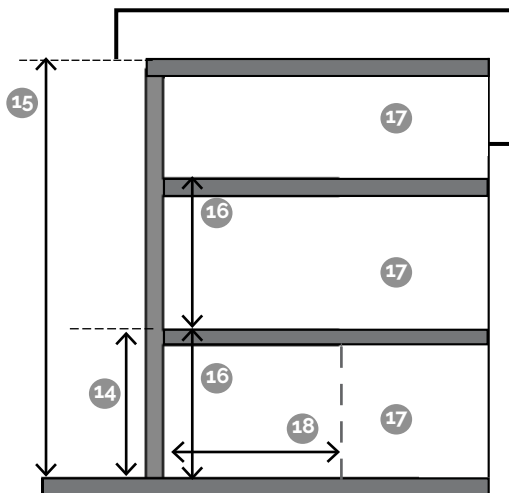


Figure 5.6-17 Height & Use

(4) Street Facing Facades (Figure 5.6-18)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

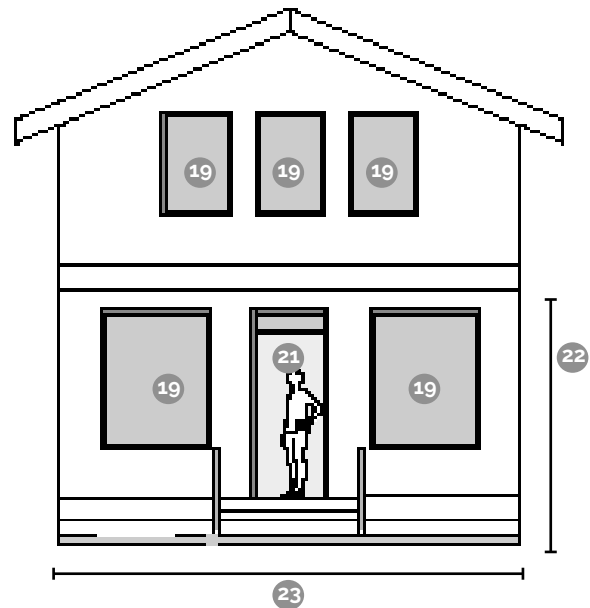


Figure 5.6-18 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

H. Lot Type: Yard - Detached

(1) Building Siting (Figure 5.6-19)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	2
Occupation of Corner	Not required	3
Front Build-to Zone	10'-25' ¹	4
Corner Build-to Zone	10'-20' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	10'	8

(c) Lot Coverage

Impervious Surface (max)	50% ²	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

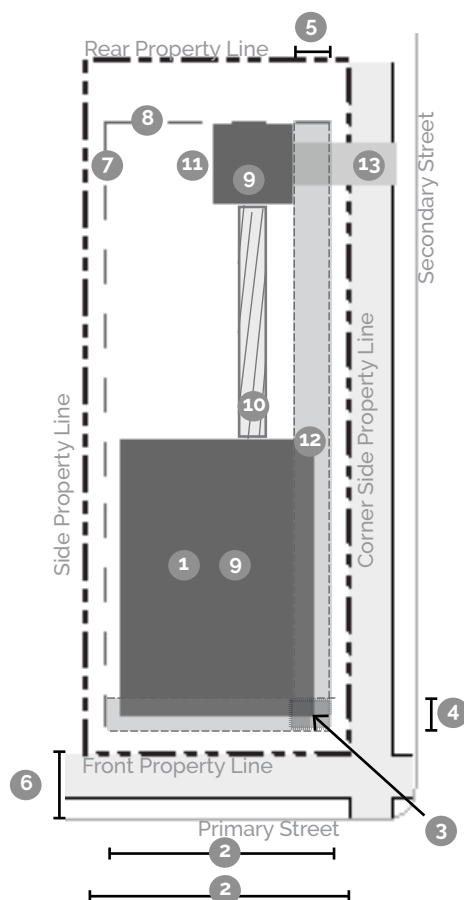


Figure 5.6-19 Building Siting Attached and Detached

Notes:

¹ Stoops and unenclosed porches may be located in the build-to zone.² 60% impervious surface permitted when two or more principal buildings are on a lot.³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-20)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space	Not Required, except for internal parking	18
Accessory Uses & Structures	See Table 4.5-1	

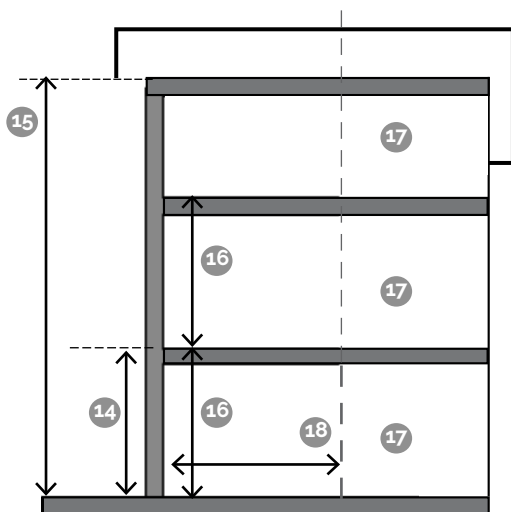


Figure 5.6-20 Height & Use

(4) Street Facing Facades (Figure 5.6-21)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Not Permitted
Spire	Not Permitted

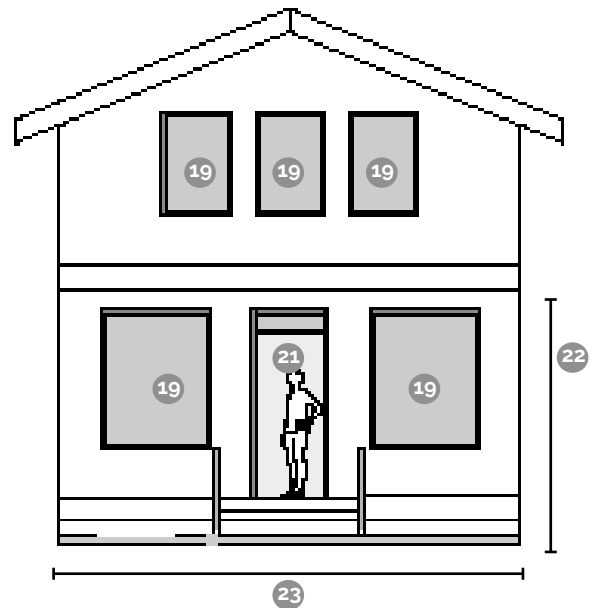


Figure 5.6-21 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

I. Lot Type: Outdoor Market

(1) Building Siting (refer to Figure 5.6-22)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage	Not Required	
Occupation of Corner	Not Required	
Front Build-to Zone	Not Required ¹	
Corner Build-to Zone		2
ROW Encroachment	Yes	3

(b) Lot Area

Side Yard Setback	10'	4
Rear Yard Setback	15'	5

(c) Lot Coverage

Impervious Surface (max)	65% ²	6
Semi-Impervious Surface	15%	7

(d) Parking, Loading, & Access

Parking Location	Rear Yard	8
Loading & Service Location	Side or Rear Yard	9
Interior Parking Entrance Bay	Not Permitted	
Driveway Location	Alley; 1 on Corner Side; 1 on Front if an interior lot	10

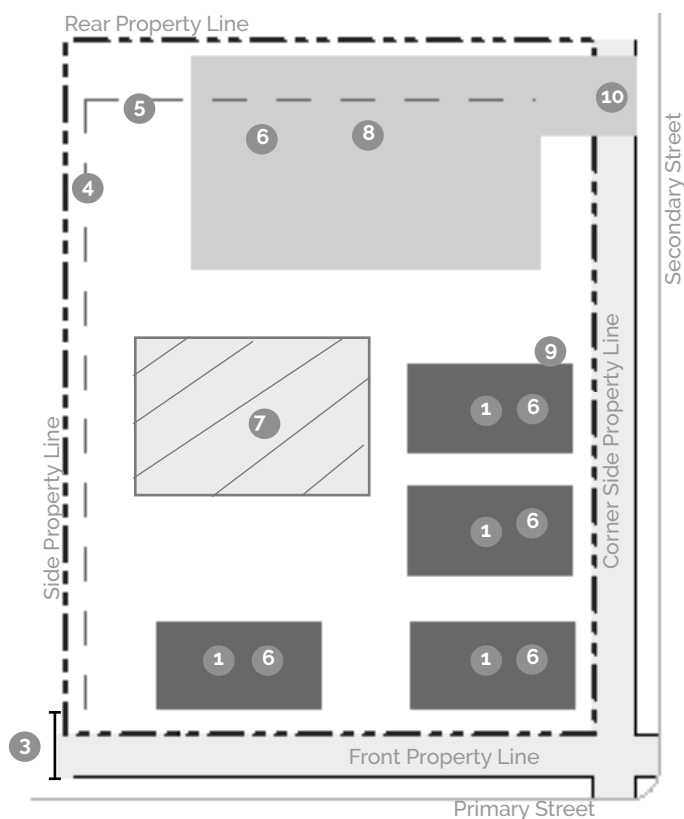
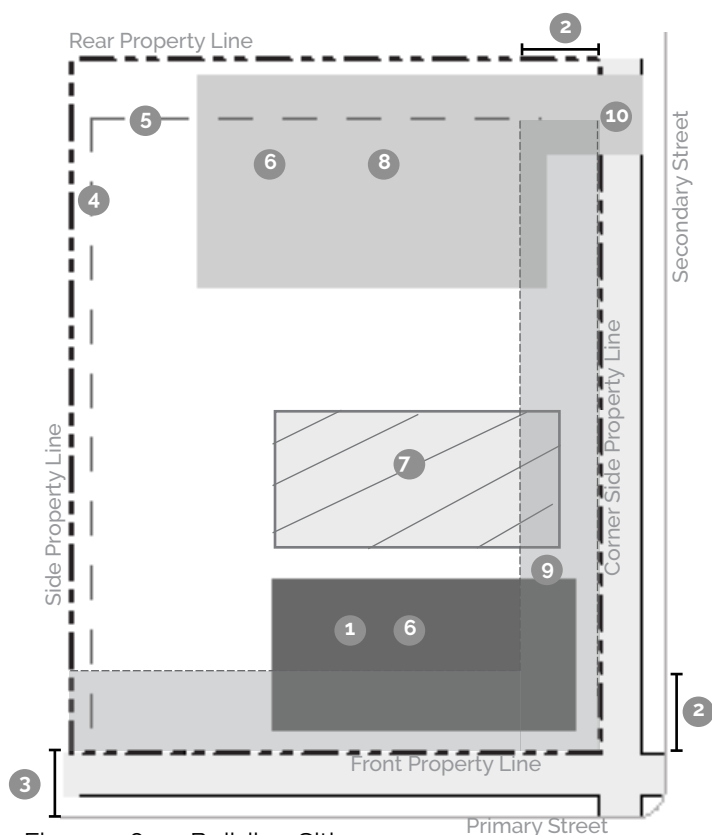


Figure 5.6-22 Building Siting.

(2) Height (Figure 5.6-23)

Minimum Height	1 Story	11
Maximum Height	1 Story	12
Ground Floor	Not Required	
Upper Floor(s)	Not Required	

(3) Uses (Table 4.1-1)

All Floors	Commercial, Park/Open Space	13
Occupied Space	Not Required	14
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-23)**(a) Transparency (minimum)**

Ground Floor	Not Required ³	15
Upper Floor(s)	Not Required	
Blank Wall Limitations	Not Required	

(b) Entrance/Counter

Location	Not Required ³	16
Entrance Treatment (see 5.5.B)	Not Required ³	
Entrances on Street Facing Facades	Not Required ³	17
Other Facade Entrances	Not Required	

(c) Roof Type

Tower	Not Permitted	
Spire	Not Permitted	

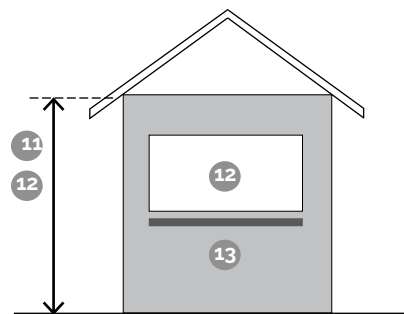


Figure 5.6-23 Street Facing Facades.

Notes:

¹ Except: 0-10' BTZ is required for Outdoor Sales & Storage and Vehicle Service.

² A permanent building shall account for no more than twenty-five (25) percent of the impervious coverage allowance. This does not apply to such structures as kiosk, shipping container, greenhouse, or hoop house, which are considered not permanent for the purposes of impervious coverage.

³ When a building is located in the 0-10' Front or Corner Side Build-to Zones, it must have an entrance, windows, or service window/counter on the facade facing the adjacent street. Outdoor Sales & Storage & Vehicle Service uses must be in buildings with a stoop or storefront entrance treatment.

Article 6. Zoning Standards: Overlay District Standards

50-6.1 Overlay District Requirements.

A. Applicability. Overlay Districts are applied to parcels in addition to the base or underlying Zoning District as mapped in the Zoning Map. Unless otherwise provided, an overlay zoning district shall include and be applicable to whole parcels and any parcels subsequently joined or combined with a parcel subject to any overlay zone regulations.

B. Intent. Overlay Districts provide an additional set of requirements for the development and use of parcels with the Overlay

C. Conflict. If a conflict arises between the Overlay District regulations and those of the Base Zoning District, the Overlay District regulations control.

50-6.2 Natural Features Protection Overlay Standards

A. Intent. The NFP Overlay District is intended to protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

B. Applicability. The NFP Overlay District standards apply as follows.

- (1) The Natural Features Standards are divided by defined Natural Feature. When a parcel is developed, redeveloped, or the Natural Feature is impacted due to any site alterations, the standards for all applicable Natural Features are applied.
- (2) The Site Development Standards shall be applied to all parcels in the NFP Overlay District.
- (3) Overlay standards shall not eliminate the need to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) or any other State, Federal, or regional permitting agency, if required.
- (4) Structures existing on the effective date of the ordinance creating the NFP Overlay District that do not meet the setbacks required in this Article are permitted and may be altered or expanded provided that they do not increase the amount of their non-conformance with the standards in this Article.

C. Natural Feature Standards: Wetlands. A Wetland is any area, regardless of parcel boundaries, that is characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, or otherwise defined in Part 303 of the NREPA.

(1) Wetland Determination. If any area on a parcel appears to be supporting wetland vegetation or is identified on the National Wetlands Inventory (NWI) map, one of the following is required.

- (a) The area in question shall be treated as a Wetland and the standards of this Section apply.

(b) A Wetland Determination shall be completed by a qualified professional, such as a Professional Wetland Scientist to confirm whether the area in question is a Wetland.

(2) Altering a Wetland. Alteration to a Wetland is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Wetland must be submitted to the City.

(3) Wetland Setbacks. Setback distance is measured from the outer edge of wetland vegetation. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Wetland setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The follow activities are permitted in the setback.

- [1] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local, State, and/or Federal agencies.
- [2] Restoration activities, such as planting with native vegetation with approval from all applicable local, State, and/or Federal agencies.
- [3] Mitigation activities required under the NREPA.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

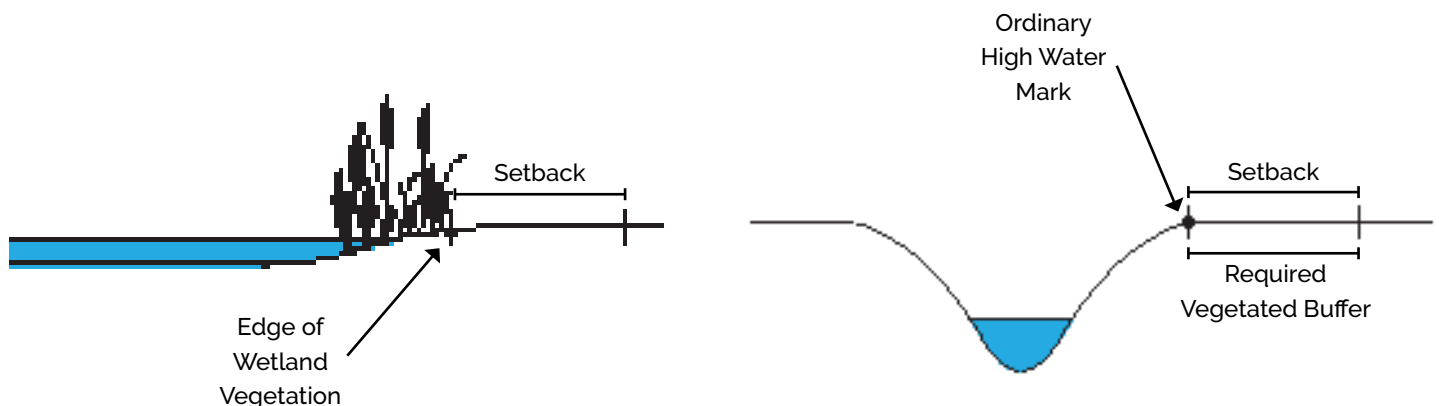


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

D. Natural Feature Standards: Water Resources. A Water Resource is any lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has defined banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or as otherwise defined in Part 301 of the NREPA.

(1) Altering a Water Resource. Alteration to a Water Resource is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Water Resource must be submitted to the City.

(2) Water Resource Setbacks. Setback distance is measured from the Ordinary High Water Mark of all Water Resources, including when the Water Resource is located off the parcel but within the setback distance. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Water Resource setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The following activities are permitted in the setback.

- [1] Up to twenty (20) percent of the setback area may be developed with semi-pervious materials, such as paths or mowed Turf Grass.

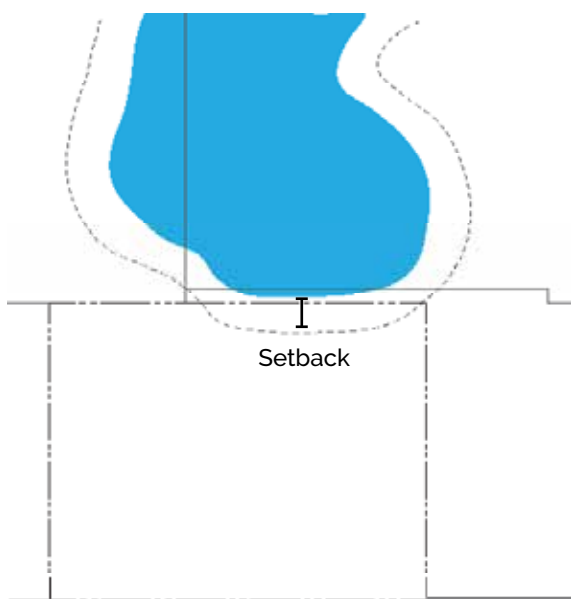


Table 6.2-1 Wetland and Water Resources Setbacks

Size of Parent Parcel	Minimum Required Setback
Greater than 1 acre	25 feet
1/2 acre - 1 acre	20 feet
Less than 1/2 acre	15 feet

Figure 6.2-2 Setbacks Across Parcel Boundaries

[2] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Water Resource setback with approval from all applicable local, State, and/or Federal agencies.

[3] Disturbance to the bank or shoreline, as expressly allowed under State law, is permitted when a restoration plan is prepared by a qualified professional, such as a Michigan Certified Natural Shoreline Professional or Professional Engineer.

[4] Operation and maintenance of existing flood control facilities or Stormwater BMPs.

(3) Required Planting. The setback must contain Natural Vegetation, including a combination of trees, shrubs, grasses, and Forbs to form a Vegetated Buffer in a Riparian area. The Vegetated Buffer must meet one (1) of the following.

(a) Where the bank or shoreline contains Natural Vegetation.

[1] Existing vegetation must remain undisturbed during and after construction activities.

[2] Supplemental planting or seeding is allowed when Native Species are used. Mowed turf grass does not qualify as Natural Vegetation.

[3] Removal of invasive species and/or dead or diseased woody species are allowed, if they are replaced according to the parameters in 50-6.2D(3)(b)[3].

(b) Where the bank or shoreline is not covered in Natural Vegetation.

[1] A Vegetated Buffer must be planted and maintained in the setback.

[2] Soil preparation for planting is allowed with proper soil erosion controls.

[3] A diverse mix of appropriate native species is required, as follows.

[a] At least twelve (12) different species must be planted.

[b] At least two (2) species from each of the following plant types must be planted: shrubs, Graminoids, and Forbs. Refer to Table 6.2-2 Example Plants for Vegetated Buffers.

[c] Trees may be planted if appropriate to the site. Refer to Table 6.2-5 Replacement Tree List.

[4] Any combination of native seed mix, plant plugs, bare root trees or shrubs, and/or container plants, trees, or shrubs are permitted.

(c) Exceptions. The Vegetated Buffer is not required when a structure or parcel is being redeveloped unless the project increases the site's impervious coverage on the parcel by more than ten (10) percent or if the project is being conducted within twenty (20) feet of the Water Resource setback.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

(5) Operation and Maintenance Agreement. The Vegetated Buffer must be included in the Stormwater Operation and Maintenance Agreement, if an Agreement is required for the project.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
Lake Sedge	<i>Carex lacustris</i>	Graminoid
Tussock Sedge	<i>Carex stricta</i>	Graminoid
Bottlebrush Sedge	<i>Carex hystericina</i>	Graminoid
Bebb's Sedge	<i>Carex bebbii</i>	Graminoid
Common Fox Sedge	<i>Carex vulpinoidea</i>	Graminoid
Prairie Cordgrass	<i>Spartina pectinata</i>	Graminoid
Dark-Green Bulrush	<i>Scirpus atrovirens</i>	Graminoid
Cottongrass Bulrush	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
New England American Aster	<i>Symphyotrichum novae-angliae</i>	Forb
Purple-Stem American Aster	<i>Symphyotrichum puniceum</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Common Boneset	<i>Eupatorium perfoliatum</i>	Forb
Swamp Milkweed	<i>Asclepias incarnata</i>	Forb
Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	Forb
Pin Oak	<i>Quercus palustris</i>	Tree
Swamp White Oak	<i>Quercus bicolor</i>	Tree
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Tree
Tamarack, American Larch	<i>Larix laricina</i>	Tree

E. Natural Feature Standards: Floodplains. Reserved.

F. Natural Feature Standards: Trees. Trees that provide special value to the community or ecosystem are protected through the NFP Overlay District.

(1) Tree Criteria. When Trees meet any of the following criteria and are not counted as part of a Woodland, the standards of this Overlay apply.

(a) Trees on the Special Status Tree List in Table 6.2-4.

(b) Any Tree larger than twenty-four (24) inches DBH.

(2) Tree Protection. 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 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 Trees shall be protected following the standards of 50-6.2K(8) Protection During Construction.

(3) Tree Removal. Trees may be removed in the following circumstances.

(a) Tree is located such that it impedes access to the site or prevents utility connections.

(b) A qualified professional has determined the tree is diseased, dying, or has sustained substantial damage prior to site work.

(c) Location of the Tree presents a threat to the structural integrity of an existing structure or infrastructure.

(4) Replacement. Any Tree meeting the criteria which is removed from the parcel must be replaced as follows.

(a) Except as otherwise permitted by this subsection, the replacement ratio is 1:1, where for every inch of Tree removed in total from the parcel, an equivalent number of inches must be replaced by newly planted Trees as follows.

[1] Inches of Tree removed shall be measured at DBH.

[2] Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context should be taken into consideration when selecting a replacement Tree.

[3] Replacement Trees must be two (2) inch caliper or greater, unless otherwise stated in Table 6.2-5.

(b) A replacement ratio of 3:1 is applicable in the following circumstances (where for every three (3) inches of Tree DBH removed, one (1) inch of new replacement Tree DBH must be planted).

[1] Replacement Tree is four (4) inch caliper or greater.

[2] Replacement Tree has a special value in terms of long-term survival rate, habitat quality, or climate resiliency, as indicated by the ratios in Table 6.2-5 Replacement Tree List.

(c) Location. Replacement Trees shall be located as follows.

- [1] Replacement Trees shall be located on the site from which they are removed.
- [2] The NFP Review Board can approve alternative locations, if on-site replacement is not possible provided that the alternative is within the City of Kalamazoo.
- [3] Replacement Trees cannot be located within a parking lot.

G. Natural Feature Standards: Woodlands. Woodlands provide important ecosystem services and habitat corridors and are protected by the NFP Overlay District.

(1) Woodland Criteria. When trees located on a parcel meet the following criteria, the area shall be considered a Woodland and the standards of this Overlay apply.

- (a) Minimum Area. Trees cover a minimum area of 21,780 square feet or a half (1/2) acre, regardless of parcel boundaries. Refer to Figure 6.2-3 Defining and Delineating a Woodland.
- (b) Tree Count. The area contains the equivalent of at least forty (40) trees per acre of at least two (2) inches DBH and reach or at maturity will reach at least fifty (50) feet in height.
- (c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed.

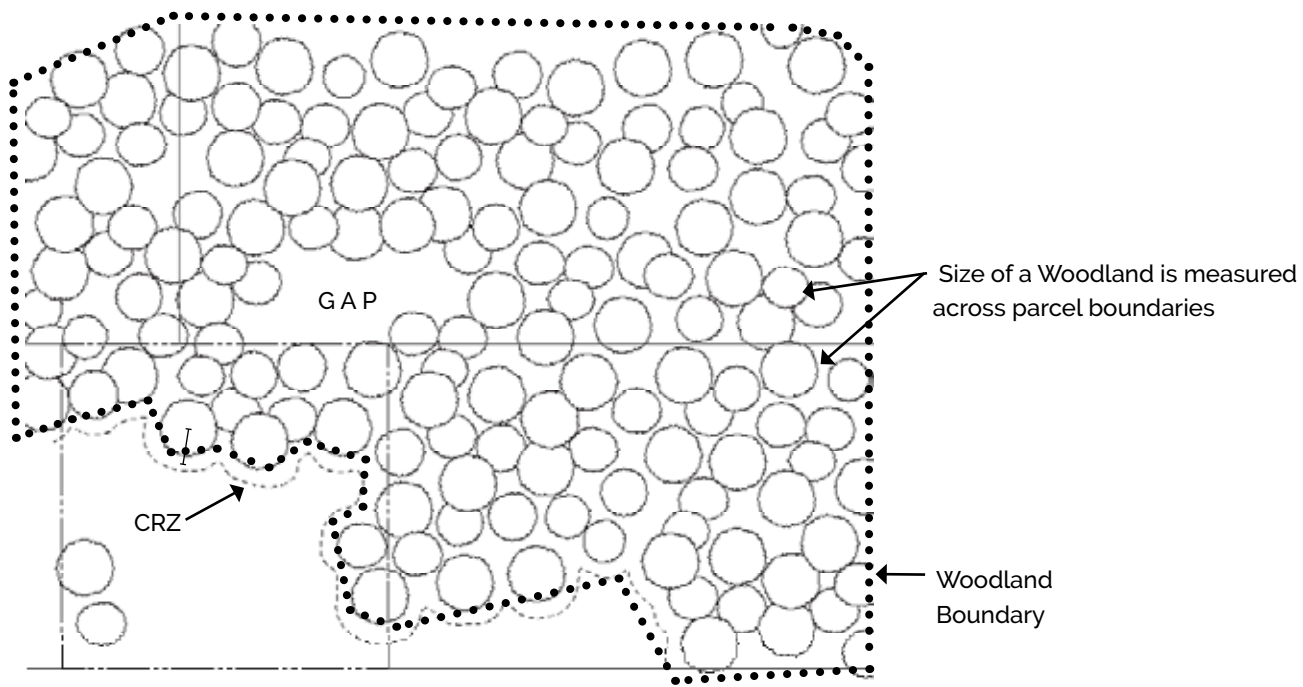


Figure 6.2-3 Defining and Delineating a Woodland

(d) Understory. The area contains a layering of shorter understory trees and/or shrubs and Forbs.

(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 Special Status Tree List and 6.2-5 Replacement Trees List.

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by the CRZ of trees along its edges, except for the following activities.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of the Woodland vegetation with a plan by a qualified professional, such as an ISA Certified Arborist.

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 Special Status Tree List

Common Name	Scientific Name	DBH (inches)*
Ash	<i>Fraxinus spp. (not cultivars)</i>	18"
Basswood, Linden	<i>Tilia americana</i>	18"
Beech	<i>Fagus spp.</i>	18"
Buckeye (Horsechestnut)	<i>Aesculus spp.</i>	18"
Cherry, Black	<i>Prunus serotina</i>	18"
Elm, American	<i>Ulmus americana</i>	18"
Elm, Slippery	<i>Ulmus rubra</i>	18"
Elm, Winged	<i>Ulmus alata</i>	18"
Fir	<i>Abies spp.</i>	18"
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple, Red	<i>Acer rubrum</i>	18"
Maple, Silver	<i>Acer saccharinum</i>	18"
Maple, Sugar	<i>Acer saccharum</i>	18"
Pine, Red	<i>Pinus resinosa</i>	18"
Pine, White	<i>Pinus strobus</i>	18"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American	<i>Plantanus occidentalis</i>	18"
Tuliptree	<i>Liriodendron tuliperifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	18"
Honey Locust	<i>Gleditsia triacanthos</i>	16"
Oak, Black	<i>Quercus velutina</i>	16"
Oak, Bur	<i>Quercus macrocarpa</i>	16"
Oak, Northern Red	<i>Quercus rubra</i>	16"
Oak, White	<i>Quercus alba</i>	16"
Arbor-vitae, Eastern White Cedar	<i>Thuja occidentalis</i>	12"
Birch	<i>Betula spp.</i>	12"
Birch, River	<i>Betula nigra</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple	<i>Malus spp.</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	12"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Ginkgo	<i>Ginkgo biloba</i>	12"

Common Name	Scientific Name	DBH (inches)*
Hickory, Bitternut	<i>Carya cordiformis</i>	12"
Hickory, Pignut	<i>Carya glabra</i>	12"
Hickory, Shagbark	<i>Carya ovata</i>	12"
Hickory, Shellbark	<i>Carya laciniata</i>	12"
Oak, Chinkapin	<i>Quercus muehlenbergii</i>	12"
Oak, Northern Pin	<i>Quercus ellipsoidalis</i>	12"
Oak, Swamp White	<i>Quercus bicolor</i>	12"
Pear	<i>Pyrus spp.</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus spp.</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweet Gum	<i>Liquidambar styraciflua</i>	12"
Willow, Black	<i>Salix nigra</i>	12"
Yellowwood	<i>Cladrastis lutea</i>	12"
American Chestnut	<i>Castanea dentata</i>	8"
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	8"
Butternut	<i>Juglans cinerea</i>	8"
Cedar, Eastern Red	<i>Juniperus virginiana</i>	8"
Hackberry	<i>Celtis occidentalis</i>	8"
Hawthorn	<i>Crataegus crus-galli and other spp.</i>	8"
Larch/Tamarack	<i>Larix laricina</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
American Hophornbeam	<i>Ostrya virginiana</i>	4"
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	4"
Dogwood, Flowering	<i>Cornus florida (native only)</i>	4"
Dwarf Hackberry	<i>Celtis tenuifolia</i>	4"
Eastern Redbud	<i>Cercis canadensis</i>	4"
Pawpaw	<i>Asimina triloba</i>	4"
Serviceberry	<i>Amelanchier spp.</i>	4"

*Tree species with DBH greater than or equal to the values in this column of the table require replacement with any species on the Replacement Tree List if removed for construction/development.

Gray Highlight = Tree species must be replaced with a different species from the Replacement Tree List.

Table 6.2-5 Replacement Tree List

Common Name	Scientific Name	Replacement Ratio	Condition Code
Basswood, Linden*	<i>Tilia americana</i>	1:1	Cs
American Chestnut	<i>Castanea dentata</i>	3:1, (hybrid)	Cr, F, Cul
American Hophornbeam*	<i>Ostrya virginiana</i>	1:1	P, Cr
American Hornbeam, Blue Beech*	<i>Carpinus caroliniana</i>	3:1	Cr, P
Arborvitae, Eastern White Cedar	<i>Thuja occidentalis</i>	1:1	Cv, Cs
Birch	<i>Betula spp.</i>	1:1	Cv
Birch, River	<i>Betula nigra</i>	1:1	P, Ri
Black Tupelo, Black Gum*	<i>Nyssa sylvatica</i>	3:1	Cr, Ri
Cedar, Eastern Red*	<i>Juniperus virginiana</i>	3:1	Cr, P
Cherry, Wild Black*	<i>Prunus serotina</i>	1:1	
Cherry, Flowering	<i>Prunus spp.</i>	1:1	
Crabapple	<i>Malus spp.</i>	1:1	P
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	1:1	
Dogwood, Flowering*	<i>Cornus florida (native only)</i>	2:1	Cr
Eastern Redbud	<i>Cercis canadensis</i>	3:1	Cr, P
Elm, American	<i>Ulmus americana</i>	3:1	Cul, Cs
Elm, Slippery	<i>Ulmus rubra</i>	1:1	
Hackberry*	<i>Celtis occidentalis</i>	3:1	Cr
Hawthorn*	<i>Crataegus crus-galli and other spp.</i>	3:1	Cr, P
Hickory, Bitternut*	<i>Carya cordiformis</i>	3:1	Cr, F, Ri, Cs
Hickory, Pignut*	<i>Carya glabra</i>	3:1	Cr, F, Cs
Hickory, Shagbark*	<i>Carya ovata</i>	3:1	Cr, F, Cs
Hickory, Shellbark*	<i>Carya laciniosa</i>	3:1	F, Ri, Sc
Honey Locust	<i>Gleditsia triacanthos</i>	3:1	Cr
Kentucky Coffeetree*	<i>Gymnocladus dioicus</i>	3:1	Cr
Larch/Tamarack*	<i>Larix laricina</i>	3:1	Ri, Cs
Maple, Red	<i>Acer rubrum</i>	1:1	Cv, Cs
Maple, Silver*	<i>Acer saccharinum</i>	3:1	Cr, Ri, Cs
Maple, Sugar	<i>Acer saccharum</i>	1:1	Cv, Cul
Oak, Black*	<i>Quercus velutina</i>	3:1	Cr, Cs
Oak, Bur*	<i>Quercus macrocarpa</i>	3:1	Cr, Cul, Cs
Oak, Chinquapin*	<i>Quercus muehlenbergii</i>	3:1	Cr, Cs
Oak, Pin*	<i>Quercus palustris</i>	3:1	Cr, Ri, Cs

Common Name	Scientific Name	Replacement Ratio	Condition Code
Oak, Northern Red*	<i>Quercus rubra</i>	3:1	Cr, Sc
Oak, Swamp White*	<i>Quercus bicolor</i>	3:1	Cr, Ri, Cs
Oak, White*	<i>Quercus alba</i>	3:1	Cr, Cul, Cs
Pawpaw	<i>Asimina triloba</i>	3:1	Cr, F
Persimmon	<i>Diospyros virginiana</i>	3:1	Cr, F
Pine, Red	<i>Pinus resinosa</i>	1:1	
Pine, White	<i>Pinus strobus</i>	1:1	
Populus	<i>Populus spp. (except deltoides, alba)</i>	1:1	Cv
Sassafras	<i>Sassafras albidum</i>	1:1	
Serviceberry*	<i>Amelanchier spp.</i>	1:1	P, F
Spruce	<i>Picea spp.</i>	1:1	
Sycamore, American*	<i>Plantanus occidentalis</i>	3:1	Cr
Tuliptree*	<i>Liriodendron tuliperifera</i>	1:1	Cr, Cs
Walnut, Black	<i>Juglans nigra</i>	3:1	F, Cs
Willow, Black	<i>Salix nigra</i>	1:1	Ri
Ash	<i>Fraxinus spp.</i>	PROHIBITED	
Beech	<i>Fagus spp.</i>	PROHIBITED	
Fir	<i>Abies spp.</i>	PROHIBITED	
Fir, Douglas	<i>Pseudotsuga menziesii</i>	PROHIBITED	
Ginkgo	<i>Ginkgo biloba</i>	PROHIBITED	
Pear	<i>Pyrus spp.</i>	PROHIBITED	
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	PROHIBITED	
Yellowwood	<i>Cladrastis lutea</i>	PROHIBITED	

Condition Codes:

PROHIBITED = Species not to be used as replacement tree

*denotes species where 1" caliper tree may be substituted when Wild-Type is planted (full credit for 2" caliper applies)

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

- (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 (500) feet of a Wetland or Water Resource, refer to 50-6.2C and 50-6.2D.
 - (d) Any portion of the Slope Face extends onto adjacent parcels.
- (2) Slope Determination. If any area on a parcel appears to meet the Slope Criteria, one (1) of the following is required.
 - (a) A Slope Analysis by a professional is not completed and the area is assumed to meet the slope criteria; the standards of this Overlay are applied.
 - (b) A Slope Analysis shall be completed by a licensed surveyor, licensed professional engineer, or a geologist certified by the American Institute of Professional Geoscientists (AIPG) following all acceptable practices to determine whether any part of the Slope Face meets the Slope Criteria.
- (3) Slope Protection. Slopes shall be maintained and protected as follows.

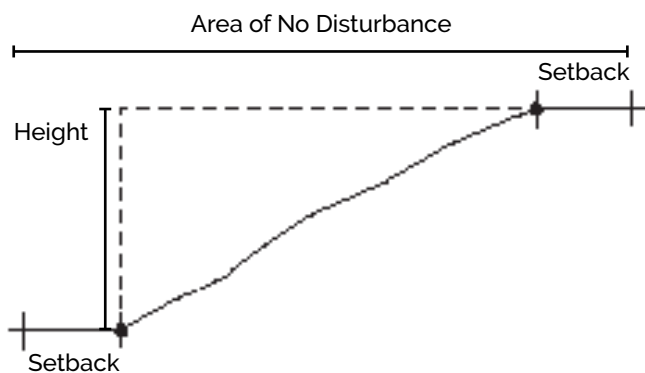


Figure 6.2-4 Protected Slope Setbacks

(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. Natural Feature Standards: Habitat Corridors. Reserved.

K. Site Development Standards. The following standards apply to all properties within the NFP Overlay District.

(1) Building Setbacks. When a conflict exists between meeting the 50-6.2C-J NFP Standards and the required placement of structures, the setbacks or built-to zones or lines may be adjusted to eliminate or reduce the conflict provided that the adjustment is the minimum required to meet the NFP standards.

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

(a) Appendix A 3.5 Wellhead Protection Overlay 10-year use restrictions.

(b) Outdoor storage of loose materials is prohibited within five hundred (500) feet of a Water Resource or Wetland.

(c) Appendix A 3.5 Wellhead Protection Overlay 1-year use restrictions apply within five hundred (500) feet of a Water Resource or Wetland.

(3) Lot Coverage. Areas designated to meet the pervious surface requirement of a the Base Zoning District shall meet the following requirements.

(a) Natural Features. Areas left undisturbed per the standards in 50-6.2C-J can be applied to a parcel's pervious lot coverage requirement, except that Stormwater BMPs shall count at a ratio of two (2) square feet of BMP to one (1) square foot of pervious coverage ratio or at a rate of fifty (50) percent.

(b) Undisturbed Areas. All areas designated to meet a parcel's overall pervious lot coverage requirement must remain undisturbed except in the following circumstances.

[1] Restoration or maintenance of the pervious area when guided by a plan developed by a qualified professional.

[2] Planting or restoration of plants or trees per 50-6.2 Natural Features Standards.

[3] Installation of stormwater BMPs from the Michigan Low Impact Development (LID) Manual BMP Matrix Table in the Runoff Volumes and Infiltration categories.

(c) Location. Areas designated to meet a parcel's overall pervious lot coverage requirement shall be located as follows.

[1] Contiguous. Pervious areas shall be located in one (1) contiguous area or clustered into areas that each equal at least twenty (20) percent of the total pervious area.

[2] Adjacent to Natural Features. Pervious areas shall be located adjacent to defined Natural Features.

(d) Construction. Pervious areas shall be protected during construction and site development through barrier fencing as described in 50-6.2K(8).

(e) Semi-Pervious Allowance. A semi-pervious allowance of up to fifteen (15) percent may be utilized to meet the lot coverage requirement.

(4) Landscape and Screening. Additional landscape and screening activities apply within the NFP Overlay District.

(a) Relief. A reduction in a parcel's required building perimeter, parking lot, loading zone, perimeter screening, or interior landscaping requirements (refer to Appendix A. 6.2 Landscaping and Open Space) may be permitted to eliminate conflicts with meeting the requirements of 50.6-2 Natural Features Standards.

[1] Relief shall be the minimum required to meet the NFP standards.

[2] Landscaping serving as a buffer between residential and non-residential uses and between a vehicular parking lot and a street shall not be reduced.

(b) Plant Selection. Native species must be used for all site landscaping, which includes the use of both Wild-type and Nativar plants. Plants in Table 6.2-6 Prohibited Planting List shall not be planted on any portion of a parcel.

(c) Existing Vegetation. When a parcel's existing vegetation is being preserved and utilized to meet landscaping requirements in Appendix A 6.2 Landscaping and Open Space the following applies.

[1] Existing nonnative plants must be contained within the planting areas.

[2] Existing invasive plants must be removed. Refer to *Meeting the Challenge of Invasive Plants* by MNFI or Table 6.2-6 Prohibited Planting List.

(5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a Preserve.

(6) Stormwater Management Criteria. Refer to the City of Kalamazoo Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones for additional information and definitions.

Table 6.2-6 Prohibited Planting List

Common Name	Scientific Name
Trees	
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Silktree	<i>Albizia julibrissin</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Callery Pear	<i>Pyrus calleryana</i>
Shrubs	
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Glossy Buckthorn	<i>Frangula alnus</i>
Common or European Privet	<i>Ligustrum vulgare</i>
Showy Fly Honeysuckle (or hybrid)	<i>Lonicera x.bella</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Multiflora Rose	<i>Rosa multiflora</i>
Japanese Meadowsweet	<i>Spiraea japonica</i>
European Cranberrybush	<i>Viburnum opulus</i>
Vines	
Asian Bittersweet	<i>Celastrus orbiculatus</i>
Black Swallow-wort	<i>Cynanchum louiseae</i>
European Swallow-wort	<i>Cynanchum rossicum</i>
English Ivy	<i>Hedera helix</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Grasses	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>

Common Name	Scientific Name
Herbs	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knotweed	<i>Centaurea biebersteinii</i> or <i>C. maculata</i>
Canada Thistle	<i>Cirsium arvense</i>
Bull Thistle	<i>Cirsium vulgare</i>
Leafy Spurge	<i>Euphorbia esula</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
Crown Vetch	<i>Securigera varia</i>

(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 Wellhead Protection Overlay, use BMPs from Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table, "Runoff Quality/Non-infiltration" category.

(c) Maintenance Agreement. A Stormwater Operation and Maintenance Agreement is required by and between the City of Kalamazoo and the owner of the property when Stormwater BMPs are used.

(d) Exceptions. Development or redevelopment of a single family home or duplex is exempt from these Stormwater standards.

(7) Fill Materials. Use of fill material containing regulated substances above any State and/or Federal cleanup criteria for soils is prohibited. Fill material shall be sourced as follows.

(a) Fill material shall not be sourced from industrial or commercial sites where hazardous materials were used, handled, or stored or from unpaved parking areas.

(b) Fill material shall not be sourced from sites that contain species that are legally designated by the State of Michigan as prohibited or restricted.

(8) Protection During Construction. A temporary construction fence is required to protect Natural Features and not-to-be disturbed areas, such as those designated to meet pervious lot coverage requirements, during the duration of any site work or construction,

(a) Fence Construction. Construction fences shall be erected as follows.

[1] Fencing must be built using posts six (6) feet in height, spaced no more than eight (8) feet apart on center and buried at least two (2) feet below grade.

[2] Fence must have two (2) cross beams placed approximately at two (2) and six (6) feet above grade.

[3] Plastic mesh barrier fence shall be affixed to the front of the posts.

(b) Fence Placement. Refer to Figure 6.2-5 Placement of Construction Fencing. Fencing shall be located no closer than the required setback or edge of a not-to-be disturbed area.

[1] Where a tree is located in the setback or not-to-be disturbed area, the fencing shall be placed to protect the

CRZ. Refer to Figure 6.2-5 Placement of Construction Fencing.

[2] Trees and Woodlands protected through 50-6.2F and 50-6.2G shall have construction fencing placed outside of the CRZ.

(c) Prohibited Activities. The following activities are prohibited within the construction fencing.

[1] Spreading of soil spoils.

[2] Heavy equipment and vehicle traffic.

[3] Storage of construction materials and debris.

[4] Site grading changes that increase or decrease the moisture conditions within a CRZ on a temporary or permanent basis.

L. 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.

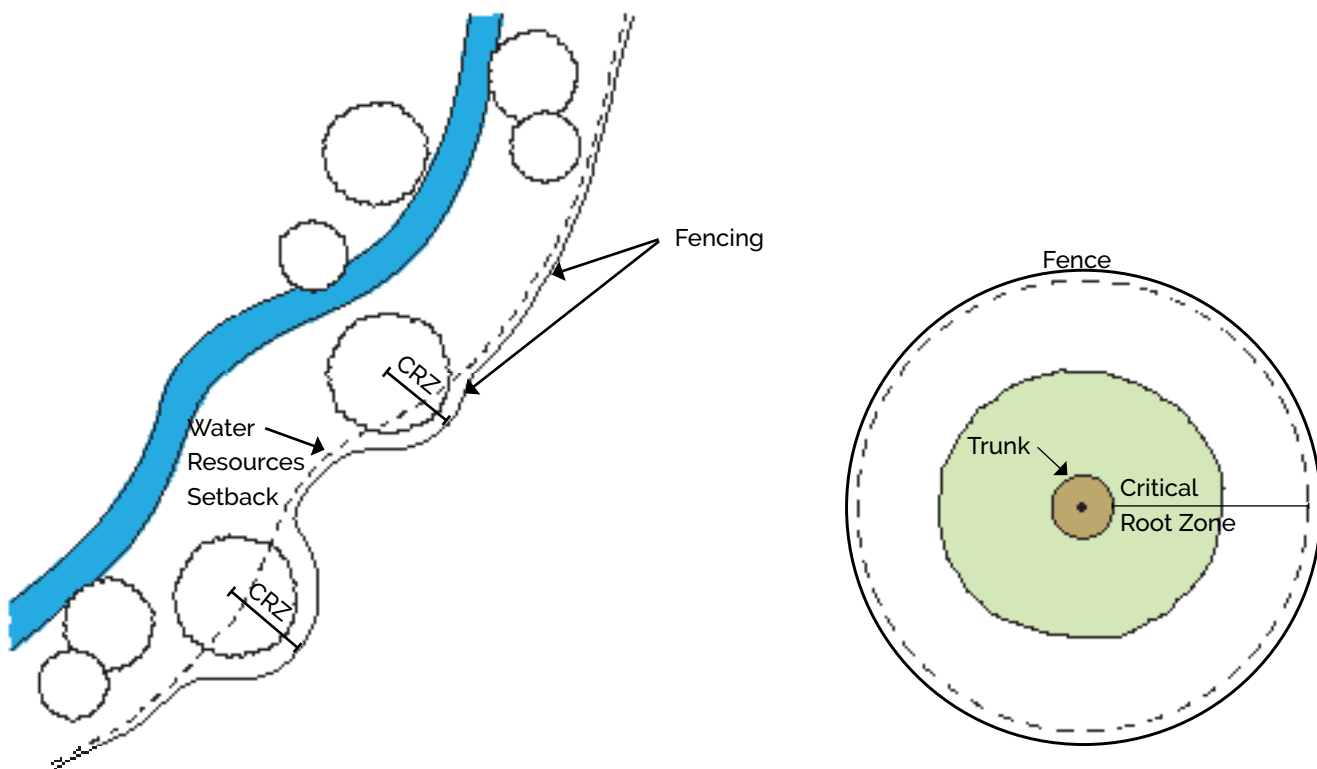


Figure 6.2-5 Placement of Construction Fencing

(c) Where Site Plan is required and a zoning review from the Planning Commission is requested and/or Zoning Board of Appeals is requested or the site is located within one hundred (100) feet of a Wetland or Water Resource or 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 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.

M. 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. The following financial assurances shall be required for NFP projects that require Site Plan approval.

(a) A bond is required for projects in the NFP Overlay District valued at \$100,000 or more.

(b) A lien shall be applied to parcels for projects in the NFP Overlay District valued under \$100,000.

(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.

N. Penalty. A violation of the provisions of this Chapter is a municipal civil infraction punishable as follows.

(1) Any person, firm, or corporation violating any provision of this Chapter is responsible for a municipal civil infraction and shall be fined up to \$2,500 for each violation. A civil infraction citation for a violation of this Chapter may be issued by the Building Official, or by such person as the City Commission or City Manager may designate.

(2) Each day a violation exists or continues shall be deemed as a separate offense.

(3) Any person, firm, or corporation found responsible for a subsequent violation of this Chapter within two years of having been found or admitted responsible for a violation of this Chapter shall be responsible for a civil fine of up to \$5,000.

(4) Imposition of court-imposed costs.

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

Article 7. Parking & Loading Regulations

50-7.1 General Requirements.

A. Applicability. Unless otherwise stated, parking and loading shall be provided as is outlined in this Chapter.

B. General Provisions.

(1) Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state and federal building or accessibility requirements, including quantity, size, location, and accessibility.

(2) Requirements for Unlisted Uses. Parking spaces will be provided as detailed in Table 7.2-1. If a use is not listed, the City Planner is authorized to apply standards for a use deemed as similar. In the instance where an equivalent may not be clearly determined, the City Planner may require a parking study, transportation management plan, or other evidence that will help determine the appropriate requirements.

C. Exempt Areas.

(1) Downtown. Lots located in the Downtown Exempt Parking Area (refer to Figure 7.1-1) are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements including design, layout, and landscaping.

(2) Nodes. Lots in the Node Districts are permitted a twenty-five (25) percent reduction of the required off-street parking. Spaces that are provided must adhere to all applicable requirements, including design, layout and landscaping.

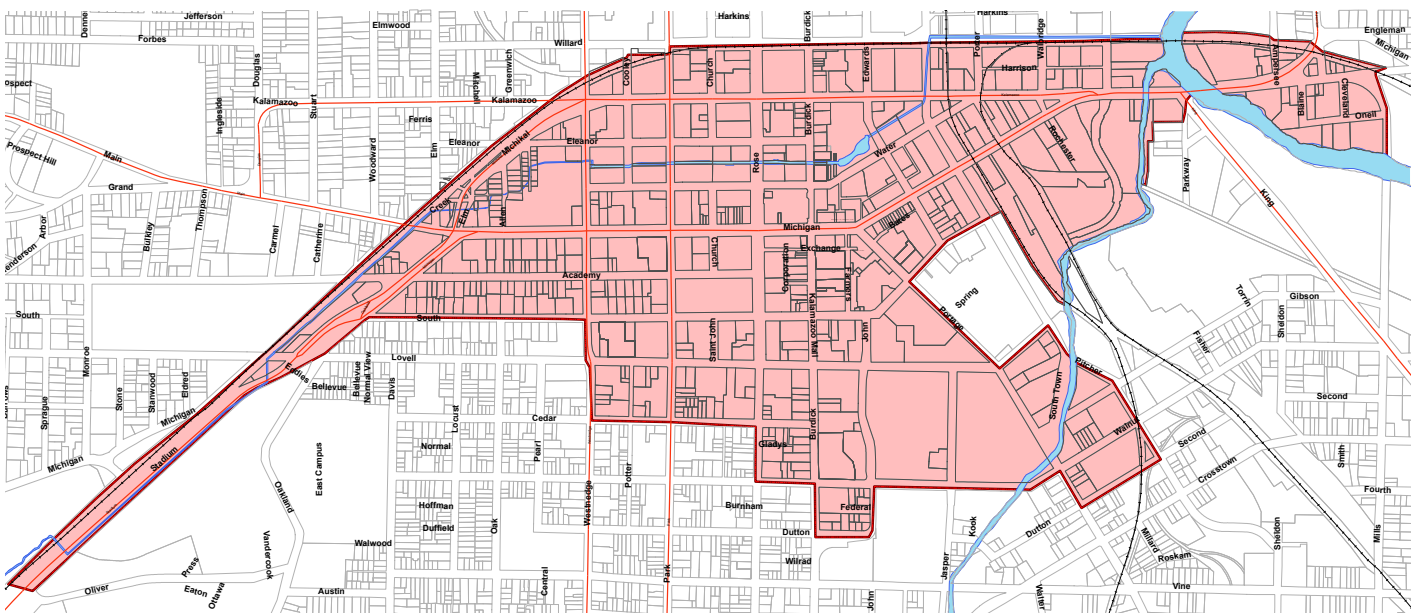


Figure 7.1-1 Downtown Exempt Parking Map

(3) Small Commercial Establishments. A commercial establishment, including the non-manufacturing element of craftsman industrial, containing up to 2,000 square feet of floor area, located in a building constructed on or before October 18, 2005, and not located in the Community Commercial zoning district, shall be exempt from all requirements to provide off-street parking spaces.

50-7.2 Required Vehicular Off-Street Parking Spaces.

A. Required Parking Table. Table 7.2-1 outlines the required off-street parking spaces. Total required vehicular parking spaces should be determined using the following parameters in addition to Table 7.2-1.

(1) Fractions. In determining the number of spaces required, any fraction of spaces required under $\frac{1}{2}$ shall be disregarded; a fraction equal to or greater than $\frac{1}{2}$ shall be rounded up to count as one (1) space.

(2) Maximum Parking Spaces Provided. Off-street parking may not be provided in an amount greater than 110% of the minimum parking requirement.

(3) On-Street Parking Credit.

(a) Up to twenty (20) percent of the parking requirement for commercial and industrial-craftsman uses can be met with on-street parking located within 660' of the site.

(b) Up to twenty (20) percent of the parking requirement for residential uses can be met with on-street parking located within 660' of the site where overnight parking is permitted.

(4) Shared Parking. Credit for shared off-street parking is calculated as follows.

(a) Off-Site Location. Spaces in off-site parking facilities within 660' can be applied to the parking requirements for a lot.

(b) Multiple Uses Credit. When multiple uses share parking facilities, the quantity of spaces provided should be calculated as follows.

[1] Shared Peak Demand Times. Businesses with the same peak parking demand times that share parking facilities shall reduce the quantity provided by five (5) percent.

[2] Different Peak Demand Times. Business with different peak parking demand times, can reduce their required parking spaces using Table 7.2-2 Parking Times Per Use Category.

[a] Determine the required number of spaces per use, following Table 7.2-1 Required Parking Table.

[b] Applying the percentages in Table 7.2.2, determine the number of spaces needed per use in each of the six (6) time periods.

[c] For each time period, add the number of spaces needed for all applicable use categories to obtain a total for each of the six (6) time periods.

[d] The time period with the highest total of parking spaces, is the number of spaces required for the site.

Table 7.2-1 Required Parking Table

Use	Required Spaces
Residential/Lodging	
Hotel/Motel	.75 spaces/1 guest room plus 1 space/employee on largest shift; CC District: 1 space/1 guest room plus 1 space/employee on largest shift
Bed & Breakfast	1 space/guest room, 1 space for innkeeper/home occupant
Dormitory	1 space/3 beds or per City Approved Campus Master Plan
Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care	1 space/employee on largest shift, 1 space/facility vehicle, 1 space/5 beds
Residential	1 space/dwelling unit ¹
Residential: Senior Housing	.5 space/dwelling unit
Residential: Off-Campus Student Housing/RM-15C	2 spaces/dwelling unit
Rooming House	1 space/unit or bedroom
Transitional Residence	1 space/2 employees on largest shift
Civic/Institutional Uses	
Assembly/Theatre	1 space/3 persons permitted at maximum occupancy
Assembly, Religious	1 space/6 seats in worship area or 1 space/40 square feet without seats
College and University	Based on similar use or per City Approved Campus Master Plan
Hospital	1 space/3 beds or per City Approved Campus Master Plan
Library & Museum	1 space/3 persons permitted at maximum occupancy
Police & Fire Station/Utilities & Public Services	1 space/employee on largest shift
School	2 spaces/3 employees as largest shift, plus 1 space/10 students enrolled in grades 10-12

¹ For detached and attached dwelling units, up to 2 spaces per unit are permitted.

Use	Required Spaces
Commercial	
Agriculture	1 space/employee on largest shift
Day Care	1 space/employee on largest shift, in addition commercial facilities: 1 space/5 children permitted at maximum occupancy
Eating & Drinking Establishments	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Participant)	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Spectator)	1 space/6 fixed seats or 1 space/40 square feet without seats
Retail/Services	1 space/330 square feet
Kennels	1 space/employee on largest shift, 1 space/3 animals permitted at maximum occupancy
Office	1 space/300 square feet
Outdoor Sales & Storage	1 space/employee at largest shift, 1 space/2,500 square feet outdoor sales area
Vehicle Service	1 space/200 square feet floor area; in addition vehicle repair 2 spaces/repair bay or area
Vehicle Service: Car Wash	1 space/employee on largest shift
Industrial	
Craftsman Industrial	1 space/employees on largest production shift, 1 space/500 square feet retail
Industrial	1 space/2 employees on largest shift

Table 7.2-2 Parking Times Per Use Category

Uses Category	Weekdays			Weekends		
	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight
Residential	100%	50%	80%	100%	80%	80%
Hotel/Motel/Bed & Breakfast	100%	65%	100%	100%	65%	100%
Assembly- Religious	0%	30%	50%	0%	100%	75%
Retail & Services	5%	100%	80%	5%	100%	60%
Eating & Driving Establishments	50%	70%	100%	70%	60%	100%
Entertainment (Spectator, Participant) & Assembly	5%	30%	100%	5%	80%	100%
Office	5%	100%	5%	5%	5%	5%

(5) Bicycle Facilities. For every ten (10) required bicycle parking spaces, the required number of vehicular spaces may be reduced by one (1). Refer to 50-7.3 Required Bicycle Parking.

(6) Administrative Reduction. City Planner may reduce the number of required parking spaces by up to ten (10) percent if the applicant can document that the required number of parking spaces will not be fully utilized.

B. Vehicular Parking Design and Location. Vehicular parking facilities shall be provided using the following standards.

(1) Design. Vehicular parking shall be designed as follows.

(a) Space Dimension. Parking space design shall follow the dimensions in Table 7.2-3 Parking Space and Aisle Dimensions and Figure 7.2-1 Parking Space and Drive Aisle Dimensions

(b) Wheel Stops. Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to site or in public right-of-way.

(c) Tandem Spaces. Tandem spaces are permitted as follows.

[1] Two (2) spaces may be placed in tandem provided one (1) space is accessible by an aisle, driveway, or alley.

[2] Tandem spaces are permitted for use by residential units only and must be utilized by the occupants of the same dwelling unit.

(d) Slope. All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.

(e) Materials. Parking areas may be designed with impervious or semi-pervious materials, such as concrete, asphalt, macadam, brick, and stone.

[1] Gravel and crushed stone are permitted for parking lots for residential parking areas up to ten (10) spaces and for all parks and open space uses. Additional application of these types of material may be permitted with approval of the City Planner.

(f) Landscape Areas.

[1] Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.

[2] The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines following Appendix A 6.2 Landscaping and Open Spaces

(g) Lighting. Parking areas with fifty (50) or more spaces must be lit per Appendix A 6.4 Lighting.

(h) Pedestrian Access. Parking lots with more than two (2) double-loaded aisles will provide internal pedestrian access both through the lot, and if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s).

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

[2] Location. The pathway(s) shall be centrally located.

Table 7.2-3 Parking Space & Aisle Dimensions

Angle of Parking	Stall Dimensions			Drive Aisle Width	
	Curb Length	Stall Width	Stall Depth	One-Way	Two-Way
0 Degrees (Parallel)	18'	8'	18'	12'	20'
45 Degrees	12'	8.5'	18'	12'	20'
60 Degrees	10'	8.5'	18'	18'	20'
90 Degrees	8.5'	8.5'	18'	20'	20'

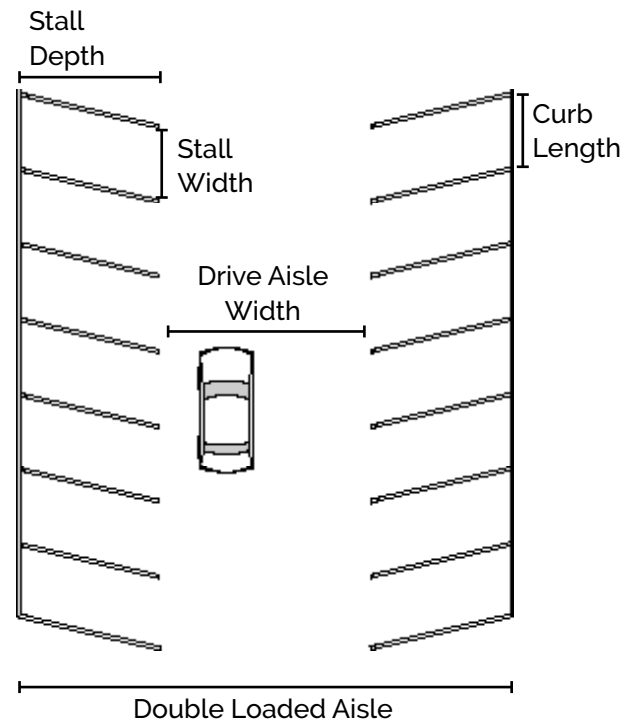


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

[3] Buffer. The pathway shall be buffered from drive aisles with landscaping or designated parking stalls and delineated with paint where it crosses drive aisles.

(2) Vehicular Parking Location. If located in a district with lot type standards, refer to these standards for parking lot location. In addition the following applies.

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

(b) Parking in Yards. Parking of motorcycles and personal vehicles are not allowed in front yards except on driveways, permitted parking area, or within structures.

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

[1] Recreational Vehicles shall not be stored in a front yard or front or corner build-to zone unless in a garage or carport; except vehicles may be parked for up to seventy-two (72) hours for loading and unloading purposes.

[2] Recreational Vehicles can be stored in the side or rear yards.

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

[4] A maximum of two (2) recreational vehicles can be stored out of doors on a lot at a time; there is no limit as it relates to vehicles within fully enclosed structures.

Table 7.3-1 Required Bicycle Parking Table

Use	Required Spaces
Residential/Lodging	
Bed & Breakfast/Hotel/Motel	1 space/7 employees
Dormitory	1 space/5 beds or per City Campus Master Plan
Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care	1 space/7 employees
Residential	1 space/5 dwelling units
Civic/Institutional Uses	
Assembly/Theatre	1 space/50 persons permitted at maximum occupancy
Assembly, Religious	1 space/50 seats in worship area or 100 square feet without seats
College and University	Based on similar use or per City Approved Campus Master Plan
Hospital	1 space/15 employees or per City Approved Campus Master Plan
Library & Museum	1 space/7 employees
Parks & Open Space	1 space/5,000 square feet of land area or per City Parks & Recreation Plan
School	2 spaces/classroom
Commercial & Industrial	
Agriculture	1 space/5 employees or gardeners
Eating & Drinking Establishments & Entertainment Sports (Participant)	1 space/15 persons permitted at maximum occupancy
Office/Employment Uses/Other	1 space/7 employees
Parking, Stand Alone Surface Lot or Garage/Ramp	1 space/15 parking spaces
Retail/Services	1 space/7 employees

50-7.3 Required Bicycle Parking.

A. Required Bicycle Parking Table. Table 7.3-1 outlines the required spaces for bicycle parking. Total required bicycle parking spaces should be determined using the following parameters in addition to Table 7.3-1.

(1) Calculation. At least one (1) space is required. Beyond the first space, in determining the number of spaces required, any fraction of spaces required under 1/2 shall be disregarded; a fraction greater than 1/2 shall be rounded up to count as one (1) space.

(2) Public Bicycle Parking Spaces. Parking facilities within public spaces, such as street rights-of-way, can count toward the requirement for non-residential uses. All facilities located within a public right-of-way, require review and approval of an encroachment agreement with the City.

B. Bicycle Parking Design and Location. Bicycle parking facilities shall be provided using the following standards.

(1) Design. Bicycle parking shall be designed as follows.

(a) Space Size. Each bicycle parking space must be at least six (6) feet long and two (2) feet wide with a five (5) foot access aisle.

(b) Bicycle Racks. Bicycle racks must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Provide at least two (2) points of contact to allow locking of frame and at least one (1) wheel.

[3] Be constructed of materials that resist cutting, rusting, bending, or deformation.

(c) Lockers. Lockers must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Be secured by means of a lockable door or configured internally to allow locking of the frame and at least one (1) wheel.

(2) Location. Bicycle parking shall be located as follows.

(a) Visible Location. If not visible from the street or public entrance, a directional sign must be posted indicating location. Adherence to the Manual On Uniform Traffic Control Devices for signage is recommended.

(b) Structured Parking. If more than fifty (50) percent of a site's vehicular parking is in a covered area or structure, the required spaces shall also be located in the covered area or structure or otherwise protected from the weather.

50-7.4 Off-Street Loading Requirements.

A. Off-Street Loading. Construction of new buildings that are expected to have deliveries by vehicles rated as heavy duty must provide off-street loading facilities as follows.

(1) Design. Each loading space shall be a minimum of ten (10 feet) in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

(2) Location. Loading areas shall be located as follows.

(a). All off-street loading areas. Regardless of truck type, loading areas shall not be located in the front build-to zone and may not occupy any part of a required front or corner yard.

(b) Loading areas shall not be located closer than fifty (50) from a residentially zoned lot unless it is wholly enclosed within the building or by walls.

(c) Loading areas must be separate from pedestrian facilities and pathways.

50- 7.5 Driveway Access Design.

A. Driveways. Driveways will be designed as follows.

- (1) Driveway Width. Driveway width is measured at the front property line and shall adhere to the following.
 - (a) Single-lane Driveways. Single-lane driveways shall be between eight (8) feet and twelve (12) feet.
 - (b) Double-lane Driveway. Double-lane driveways shall be between twenty (20) feet and twenty-four (24) feet, unless the driveway serves the off-street loading area, where a larger driveway may be required based on site plan review.
- (2) Double Track Driveways. Double-track, wheel strip, or ribbon driveways are permitted as follows.
 - (a) The first two (2) feet of the entire driveway width, measured from the property line, must paved or covered with a permitted material..
 - (b) Wheel strip shall be at least eighteen (18) inches in width
 - (c) Area between the wheel strips must be landscaped with living ground cover.
- (3) Materials. Driveways may be designed with impervious or semi-pervious materials. such as concrete, asphalt, macadam, brick, and stone.
 - (a) Gravel and crushed stone are permitted for residential driveways accessing parking areas up to ten (10) spaces. Additional application of these types of material may be permitted with approval of the City Planner.
- (4) Maximum Coverage of Front Yard. Driveways cannot account for more than thirty (30) percent of the front yard of a lot.

Multiple Downtown Districts

District 1

Entertainment, dining, & shopping urban core

First floors storefront windows into retail & dining spaces

Less active uses such as residential in upper floors or in the rear

No surface parking lots

Wide sidewalks to support the outdoor dining, benches and trash cans, and street trees and flowers.

Pedestrians are the priority user

On-street, typically metered parking provides convenient parking spaces.



Multiple Downtown Districts

District 2

Mix of uses on the first floor - commercial, residential, civic & institutional

First floors of these blocks will have both storefronts & other designs to reflect the wide mix of uses

No or limited surface parking lots

Wide sidewalks with street trees & plantings

Public spaces in the streets & sidewalks support travel by walking, biking, transit, & vehicles



Multiple Downtown Districts

District 3

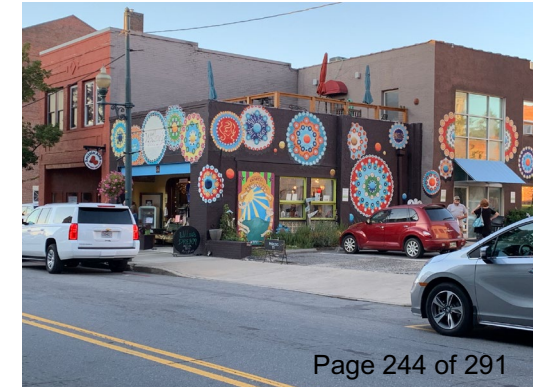
Transition between Downtown & the surrounding neighborhoods

Allows a wide variety of development, including opportunity for more housing types such as row houses & low-rise apartment buildings

First floors have varied design, all have clear entrances & transparent windows

Sidewalks may be all pavement or a mix of pavement & grass in a curb lawn

Public spaces of the streets & sidewalks of this area should support travel by walking, biking, transit, & personal vehicles linking Downtown with the surrounding neighborhoods



Live Work 1

Mixed use corridors, blocks leading to neighborhood commercial nodes where the use and building look can change repeatedly along the block

Allows a wide variety of neighborhood-scaled development, including opportunity for more housing types such as row houses & low-rise apartment buildings

First floors have varied design, all have clear entrances & transparent windows

Sidewalks may be all pavement or a mix of pavement & grass in a curb lawn

Public spaces of the streets & sidewalks of this area should support travel by walking, biking, transit, & personal vehicles, especially on the mixed use corridors



Live Work 2

Ideal for transitions between neighborhoods and more intense areas and around Industrial or formerly blocks

Allows a wide variety of commercial, residential, and maker spaces

First floors have varied design, all have clear entrances & transparent windows

Sidewalks may be all pavement or a mix of pavement & grass in a curb lawn

Public spaces of the streets & sidewalks of this area should support travel by all travel modes - walking, biking, transit, & personal vehicles



Residential Multiple Family (RM36)

Residential district that allows a wide variety of housing options from low to higher rise buildings

Sidewalks may be all pavement or a mix of pavement & grass in a curb lawn



**CITY OF KALAMAZOO, MICHIGAN
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND SECTION 1.8.A. ZONE DISTRICT MAP OF THE
ZONING ORDINANCE, BEING APPENDIX A OF THE KALAMAZOO CODE TO
REZONE DOWNTOWN PARCELS AND BLOCKS FROM CCB, CC, CN1, CO, M1,
M2, RM36, AND RM15 TO DOWNTOWN 1 (D1), DOWNTOWN 2 (D2), DOWNTOWN 3
(D2), RESIDENTIAL MULTI-DWELLING (RM36), LIVE-WORK 1 (LW1) AND LIVE
WORK 2 (LW2)**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Under Section 1.8.E. the Zone District Map described in Section 1.8.A. is amended as follows:

The land area and parcels described in the map and table attached to this ordinance are rezoned from Central Business (CCB), Community Commercial (CC), Local Neighborhood Commercial (CN1), Commercial Office (CO), Limited Manufacturing (M1), General Manufacturing (M2), Residential Multi-Dwelling 15 (RM15) and Residential Multi-Dwelling 36 (RM36) to Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3), Live Work 1 (LW1), Live Work 2 (LW2), and Residential Multi-Dwelling 36 (RM36).

Section 2. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability. If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 4. Other Ordinances. This ordinance shall be of no effect unless and until an ordinance amending and revising Chapter 50 "Zoning" to the City Code of Ordinances creating new Downtown Zoning District classifications is adopted by the City Commission on or before November 30, 2020.

Section 5. Effective Date. Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976, M.C.L. § 15.261 et. seq). Minutes of the meeting will be

available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk

**CITY OF KALAMAZOO, MICHIGAN
ORDINANCE NO. _____**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 50 “ZONING”,
OF THE CITY OF KALAMAZOO CODE OF ORDINANCES TO CORRECT MINOR
ERRORS, CLARIFY ZONING AND BUILDING STANDARDS, AND ADD DEFINITIONS**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Existing Chapter 50 “Zoning” of the Kalamazoo City Code of Ordinances is repealed and replaced with the text of revised Chapter 50, as attached hereto.

Section 2. Construction. In the event of any conflict between the provisions of revised Chapter 50 “Zoning” and Appendix A “Zoning Ordinance”, the language of revised Chapter 50 is controlling.

Section 3. Severability. If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 4. Effective Date. Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976, M.C.L. § 15.261 et. seq). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk

City of Kalamazoo
PLANNING COMMISSION
Minutes
October 1, 2020
DRAFT

Second Floor, City Hall
Commission Chambers
241 W. South Street, Kalamazoo, MI 49007

Members Present: Gregory Milliken, Chair; Emily Greenman Wright, Vice Chair; Derek Wissner; Coreen Ellis; James Pitts; Brian Pittelko; Sakhi Vyas

Members Excused: Shardae Chambers

City Staff: Christina Anderson, City Planner; Clyde Robinson, City Attorney; Beth Cheeseman, Executive Administrative Assistant; Pete Eldridge, Assistant City Planner; Joe Ulery, Deputy Chief Information Officer; Neal Conway, Communications Coordinator; Jack Urban, City Commission Liaison; Amanda Cockroft, Marketing and Communication Specialist

A. CALL TO ORDER

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

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Planner Anderson stated that the recommending step from G. Public Hearings was dropped off the agenda. She clarified that it would be recommending approval of the text amendments and the rezoning to the City Commission.

Commissioner Greenman Wright, supported by Commissioner Vyas, moved approval of the October 1, 2020 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Ellis, supported by Commissioner Greenman Wright, moved approval of the September 3, 2020 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None.

F. NEW BUSINESS

1. P.C. #2020.15: Kalamazoo First Baptist Church, 315 W. Michigan Ave. The Historic Preservation Commission has approved the request of Kalamazoo First Baptist Church to have the church designated as a single resource local historic district. The next step is to review and gather comments from the Planning Commission. **[Request for comments only on proposed local historic district]**

Planner Eldridge reported that the church has requested the designation as a single-resource local historic district. It is the oldest place of worship in the downtown. Planning Commission review and comment is the next step in the approval process for this designation. At this time, the request is also being sent to the three state historical entities. The City Commission will vote on the designation. Planner Eldridge said the First Baptist Church owns the property but is in the process of selling to a non-profit entity. Historic Preservation standards will protect the structure on the property. The Church will remain there, but there will be other non-profits as well.

Commissioner Milliken stated that it was an impressive report. He expressed appreciation for the effort put in by the owner and the City to protect this important structure.

G. PUBLIC HEARINGS

1. P.C. #2020.14: Text Amendment to Chapter 50 Zoning Code and a rezoning of Downtown CCBD parcels and adjacent blocks to Downtown zoned CC, CN1, CO, M1, M2, RM36, and RM15 to Downtown D1, D2, or D3, RM36, Live Work 1, or Live Work 2.

Commissioner Wissner said his company had active business interests that were affected by these changes, so he would abstain from the deliberation and vote.

Planner Anderson presented the staff report. This project is a code update focused on downtown and adjacent blocks. She indicated that this project helps meet the goals listed in the Master Plan for the vision of the downtown. These goals include meeting housing needs, supporting economic vitality, creating an active inviting place for all who live, work and play there, and improving access for all travel modes.

Planner Anderson explained that they looked at the interaction between the ground floor of a building, the way it looks, what's inside, and how that interplays with the activity on the outside. She said that is an important relationship in the downtown and in the key commercial corridors. That is why they chose form-based standards to make sure they are tying that important relationship together where it matters most. She said they sought to make sure standards were clear with a more predictable outcome. They streamlined the review and approvals by including many elements of the Downtown Design Review (DDR) guidelines into the code itself. They also updated the administrative review and process part of the zoning code as it relates to downtown. Planner Anderson said they are shifting from a one size fits all approach to the zoning in downtown to one that is more tailored to the street type and location.

Planner Anderson reviewed the engagement done for this project. In June they supplied virtual and paper methods for people to map where the downtown districts should go. They reviewed that information, made changes and put them back out for more review and comment. A working group was created that was a mix of developers, residents, business owners, and the Downtown Kalamazoo Partnership. The working group advertised the input activities, reviewed the draft, and reviewed the results of the activities as they came in. Planner Anderson said they made presentations to downtown organizations; kept in touch

with the Downtown Partnerships Coalitions; set up an engagement telephone hotline. Three weeks ago, a letter was sent to property owners and occupants. This letter directed them to materials on the Imagine Kalamazoo website, alerted them about the Townhall meeting and noticed for the Public Hearing. City Planners, Kalamazoo Downtown Partnership and members of the working group participated in the Townhall.

Planner Anderson reported there were two main pieces of the zoning update – the map and the text amendments. They mapped the downtown districts and reviewed adjacent blocks to make sure they align with what is happening downtown. The text amendments focus on the updates to the use table and definitions to support that work.

Planner Anderson outlined and explained the existing district standards for Downtown and adjacent areas. Currently there is the Commercial Business District, some manufacturing zoning, Community Commercial, Commercial Neighborhood 1 and Commercial Office.

Planner Anderson stated that the draft map was created and confirmed through community comment. She explained the new downtown districts. D1 is meant for the most active uses on the ground floor – entertainment dining, and shopping. It has the widest sidewalks, wayfinding signs, and the most streetscape. Pedestrians are the priority users in this area. D2 is a mix of first floor and commercial uses. This designation is where you start to see a mix of the less active uses on the ground floor - residential and civic uses. She said it is representative of what exists there today. D3 is the transition from the edge of downtown to the edge of the next adjacent neighborhood. It allows a wide variety of development including many housing types. Planner Anderson spoke of adding a mix of LW-1, LW-2, and RM-36 zoning. LW-1 is something that blends in with the lower density residential neighborhoods. LW-2 allows commercial and light industrial uses that fit the edge of a downtown. RM-36 allows three proposed small areas to have the same zoning as the blocks or areas around them.

Planner Anderson reviewed the text amendments. She shared that the permitted uses are similar if you look at CCBD vs D1, D2, and D3. It's how they are regulated that differs. The proposed changes are meant to think about context and location. Currently, CCBD allows residential anywhere downtown on the ground floor. It does not allow single-family, duplex, row or attached housing. D1 allows residential on upper floors and in the back of the ground floor off the street. D2 allows residential on all floors. D-3 allows residential on all floors and all housing types are permitted except single-family homes.

Religious Assembly is currently permitted all throughout the downtown. She said they are proposing to keep D1 for active uses and allowing religious assembly only in D2 and D3.

Parking lots are currently permitted throughout downtown. Standalone surface lots or parking ramps with only one use are permitted in D2 and D3. Standalone parking lots will not be allowed on corners or fronting a priority street. Parking ramps in D1 would have to be wrapped with other uses.

In CCBD, vehicle services are permitted throughout downtown. It is proposed to allow them only in D3.

Planner Anderson said the biggest change as it relates to this update and uses is marijuana. Last spring retailer and designated consumption establishments were proposed to be included in downtown. At that time, Planning Commissioners determined it would be best to think about their placement through this zoning process. City staff propose that retailer/provisioning centers be permitted in all three districts. They must still remain 1000' apart and maintain separation distances from protected uses. Their location would be limited based on street type. Designated Consumption Establishments would be permitted all through downtown. Consumption must be indoors, and the location would be limited on street type. Separation distances must be maintained from protected uses. Safety compliance (laboratory use) would be permitted in D2 and D3 with location limited based on street type.

Planner Anderson mentioned that they received a lot of questions on CBD products. She said the state does not allow the City to regulate that.

Planner Anderson reviewed the updated zoning standard. She spoke about form-based standards and that they are not new for Downtown or for Kalamazoo. Planner Anderson explained how transparency on a building (windows on a store front) promotes safety and creates interest for pedestrians. Pedestrian feel more comfortable when there is a clear pathway to walk on. She said this is true for residential too – having clear access points from building to street is important in an active urban area.

Planner Anderson shared that outside of marihuana, height requirements garnered the most discussion for this project. She proposed to make a slight change from document posted based on additional input. They propose that height be located in number of stories vs total number of feet. Currently, height in a specified downtown area is a minimum of 2 stories with no maximum. Outside of that specific area, people can have buildings that are two stories taller than the next building within 200'. That requires measurements and some places have vacant lots, limiting those within 200' to four stories. Planner Anderson said they are proposing that everything in D1 and D2 be allowed to have no maximum height and a minimum of two stories. She explained that this is a change from the code Planning Commissioners received saying that everything in D1 and D2 that touched a main or priority street could have no height maximum. They discovered that excluded two parcels in D1 and D2. They felt it didn't make sense to exclude those lots. Planner Anderson said they propose that everything in D3 would be up to five stories with no minimum.

Planner Anderson apologized that the staff report didn't get into the packet. She explained that when the Planning Commission and the City Commission review code updates, they seek to answer certain questions. Planner Anderson went through the questions and answered them showing how this proposal met the requirements.

Planner Anderson encouraged Planning Commissioners to review the four letters/emails received regarding this zoning request.

Commissioner Milliken said the presentation was comprehensive and very important. He emphasized that they are deciding on significant map changes and significant ordinance changes affecting a lot of parcels. Commissioner Milliken said he will ask to hear from each Commissioner. He wants to make sure they are comfortable with it before it goes to City Commission.

Commissioner Vyas asked when changes would go into effect. Planner Anderson replied that the City Commission reviews it over two meetings then typically they would take effect 10 days after approval.

Commissioner Milliken asked how a story is defined specifically with regard to mechanicals on top of a building. Planner Anderson responded that the code allows mechanicals on the roof. That would not change. Planner Eldridge added that mechanicals are only considered a story if there are walls and a roof over them.

Commissioner Milliken opened the public comments portion of the hearing.

Commissioner Milliken stated that they received written comments and would consider those in their deliberations.

Mr. Rick Schering was a member of the working committee. He said they did their best to balance interests of promoting economic development and growth in downtown, maintaining the feel of downtown, and preserving the things that make the community unique. He expressed support of the plan and thinks it is

representative of the feedback of the stakeholders involved in the working group. He appreciated efforts of the City to reach out to a diverse group of stakeholders to participate.

Mr. Gerry Griffin, President of GMG Public Affairs Consulting, called saying he has a client in the marihuana industry. He gave detailed reasons why the playground at Arcadia Place should not be included in the buffer distance with regards to marihuana businesses. He asked the Planning Commission to recommend to the City Commission to remove that buffer. He mentioned that the City was undertaking a review to recommission that park for a different use anyway.

Mr. Curt Aardema called to support the changes. He felt the proposed new code provides clarity between the retail core, mixed use areas, and medium and high density residential. Mr. Aardema said the new code promotes density which allows for more downtown housing. The form-based model has worked successfully in other communities promoting urban growth, walkable neighborhoods and creative places. He also expressed support for the local historic district, saying it is an important part of the downtown.

Ms. Tina McClinton called to confirm that D3 includes the Southtown neighborhood. She spoke of fighting to save the green space next to her to help with flooding issues. Ms. McClinton stated that the more they build, the more her neighborhood floods. She said they didn't need high buildings in their back yards. She suggested they build in other neighborhoods.

Commissioner Milliken closed public comment portion of the hearing.

Commissioner Milliken referred to the last caller and stated that D3 does not extend past Crosstown. Nothing on Lake Street is involved in these proposed changes.

Commissioner Pittelko asked for the rationale for no minimum heights in D3. Planner Anderson said that they felt there was a need to be more flexible when it came to the edges of the City and how it merges with the adjacent areas. It will have a lot of different types of residential that will be less intense.

Commissioner Milliken commented that D3 does not allow detached single-family homes. Planner Anderson said it does not, but it does allow cottage commercial. She said they have quite a few of those in the edge of downtown.

In response to Commissioner Milliken's earlier question, Planner Anderson reported that mechanical rooms can occupy no more than 33% of roof area and would not exceed 10'. That is what is in the code currently and is not proposed to change. It would not count as a story if it meets those requirements.

Commissioner Greenman Wright wondered about the properties in the 600 block of South Street. She asked why they aren't being added into LW-1 with the rest of Academy. Planner Anderson responded that it had to do with how they are zoned now. Areas where residential are restricted on the ground floor are the ones proposed for change. Commissioner Greenman Wright verified that residents in this area can continue to stay in their single-family homes. Planner Anderson agreed that was true.

Commissioner Pitts clarified regarding the caller concerned about flooding, that area is not included in the zoning change and will remain the same. Planner Anderson stated that the caller's property is not in the proposed area of rezoning. The action does not go past Crosstown.

Commissioner Milliken closed the public comment portion of the public hearing.

Commissioner Greenman Wright, supported by Commissioner Ellis, made a motion to recommend to the City Commission to approve the rezoning and text amendments to chapter 50 with the condition of adjusting the language as it relates to no maximum height as recommended by staff.

Commissioner Greenman Wright commended City staff on the efforts they made to engage the public. She really liked the phone line to make comments more accessible. Commissioner Greenman Wright thought the Townhall was thorough and she appreciated there were members of the working committee present. She believed the zoning changes fit within their vision from the 2025 Master Plan and she said she would vote in support of the recommendation.

Commissioner Pittelko thanked staff for work done on the plan and the presentation. He thought it was helpful in understanding the intent of the requested changes. Commissioner Pittelko believed they are good changes but thought more time to consider them might be prudent. He still had questions about how the various layers fit in. Commissioner Pittelko liked that the changes would bring more diverse residential development around the outskirts of downtown.

Commissioner Vyas thanked staff. She thought it was a thoroughly researched and well-presented plan to move to the City Commission. Commissioner Vyas expressed appreciation for the engagement that was done. She planned to vote to move this ahead and said she was excited to see the zoning cleanup.

Commissioner Pitts believed staff did a great job on the presentation. He said he was looking forward to seeing the growth of Kalamazoo and what it entails. He was pleased with what he saw with the presentation.

Commissioner Milliken said he tended to agree with Commissioner Pittelko. He didn't really understand some of the building heights items. In the committee, there were a lot of questions about parking ramps and parking garages. Commissioner Milliken stated it was tied to occupied space, but he didn't fully understand how occupied space was presented in the ordinance, so that confused him.

Planner Anderson said she would be happy to answer questions as it relates to open issues.

Commissioner Pitts asked about a section in the map that seemed cut out. Planner Anderson said that block is an active industrial user, so they felt it was the best option to leave it as industrial zoning at this time. Commissioner Pitts asked if it could be rezoned if needed. Planner Anderson stated that any property has the opportunity to be rezoned. She said in doing this effort, they went almost lot by lot to make sure that what they were setting supporting their vision and didn't create many non-conformities. City Attorney Robinson added that he was involved in that decision and they decided it was better from a planning and legal perspective to leave it as is.

Commissioner Ellis asked what it would look like to put the decision on hold.

Planner Anderson said there would need to be a special meeting because the November meeting has a full agenda. She encouraged them to share their questions so she can address them – either that night or in the staff report for the next meeting.

Attorney Robinson said the proper motion would be to postpone it until a specific meeting night. Mr. Joe Ulery said he would send Planner Anderson potential meeting dates for a special meeting in the next two weeks.

Commissioner Greenman Wright asked to hear more about what Commissioner Milliken needed to see to feel comfortable to recommend it to the City Commission. She felt if there were reservations, then they needed to have more time.

Commissioner Milliken reported questions about the minimum height in D3. He felt that several portions of D3 are on Main roads where you could have one story. He thinks that goes against the form they are creating. Commissioner Milliken wasn't sure D1 and D2 were the best spots for consumption lounges. He noted there aren't any approved yet, so they aren't sure how that will work in a dense area. Commissioner Milliken said he felt the parking standards in the ordinance should be clearer. He also felt story should be defined to make it more user friendly.

Commissioner Greenman Wright thanked him for bringing up the consumption issue. She was forgetting that was all wrapped up in this.

Planner Anderson went through some of the concerns she heard. She said that occupied space is a term used in the code for LW1, LW2, and node. She offered to clarify it if necessary. Planner Anderson said right now there is no minimum height as it relates to D3. She shared that there is one Consumption Lounge Establishment that has local approval. It is at the state for licensing. Planner Anderson said there wouldn't be any further information on Consumption Lounge Establishment use other than that. It is new and there is no point of reference for them. There may not be more information on them for a year or more.

Attorney Robinson shared that the rules state that you come in as a member or pay a fee to enter and then you can use marihuana. There have been compassion clubs for medical marihuana users where they could gather and use it collectively. You have to be a member of the club to access the site and ingest/use marihuana. Attorney Robinson spoke of an article in the gazette in which there is food being prepared with marihuana with non-alcoholic drinks. He thinks it is possible there will be restaurants where you are a member of a club or you pay a fee to go in and have a meal and drinks laced with THC. He said that was his best guess, but they don't know how this will play out. Probably in another 18 months, they'll have a better idea of how this will develop.

Planner Anderson said the working group discussed parking garages and driveways and how they would be treated. She said they are limited on where they allow new driveways in D1 and D2. No new driveways will be permitted by right. Parking garages are not allowed in D1 unless they have another use in that

occupied space. For reference, occupied space is restricted. It is defined as the space the first 15' measured from the front façade. It can be ground floor or, in D1 and D2, restrictions include the second floor. If it was a parking garage, they want to make sure that is not the view people have as they are walking down the street.

Commissioner Milliken asked for clarification of the box that refers to occupied space restrictions. Planner Anderson said the table talks about uses. She explained there might be development standards by street spaces or lot type, typically relate to occupied space - especially by node, D1 and D2. They try to hold that space as much as possible for active uses. The table asks are those occupied space restrictions applicable here. Are they restricted from having parking, residential, storage? Are those inactive uses restricted here yes or no.

Commissioner Milliken encouraged her to look at that language and enhance it a little bit. If he just sees yes and no, then he wonders what that means. Planner Anderson said the table is meant to be as simple as possible. Definitions are in the beginning of the section and not repeated on each page. If they need additional language, that is fine. She said they did spend quite a bit of time on occupied space and had other staff read it to make sure it was interpreted the same way. Commissioner Milliken said the definition is fine and indicated that they could move on to other things.

Commissioner Greenman Wright asked for input from the other commissioners. She said she was happy to amend or withdraw her motion.

Commissioner Pittelko said that a lot of his questions have been addressed. He was still concerned he didn't have enough information. Commissioner Pittelko said if everyone thinks this works, he is ok to advance it, but he wants to make sure he has enough information. He thought it will do a lot of good for downtown.

Commissioner Ellis asked if Christina would be at the City Commission meeting and present to them.

Planner Anderson stated she would if the City Commission allows her. If she is not able to present to them, the information is available on Imagine Kalamazoo.

Commissioner Urban suggested deleting areas of genuine concern from the proposal. Areas where if they had more specific information, they would change their vote. He encouraged them to make specific questions known now and try to resolve the matter that night. Commissioner Urban indicated that the City Commission is moving into a very busy period, and there may be a two-month delay in getting the matter before them. He reminded them that the meeting is being held to resolve confusion or unease. Commissioner Urban asked them to be specific as to what was troubling them, resolve it or eliminate it from the ordinance.

Planner Anderson suggested that if the group as a whole is concerned about the minimum height in D3, they can propose to change that to two stories.

Commissioner Milliken asked for a motion that in D3 district that height be two stories on priority, main and connector streets.

Commissioner Pittelko made the motion, supported by Commissioner Greenman Wright.

Commissioner Pittelko believed that having two story buildings on the main streets would fall in line with the goals.

Commissioner Ellis asked the purpose of a minimum of two stories. She wondered if it had to do with preventing parking garages. Commissioner Milliken and Planner Anderson clarified that it could be any structure. It could be two stories of residential or commercial because that is what is allowed in D3.

A roll call vote was taken on the amendment. The amendment passed. Commissioner Wissner abstained.

Commissioner Milliken asked for another amendment to entertain the thought of removing consumption lounges from all or any districts.

Commissioner Greenman Wright agreed that this confuses the issue and it would be better to have a separate discussion on consumption lounges. She asked if it was possible to go forward without having them in the ordinance. She didn't think they had enough information to decide on that.

Commissioner Pitts said he understood what she was saying. They don't want to go too far without knowing what they will look like. He noted that they wouldn't be able to have a real discussion about them for 18 months. Commissioner Pitts said he is in favor of consumption lounges, but he expressed concern for saturation if they are allowed throughout the City.

Commissioner Greenman Wright clarified that she is not anti-consumption lounges. She wanted to be clear on what they are approving right now.

Attorney Robinson said according to the State's website, there are no active licenses in operation at this time. Planner Anderson stated that staff can do specific research based on their concerns if that was something that would help them think about it.

Attorney Robinson said that if it is the desire of the Commission to reconsider consumption lounges at a later time, the motion would be to withdraw consumption lounges as a permitted use anywhere downtown for the time being from the proposed ordinance. He indicated that the Planning Commission can tell the City Commission that they're not against the idea, they need to study, and they don't want to hold up this significant change needed for downtown on this one issue.

Commissioner Vyas spoke up against taking them out of the ordinance. Commissioner Vyas reminded them they are not approving businesses, just the possible use of space. Commissioner Greenman Wright agreed that they are not the business patrol or determining the viability of any given business, just if it is an appropriate use of the land.

Commissioner Vyas asked if they could approve it and adjust their approval later. Attorney Robinson said usually, but that language is being challenged. He couldn't give a definitive answer on that. He reminded Planning Commissioners that the zoning issues they should be concerned with are do they have adequate parking, the size of the building, how close can it be and what kind of streets do they want it on.

Commissioner Milliken said it sounded like they were ready to move forward without removing consumption lounges. He reminded them they have the one amendment with building height and a condition related to building height.

A roll call vote was taken, and the motion passed. Commissioner Wissner abstained.

H. OTHER BUSINESS

None

I. CITIZENS' COMMENTS (Regarding non-agenda items)

None.

J. CITY COMMISSION LIAISON COMMENTS

City Commissioner Urban thanked the Planning Commissioners for sticking with it and resolving the issue that evening so they can stay on schedule. He appreciated the time and effort to do that.

K. CITY PLANNER'S REPORT

Planner Anderson announced that Commissioner Espinosa resigned his post from the board. He is seeking a business venture that doesn't allow him to sit on a government board. Planner Eldridge is working on out-reach efforts to fill the vacant seat. They want to keep the board as diverse as possible and as representative of the City as possible.

Planner Anderson gave a short preview of the NFP Phase II project coming before the board in November. She read a statement from Ms. Jamie McCarthy who is leading that project.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Greenman Wright reminded people they still need poll volunteers.

Commissioner Milliken encouraged people to register and vote. He also encouraged other Planning Commissioners to share thoughts and opinions in order to deliberate during the meeting. Commissioner Milliken reminded them it is a safe space.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 9:31 pm.



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **H.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Clyde J. Robinson, City Attorney
Prepared by: James J. Baker, Public Services Director and City Engineer

DATE: October 26, 2020

SUBJECT: Settlement with Georgia-Pacific and 3M re: PFOS Contamination in Cooper Township

RECOMMENDATION:

It is recommended that the City Commission approve the proposed settlement and release with Georgia-Pacific and 3M Company.

BACKGROUND:

Following the discovery of unacceptable levels of PFAS contamination in the Parchment water system, this same contamination was discovered in private wells in Cooper Township near the James River paper mill properties located in Cooper Township. While Georgia-Pacific never operated the paper mill in question, it acquired the assets and liabilities of James River. 3M manufactured products containing PFAS which were allegedly sold to and used by James River in their paper-making processes. Thus, Cooper Township requested that the City expand its water system to provide safe, potable water to those properties served by contaminated wells

To avoid costly litigation by all parties involved, attorneys for the City (this office), Cooper Township and Georgia-Pacific (who communicated with counsel for 3M) entered into negotiations to resolve this matter. That resolution involved determining the degree and location of PFAS contamination near the former James River mill site and attempting to rule out other possible sources of contamination. Discussions also involved the degree of engineering needed to provide potable water to those affected Cooper Township properties.

In what were forthright and cooperative negotiations, Georgia-Pacific and 3M agreed to pay \$5.4 million dollars out of a total project cost of \$8.1 million to deliver water to Cooper Township properties. The total scope of the project also includes the necessity of the water system to address transmission mains in both the existing water service area and the proposed expansion area. The portion of the project not covered by the settlement reflects the uncertainty

of the released parties for the contamination, and the opportunity costs of extending water services to nearby properties not affected by contamination as long as the City was undertaking to extend its service footprint.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Resolution of this matter addresses several Strategic Goals of the City. Chiefly, it furthers the City's commitment of Environmental Responsibility, ensuring a Safe Community through the delivery of safe drinking water, and Good Governance by providing a negotiated outcome to what would have been a costly and uncertain litigation and working with a municipal neighbor.

COMMUNITY ENGAGEMENT:

Representatives of Cooper Township were engaged in the resolution of this matter and approved the settlement at its October 12, 2020 Township Board meeting.

FISCAL IMPACT:

Significant; the project is currently under construction which was awarded by the City Commission on 7/6/2020 in two contracts (Contract No.1 and No.2) for a total of \$7,989,756. There was one pipe section bid within these contracts on Glendale (City of Parchment) that was not inclusive to the Cooper Township PFAS extensions. The cost of the Glendale water main nearly amounts to \$838,200. The net construction cost of the Cooper Township PFAS extensions nearly amounts to \$7,151,556. Design and construction engineering contracts were awarded separately bringing the total capital cost for the Cooper Township PFAS extensions to \$8,097,216. Of this total, \$5.4 million will be paid by Georgia-Pacific/3M; the remaining \$2.7 million will be financed by the water system using low interest loans underwritten by the State of Michigan. Additionally, the City will avoid the extremely costly expenses of possible litigation of the matter.

RELEASE AGREEMENT

This Release Agreement (“**Agreement**”) is entered into by and between Charter Township of Cooper (“**Township**”) and City of Kalamazoo (“**City**”) on the one hand (together, the “**Municipal Parties**”), and (1) Georgia-Pacific Consumer Products LP and Georgia-Pacific LLC and (2) The 3M Company (“**3M**”) on the other hand (together, the “**Company Parties**”). This Agreement refers to the Township, City, Georgia-Pacific Consumer Products LP, Georgia-Pacific LLC, and 3M individually as a “**Party**” and collectively as the “**Parties**”.

RECITALS

A. The City owns and operates a municipal water system (“**Municipal Water**”) that serves a number of communities, including sections of the Township, City, City of Parchment, Village of Richland and Township of Richland.

B. James River Paper Company, Inc., a subsidiary of James River Corporation, which was a predecessor of Fort James Corporation, at times operated on certain mill properties located in the Township (“**Mill Properties**”). Georgia-Pacific LLC acquired Fort James Corporation in 2000. The mill on the Mill Properties was never operated under the Georgia-Pacific name.

C. Waste from operations at the Mill Properties (“**Mill Waste**”) was allegedly disposed of at the Crown Vantage Landfill (“**Landfill**”). Georgia-Pacific LLC subsequently worked with the Michigan Department of Environmental Quality (now known as the Michigan Department of Environment, Great Lakes and Energy) to close the Landfill.

D. Perfluoroalkyl and polyfluoroalkyl substances (“**PFAS**”), including but not limited to perfluorooctanoic acid (“**PFOA**”) and perfluorooctanesulfonic acid (“**PFOS**”), are part of a group of chemicals used in a variety of products.

E. 3M manufactured certain products containing PFAS, some of which may be alleged to have sold to Fort James Corporation or predecessor or successor entities.

F. The Municipal Parties are extending Municipal Water (“**Extension**”) to an area designated by the City and Township for the Cooper Township Water Main Project, as identified on the map attached as Exhibit A (“**Project Area**”). Extension includes, without limitation, new water mains; trunk lines; service lines to homes; hookup from service lines to homes; administrative costs; connection, frontage, and other fees; engineering, legal, and other contingencies; and all related project fees and costs.

G. PFAS Contamination has been detected at levels higher than the currently applicable guidelines (“**PFAS Contamination**”) in some residential wells in the Project Area.

H. The Municipal Parties allege that the Company Parties, or related entities, are potentially responsible for PFAS Contamination in the Project Area. The Company Parties deny the allegation.

I. The Municipal Parties have assessed the alleged contribution of the Company Parties to the PFAS Contamination, and agree that the Resolution Amount (defined below) represents a fair and appropriate share of the Company Parties toward the expenses of the Municipal Parties to respond to the PFAS Contamination.

J. The Parties wish to enter into this Agreement to resolve certain claims between the Municipal Parties on the one hand and the Company Parties on the other, relating to Extension of Municipal Water due to alleged PFAS Contamination, in the Project Area.

AGREEMENT

1. **Payment.** In consideration for the agreements and releases contained in this Agreement, the Company Parties will cause to be paid to the City a total amount of five million four hundred thousand dollars (\$5,400,000.00) (“**Resolution Amount**”). The Company Parties shall wire the Resolution Amount to an account designated by the City within thirty (30) days of the Effective Date (defined herein) of this Agreement. This payment constitutes remediation (as defined in 26 U.S.C. 162(f)) for the alleged PFAS Contamination of groundwater in the Project Area. No portion of this payment constitutes a fine, penalty, punitive damages, disgorgement of profits, reimbursement for investigation or litigation costs, or an amount paid in settlement of any claim for any of the foregoing.

2. **Release and Covenant not to Sue.** In consideration of the agreements and promises contained in this Agreement, the Municipal Parties hereby release, and covenant not to sue or to take further administrative action against, the Company Parties and their respective successors, subsidiaries, affiliates, joint ventures, insurers, and any of their current and former owners, officers, directors, and employees (collectively, “**Released Parties**”), from any and all claims (including, without limitation, claims for costs, interest, or attorneys’ fees), demands, charges, obligations, damages, and liabilities, whether known or unknown, past, present or future, in any way relating to or arising out of the Extension of Municipal Water due to alleged PFAS Contamination in the Project Area (collectively, “**Released Claims**”).

3. **Representation by Municipal Parties.**

- a. The Municipal Parties represent, warrant, and covenant that the Resolution Amount represents full and complete payment of the Company Parties’ share of costs relating to the Extension of Municipal Water.
- b. Each Municipal Party represents, warrants, and covenants that it has not passed to its customers any costs relating to or arising out of the Resolution Amount paid by the Company Parties for the Extension of Municipal Water attributable to alleged PFAS Contamination in the Project Area, and further represents, warrants, and covenants that it will not pass any such costs to its customers in the future.
- c. The parties agree that the representations and warranties herein survive execution of this Agreement.

4. **Authorization.** The Parties, and those executing this Agreement on their behalf, have the authority to enter into this Agreement. The Municipal Parties have taken all steps necessary to ensure this Agreement is binding and enforceable.

5. **Completion of Extension.** Notwithstanding any other provision of this Agreement, the Company Parties shall not be deemed to be in breach of this Agreement or any statute, regulations, or other law in the event that the Extension of the Municipal Water to Project Area cannot be completed by reason of the refusal, failure, or inability for any reason of either or both of the Municipal Parties or other public owner or operator of the Municipal Water, as applicable, to obtain any necessary authorization, enact any required ordinance or other local legislation, or otherwise perform an act that is prerequisite to the licensing, construction, or operation of the desired Extension.

6. **Effect of Agreement.** Nothing in this Agreement shall be construed to create any right in, or grant any cause of action to, any person not a Party to this Agreement. Each Party to this Agreement expressly reserves any and all rights, defenses, claims, demands, and causes of action which such Party may have against any person not a Party to this Agreement with respect to any of the Released Claims. The Company Parties shall not be considered a party to any contract or agreement that is entered into by or on behalf of the Municipal Parties for the Extension of the Municipal Water to the Project Area.

7. **No Admission of Liability.** Nothing contained in this Agreement and no actions taken by any Party with respect to this Agreement shall be construed as an admission by any Party, person, or entity of any act of wrongdoing or any liability of any kind.

8. **Interpretation and Drafting.** This Agreement is the result of negotiations among the Parties, and no Party shall be deemed to be the drafter of this Agreement. No part of this Agreement shall be construed strictly for or against any Party.

9. **Amendment.** No amendment or modification of this Agreement shall be enforceable unless in writing and signed by the Party or Parties against whom enforcement is sought.

10. **Entire Understanding of the Parties.** This Agreement and its attachments constitute the entire understanding of the Municipal Parties on the one hand and the Company Parties on the other hand regarding the resolution embodied in this Agreement and supersede any prior agreements between them, whether oral or written. There are no representations or warranties between the Municipal Parties on the one hand and the Company Parties on the other relating to the resolution other than those expressly set forth in this Agreement and its attachments.

11. **Choice of Law.** This Agreement shall be interpreted, construed and enforced according solely to the laws of the State of Michigan, without regard to choice of law.

12. **Severability.** In the event that any provision of this Agreement is declared or deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining portions of this Agreement.

13. **Separate Documents.** The Parties may execute this Agreement in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute the same instrument.

14. **Effective Date.** This Agreement shall be effective on the date the last signatory executes this Agreement.

[Remainder of this page intentionally left blank]

By signing this Agreement, the Parties acknowledge that they have read and understand this Agreement, have the authority to enter into this Agreement, and agree to be bound by the terms contained in this Agreement.

Charter Township of Cooper

Dated: _____, 2020

By:
Its:

City of Kalamazoo

Dated: _____, 2020

By:
Its:

Georgia-Pacific Consumer Products LP

Dated: _____, 2020

By:
Its:

Georgia-Pacific LLC

Dated: _____, 2020

By:
Its:

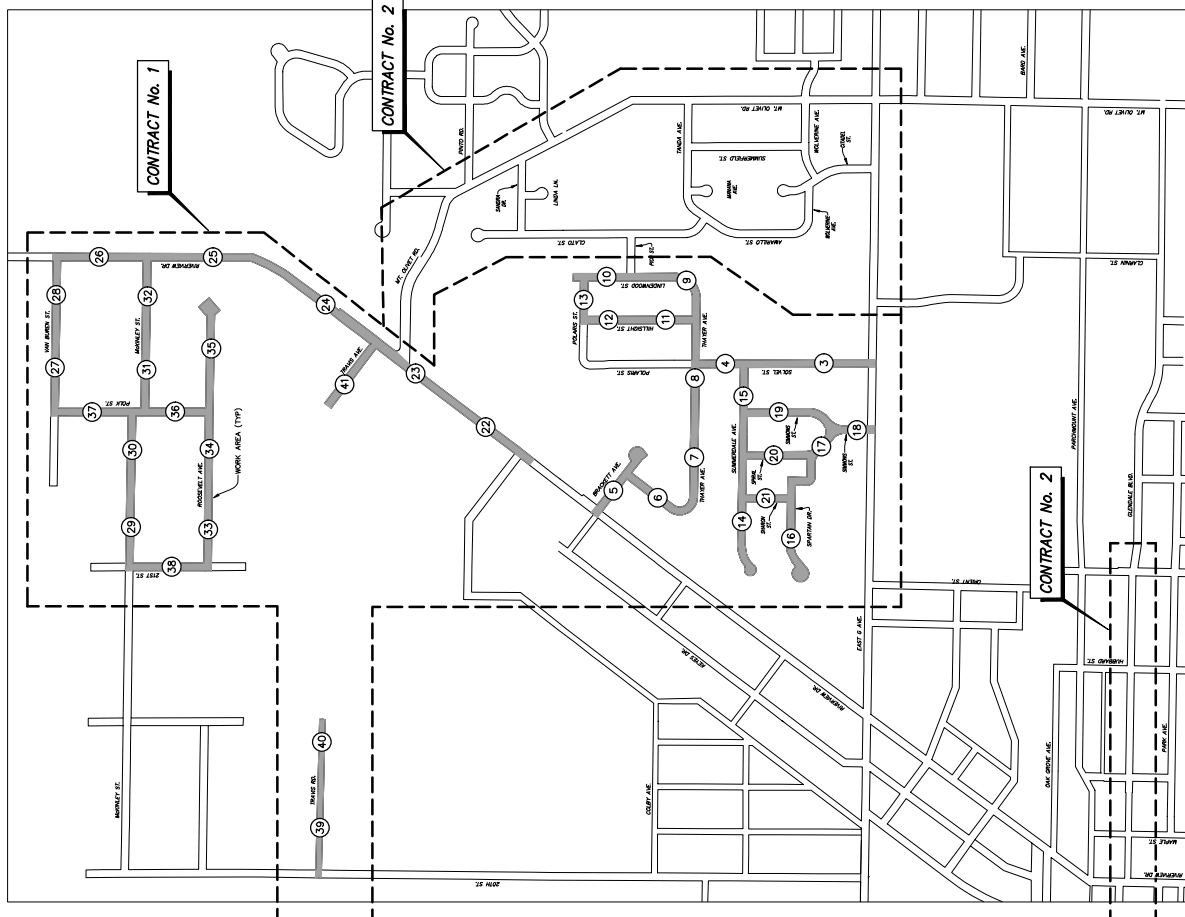
The 3M Company

Dated: _____, 2020

By:
Its:

20755063-2-10/01/2020

- AERIAL MAPPING LEGEND**
- ⊙ MANHOLE
 - ⊙ HYDRANT
 - ⊙ CATCH BASIN
 - ⊙ VALVE
 - ⊙ PUMP
 - ⊙ POWER POLE
 - ⊙ TRANSFORMER
 - ⊙ METER
 - ⊙ UTILITY BOX
 - ⊙ SET WIRE
 - ⊙ MISCELLANEOUS
 - ⊙ MAILBOX
 - ⊙ FENCE
 - ⊙ ROAD
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 - ⊙ WOODLAND
 - ⊙ POND
 - ⊙ LAKE
 - ⊙ RIVER
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 - ⊙ PLANT
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 - ⊙ SHELLS
 - ⊙ FISH
 - ⊙ BIRDS
 - ⊙ MAMMALS
 - ⊙ AMPHIBIANS
 - ⊙ REPTILES
 - ⊙ INSECTS
 - ⊙ MOLLUSCS
 - ⊙ CRUSTACEANS
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 - ⊙ BENTHIC
 - ⊙ PELAGIC
 - ⊙ NECTON
 - ⊙ MAMMALS
 - ⊙ BIRDS
 - ⊙ AMPHIBIANS
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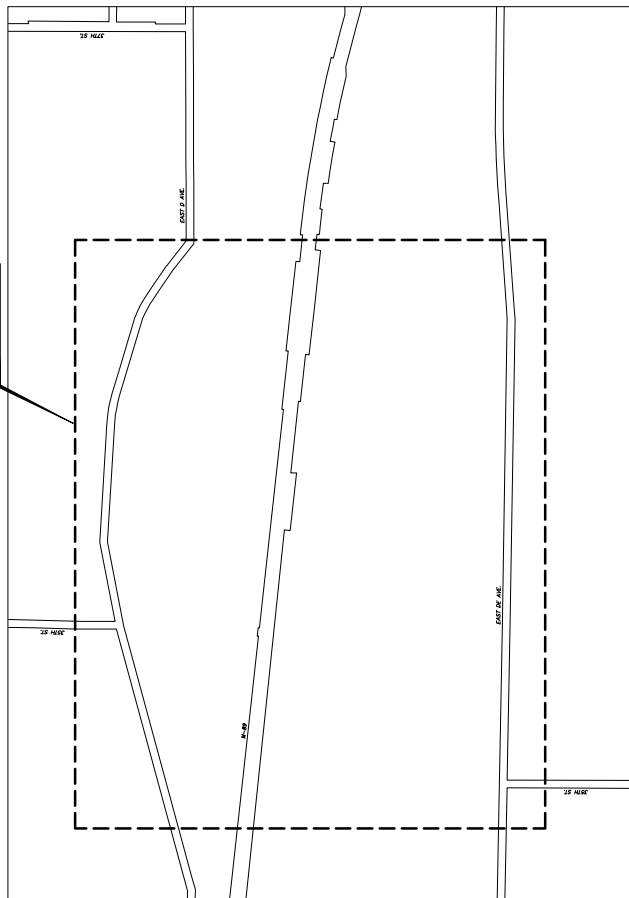


COOPER TOWNSHIP & CITY OF PARCHMENT PROJECT LOCATIONS

SCALE: 1" = 500'



CONTRACT No. 3



RICHLAND TOWNSHIP PROJECT LOCATIONS

SCALE: 1" = 500'



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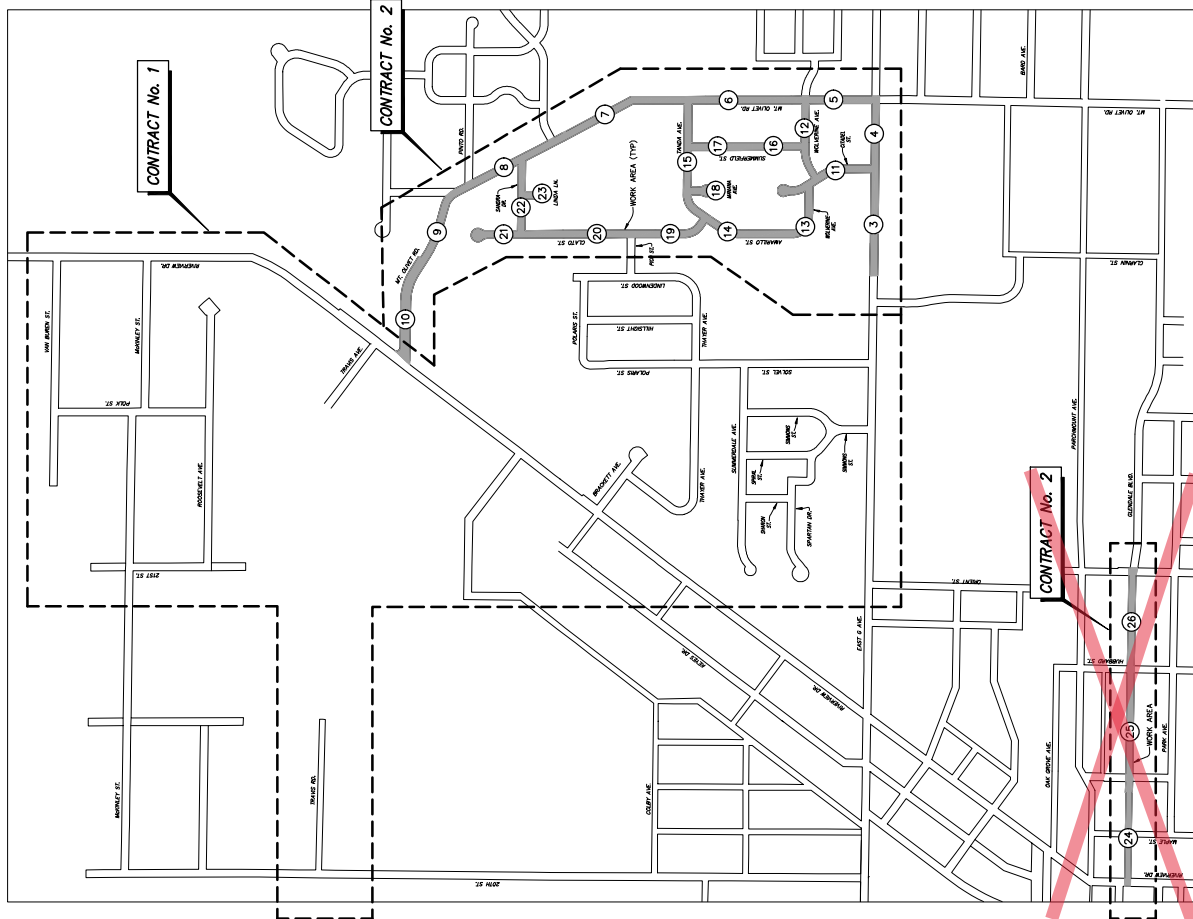
Premier Newhof
Engineering & Construction Services

CITY OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN
2020 DWRF WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 1

PROJECT NO.
2180551
SHEET NO.
2 OF 43

INDEX SHEET

- AERIAL MAPPING LEGEND**
- MANHOLE
 - HYDRANT
 - CATCH BASIN
 - VALVE
 - BOX
 - PUMP
 - POWER POLE
 - TRANSFORMER
 - FUSE
 - UTILITY BOX
 - SET WIRE
 - MISCELLANEOUS
 - MATERIALS

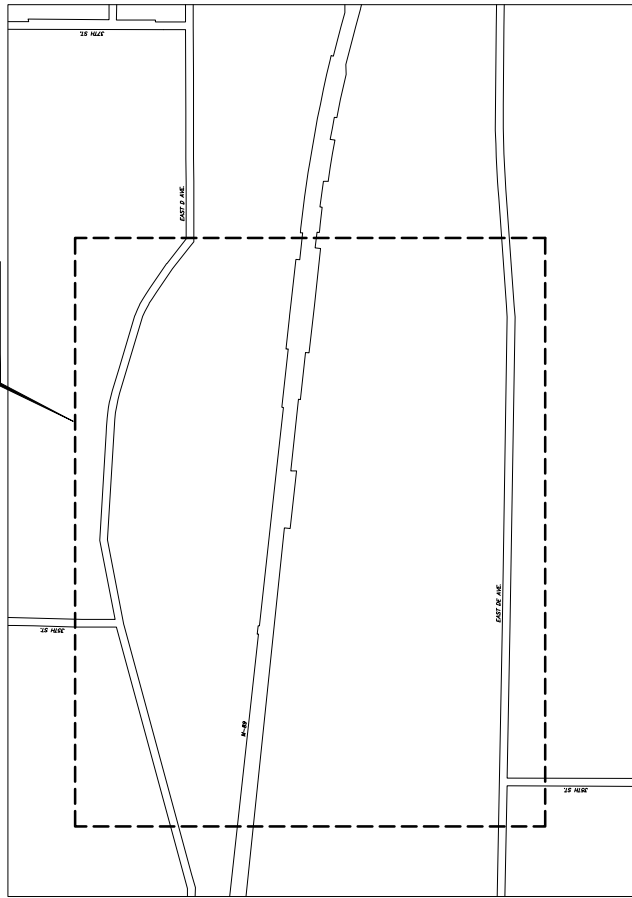


COOPER TOWNSHIP & CITY OF PARCHMENT PROJECT LOCATIONS

SCALE: 1" = 500'



CONTRACT No. 3



RICHLAND TOWNSHIP PROJECT LOCATIONS

SCALE: 1" = 500'



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Premier Newhoff
Engineering & Construction Services

CITY OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN
2020 DWRF WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 2

INDEX SHEET

PROJECT NO.
2180551
SHEET NO.
2 OF 28

RELEASE AGREEMENT

This Release Agreement (“**Agreement**”) is entered into by and between Charter Township of Cooper (“**Township**”) and City of Kalamazoo (“**City**”) on the one hand (together, the “**Municipal Parties**”), and (1) Georgia-Pacific Consumer Products LP and Georgia-Pacific LLC and (2) The 3M Company (“**3M**”) on the other hand (together, the “**Company Parties**”). This Agreement refers to the Township, City, Georgia-Pacific Consumer Products LP, Georgia-Pacific LLC, and 3M individually as a “**Party**” and collectively as the “**Parties**”.

RECITALS

A. The City owns and operates a municipal water system (“**Municipal Water**”) that serves a number of communities, including sections of the Township, City, City of Parchment, Village of Richland and Township of Richland.

B. James River Paper Company, Inc., a subsidiary of James River Corporation, which was a predecessor of Fort James Corporation, at times operated on certain mill properties located in the Township (“**Mill Properties**”). Georgia-Pacific LLC acquired Fort James Corporation in 2000. The mill on the Mill Properties was never operated under the Georgia-Pacific name.

C. Waste from operations at the Mill Properties (“**Mill Waste**”) was allegedly disposed of at the Crown Vantage Landfill (“**Landfill**”). Georgia-Pacific LLC subsequently worked with the Michigan Department of Environmental Quality (now known as the Michigan Department of Environment, Great Lakes and Energy) to close the Landfill.

D. Perfluoroalkyl and polyfluoroalkyl substances (“**PFAS**”), including but not limited to perfluorooctanoic acid (“**PFOA**”) and perfluorooctanesulfonic acid (“**PFOS**”), are part of a group of chemicals used in a variety of products.

E. 3M manufactured certain products containing PFAS, some of which may be alleged to have sold to Fort James Corporation or predecessor or successor entities.

F. The Municipal Parties are extending Municipal Water (“**Extension**”) to an area designated by the City and Township for the Cooper Township Water Main Project, as identified on the map attached as Exhibit A (“**Project Area**”). Extension includes, without limitation, new water mains; trunk lines; service lines to homes; hookup from service lines to homes; administrative costs; connection, frontage, and other fees; engineering, legal, and other contingencies; and all related project fees and costs.

G. PFAS Contamination has been detected at levels higher than the currently applicable guidelines (“**PFAS Contamination**”) in some residential wells in the Project Area.

H. The Municipal Parties allege that the Company Parties, or related entities, are potentially responsible for PFAS Contamination in the Project Area. The Company Parties deny the allegation.

I. The Municipal Parties have assessed the alleged contribution of the Company Parties to the PFAS Contamination, and agree that the Resolution Amount (defined below) represents a fair and appropriate share of the Company Parties toward the expenses of the Municipal Parties to respond to the PFAS Contamination.

J. The Parties wish to enter into this Agreement to resolve certain claims between the Municipal Parties on the one hand and the Company Parties on the other, relating to Extension of Municipal Water due to alleged PFAS Contamination, in the Project Area.

AGREEMENT

1. **Payment.** In consideration for the agreements and releases contained in this Agreement, the Company Parties will cause to be paid to the City a total amount of five million four hundred thousand dollars (\$5,400,000.00) (“**Resolution Amount**”). The Company Parties shall wire the Resolution Amount to an account designated by the City within thirty (30) days of the Effective Date (defined herein) of this Agreement. This payment constitutes remediation (as defined in 26 U.S.C. 162(f)) for the alleged PFAS Contamination of groundwater in the Project Area. No portion of this payment constitutes a fine, penalty, punitive damages, disgorgement of profits, reimbursement for investigation or litigation costs, or an amount paid in settlement of any claim for any of the foregoing.

2. **Release and Covenant not to Sue.** In consideration of the agreements and promises contained in this Agreement, the Municipal Parties hereby release, and covenant not to sue or to take further administrative action against, the Company Parties and their respective successors, subsidiaries, affiliates, joint ventures, insurers, and any of their current and former owners, officers, directors, and employees (collectively, “**Released Parties**”), from any and all claims (including, without limitation, claims for costs, interest, or attorneys’ fees), demands, charges, obligations, damages, and liabilities, whether known or unknown, past, present or future, in any way relating to or arising out of the Extension of Municipal Water due to alleged PFAS Contamination in the Project Area (collectively, “**Released Claims**”).

3. **Representation by Municipal Parties.**

- a. The Municipal Parties represent, warrant, and covenant that the Resolution Amount represents full and complete payment of the Company Parties’ share of costs relating to the Extension of Municipal Water.
- b. Each Municipal Party represents, warrants, and covenants that it has not passed to its customers any costs relating to or arising out of the Resolution Amount paid by the Company Parties for the Extension of Municipal Water attributable to alleged PFAS Contamination in the Project Area, and further represents, warrants, and covenants that it will not pass any such costs to its customers in the future.
- c. The parties agree that the representations and warranties herein survive execution of this Agreement.

4. **Authorization.** The Parties, and those executing this Agreement on their behalf, have the authority to enter into this Agreement. The Municipal Parties have taken all steps necessary to ensure this Agreement is binding and enforceable.

5. **Completion of Extension.** Notwithstanding any other provision of this Agreement, the Company Parties shall not be deemed to be in breach of this Agreement or any statute, regulations, or other law in the event that the Extension of the Municipal Water to Project Area cannot be completed by reason of the refusal, failure, or inability for any reason of either or both of the Municipal Parties or other public owner or operator of the Municipal Water, as applicable, to obtain any necessary authorization, enact any required ordinance or other local legislation, or otherwise perform an act that is prerequisite to the licensing, construction, or operation of the desired Extension.

6. **Effect of Agreement.** Nothing in this Agreement shall be construed to create any right in, or grant any cause of action to, any person not a Party to this Agreement. Each Party to this Agreement expressly reserves any and all rights, defenses, claims, demands, and causes of action which such Party may have against any person not a Party to this Agreement with respect to any of the Released Claims. The Company Parties shall not be considered a party to any contract or agreement that is entered into by or on behalf of the Municipal Parties for the Extension of the Municipal Water to the Project Area.

7. **No Admission of Liability.** Nothing contained in this Agreement and no actions taken by any Party with respect to this Agreement shall be construed as an admission by any Party, person, or entity of any act of wrongdoing or any liability of any kind.

8. **Interpretation and Drafting.** This Agreement is the result of negotiations among the Parties, and no Party shall be deemed to be the drafter of this Agreement. No part of this Agreement shall be construed strictly for or against any Party.

9. **Amendment.** No amendment or modification of this Agreement shall be enforceable unless in writing and signed by the Party or Parties against whom enforcement is sought.

10. **Entire Understanding of the Parties.** This Agreement and its attachments constitute the entire understanding of the Municipal Parties on the one hand and the Company Parties on the other hand regarding the resolution embodied in this Agreement and supersede any prior agreements between them, whether oral or written. There are no representations or warranties between the Municipal Parties on the one hand and the Company Parties on the other relating to the resolution other than those expressly set forth in this Agreement and its attachments.

11. **Choice of Law.** This Agreement shall be interpreted, construed and enforced according solely to the laws of the State of Michigan, without regard to choice of law.

12. **Severability.** In the event that any provision of this Agreement is declared or deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining portions of this Agreement.

13. **Separate Documents.** The Parties may execute this Agreement in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute the same instrument.

14. **Effective Date.** This Agreement shall be effective on the date the last signatory executes this Agreement.

[Remainder of this page intentionally left blank]

By signing this Agreement, the Parties acknowledge that they have read and understand this Agreement, have the authority to enter into this Agreement, and agree to be bound by the terms contained in this Agreement.

Charter Township of Cooper

Dated: _____, 2020

By:
Its:

City of Kalamazoo

Dated: _____, 2020

By:
Its:

Georgia-Pacific Consumer Products LP

Dated: _____, 2020

By:
Its:

Georgia-Pacific LLC

Dated: _____, 2020

By:
Its:

The 3M Company

Dated: _____, 2020

By:
Its:

20755063-2-10/01/2020

EXHIBIT A



Environmental Concerns Committee

To: Mayor David Anderson, Vice Mayor Patrese Griffin and City Commissioners
From: Aaron Wright, Chair, Environmental Concerns Committee
Malissa Drzick, Public Services Laboratory Supervisor, Staff Liaison, ECC
Date: July 16, 2020
Subject: City of Kalamazoo Sustainability Plan

Please find the attached recommendation recently developed by the Environmental Concerns Committee (ECC) regarding the drafting of the Kalamazoo Sustainability Plan and specifically goals pertaining to reducing municipal greenhouse gas emissions.

The ECC respectfully requests that the City Commission consider passing the attached resolution.

Attachment: Recommendation

c: Scott Borling, City Clerk
Jim Ritsema, City Manager
James Baker, Public Services Director
Jamie McCarthy, Development Project Coordinator

To: Mayor David Anderson, Vice Mayor Patrese Griffin and City Commissioners

From: Kalamazoo Environmental Concerns Committee

Date: Thursday, July 16

Subject: City of Kalamazoo Sustainability Plan

Recommendation:

The ECC unanimously recommends the City Commission urge the City Manager and City Planner's offices to develop a draft Sustainability Plan that features the following: a detailed plan for a municipal greenhouse gas emission inventory, aggressive goals for reducing those emissions, and specific resources and staffing needed to put the plan into action. The ECC strongly urges the city to develop a draft plan by December of 2020. The ECC recognizes that recent circumstances have made progress on this plan difficult. The City Commission's adoption of a Climate Crisis resolution in 2019, however, makes it clear that taking action is a priority in our community that cannot wait.



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **I.2.a.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Malissa Drzick, Environmental Concerns Committee Liason;
Aaron Wright, Environmental Concerns Committee Chair & Members of ECC

DATE: October 26, 2020

SUBJECT: City of Kalamazoo Sustainability Plan

RECOMMENDATION:

The ECC unanimously recommends the City Commission urge the City Manager and City Planner's offices to develop a draft Sustainability Plan that features the following: a detailed plan for a municipal greenhouse gas emission inventory, aggressive goals for reducing those emissions, and specific resources and staffing needed to put the plan into action. The ECC strongly urges the city to develop a draft plan by December of 2020. The ECC recognizes that recent circumstances have made progress on this plan difficult. The City Commission's adoption of a Climate Crisis resolution in 2019, however, makes it clear that taking action is a priority in our community that cannot wait.

BACKGROUND:

The ECC has had a Sustainability/Climate Action Plan as an agenda item at every meeting for at least 3 years. While waiting for the Imagine Kalamazoo plans to be completed, the ECC understood that a Sustainability/Climate Action Plan was part of that discussion. Following the completion of that community wide planning, Sara Jo Shipley, working for the City Planning Office, was tasked with drafting a Sustainability Plan. She organized focus groups to begin the work, but took another job elsewhere, setting back the process by months, if not years. Jaime McCarthy, also working for the City Planning Office, is now tasked with drafting a plan.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Imagine Kalamazoo 2025 Master Plan – Sustainability/Climate Action Plan

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Consult

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:



Environmental Concerns Committee

To: Mayor David Anderson, Vice Mayor Patrese Griffin and City Commissioners
From: Aaron Wright, Chair, Environmental Concerns Committee
Malissa Drzick, Public Services Laboratory Supervisor, Staff Liaison, ECC
Date: July 16, 2020
Subject: City of Kalamazoo Sustainability Plan

Please find the attached recommendation recently developed by the Environmental Concerns Committee (ECC) regarding the drafting of the Kalamazoo Sustainability Plan and specifically goals pertaining to reducing municipal greenhouse gas emissions.

The ECC respectfully requests that the City Commission consider passing the attached resolution.

Attachment: Recommendation

c: Scott Borling, City Clerk
Jim Ritsema, City Manager
James Baker, Public Services Director
Jamie McCarthy, Development Project Coordinator



City Commission Agenda Report

City of Kalamazoo

Date: **10/26/2020**

Item: **L.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

DATE: October 26, 2020

SUBJECT: Resolution amending Rules to govern electronically-held meetings to take advantage and conform with recently adopted Public Act 228 of 2020.

RECOMMENDATION:

It is recommended that the City Commission adopt a Resolution amending its Rules to govern electronically-held meetings to take advantage and conform with recently adopted Public Act 228 of 2020.

BACKGROUND:

The determination by Michigan Supreme Court that the Executive Orders issued by the Governor after April 30, 2020 some of which addressed how public bodies subject to the Open Meetings Act could meet remotely using electronic means, created legal uncertainty regarding public meetings held since March of this year and whether electronic meetings going forward were permitted under the Open Meetings Act. In response to this uncertainty the Michigan Legislature and the Governor signed into law Public Act 228 amending the Open Meetings Act (OMA). This amendatory act does several things. First, it grandfathered all electronic meetings held by a public body from March 18, 2020 through the end of 2020 in response to the COVID-19 crisis. Second, it set forth certain requirements for electronic meetings going forward through December 31, 2021 by limiting the circumstances under which they may be held, and narrowly defining the circumstances (military duty or medical condition) when a member of a public body who cannot attend a meeting may participate remotely. And limited remote participation solely due to military duty beginning in 2022.

Additionally, the amendment to the OMA sets forth certain notice requirements which must be adhered to going forward. Among these is a requirement that members of a public body participating remotely affirmatively disclose the jurisdiction and State where the member is located while participating remotely. This disclosure is required to be part of the minutes of the meeting. Therefore, when the Clerk calls the roll, each Commissioner in addition to announcing

their presence must disclose their location by city and state, i.e., Kalamazoo, Michigan. In large measure the proposed changes to the City Commission rules track the changes made in March of this year but adds more detailed language to clearly conform to the changes in the OMA.

While Act 228 provides a safe harbor for actions taken by the City Commission since March, the Resolution also contains a provision ratifying the actions taken by the City Commission at its meetings over the past 7 months. Finally, the Resolution also contains a provision which makes applicable the electronic meeting rules to all other City boards and commissions. Thus those bodies will not have to amend their bylaws to accommodate the change in the law.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

9002 City Ordinance, Judicial, and Legislative Review - Interpretation, drafting & amendment of ordinances & City Charter; review State & Federal legislative & judicial developments; draft City policies

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (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.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION AMENDING CITY COMMISSION RULE 10.1
TO GOVERN ELECTRONIC MEETINGS**

Minutes of a regular meeting of the City Commission of the City held on October 26, 2020, at 7:00 o'clock p.m., local time, by electronic means.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the Michigan Open Meetings Act, MCL 15.261 et seq. was recently amended by the adoption of Public Act 228 of 2020 to permit the remote attendance by members of a public body using telephonic or video conferencing means;

And the City Commission desiring to continue to conduct the public business of the City by in a manner that permits both the general public and members of the City Commission and other City boards and commissions subject to the Open Meetings Act to participate by electronic means;

NOW, THEREFORE, IT IS RESOLVED, THAT City Commission Policy 10.1, City Commission Rules is amended to add following provisions:

Rule 1. MEETINGS (Amending the second paragraph and adding the paragraphs that follow.)

In the event of a natural or man-made *force majeure* the Mayor (or Vice Mayor in the absence of the Mayor) after consultation with the City Manager, may cancel or postpone a scheduled Regular Business, Neighborhood, Special, or Committee of the Whole meeting. The City Commission shall act to amend its schedule of meetings to reflect any cancellation or postponement of a meeting and the reasons therefore at its next Regular Business meeting.

The City Commission may meet and conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology without regard to physical place and physical presence requirements in accordance with Section 3a of the Open Meetings Act, MCL 15.263a during the period of October 26, 2020 to December 31, 2020.

Beginning January 1, 2021 through December 31, 2021 City Commission

meetings may be held in whole or in part by electronic means using telephonic conferencing or video conferencing technology due to circumstances requiring accommodation of any City Commissioner absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or public body would be at risk if the meeting were held in person. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a City Commission member to minimize the spread of a contagious disease.

Beginning January 1, 2022 members of the City Commission may participate by electronic means in City Commission meetings only to accommodate their absence due to military duty.

Rule 2A. ELECTRONIC MEETINGS (Amendment creates a new rule.)

An electronically-held meeting of the City Commission will be conducted in a manner that permits two-way communication so that members of the Commission can hear and be heard by one another, and so that public participants can hear members of the City Commission and be heard by both the Commission and other public participants during the Public Comment period. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the City Commission and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the City Commission and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which City Commission members are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other City Commission members must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the City's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the City Commission may be held as an electronic meeting as permitted by the Open

Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the City Commission held electronically must clearly contain all of the following:

- (a) Why the City Commission is meeting electronically;
- (b) How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- (c) How members of the public may contact members of the City Commission to provide input or ask questions on any business that will come before the Commission at the meeting; and
- (d) How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the City Commission the City shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the City necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the City Commission are excluded from participation in a closed session of the City Commission that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

Rule 3. AGENDA FOR REGULAR BUSINESS MEETINGS; ELECTRONIC MEETINGS (Amending the title and adding the following paragraph.)

The order of business for all meetings of the City Commission conducted electronically and held during the period of October 26, 2020 to December 31, 2020, and beginning January 1, 2021 through December 31, 2021 for City Commission meetings held in whole or in part by electronic means using telephonic conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Call to Order/Roll Call; Adoption of Formal Agenda; Communications; Public Hearings; Public Comment; Consent Agenda; Regular Agenda; Reports; Any Unfinished and New Business; Commission Comment; Closed Session; and Adjournment. An item on the Consent Agenda may be moved to the Regular

Agenda for individual discussion and action at the request of any Commissioner, or by anyone participating in the meeting. A member of the public desiring to move an item from the Consent Agenda to the Regular Agenda must so request and comment on the item during the Public Comment portion of the meeting. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual City Commission members due to military duty or a medical condition.

Rule 6. CITIZEN COMMENTS (Amended by adding the following paragraph)

During City Commission meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate whether they are a City resident. Comments by the public will be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Commission. Comments by the public during meetings held electronically will be limited to the Public Comment portion of the meeting.

Rule 11. COMMISSIONER ATTENDANCE BY PHONE/VIDEO (Amended in its entirety)

A member of the City Commission who anticipates their absence from a Commission meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or video conferencing communication. A City Commission member who desires to attend a meeting by telephonic or video conferencing shall inform the City Manager, or the designee of the City Manager, at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate participation of the absent member. City Commission members attending a meeting by telephonic or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the City Commission. A Commission member participating by telephonic or video conferencing is not permitted to chair the meeting unless all Commission members are participating by telephonic or video conferencing.

Any member of the City Commission attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, township, village, or county and the State from which he or she is attending the meeting remotely.

Rule 12 ADVISORY BOARDS AND COMMISSIONS (Amended by adding the

following paragraph)

m. All boards and commissions and the members thereof, are governed by and shall conform to the provisions contained in these Rules setting forth the requirements and procedures by which absent members of the City Commission and members of the public may remotely participate in meetings electronically by telephonic or video conferencing. In the event of any conflict between Rules, this provision is controlling authority.

BE IT FURTHER RESOLVED, THAT all decisions, as that term is defined by Section 2 of the Open Meetings Act, MCL 15.262(d), and other actions taken by the City Commission during City Commission electronic meetings using telephonic and/or video conferencing held from March 18, 2020 through October 5, 2020 in reliance upon the apparent legal authority of the Governor to issue emergency orders temporarily suspending certain requirements of the Open Meetings Act, are ratified *nunc pro tunc*, without any change in an individual Commission member's vote. This action is taken pursuant to and under the authority of Section 3a of the Open Meetings Act, being MCL 15.263a.

BE IT FURTHER RESOLVED THAT Resolution 20-22 adopted by the City Commission at its special meeting of March 31, 2020 setting forth the rules and procedures for the conduct of electronically-held City Commission meetings is repealed effective with the adoption of this Resolution.

The above resolution was offered by _____

and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on October 26, 2020. Public notice was given and the meeting was conducted in compliance with the

Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 228 of 2020.
Minutes of the meeting will be available as required by the Act.

Scott Borling, City Clerk