



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, November 2, 2020

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation
2. Introduction of Guests
3. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Foundation for Excellence Draft 2021 Budget

E. PUBLIC HEARINGS

1. Public hearing to receive comments on an ORDINANCE to amend the text of Chapter 50 Zoning Code and update the Zoning Map for Downtown and adjacent blocks. **(Action: Motion to adopt the ordinance)**

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-8”, postpone items “9-10” until November 16, 2020, and authorize the City Manager to sign all documents on behalf of the City)

1. Authorization for the City Manager to sign an Authorization for a Change in the Standard Street Lighting Contract with Consumers Energy.

2. Adoption of a RESOLUTION approving an interlocal agreement with Kalamazoo County to approve Aaron Powers as the Designated Assessor for the period January 1, 2021 through December 31, 2025.
3. Adoption of a RESOLUTION setting a public hearing for December 7, 2020 regarding an amendment to the Kalamazoo Downtown Economic Growth Authority Development and Tax Increment Financing Plan.
4. Adoption of a RESOLUTION vacating Scudder Court between Frank and Parsons Streets.
5. Authorization for the Kalamazoo Department of Public Safety to participate in the current planning process to update Kalamazoo County's Hazard Mitigation Plan.
6. Acceptance of the 2020 Community Oriented Policing Services (COPS) Hiring Program award from the U.S. Department of Justice in the amount of \$1,875,000.
7. Approval of the appointment of Chief Vernon Coakley and the reappointment of City Manager James Ritsema to the Kalamazoo County Consolidated Dispatch Authority Governing Board of Directors, with Public Safety Assistant Chief Matthew Huber and Deputy City Manager Jeff Chamberlain as alternates; and approval of the appointment of Public Safety Assistant Chief Matthew Huber to the Kalamazoo County Consolidated Dispatch Technical Advisory Committee, with Captain Christopher Franks as an alternate. These appointments will expire on November 8, 2021.
8. Approval of the following appointments to the Civil Rights Board:
 - The appointment of DeShawn Houston for a three-year term expiring on March 31, 2024.
 - The appointment of Dr. Angie Graham-Williams for a three-year term expiring on March 31, 2024.
 - The appointment of Jessica Glynn for a three-year term expiring on March 31, 2024.
 - The appointment of Marissa Harrington for a two-year term expiring on March 31, 2023.
 - The appointment of Gabriela De La Cruz for a two-year term expiring on March 31, 2023.
 - The appointment of Jacob Beach for a one-year term expiring on March 31, 2022.
 - The appointment of Janeen Brown for a one-year term expiring on March 31, 2022.

9. Approval of the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for \$500 (*Postpone until November 16, 2020*)
10. Approval of an easement on City property, located at 1415 Harrison, to Consumers Energy to supply three-phase electric power to Graphic Packaging International and to the City of Kalamazoo Water Reclamation Plant. (*Postpone until November 16, 2020*)

H. REGULAR AGENDA

I. REPORTS AND LEGISLATION

1. City Manager's Report

J. UNFINISHED BUSINESS

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

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

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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: **11/2/2020**

Item: **D.1.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Laura Lam, Assistant City Manager
Prepared by: Steve Brown, Foundation for Excellence Manager

DATE: November 2, 2020

SUBJECT: Foundation for Excellence Draft 2021 Budget

RECOMMENDATION:

No City Commission action is requested at this time.

BACKGROUND:

The attached Transmittal Memo contains the FFE budget as recommended by unanimous vote of the FFE board at their October 12, 2020, meeting. A full summary and introduction to the budget are included in the memo, as well as an appendix outlining funding areas and an appendix detailing FFE projected expenses in 2021.

The process of formally conveying the budget began with discussions at the FFE Finance Committee on August 31 and moved through an initial full presentation to the FFE board on September 14. The initial full presentation to the City Commission (Sep. 21) set the stage for a requested formal recommendation to the City Commission by the FFE board on October 12.

Staff remain grateful for the ongoing concurrence among board members and commissioners regarding Imagine Kalamazoo alignment in service to the entire community of Kalamazoo.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

The FFE was created to support and achieve the Imagine Kalamazoo Strategic Vision goals. Detailed information demonstrating alignment with the following goals can be found in the attached transmittal memo.



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



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



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



Environmental Responsibility - A green and health City.



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



Shared Prosperity - Abundant opportunities for all people to prosper



Youth Development - A place with supports where young people thrive



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.



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement:

As in previous years, City staff has worked internally and with partner organizations to determine an aspirational budget draft that marries financial need and program capacity of the City and partners for continuing and innovating new programs that are aligned by the Imagine Kalamazoo Strategic Vision and Master Plan.

FISCAL IMPACT:

The proposed grant is \$25,798,714, which includes \$4,243,600 for budget stabilization, \$13,016,024 for tax reduction to City property taxpayers, and \$8,539,090 for aspirational projects as outlined in the budget detail.

This budget follows the method of determining the amount of the annual distribution set forth in section 9.03 of the bylaws and supports the FFE's crucial mission to "support the goals of the City of Kalamazoo, fund aspirational investments in the city, and empower Kalamazoo residents to achieve the lives they want for themselves and their families."

DRAFT MEMORANDUM

10/12/2020

To: President Dr. Angela Graham-Williams and the Board of Directors

From: Steve Brown, Foundation for Excellence Manager

Subject: The Recommended Fiscal Year 2021 FFE Budget of the City of Kalamazoo

Following successful presentations to this Board on September 14, and City Commission on October 5, I am pleased to present the final 2021 FFE budget of the City of Kalamazoo.

The proposed grant is \$25,798,714, which includes \$4,243,600 for budget stabilization, \$13,016,024 for tax reduction to City property taxpayers, and \$8,539,090 for aspirational projects as outlined in the budget detail. This budget follows the method of determining the annual distribution set forth in section 9.03 of the bylaws and supports the FFE's mission to support the goals of the City of Kalamazoo, fund aspirational investments in the city, and empower Kalamazoo residents to achieve the lives they want for themselves and their families.

Since its creation in 2017, \$11.9 million of funds contributed in support of the FFE's goals have provided unprecedented financial stability for the City. With a stable budget, City services are being maintained and adapted to community needs based on the Imagine Kalamazoo 2025 Strategic Vision. Kalamazoo City property taxpayers have experienced relief from \$47.1 million of tax liability since 2017 following the reduction of the City's property tax millage from 19.2705 mills to 12.0000 mills. This reduction makes Kalamazoo more competitive in retaining and attracting residents, businesses, and jobs.

Finally, \$36.2 million has been budgeted for aspirational projects since 2017 for innovative projects and programs that align with the Imagine Kalamazoo vision, including the Youth Mobility Fund, affordable housing initiatives, complete streets and park improvements, economic development assistance to small businesses, and grantees of the Shared Prosperity Kalamazoo High Impact Fund.

The full potential and impact of the Foundation for Excellence investment in Kalamazoo is becoming increasingly evident over these initial years. To communicate this story, staff continue to present the work in the annual newsletter, annual financial report, and through online tools: the Imagine Kalamazoo project tracker (www.imaginekalamazoo.com/projects) and the tool that displays investment by City neighborhood and by goal area (www.kalamazoo.org/ffedashboard). Together with the FFE's online document library and public meetings, the FFE is living its culture of transparency and accountability for the public good.

On behalf of the City of Kalamazoo I would like to thank you the entire Board of Directors for your commitment to realizing the unique vision and impact of the Foundation for Excellence.

Respectfully Yours,



The Mission of the Kalamazoo Foundation for Excellence is to support the goals of the City of Kalamazoo, fund aspirational investments in the city, and empower Kalamazoo residents to achieve the lives they want for themselves and their families.

Imagine Kalamazoo 2025 Goals and FFE Programs	Total 2017-2020 Grants to City*	Proposed 2021 Grant to City
Budget Stabilization	\$11,920,000	\$4,243,600
Tax Reduction	\$47,092,033	\$13,016,024
Subtotal	\$59,012,033	\$17,259,624
Aspirational Projects		
Safe Community		
Lead Services Replacements	\$2,000,000	\$500,000
Complete Neighborhoods, Connected City, Inviting Public Places		
Great Neighborhoods: Infrastructure	\$7,950,000	\$1,782,500
Great Neighborhoods: Park Enhancements	\$4,180,000	\$4,500
Neighborhood Engagement and Activation	\$300,000	\$100,000
Downtown: Inviting and Accessible Spaces	\$500,000	
Youth Development		
MyCity Summer Youth Employment	\$3,150,000	\$825,000
All Things Possible (ATP)	\$308,800	\$134,674
SuperRec	\$400,400	\$175,358
Youth Mobility Fund (YMF)	\$750,000	
Digital Access for All (DAFA)	\$200,000	\$100,000
Shared Prosperity		
Shared Prosperity Kalamazoo High Impact Fund	\$2,106,500	
Economic Vitality		
Economic Development	\$7,250,000	\$1,933,200
Affordable Housing	\$5,275,000	\$2,410,000
Environmental Responsibility		
Home Energy Efficiency Audit Pilot	\$66,000	\$92,000
Good Governance, Program Costs		
FFE Personnel	\$1,263,830	\$481,858
Communication & Evaluation	\$200,000	
FFE Projected Expenses	\$236,500	
Total 1% Contingency per Goal Area	\$97,983	
Subtotal	\$36,235,013	\$8,539,090
TOTAL	\$95,247,046	\$25,798,714

* Values will reflect 2020 COVID response resources following the City's end-of-year budget adjustment.

APPENDIX A

Budget Descriptions

1. TAX REDUCTION

Bylaws, Section 9.03, Subsection A: “Equal to the difference between the amount that the City would have received in real estate tax and personal property tax revenue for the fiscal year-in-question calculated using a millage rate of 19.2705 mills (\$19.2705 per \$1000 of taxable value) less the amount of real and personal property taxes that the City is budgeted to receive for the fiscal year-in-question under the City's proposed millage rate, so as to provide the City a tax rate that is correlative to other municipalities in the Kalamazoo area (...)”

- Total 2021 Projected Taxable Values = \$1,790,251,517
- Projected difference in taxes under 19.2705 mills and current 12 mills = \$13,016,024

2. BUDGET STABILIZATION

Bylaws, Section 9.03, Subsection B: \$4 million for budget fiscal 2019 and thereafter adjusted annually by the Municipal Cost Index developed by the American City & County Magazine, or another credible model addressing the price of the unique market basket of goods and services purchased by local governments, so as to address the structural revenue imbalance to City finances due to Michigan's broken municipal finance system. 2017, N/A; 2018, \$3.8M; 2019, \$4M; 2020, \$4.12M; 2021, \$4.23M.

3. ASPIRATIONAL PROJECTS AND PROGRAMS

Bylaws, Section 9.03, Subsection C: Additional annual distributions may be approved (...) (i) consistent with the purposes set forth in Article II in the Articles of Incorporation of this Corporation; and, (ii) consistent with donor intent as specified in the Statement of Donor Intent (...)

A. Safe Community

Lead Services Replacements: The City of Kalamazoo’s Lead Water Service Replacement Program meets or exceeds all requirements, including new and more stringent laws passed in recent years. The City of Kalamazoo has been proactive with a lead water services replacement program that has been in place since 1992. At pre-2016 rates total system-wide lead service replacements would have taken 100 years to complete. Because of the FFE and other additional funding sources, lead service replacements are now funded at a rate to enable completion of system-wide replacements in 20 years. Approximately 70-80 water service replacements are anticipated as a result of FFE, consistent with previous years but depending on overall cost.

B. Complete Neighborhoods, Inviting Public Places, Connected City

Great Neighborhoods: Infrastructure: This year’s request focuses on repairing and replacing sidewalks in priority areas within ¼ mile of a school or other key community asset – a priority included in the Imagine Kalamazoo Master Plan, as well as extending Kalamazoo River Valley Trail in two significant areas between downtown and core neighborhoods. Funding for tree planting and management are also once again included, as are new sources for traffic calming and beautification of core neighborhoods.

C. Neighborhood Engagement and Activation

- a. **Neighborhood Planning:** seven neighborhood plans have been adopted to date (Edison, Eastside, Northside, Oakwood, Vine, Oakland Winchell, and Parkview Hills).
- b. **Expungement Clinic:** The FFE-funded expungement clinic has successfully helped residents exercise their right to have past offenses expunged and help to clear a path to employment and success for community members that have made mistakes in their past. This program will continue in 2021.

D. Youth Development

- a. **MyCITY (formerly YOU):** This program of the Kalamazoo Regional Educational Service Agency (KRESA) has partnered with the City since 2006. MyCITY Kalamazoo was modified because of COVID-19 to a predominantly virtual model for 2020 to allow for a safe and productive paid career exploration experience for youth ages 14-21 in the City of Kalamazoo. There were 154 participants who engaged in the virtual Career 101 and Career 2.0 pathways this summer which included activities guided by a Career Coach and focused on areas such as employability skills, career exploration, career pathway planning and industry focused project-based learning. Of the 154 participants, 65% earned a retention bonus for actively engaging fully in the program from start to finish. An additional 20% took advantage of the opportunity to make up incomplete activities from previous weeks and complete an optional career pathway planning bonus activity. The CareerNOW pathway of MyCITY Kalamazoo provided short term training opportunities in Certified Nurse Aide, Construction Trades, and Early Childhood Education through a combination of in-person and virtual classroom sessions.
- b. **All Things Possible (ATP):** A middle to high school summer transition program designed to eliminate skill gaps from the “summer slide.” Each day consists of work skills, life skills, recreational activities, talent development, and career/educational exposure. Attendance of ATP grew from 30 to 50 participants in 2018 and 2019. In 2020 the program was reduced to 50% capacity because of COVID-19 and turned into three, two-week programs. Twenty-five unique youth participated throughout the summer.
- c. **SuperRec:** Kalamazoo’s only free drop-in summer camp for youth. In 2019 the Kalamazoo Parks and Recreation Department’s SuperRec program built on the successful 2017 and 2018 expansions because of clear demand from families and added an additional site location. SuperRec works in City neighborhoods to offer free, socially enriching experiences to children aged 7 to 14, primarily those from underprivileged communities and backgrounds. Unique participants grew from 290 in 2017 and 304 in 2018 to 400 in 2019. Because of COVID-19, capacity was reduced to 50% at each site and a total of 146 unique were served youth throughout six, one-week sessions.
- d. **Digital Access for All (DAFA):** A partnership of Kalamazoo Public School, Kalamazoo Public Library, and the Kalamazoo Promise offers free Internet access to up to 1,000 KPS households. This helps students across the system more equitably participate in distance learning, become comfortable with technology, and explore the opportunities that are available online.
- e. **The Youth Mobility Fund (YMF):** A community partnership with Metro, KPS, and Kalamazoo Youth Development Network that provides fare-free transportation to public high school students. The program provided over 150,000 fare-free public bus rides in its pilot year from August 2019 to June 2020. Metro buses remain limited at 20% capacity due to COVID-19, and in response KPS will initially issue 400 Youth Mobility Fund cards to students who opt-in and are priority eligibility for the first trimester of the 2020-2021

school year.

E. Economic Vitality, Shared Prosperity

a. Economic Development

- i. **Business Development Fund:** A fund that makes significant resources available through the Small Business Program, including Technical Assistance, Business Grants up to \$2,500, Business Loans up to \$35,000 for eligible activities and Gap Financing up to \$25,000 for businesses that have received 75% of their needed financing through traditional lenders.
- ii. **Neighborhood Plan Projects:** New strategies include targeting ideas to neighborhood plans as they are created, including expansion of façade improvements to business signage created in collaboration with local artists and planned pop-up retail pilot.

b. Affordable Housing

- i. **Pathways Home Partnership:** A housing partnership of the City, Kalamazoo Neighborhood Housing Services, and Open Doors to move Kalamazoo residents from homelessness to homeownership.
- ii. **Site Acquisition:** A project supporting site acquisition in priority places to rebuild housing and mixed-use buildings.
- iii. **Housing for All:** A loan program for affordable housing infill. The program supports mixed-use development for small developers and Incremental Development Alliance coaching. It funds Low Income Housing Tax credit project gaps.
- iv. **Tax Foreclosure Prevention:** A program created in partnership with Kalamazoo County with an annual goal of zero tax foreclosures in the City of Kalamazoo.
- v. **Clouded Title Clearing:** A unique effort with the County to identify and assist families in addressing unclear ownership of homes to create wealth in those families. In its first year, 2020, this program created a total of \$334,000 of fair market value for eight families in core neighborhoods from an investment of \$4,400 FFE dollars.

F. Environmental Responsibility

Home Energy Efficiency Audit Second Year: the second year of the pilot program will continue to collect data by offering no-cost energy audits to clients, performing energy efficiency upgrades, working with minority contractors to explore opportunities to expand professional certifications, and engaging with housing program clients to ensure more efficient, safe, and comfortable homes.

G. Good Governance, Program Costs

- a. **FFE Personnel:** existing full-time positions are the Shared Prosperity Kalamazoo Coordinator, Neighborhood Activator, Youth Development Coordinator, and FFE Manager; the existing half-time positions are the Grants Specialist and Deputy City Manager responsible for FFE.
- b. **Communication and Evaluation:** staff will continue to implement the 2017 engagement strategy while adding new tactics to reflect a maturation of the FFE and its needs. Awareness-building, values alignment, and new tools will be the focus. There will also be added emphasis on tracking and evaluation of individual programs and projects as well as

- the overall outcome of FFE investments.
- c. **FFE Projected Expenses:** (SEE Appendix B)

APPENDIX B

FFE Projected 2021 Expenses Description

Direct expenses for the Foundation for Excellence in the 2021 fiscal year are projected to total \$219,000. As planned, these costs will be paid directly from the FFE's endowment account beginning with the 2021 fiscal year and moving forward and reported by to the Finance Committee in regular reports.

FFE Projected 2021 Expenses

Investment Consultant	180,000
Annual Independent Audit	7,500
Investment Due Diligence	6,500
Community Outreach	10,000
Board Liability Insurance	7,500
Investment Committee Liability Insurance	7,500
Total Projected Expenses	219,000

Other projected costs are Investment Manager Expenses and Investment Account Fees associated with managing the FFE endowment. Investment manager expenses are anticipated to increase significantly from 2019 due to the launch and partial funding of the endowment. The Foundation's investment strategy will have a once-annual cash flow requirement for paying expenses. These fees will be combination of base account fees and a percentage of investment.

Other Projected 2021 Expenses:

Investment Manager Expenses	\$250,000 estimate
Investment Account Fees	\$500,000 estimate



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **E.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: November 2, 2020

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

RECOMMENDATION:

It is recommended the City Commission adopt an ORDINANCE to amend the text of Chapter 50 Zoning Code and update the Zoning Map for Downtown and adjacent blocks.

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:

- 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.
- 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.

- 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 [here](#).

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 Marijuana 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 removed 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

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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.

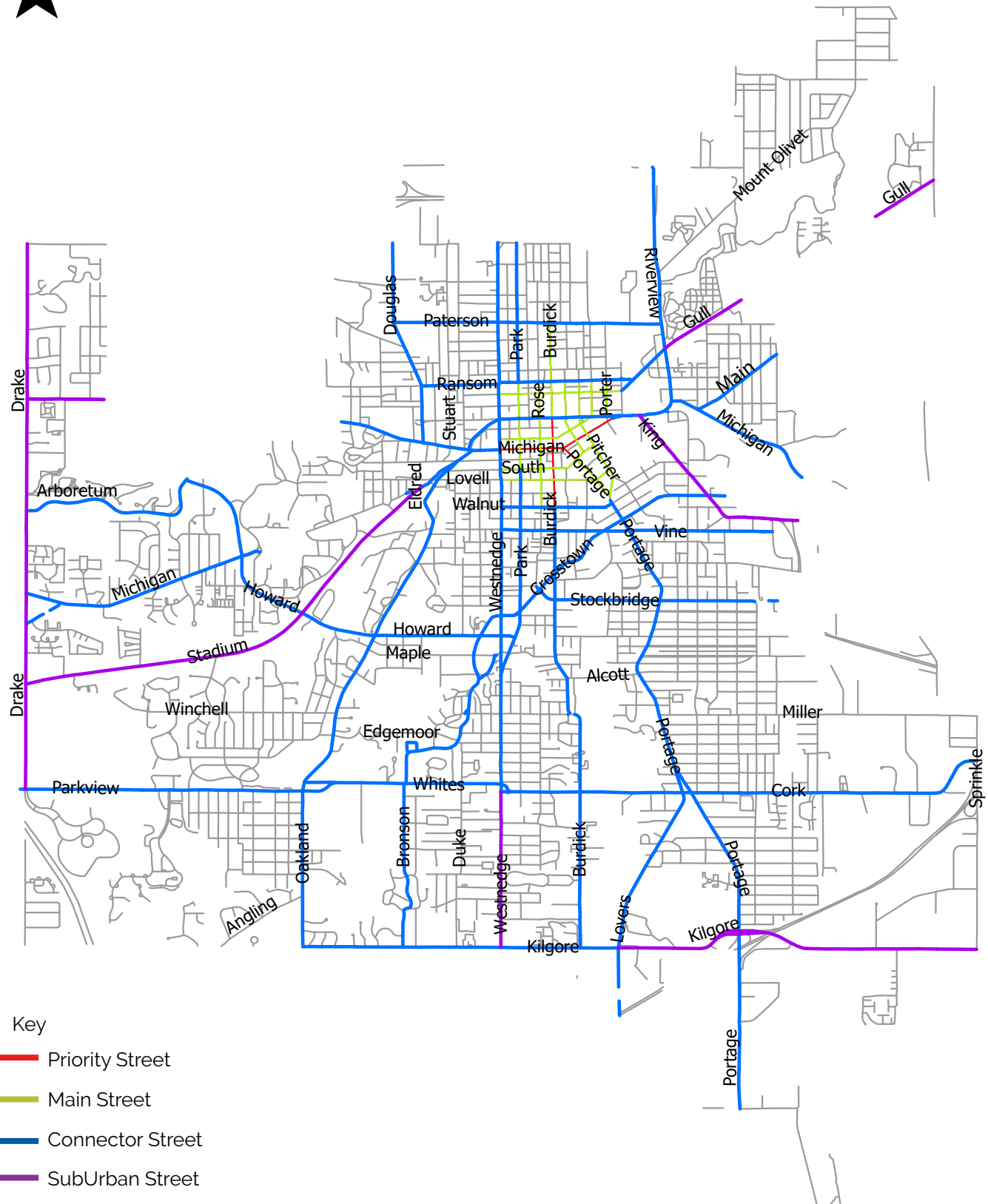


Figure 1.2-2 Street Type Map.

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

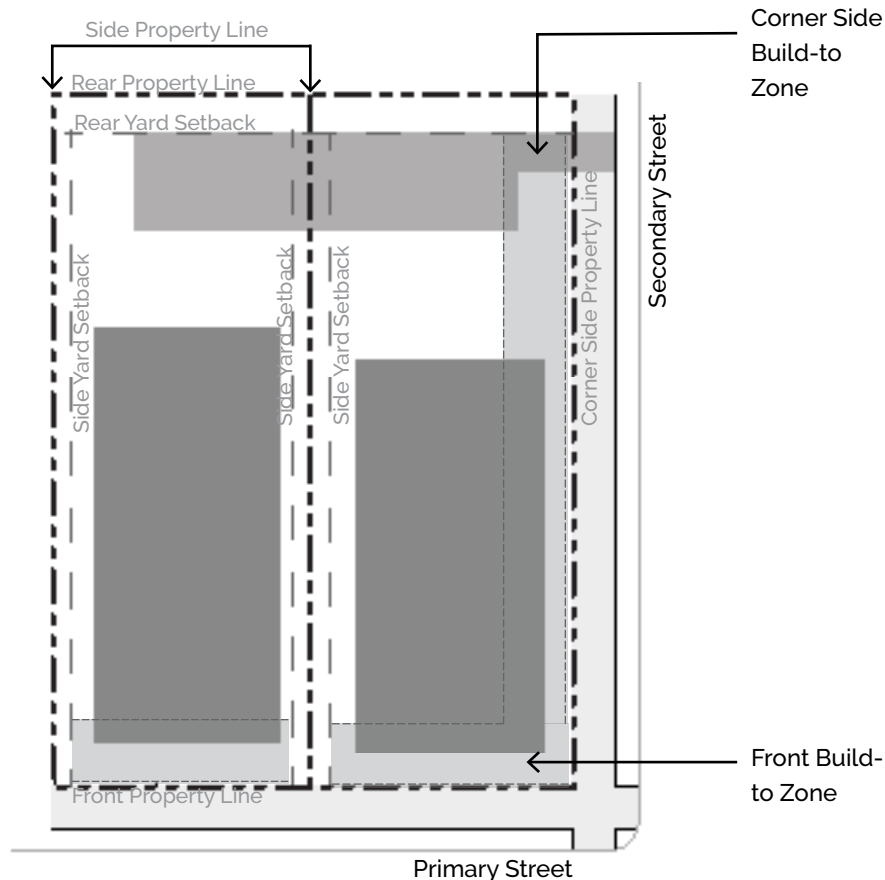


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

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.

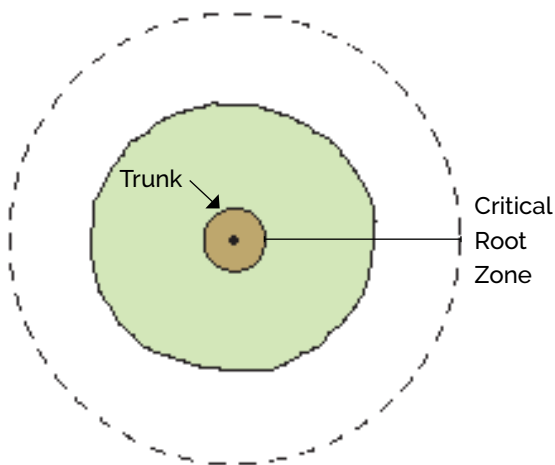


Figure 1.3-2 Measuring Critical Root Zone

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*

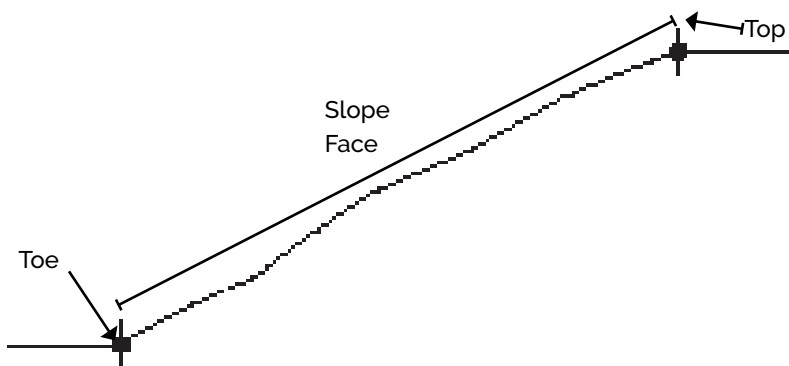


Figure 1.3-3 Parts of a Slope

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

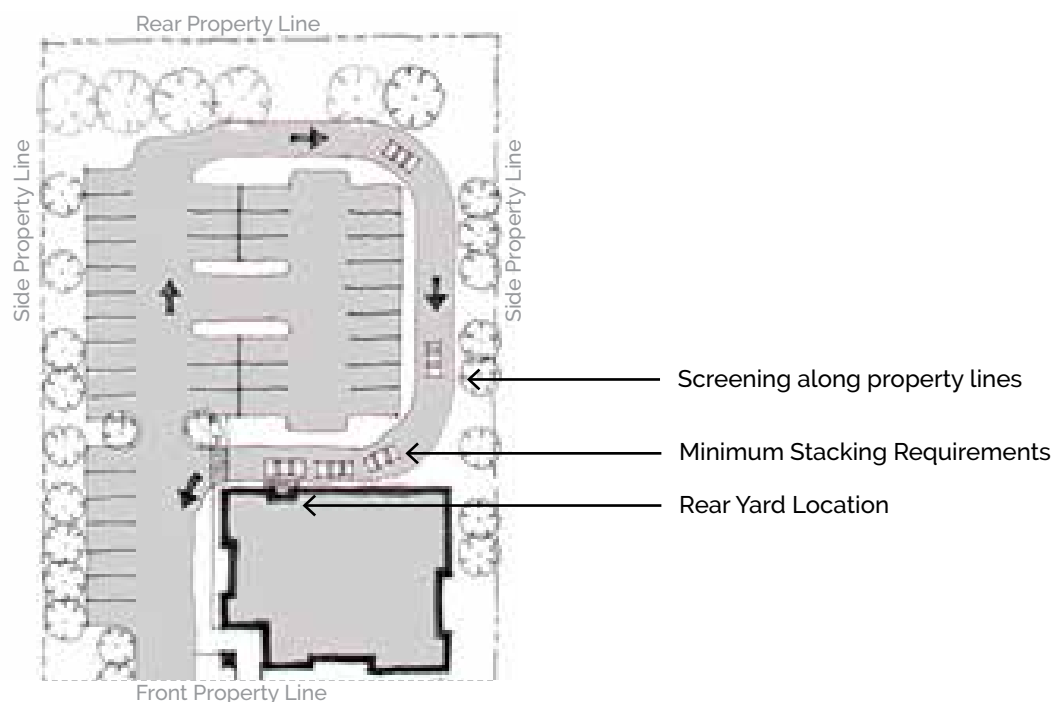


Figure 4.5-1. Drive Through Design

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.

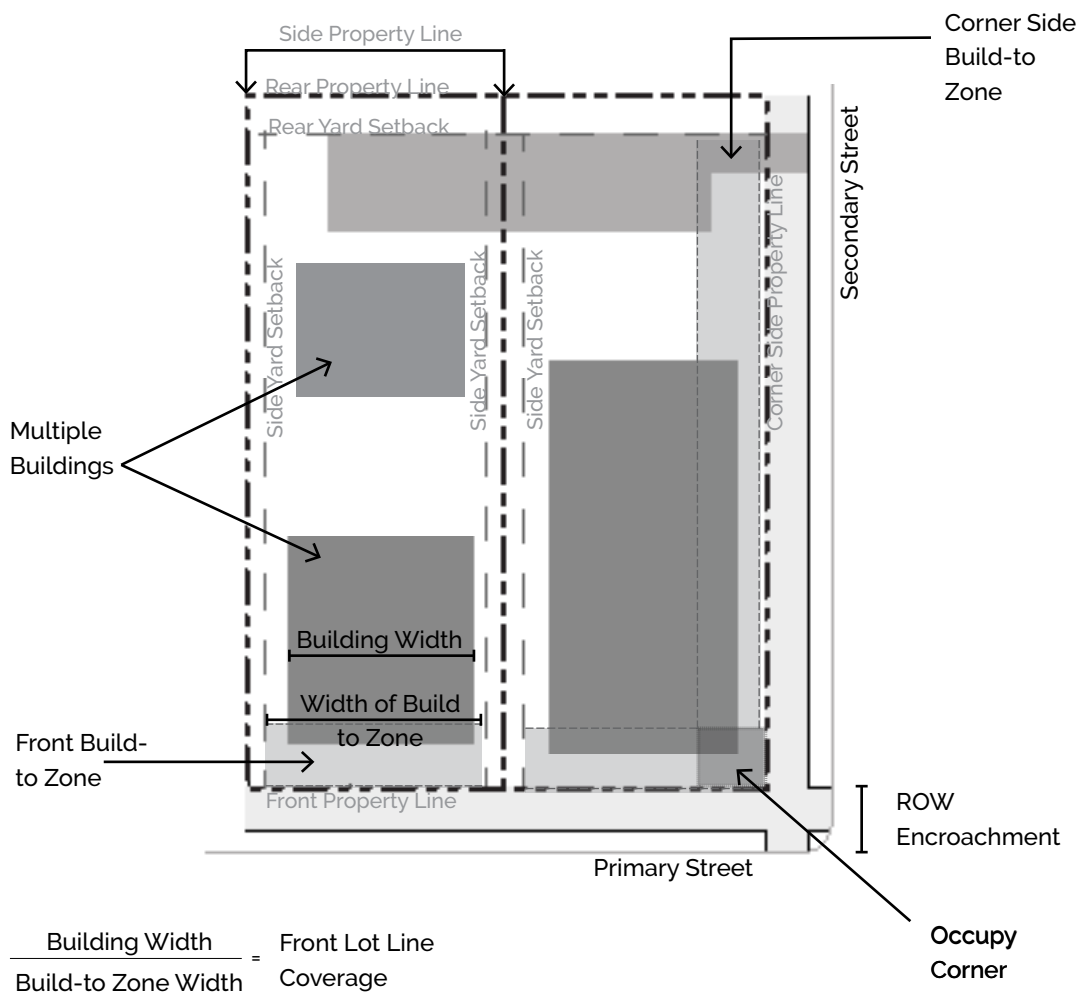


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

- (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.

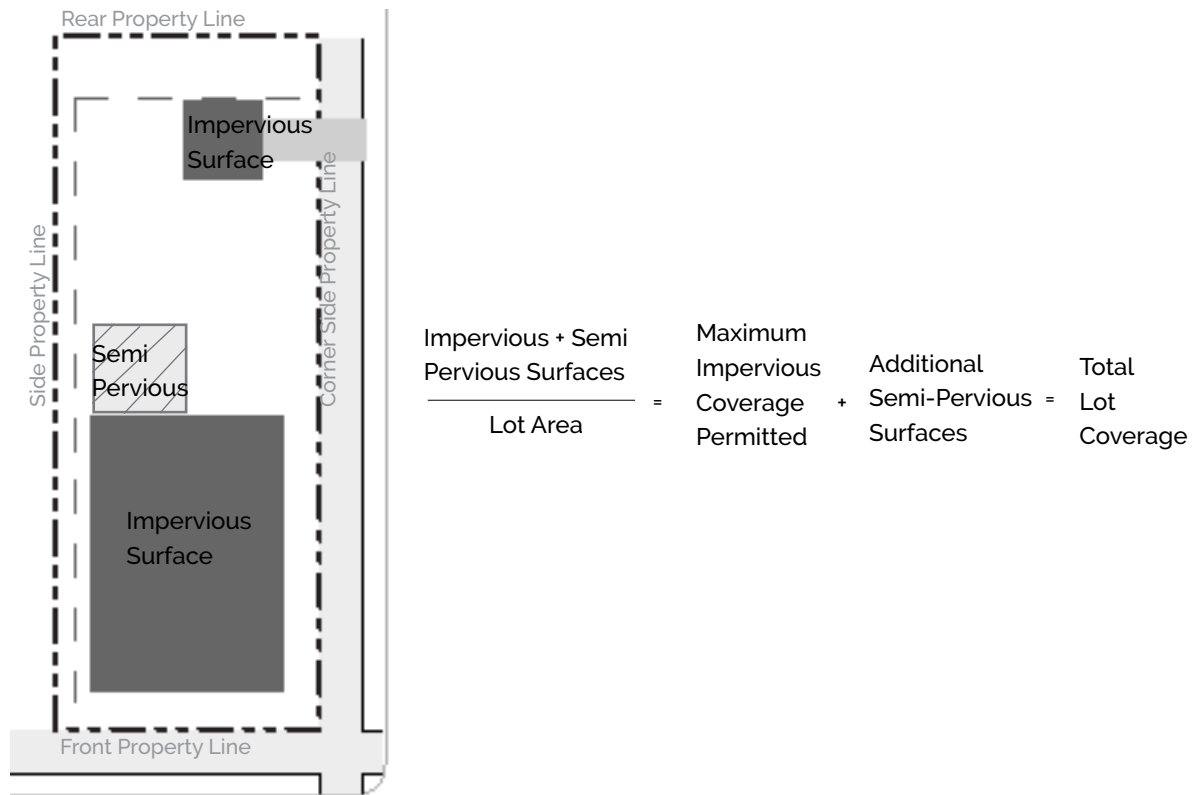


Figure 5.2-2 Lot Coverage

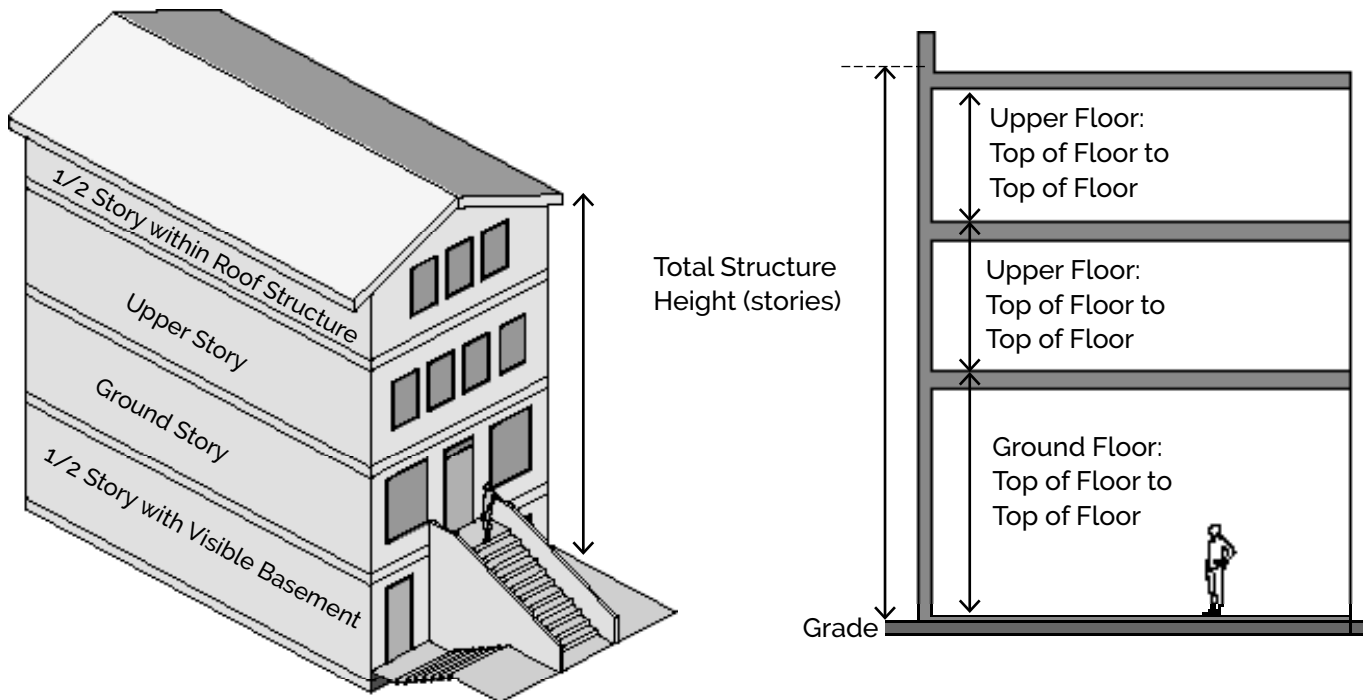


Figure 5.3-1. Measuring Height

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

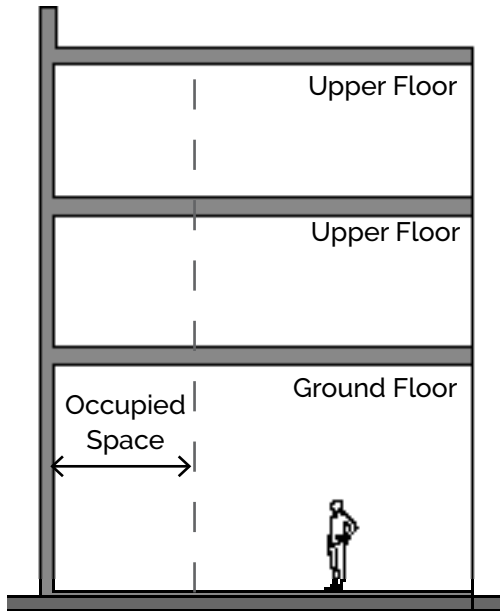


Figure 5.4-1 Permitted Uses Per Floor

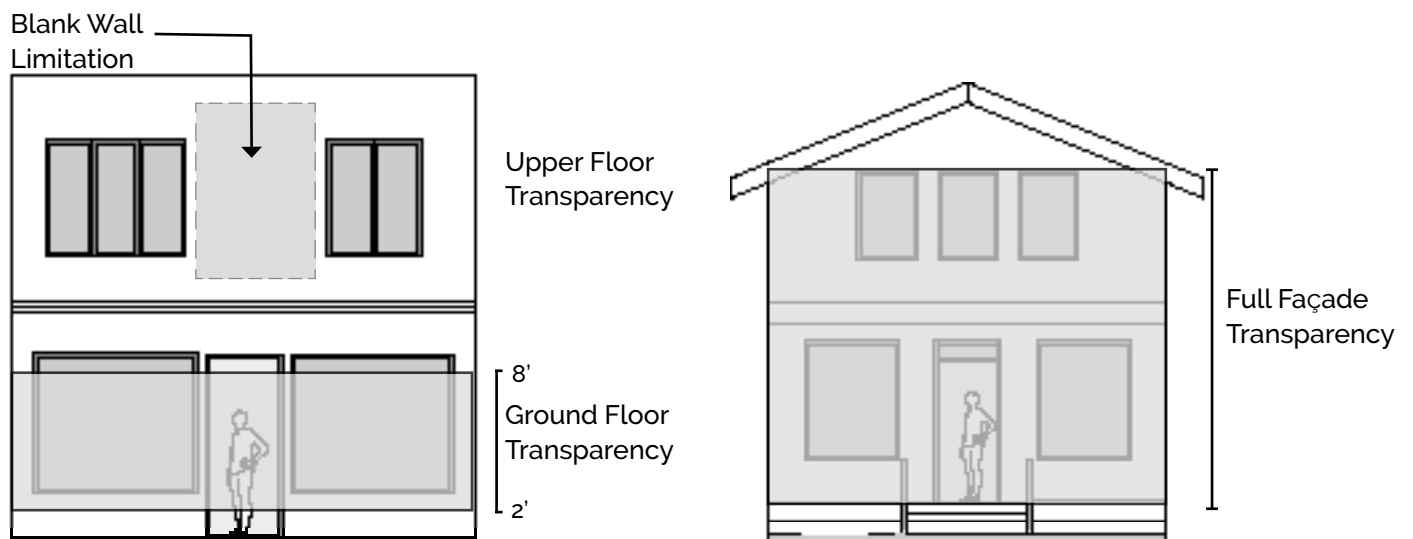


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

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.

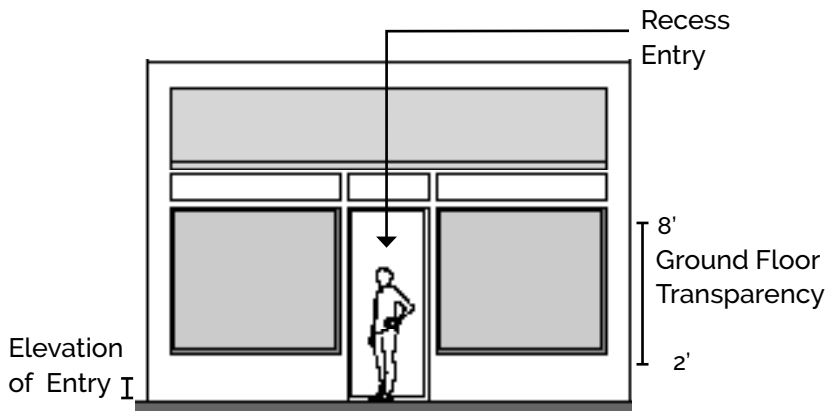


Figure 5.5-2. Storefront.

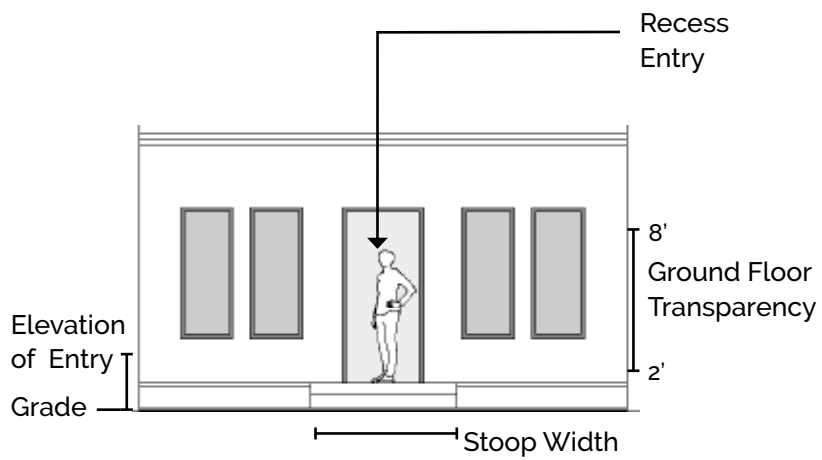


Figure 5.5-3. Stoop.

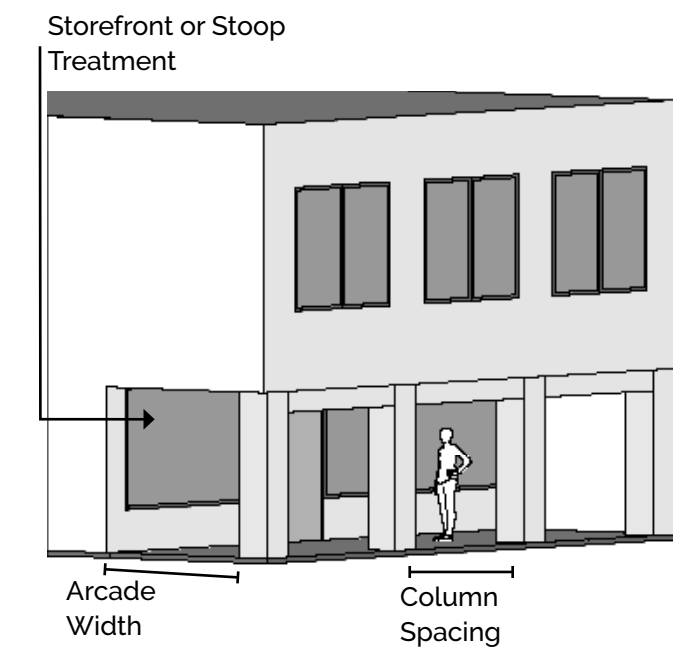


Figure 5.5-4. Arcade

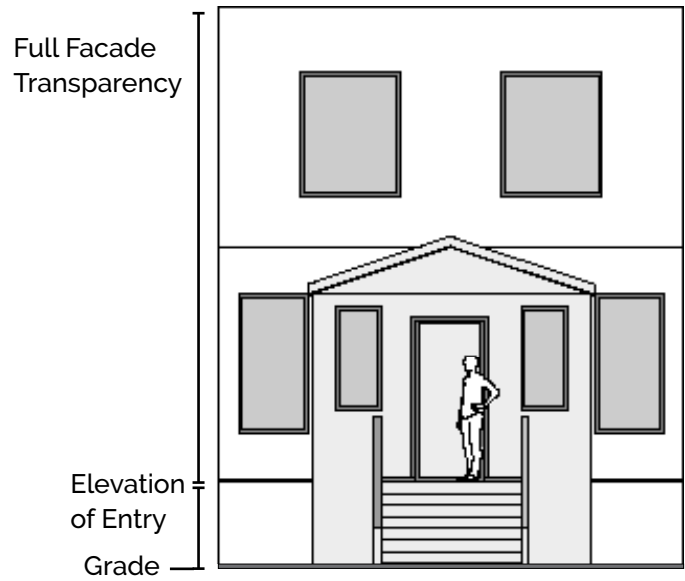


Figure 5.5-5. Porch.

(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

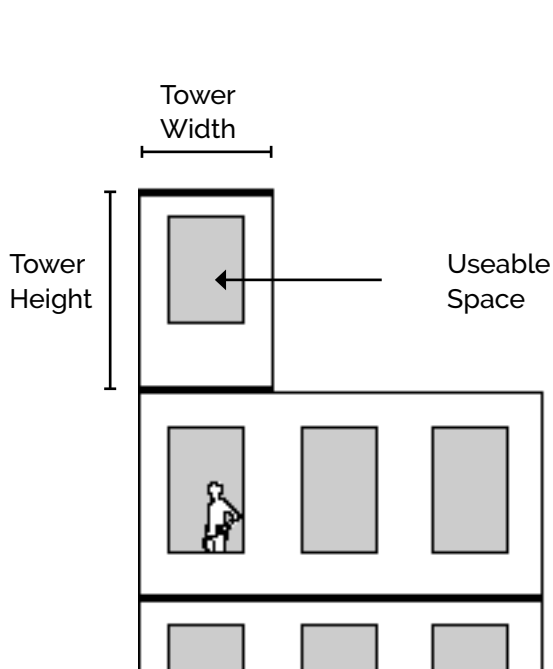


Figure 5.5-6. Tower.

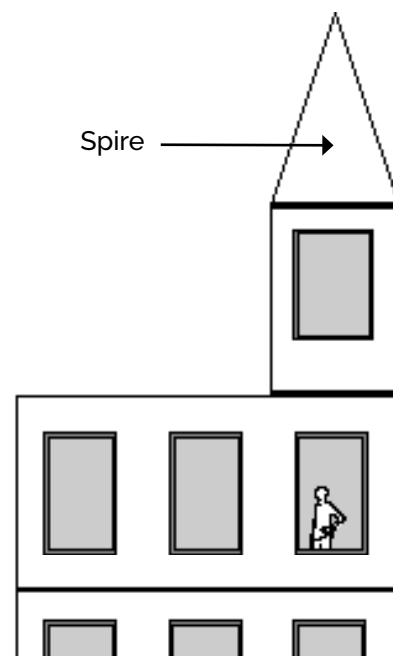


Figure 5.5-7. Spire

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

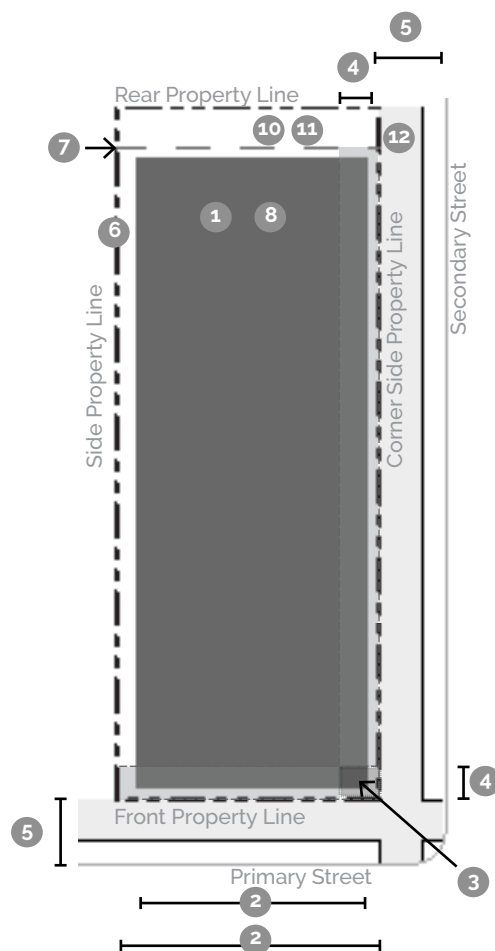


Figure 5.6-1 Building Siting.

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	

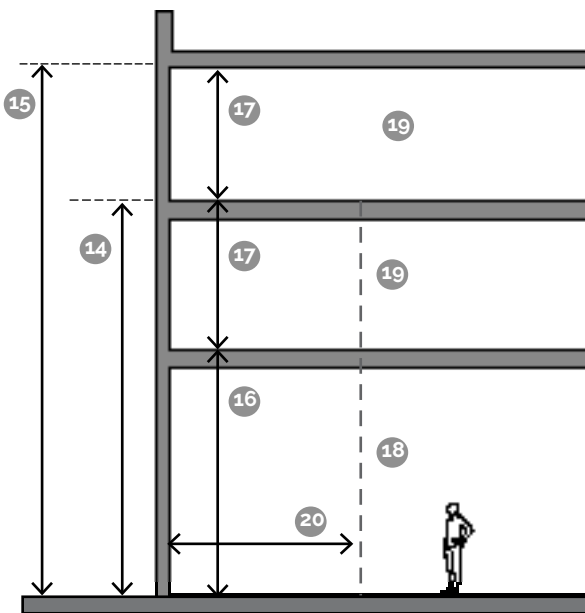


Figure 5.6-2 Height & Use

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	

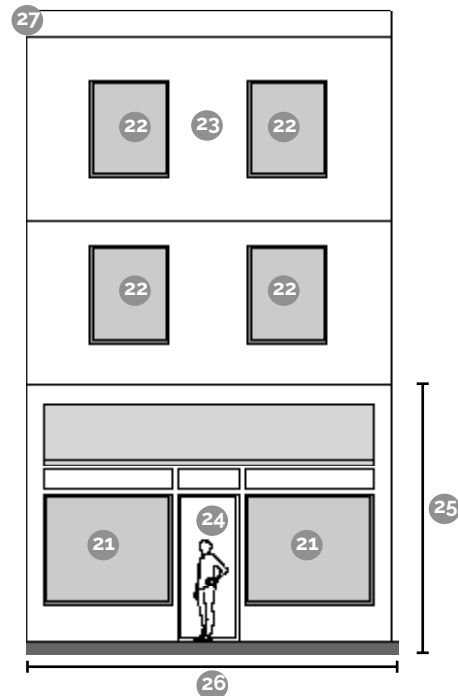


Figure 5.6-3 Street Facing Facades.

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

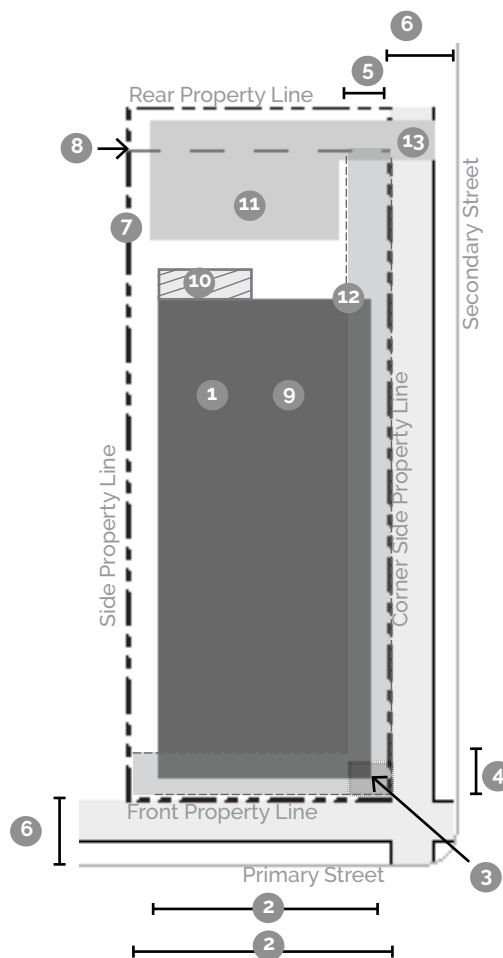


Figure 5.6-4 Building Siting.

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	

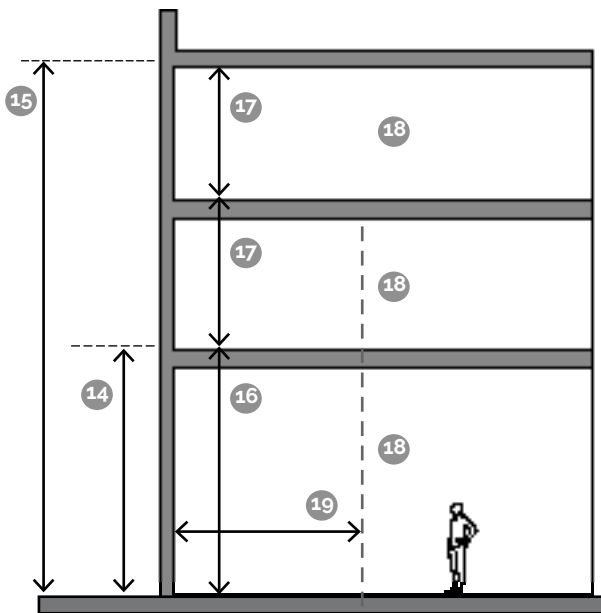


Figure 5.6-5 Height & Use

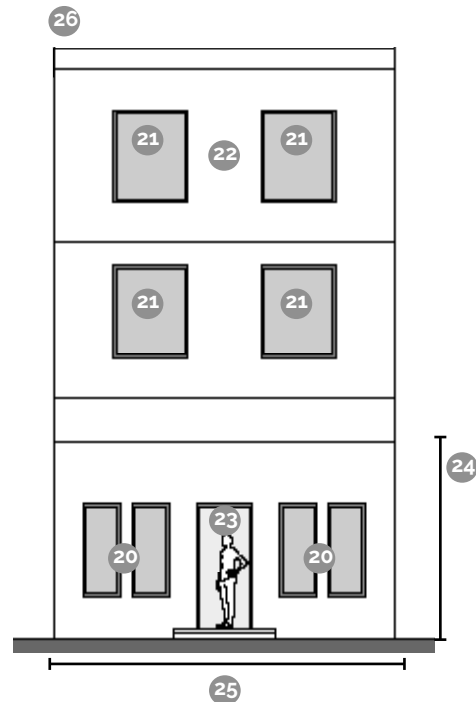


Figure 5.6-6 Street Facing Facades.

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

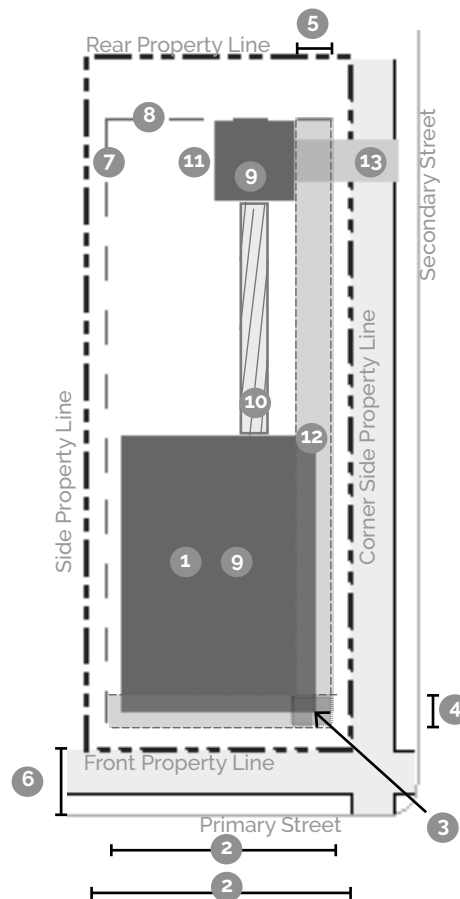


Figure 5.6-7 Building Siting Attached and Detached

Notes:

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

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

(2) Height (Figure 5.6-8)

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

(3) Uses (Table 4.1-1)

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

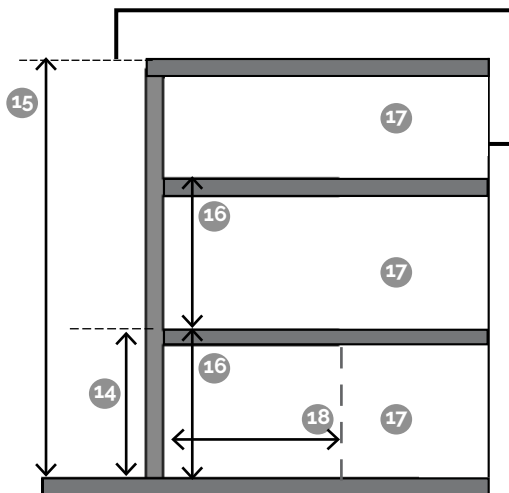


Figure 5.6-8 Height & Use

(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

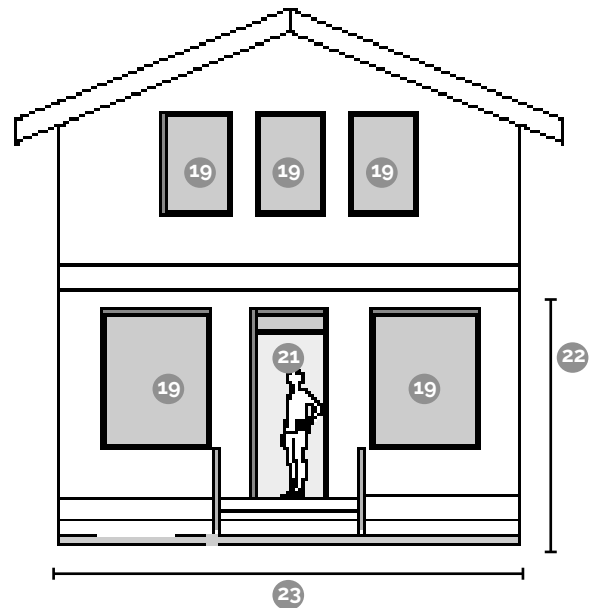


Figure 5.6-9 Street Facing Facades.

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		

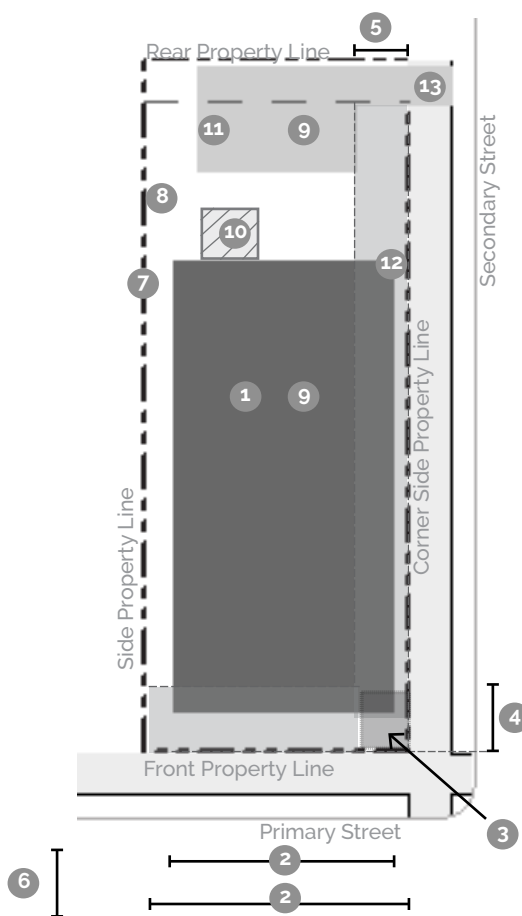


Figure 5.6-10 Building Siting.

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

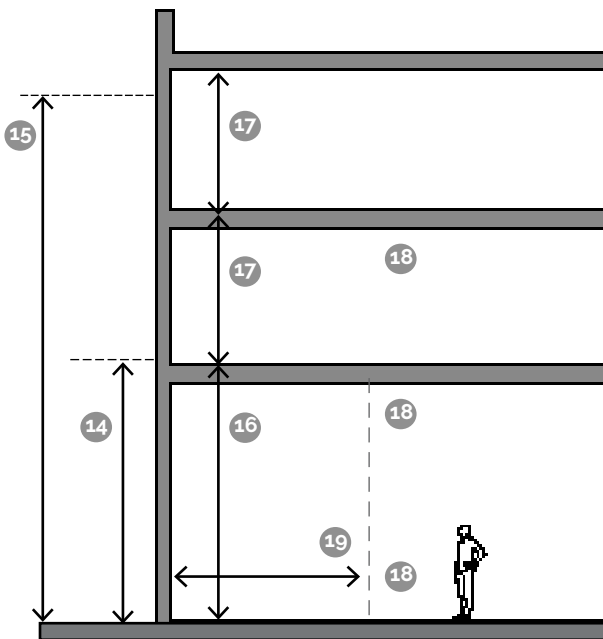


Figure 5.6-11 Height & Use

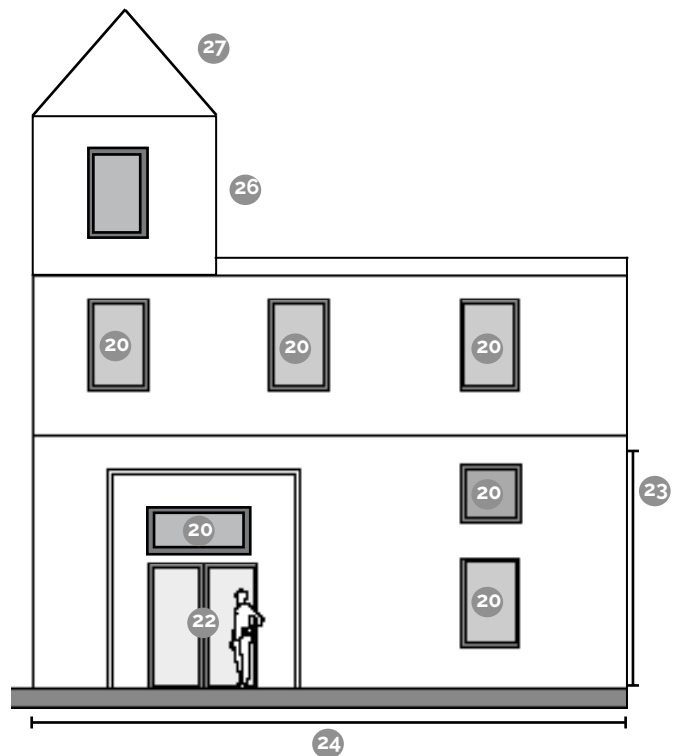


Figure 5.6-12 Street Facing Facades.

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	12
Vehicle Entrance Bay	Facades ² , & 1 on Front Facade ²	
Driveway Location	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13

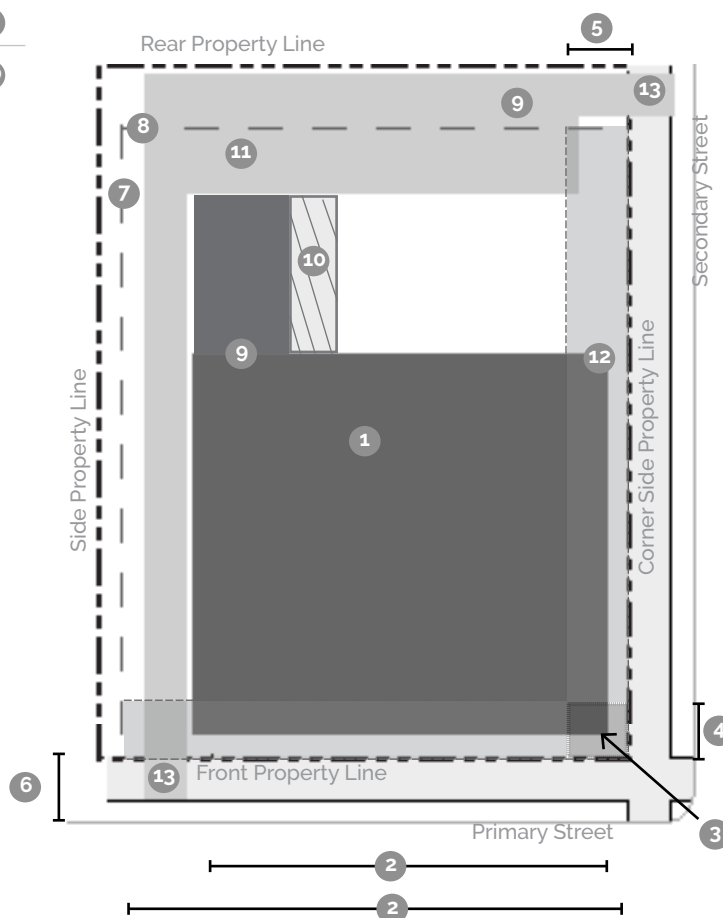


Figure 5.6-13 Building Siting.

Notes:

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

² Entrance bays for parking and loading not permitted on primary streets unless located at least fifty (50) feet behind the front facade.

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

(2) Height (Figure 5.6-14)

Minimum Height ⁵	1 stories	
Maximum Height ⁴	3 stories	15
Ground Floor	12'-30'	16
Upper Floor	9'-15'	17

(3) Uses (Table 4.1-1)

All Floors	Industrial	18
	Not Required, except Craftsman	19
Occupied Space <i>Restrictions</i>	Industrial retail/showroom uses	
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-15)**(a) Transparency (minimum)**

Ground Floor (min)	40% ⁶	19
Upper Floor(s)	10%	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop, Storefront	23
Entrances on Street Facing Facades	1 per 75' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

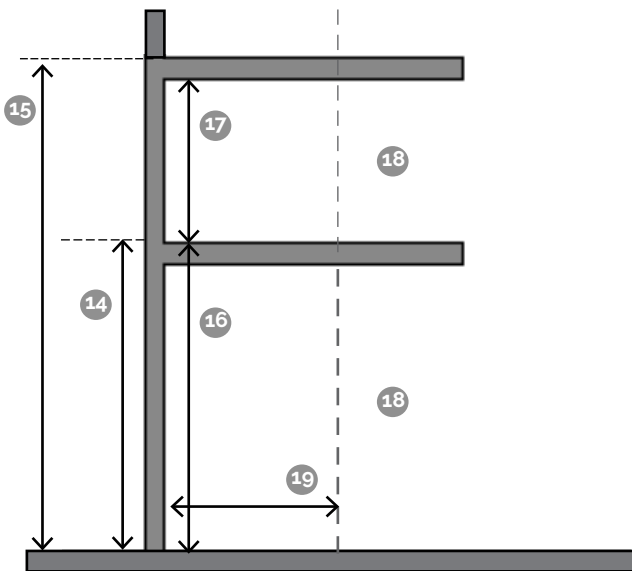


Figure 5.6-14 Height & Use

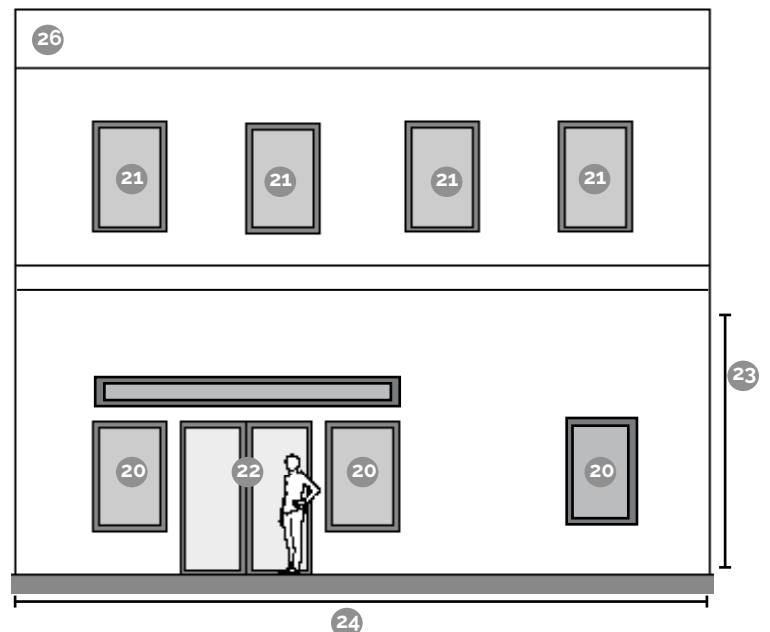


Figure 5.6-15 Street Facing Facades.

Notes:

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

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

⁶ Craftsman Industrial uses follow transparency for either the storefront or stoop entrance type. To determine transparency, the measurement can be taken in the location of the retail or showroom element and not along the entire ground floor facade.

G. Lot Type: Yard - Attached

(1) Building Siting (Figure 5.6-16)

(a) Street Frontage

Multiple Principal Buildings	Yes; Up to 5 units may be connected	1
Front Lot Line Coverage (min)	60%	2
Occupation of Corner	Not required	3
Front Build-to Zone	5'-15' ¹	4
Corner Build-to Zone	5'-15' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5' ²	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	60%	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

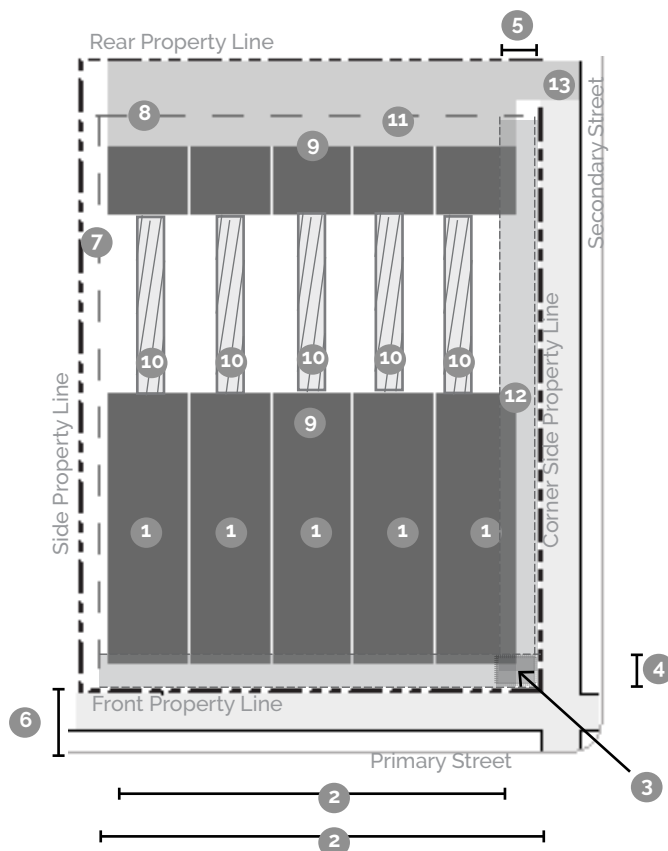


Figure 5.6-16 Building Siting

Notes:

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

² If buildings are attached, side yard setbacks apply to the set or row of buildings, not each individual building.

³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-17)

Minimum Height	1 story; 2 story min in D3	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space <i>Restrictions</i>	Not Required, except for <i>internal</i> parking	18
Accessory Uses & Structures	See Table 4.5-1	

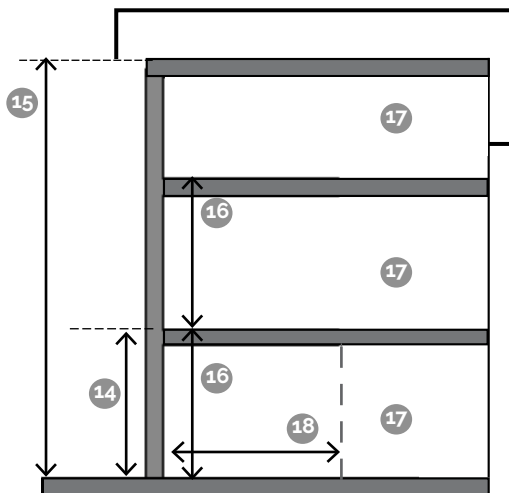


Figure 5.6-17 Height & Use

(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

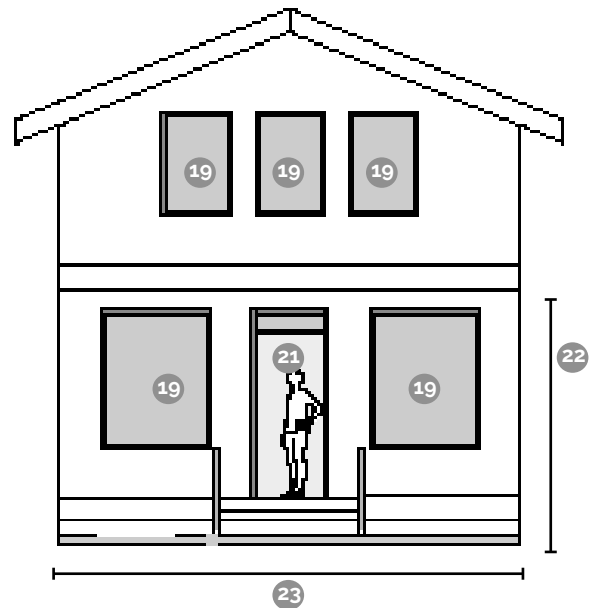


Figure 5.6-18 Street Facing Facades.

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

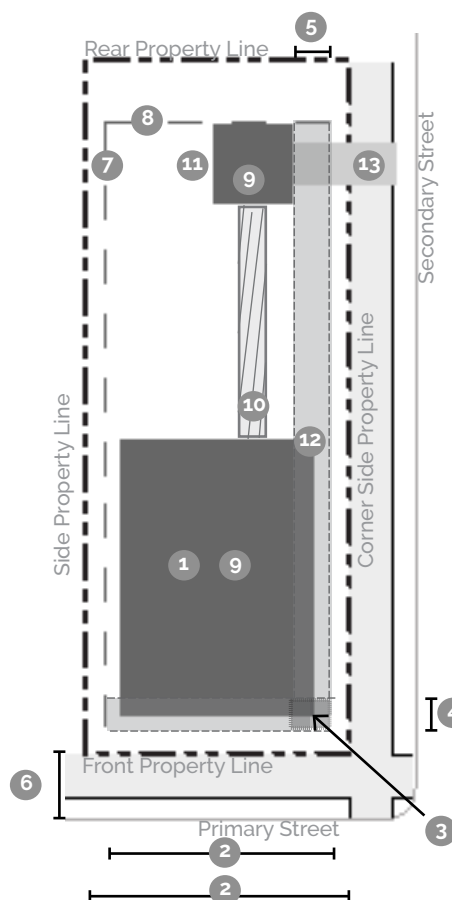


Figure 5.6-19 Building Siting Attached and Detached

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	

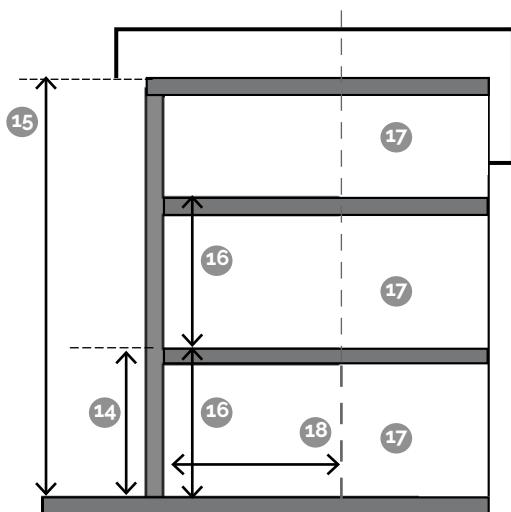


Figure 5.6-20 Height & Use

(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

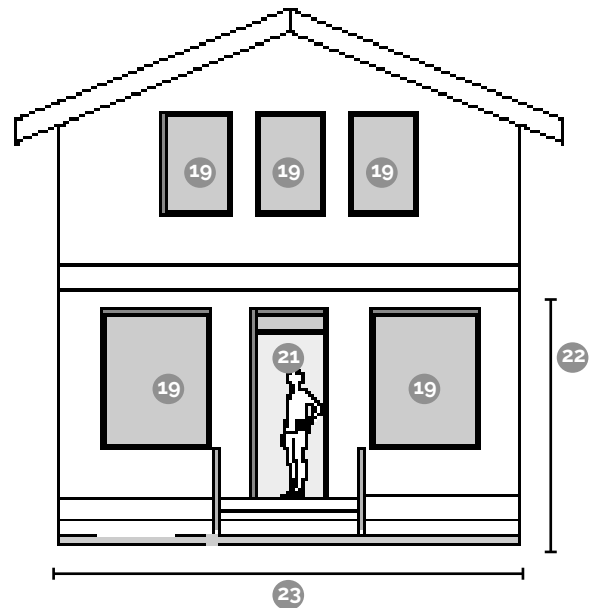


Figure 5.6-21 Street Facing Facades.

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		
Corner Build-to Zone	Not Required ¹	2
ROW Encroachment	Yes	3

(b) Lot Area

Side Yard Setback	10'	4
Rear Yard Setback	15'	5

(c) Lot Coverage

Impervious Surface (max)	65% ²	6
Semi-Impervious Surface	15%	7

(d) Parking, Loading, & Access

Parking Location	Rear Yard	8
Loading & Service Location	Side or Rear Yard	9
Interior Parking Entrance Bay	Not Permitted	
Driveway Location	Alley; 1 on Corner Side; 1 on Front if an interior lot	10

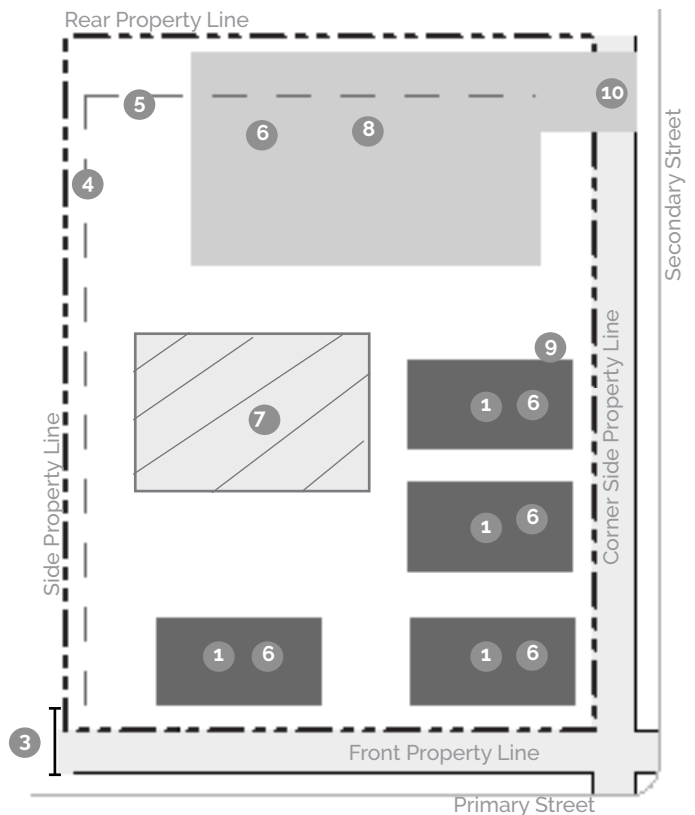
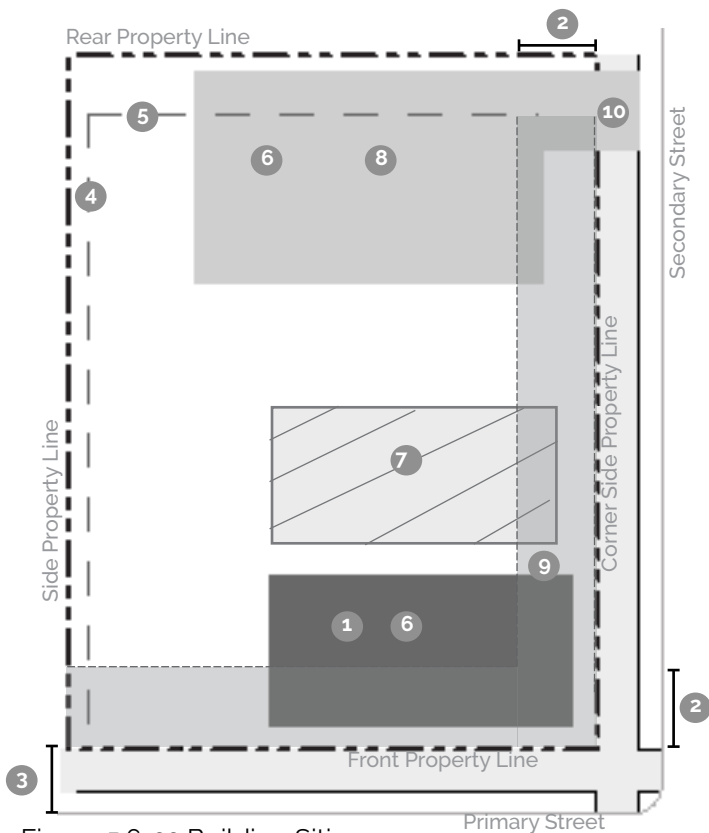


Figure 5.6-22 Building Siting.

(2) Height (Figure 5.6-23)

Minimum Height	1 Story	11
Maximum Height	1 Story	12
Ground Floor	Not Required	
Upper Floor(s)	Not Required	

(3) Uses (Table 4.1-1)

All Floors	Commercial, Park/Open Space	13
Occupied Space	Not Required	14
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-23)**(a) Transparency (minimum)**

Ground Floor	Not Required ³	15
Upper Floor(s)	Not Required	
Blank Wall Limitations	Not Required	

(b) Entrance/Counter

Location	Not Required ³	16
Entrance Treatment (see 5.5.B)	Not Required ³	
Entrances on Street Facing Facades	Not Required ³	17
Other Facade Entrances	Not Required	

(c) Roof Type

Tower	Not Permitted	
Spire	Not Permitted	

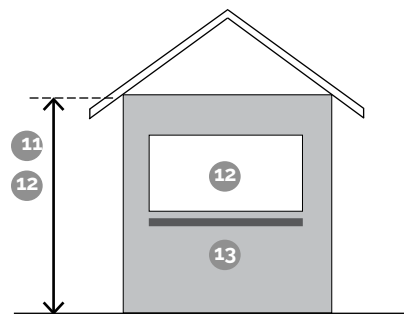


Figure 5.6-23 Street Facing Facades.

Notes:

¹ Except: 0-10' BTZ is required for Outdoor Sales & Storage and Vehicle Service.

² A permanent building shall account for no more than twenty-five (25) percent of the impervious coverage allowance. This does not apply to such structures as kiosk, shipping container, greenhouse, or hoop house, which are considered not permanent for the purposes of impervious coverage.

³ When a building is located in the 0-10' Front or Corner Side Build-to Zones, it must have an entrance, windows, or service window/counter on the facade facing the adjacent street. Outdoor Sales & Storage & Vehicle Service uses must be in buildings with a stoop or storefront entrance treatment.

Article 6. Zoning Standards: Overlay District Standards

50-6.1 Overlay District Requirements.

A. Applicability. Overlay Districts are applied to parcels in addition to the base or underlying Zoning District as mapped in the Zoning Map. Unless otherwise provided, an overlay zoning district shall include and be applicable to whole parcels and any parcels subsequently joined or combined with a parcel subject to any overlay zone regulations.

B. Intent. Overlay Districts provide an additional set of requirements for the development and use of parcels with the Overlay

C. Conflict. If a conflict arises between the Overlay District regulations and those of the Base Zoning District, the Overlay District regulations control.

50-6.2 Natural Features Protection Overlay Standards

A. Intent. The NFP Overlay District is intended to protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

B. Applicability. The NFP Overlay District standards apply as follows.

- (1) The Natural Features Standards are divided by defined Natural Feature. When a parcel is developed, redeveloped, or the Natural Feature is impacted due to any site alterations, the standards for all applicable Natural Features are applied.
- (2) The Site Development Standards shall be applied to all parcels in the NFP Overlay District.
- (3) Overlay standards shall not eliminate the need to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) or any other State, Federal, or regional permitting agency, if required.
- (4) Structures existing on the effective date of the ordinance creating the NFP Overlay District that do not meet the setbacks required in this Article are permitted and may be altered or expanded provided that they do not increase the amount of their non-conformance with the standards in this Article.

C. Natural Feature Standards: Wetlands. A Wetland is any area, regardless of parcel boundaries, that is characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, or otherwise defined in Part 303 of the NREPA.

(1) Wetland Determination. If any area on a parcel appears to be supporting wetland vegetation or is identified on the National Wetlands Inventory (NWI) map, one of the following is required.

- (a) The area in question shall be treated as a Wetland and the standards of this Section apply.

(b) A Wetland Determination shall be completed by a qualified professional, such as a Professional Wetland Scientist to confirm whether the area in question is a Wetland.

(2) Altering a Wetland. Alteration to a Wetland is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Wetland must be submitted to the City.

(3) Wetland Setbacks. Setback distance is measured from the outer edge of wetland vegetation. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Wetland setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The follow activities are permitted in the setback.

- [1] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local, State, and/or Federal agencies.
- [2] Restoration activities, such as planting with native vegetation with approval from all applicable local, State, and/or Federal agencies.
- [3] Mitigation activities required under the NREPA.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

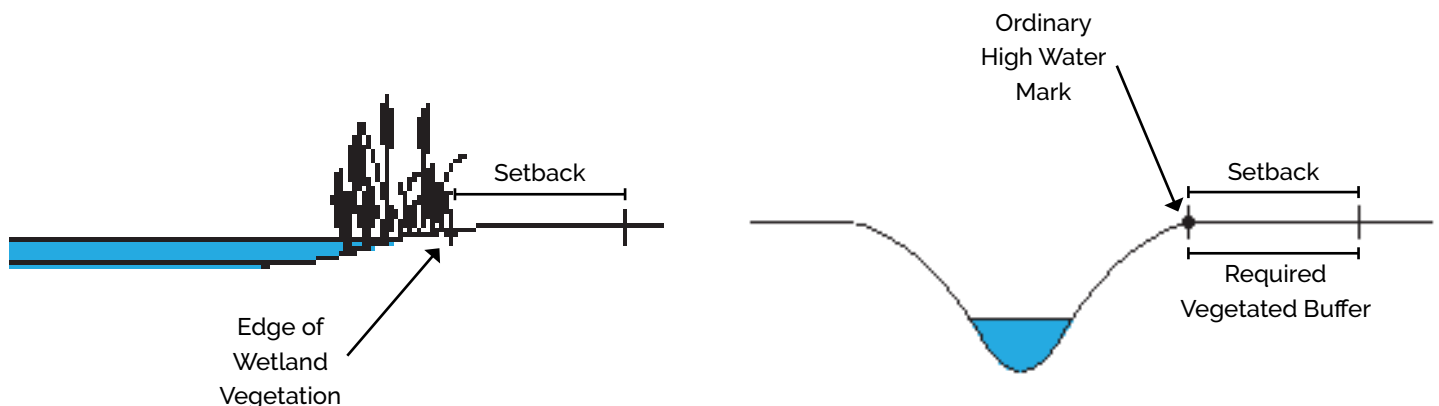


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

D. Natural Feature Standards: Water Resources. A Water Resource is any lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has defined banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or as otherwise defined in Part 301 of the NREPA.

(1) Altering a Water Resource. Alteration to a Water Resource is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Water Resource must be submitted to the City.

(2) Water Resource Setbacks. Setback distance is measured from the Ordinary High Water Mark of all Water Resources, including when the Water Resource is located off the parcel but within the setback distance. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Water Resource setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The following activities are permitted in the setback.

- [1] Up to twenty (20) percent of the setback area may be developed with semi-pervious materials, such as paths or mowed Turf Grass.

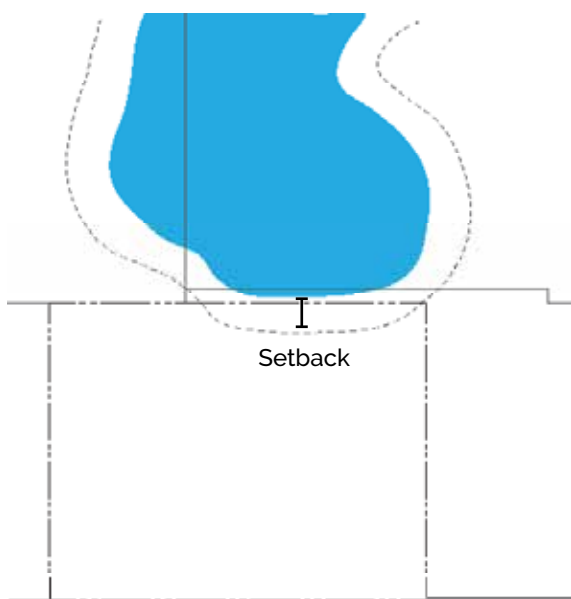


Table 6.2-1 Wetland and Water Resources Setbacks

Size of Parent Parcel	Minimum Required Setback
Greater than 1 acre	25 feet
1/2 acre - 1 acre	20 feet
Less than 1/2 acre	15 feet

Figure 6.2-2 Setbacks Across Parcel Boundaries

[2] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Water Resource setback with approval from all applicable local, State, and/or Federal agencies.

[3] Disturbance to the bank or shoreline, as expressly allowed under State law, is permitted when a restoration plan is prepared by a qualified professional, such as a Michigan Certified Natural Shoreline Professional or Professional Engineer.

[4] Operation and maintenance of existing flood control facilities or Stormwater BMPs.

(3) Required Planting. The setback must contain Natural Vegetation, including a combination of trees, shrubs, grasses, and Forbs to form a Vegetated Buffer in a Riparian area. The Vegetated Buffer must meet one (1) of the following.

(a) Where the bank or shoreline contains Natural Vegetation.

[1] Existing vegetation must remain undisturbed during and after construction activities.

[2] Supplemental planting or seeding is allowed when Native Species are used. Mowed turf grass does not qualify as Natural Vegetation.

[3] Removal of invasive species and/or dead or diseased woody species are allowed, if they are replaced according to the parameters in 50-6.2D(3)(b)[3].

(b) Where the bank or shoreline is not covered in Natural Vegetation.

[1] A Vegetated Buffer must be planted and maintained in the setback.

[2] Soil preparation for planting is allowed with proper soil erosion controls.

[3] A diverse mix of appropriate native species is required, as follows.

[a] At least twelve (12) different species must be planted.

[b] At least two (2) species from each of the following plant types must be planted: shrubs, Graminoids, and Forbs. Refer to Table 6.2-2 Example Plants for Vegetated Buffers.

[c] Trees may be planted if appropriate to the site. Refer to Table 6.2-5 Replacement Tree List.

[4] Any combination of native seed mix, plant plugs, bare root trees or shrubs, and/or container plants, trees, or shrubs are permitted.

(c) Exceptions. The Vegetated Buffer is not required when a structure or parcel is being redeveloped unless the project increases the site's impervious coverage on the parcel by more than ten (10) percent or if the project is being conducted within twenty (20) feet of the Water Resource setback.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

(5) Operation and Maintenance Agreement. The Vegetated Buffer must be included in the Stormwater Operation and Maintenance Agreement, if an Agreement is required for the project.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
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.

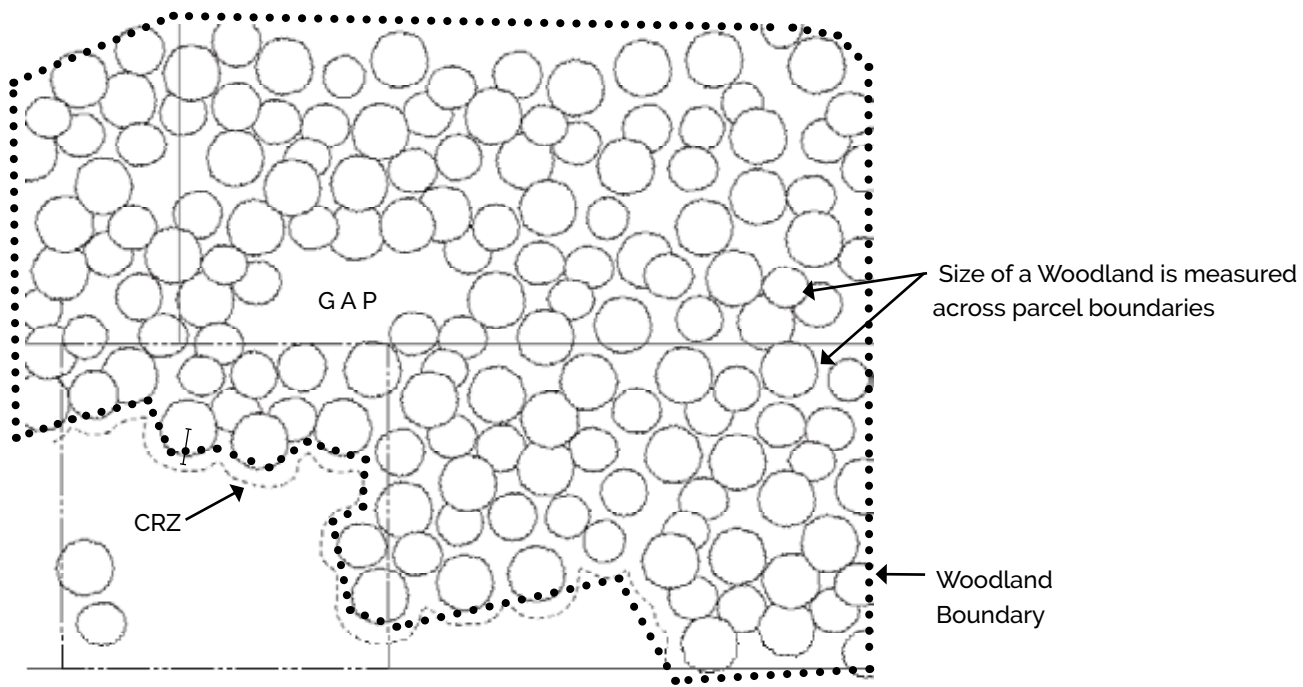


Figure 6.2-3 Defining and Delineating a Woodland

(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.

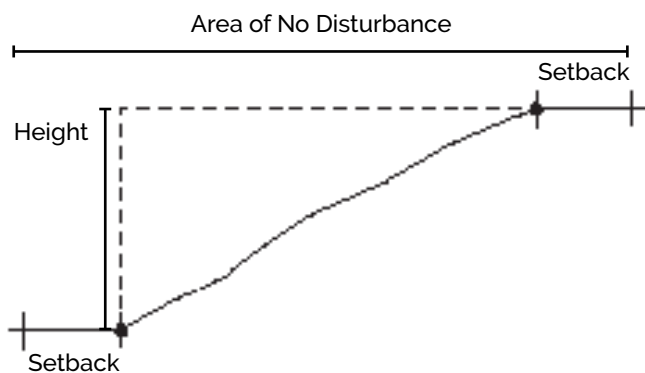


Figure 6.2-4 Protected Slope Setbacks

(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.

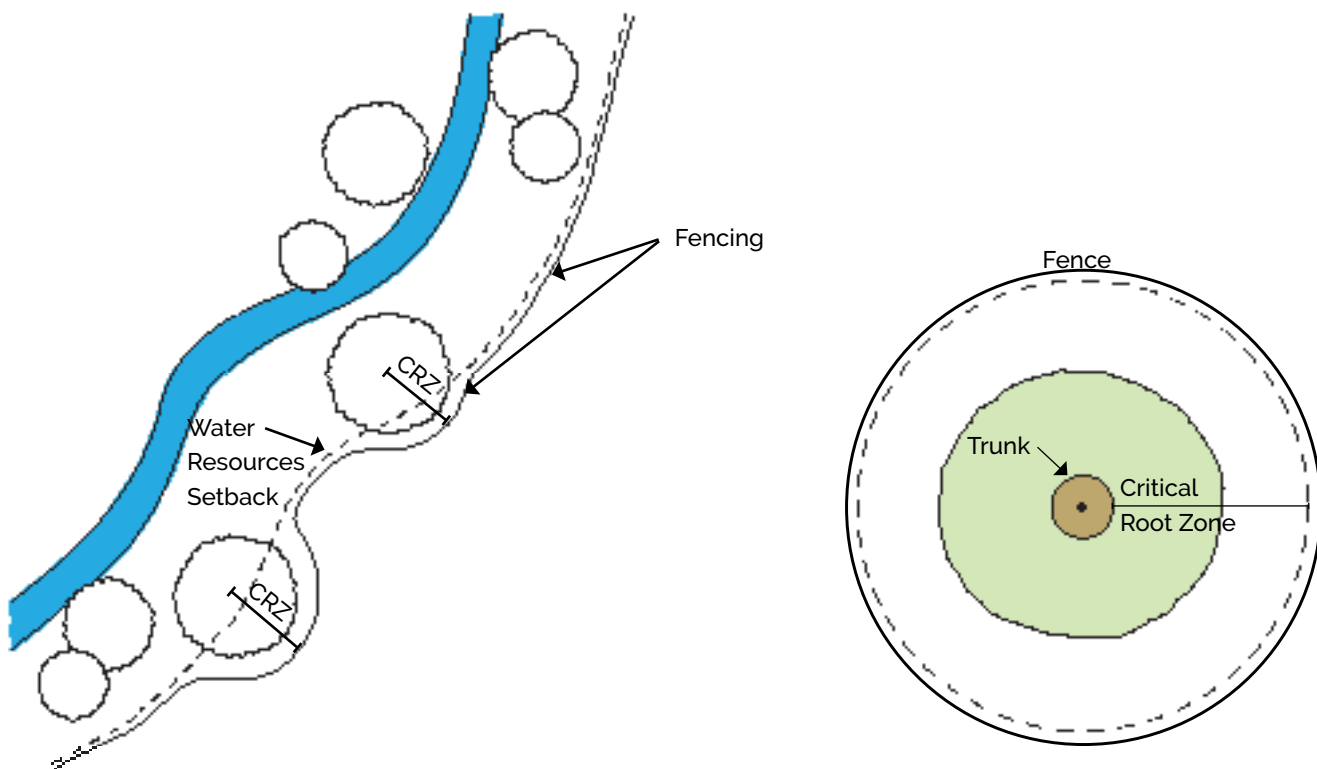


Figure 6.2-5 Placement of Construction Fencing

(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.

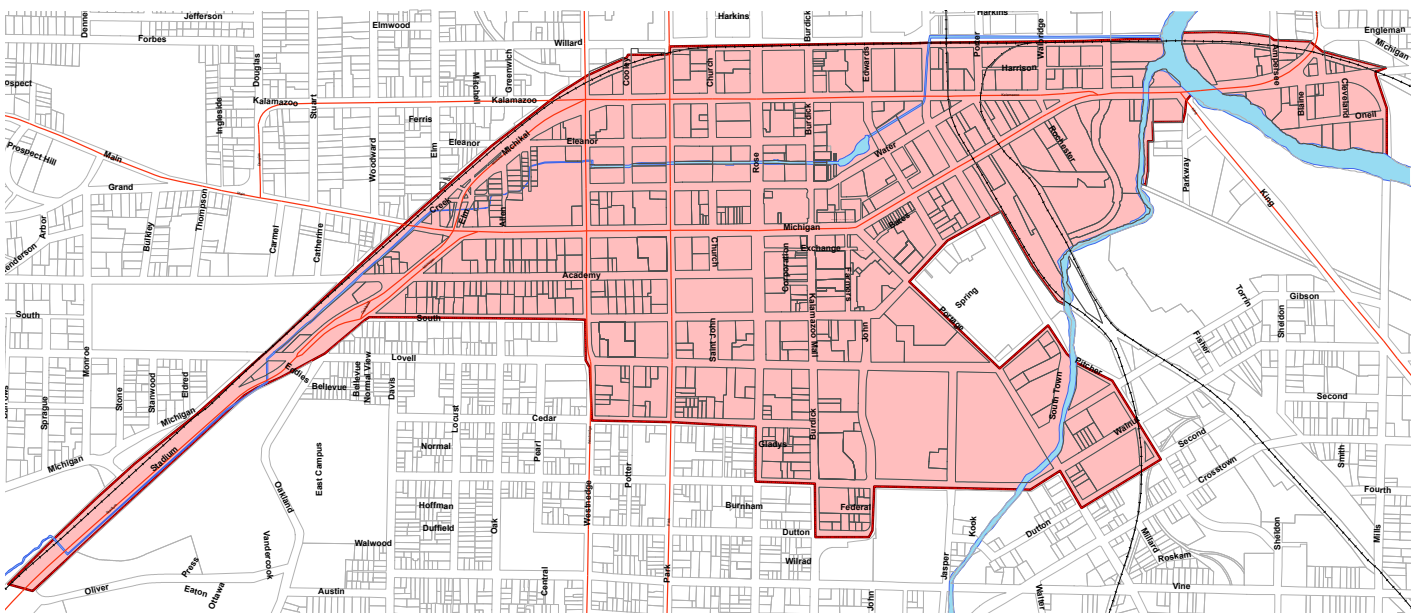


Figure 7.1-1 Downtown Exempt Parking Map

(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'

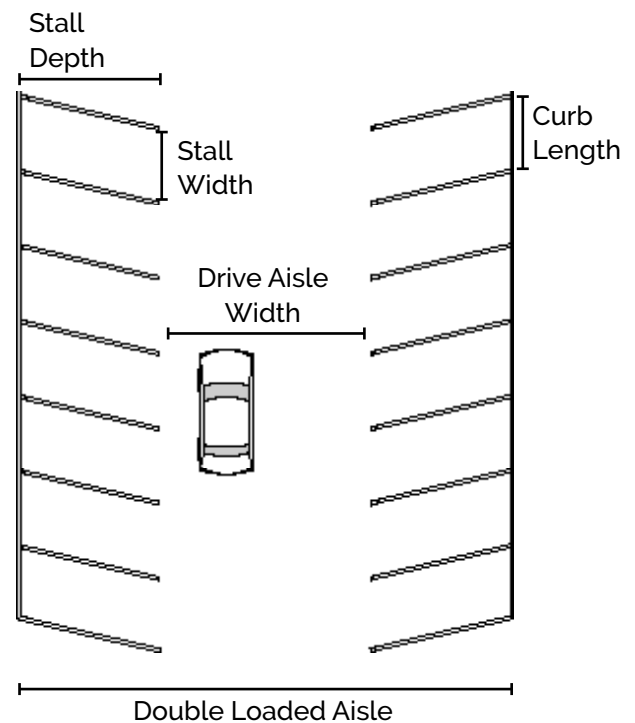


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

[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

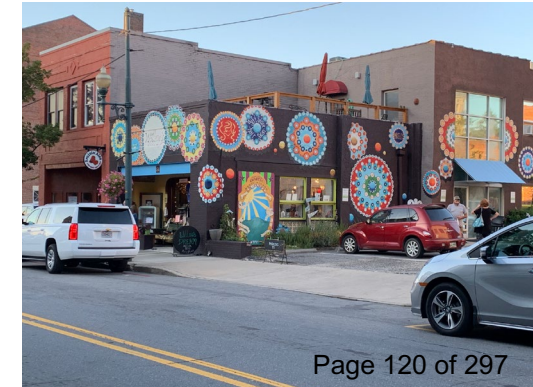
Transition between Downtown & the surrounding neighborhoods

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: **11/2/2020**

Item: **G.1.**

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

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

DATE: November 2, 2020

SUBJECT: Consumers Energy - Authorization for Change In Standard Lighting Contract

RECOMMENDATION:

It is recommended the City Commission authorize the City Manager to sign an Authorization for a Change in the Standard Street Lighting Contract with Consumers Energy.

BACKGROUND:

The CSM Group has requested additional street lighting at for work being done at 805 John Street/Vine Street (Bronson Care Center) now and again in May 2021.

STRATEGIC VISION ALIGNMENT:

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

Major Streets - Traffic Engineering Performs traffic studies, manages traffic counts, provides traffic engineering input, collaboration with other agencies regarding traffic situations, and responds to public with regard to traffic engineering requests

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

There will be costs associated with energy use for this contract.

CEM Support Center

Consumers Energy, CEM Support Center, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

October 1, 2020

NOTIFICATION #(s):

1053987528-1054323373-1053987528-1054449680-1053908789
1054305797

CITY OF KALAMAZOO
241 W SOUTH ST
KALAMAZOO, MI 49007-4707

REFERENCE: 805 JOHN ST AND VINE ST, KALAMAZOO

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

The estimated cost for your energy request is as follows:

Non Refundable Electric Facilities:	\$ 13,346.00
OH Electric Service Installation Fee:	
UG Electric Service Installation Fee:	
Excess Footage Charge:	
Winter Construction Costs:	\$ -
Additional Costs - See Invoice:	
Total Estimated Cost:	\$ 13,346.00
Less Prepayment Received:	\$ -
Total Estimated Cost Due:	\$ 13,346.00

Costs may also result from practical difficulties encountered during construction and additional payment may be required if:

- Work presently designed is done outside normal business hours.
- Change to the location of the service entrance.
- Changes to the design or route.
- Other construction delays.

If applicable, enclosed is an estimated invoice that is valid for 60 days from the date of this letter and is subject to change thereafter. This cost estimate includes only work required for Consumers Energy and does not reflect any work or costs that may be required by other parties, including other utilities. Once we receive your payment and any required easements, contracts, permits or inspections we can proceed with your request.

CONTACT OUR SECURE CREDIT/DEBIT CARD PAYMENT CENTER @ 1-866-329-9593 TO PAY "FEE FREE" WITH YOUR VISA OR MASTERCARD OR MAKE A PAYMENT ONLINE AT: www.consumersenergy.com AND CLICK "MAKE PAYMENT" TO USE THE GUEST PAY FEATURE.

Please review all attached materials carefully and direct inquiries for your request to:

Kristen Greenwood at (844) 316-9537

CEM Support Center

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO CONSUMERS ENERGY IN THE ENVELOPE PROVIDED	
TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:	
<u>POBoxCEServiceRequest@cmsenergy.com</u>	
☐	AGREEMENT FOR INSTALLATION (Please return all pages of contracts) (Form 93, Form 94 and Form 95 - 2 Page Document Each) (Form 861, Form 862 and Form 230 - 4 Page Document Each)
☒	PAYMENT WITH INVOICE STUB (BOTTOM STUB IS REQUIRED FOR PROCESSING)
☐	REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE
☒	STANDARD LIGHTING CONTRACT (MUST BE CERTIFIED BY CLERK)
☐	SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT (PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)
☐	GO READY FORM (FORM 1250) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <u>POBoxCEServiceRequest@cmsenergy.com</u>
☐	SITE READY PHOTO(S) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <u>POBoxCEServiceRequest@cmsenergy.com</u>
☐	OTHER:
NOTIFICATION REFERENCE NUMBERS	
ELECTRIC SERVICE NOTIFICATION:	
GAS SERVICE NOTIFICATION:	
ELECTRIC OH DISTRIBUTION NOTIFICATION:	1053987528-1054323373-1053987528-1054449680-1053908789
ELECTRIC UG DISTRIBUTION NOTIFICATION:	1054305797
GAS MAIN NOTIFICATION:	
STREETLIGHT NOTIFICATION:	



CITY OF KALAMAZOO
BUDGETING AND ACCOUNTING DEPARTMENT
241 W SOUTH ST
KALAMAZOO MI 49007-4707

Amount Due: \$13,346.00

Please pay by: October 15, 2020

Invoice Number	9319283621
PO Number	
PO Date	
Bill Date	10/01/20

Account: 3000 1759 1821

805 JOHN ST AND VINE ST KALAMAZOO - ELECTRIC UTILITY RELOCATION - NOTIFICATION NUMBER (s):
1053987528-1054323373-1053987528-1054449680-1053908789 1054305797 -

NONENERGY INVOICE

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Electric Streetlights-Anchor Base	2.0 EA	\$1,057.00	\$2,114.00
Electric Streetlights-Trench	268.0 EA	\$2.25	\$603.00
Electric Boring Charges	160.0 EA	\$13.90	\$2,224.00
Retire OH Lines	1.0 EA	\$980.00	\$980.00
Retire OH Lines	1.0 EA	\$797.00	\$797.00
Electric Streetlights-CIAC	2.0 EA	\$100.00	\$200.00
Electric Streetlights-LED Post Top	2.0 EA	\$1,066.00	\$2,132.00
Electric Streetlights-Black Fluted Poles	2.0 EA	\$1,136.00	\$2,272.00
Electric Relocation OH-Lines	1.0 EA	\$2,024.00	\$2,024.00

TOTAL DUE:	\$13,346.00
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See Page 2 for Payment Options.

Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan

INVOICE QUESTIONS - Contact: Kristen Greenwood -(844) 316-9537 -

Fold, detach and mail this stub with your check made payable to Consumers Energy. Please write your account number on your check.



CONSUMERS ENERGY
CEM Support Ctr - Lansing RM 122
PO Box 30162
Lansing, MI 48909-7662

PREPAYMENT REQUEST

Account: 3000 1759 1821

Amount Due: \$13,346.00

Please pay by: October 15, 2020

Enclosed:

6 330028692314 000013346002 0000 2056 2 300017591821 H

Ways to pay your nonenergy bill:



Same-day payment
ConsumersEnergy.com
Discover® MasterCard®
Visa® or eCheck



Same-day payment
866-329-9593
Discover® MasterCard®
Visa® or eCheck



By mail
Check, money order
Consumers Energy
Payment Center
P.O. Box 740309
Cincinnati, OH 45274-0309



In person
Cash, check, card
or money order
Varies by authorized payment location
Fee may apply



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 100000267342

Consumers Energy Company is authorized as of 9/30/2020, by the City of KALAMAZOO, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 4/1/2013.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number(s):

1053987528

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 4/1/2013 shall remain in full force and effect.

City of KALAMAZOO

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 4/1/2013, in accordance with the Authorization for Change in Standard Lighting Contract dated 9/30/2020,

heretofore submitted to and considered by this ☐ commission ☐ council ☐ board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN
COUNTY OF Kalamazoo

I, _____, Clerk of the City of KALAMAZOO, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☐ board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: City

GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>100</u>	<u>HPS</u>	<u>Post Top</u>	<u>Acorn</u>	<u>Remove</u>	VINE ST - EAST OF JOHN ST
1	<u>100</u>	<u>HPS</u>	<u>Post Top</u>	<u>Acorn</u>	<u>Remove</u>	VINE ST - WEST OF BOERMAN AVE



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 103029411081

Consumers Energy Company is authorized as of 5/21/2021, by the City of KALAMAZOO, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 8/1/2017.

Lighting Type:

General Unmetered Experimental Lighting Rate GU-XL

Notification Number(s):

1054323373

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 8/1/2017 shall remain in full force and effect.

City of KALAMAZOO

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 8/1/2017, in accordance with the Authorization for Change in Standard Lighting Contract dated 5/21/2021,

heretofore submitted to and considered by this ☐ commission ☐ council ☐ board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN
COUNTY OF Kalamazoo

I, _____, Clerk of the City of KALAMAZOO, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☐ board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: City

GENERAL UNMETERED EXPERIMENTAL LIGHTING RATE GU-XL

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>81</u>	<u>LED</u>	<u>Post Top</u>	<u>Acorn</u>	<u>Install</u>	VINE ST - EAST OF JOHN ST
1	<u>81</u>	<u>LED</u>	<u>Post Top</u>	<u>Acorn</u>	<u>Install</u>	VINE ST - WEST OF BOERMAN ST
1	<u>54</u>	<u>LED</u>	<u>Cobrahead</u>	<u>Cutoff</u>	<u>Remove</u>	VINE ST - EAST OF JOHN ST
1	<u>54</u>	<u>LED</u>	<u>Cobrahead</u>	<u>Cutoff</u>	<u>Remove</u>	VINE ST - WEST OF BOERMAN



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 103029411081

Consumers Energy Company is authorized as of 9/30/2020, by the City of KALAMAZOO, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 8/1/2017.

Lighting Type:

General Unmetered Experimental Lighting Rate GU-XL

Notification Number(s):

1053908789

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 8/1/2017 shall remain in full force and effect.

City of KALAMAZOO

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of KALAMAZOO, dated 8/1/2017, in accordance with the Authorization for Change in Standard Lighting Contract dated 9/30/2020,

heretofore submitted to and considered by this ☐ commission ☐ council ☐ board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN
COUNTY OF Kalamazoo

I, _____, Clerk of the City of KALAMAZOO, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☐ board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: City

GENERAL UNMETERED EXPERIMENTAL LIGHTING RATE GU-XL

<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>54</u>	<u>LED</u>	<u>Cobrahead</u>	<u>Cutoff</u>	<u>Install</u>	VINE ST - EAST OF JOHN ST
1	<u>54</u>	<u>LED</u>	<u>Cobrahead</u>	<u>Cutoff</u>	<u>Install</u>	VINST ST - WEST OF BOERMAN AVE



KALAMAZOO CO
KALAMAZOO TWP
T52 R11 SEC.22

NEXT BACKUP DEVICE IS
AT THE SUB LCP 762/DS AT
BOERMAN AVE AND VINE ST

BURDICK ST

JASPER ST

BRONSON
METHODIST HOSPITAL
GARDEN ENTRANCE LOT

INSTALL

2-AUGER BASE
FIGURE 42-213-1
DETAIL A

SEC VAULT FOR
SIDE WALK VAULT
4 TAP SEC
FIGURE 62-18-1
3/C-1/0 STL

VINE ST

JOHN ST

BOERMAN AVE

JOB PURPOSE:
CUSTOMER REQUESTED TO
INSTALL 2 BLK FL POLE W/AUGER
BASE INSTALL IN CONCRETE
SIDEWALK 4' BEHIND THE CURVE
AND INSTALL 2" CONDUIT

#820
BRONSON OUTPATIENT
REHABILITATION
PROHEALTH

805
BRONSON CANCER
PAVILION CENTER

TO THE SOURCE

NOTE:
THERE IS A FENCE AT
THE CONSTRUCTION LOCATION
AT THE FRONT OF VINE ST

NOTIFICATION-1054305797
NOTIFICATION-

CONSUMERS ENERGY CONTACTS

DEPARTMENT	NAME	PHONE	ALT PHONE
PROJECT DESIGNER	AHMAD M JAFFARI	269-337-2217	269-491-6507
ENG. COORDINATOR	KRISTEN R GREENWOOD	269-989-7352	269-929-8452

ORDER NUMBER

-CONSTRUCTION CERTIFICATION-

Work was constructed as Engineered or Changed as Indicated.
All Salvageable Material Was Returned to Stores.

Signed _____ in Direct Charge of Work

Dates: Started _____ Completed _____

MISS DIG NUMBER: _____ DATE: _____

STAKED ☐ YES ☒ NO

TREES ☐ YES ☒ NO

TLM NUMBER # OF RODS OHMS

5211222405



A CMS Energy Company ELECTRIC

DESIGNED BY
AMJAFFAR

APPROVED BY

SHEET 1 OF 1

DATE
08/31/20

DATE

SCALE
1"=80'

805 JOHN ST AND VINE ST, KALAMAZOO ECNC NLU

For: CITY OF KALAMAZOO
VINE ST BEWTEEN JOHN AND
BOERMAN

SUBSTATION
PARKWAY

CIRCUIT
VINE

WD NO.

0686

CKT NO.
03

LCP NO.
0578

CM NO. 100005988862

ORDER TYPE MAINTENANCE ACTIVITY TYPE DESIGN NUMBER

ECNC NLU 11174184

DESIGN FILE NAME: 11170982.001

T R S 52 11 22

ELECTRIC CAD TITLE BLOCK (11x17) 10-30-2008

SHEET B

9/16/2020 4:32:58 PM C:\of\backup\wrad\ustn\dgn\11174184.001

NOTE:

DIRECTIONAL BORE REQUIRED
BENEATH ROADWAY: 2" HPDE
DUCT IS TO BE UTILIZED. BORE
CONTRACTOR TO SUPPLY RED
CONDUIT.

GENERAL NOTE:

1-IN THE PERVIOUS ORDER CUSTOMER
INSTALLED AUGER BASE AND CONDUIT

JOB PURPOSE:

CUSTOMER REQUESTED TO
INSTALL 2 BLK FL POLE W/AUGER
BASE INSTALL IN CONCRETE
SIDEWALK 4' BEHIND THE CURB
AND INSTALL 2" CONDUIT FROM BASE
TO THE VAULT AND BF POLE AND
FIXTURE WILL BE INSTALL
IN MAY OF 2021

CONSUMERS ENERGY CONTACTS

DEPARTMENT	NAME	PHONE	ALT PHONE
PROJECT DESIGNER	AHMAD M JAFFARI	269-337-2217	269-491-6507
ENG. COORDINATOR	KRISTEN R GREENWOOD	269-986-7352	269-929-8452

-CONSTRUCTION CERTIFICATION-

Work was constructed as Engineered or Changed as Indicated.
All Salvageable Material Was Returned to Stores.

Signed _____ in Direct Charge of Work

Dates: Started _____ Completed _____

MISS DIG NUMBER: _____ DATE: _____

STAKED ☐ YES ☒ NO

TREES ☐ YES ☒ NO

TLM NUMBER # OF RODS OHMS

5211222405



A CMS Energy Company ELECTRIC

DESIGNED BY AMJAFFAR DATE 08/31/20

APPROVED BY DATE

SHEET 1 OF 1 SCALE 1"=80'

805 JOHN ST AND VINE ST, KALAMAZOO ECNC NLO

For: CITY OF KALAMAZOO
VINE ST BEWTEEN JOHN AND
BOERMAN

SUBSTATION PARKWAY WD NO. 0686

CIRCUIT VINE CKT NO. 03 LCP NO. 0578

CM NO. 100005988862

ORDER TYPE MAINTENANCE ACTIVITY TYPE DESIGN NUMBER

ECNC NLO 11176322

DESIGN FILE NAME: 11170982.001

T R S 52 11 22

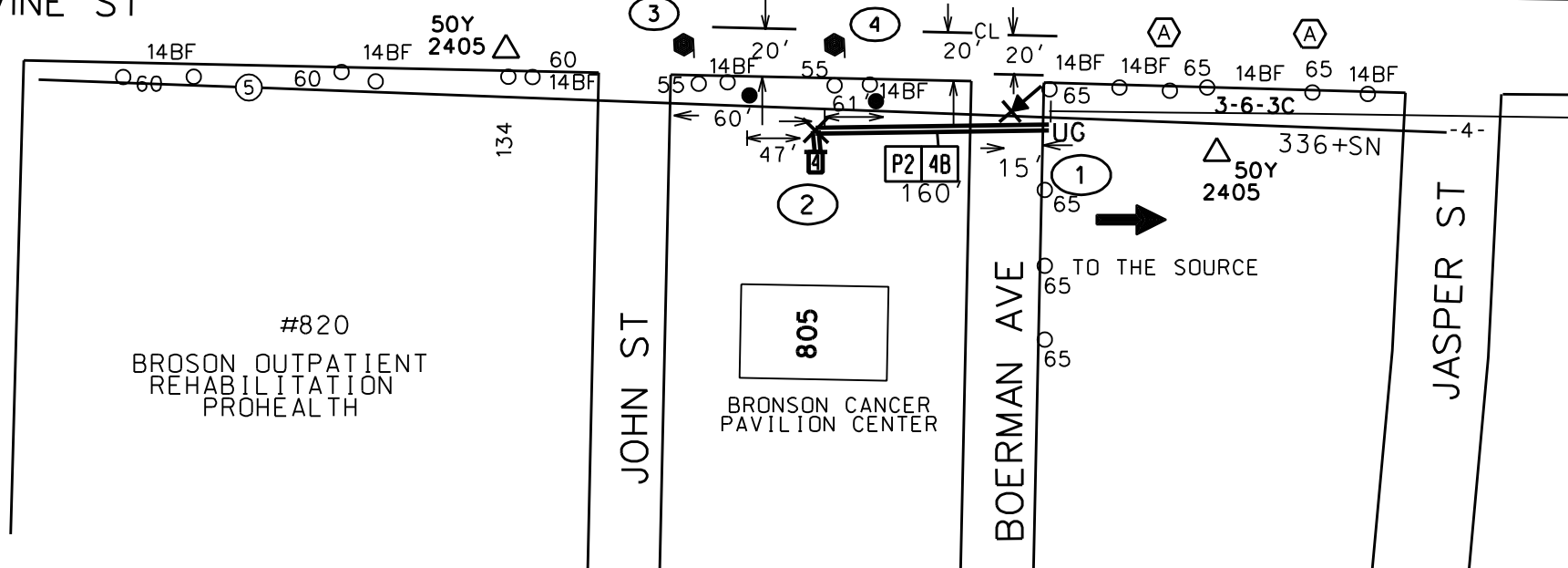
NEXT BACKUP DEVICE IS
AT THE SUB LCP 762/DS AT
BOERMAN AVE AND VINE ST

KALAMAZOO CO
KALAMAZOO TWP
T52 R11 SEC.22

BURDICK ST
INSTALL
14' BLACK FLUTED POLE
W/O BASE
FIGURE 42-212-5
POST TOP ACORN
W /81W LED
FIGURE 42-215-3

BRONSON
METHODIST HOSPITAL
GARDEN ENTRANCE LOT

VINE ST



NOTE:

THERE IS A FENCE AT
THE CONSTRUCTION LOCATION
AT THE FRONT OF VINE ST ALSO
NEED HYDRO VAC FROM LOC1 THRU 2
4' BACK OF CURB TO SET BF BASES

NOTIFICATION-1054323373

ORDER NUMBER

NOTE:

DIRECTIONAL BORE REQUIRED
BENEATH ROADWAY: 2" HPDE
DUCT IS TO BE UTILIZED. BORE
CONTRACTOR TO SUPPLY RED
CONDUIT.

GENERAL NOTE:

1-CUSTOMER WILL INSTALL
AUGER BASE IN CONCRETE
SIDEWALK AND 2" CONDUIT
AT LOCATIO 3 AND 4 TO VAULT

JOB PURPOSE:

CUSTOMER REQUESTED TO
INSTALL 2 BLK FL POLE W/AUGER
BASE INSTALL IN CONCRETE
SIDEWALK 4' BEHIND THE CURB
AND INSTALL 2" CONDUIT FROM BASE
TO THE VAULT AND BF POLE AND
FIXTURE WILL BE INSTALL
IN MAY OF 2021

CONSUMERS ENERGY CONTACTS

DEPARTMENT	NAME	PHONE	ALT PHONE
PROJECT DESIGNER	AHMAD M JAFFARI	269-337-2217	269-491-6507
ENG. COORDINATOR	KRISTEN R GREENWOOD	269-986-7352	269-929-8452

-CONSTRUCTION CERTIFICATION-

Work was constructed as Engineered or Changed as Indicated.
All Salvageable Material Was Returned to Stores.

Signed _____ in Direct Charge of Work

Dates: Started _____ Completed _____

MISS DIG NUMBER: _____ DATE: _____

STAKED ☐ YES ☒ NO

TREES ☐ YES ☒ NO

TLM NUMBER # OF RODS OHMS

5211222405



A CMS Energy Company ELECTRIC

DESIGNED BY AMJAFFAR DATE 08/31/20

APPROVED BY DATE

SHEET 1 OF 1 SCALE 1"=80'

805 JOHN ST AND VINE ST, KALAMAZOO ECNC NLU

For: CITY OF KALAMAZOO
VINE ST BEWTEEN JOHN AND
BOERMAN

SUBSTATION
PARKWAY

CIRCUIT
VINE

WD NO.
0686

CKT NO. LCP NO.
03 0578

CM NO. 100005988862

ORDER TYPE MAINTENANCE ACTIVITY TYPE DESIGN NUMBER

ECNC NLU 11174184

DESIGN FILE NAME: 11170982.001

T R S 52 11 22

ELECTRIC CAD TITLE BLOCK (11x17) 10-30-2008

SHEET B

9/23/2020 4:50:39 PM C:\of\backup\wrad\ustn\dgn\11174184.001

NEXT BACKUP DEVICE IS
AT THE SUB LCP 762/DS AT
BOERMAN AVE AND VINE ST

PURPOSE:
CUSTOMER REQUESTED TO
REMOVE 2 BLK FL POLE AND
INSTALL 2 6' AL ARM AT THE
WOOD POLE 54 LED COBRA HEAD

CONSUMERS ENERGY CONTACTS			
DEPARTMENT	NAME	PHONE	ALT PHONE
PROJECT DESIGNER	AHMAD M JAFFARI	269-337-2217	269-491-6507
ENG. COORDINATOR	KRISTEN R GREENWOOD	269-989-7352	269-929-8452

-CONSTRUCTION CERTIFICATION-
Work was constructed as Engineered or Changed as Indicated.
All Salvageable Material Was Returned to Stores.

Signed _____ in Direct Charge of Work

Dates: Started _____ Completed _____

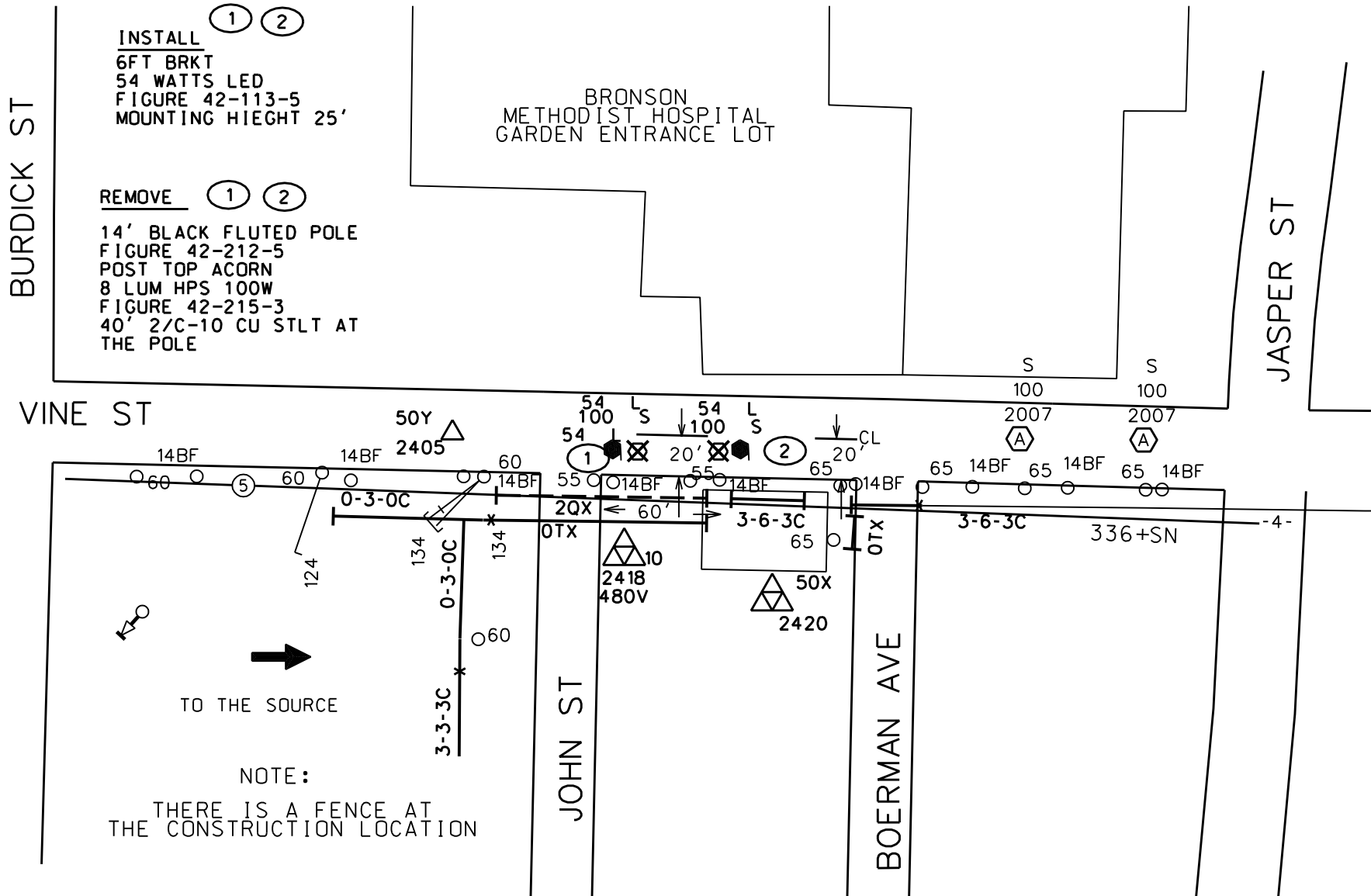
MISS DIG NUMBER: _____ DATE: _____

STAKED	☐ YES	☒ NO
TREES	☐ YES	☒ NO
TLM NUMBER	# OF RODS	OHMS
5211222405		


A CMS Energy Company ELECTRIC

DESIGNED BY AMJAFFAR	DATE 08/31/20
APPROVED BY	DATE
SHEET 1 OF 1	SCALE 1"=80'

VINE ST, KALAMAZOO		ECNC RLO	
For: CITY OF KALAMAZOO VINE ST BEWTEEN JOHN AND BOERMAN		CM NO. 100005988862	
SUBSTATION PARKWAY	WD NO. 0686	ORDER TYPE ECNC	MAINTENANCE ACTIVITY TYPE RLO
CIRCUIT VINE	CKT NO. 03	LCP NO. 0578	DESIGN NUMBER 11170986
		ERET	OHL
			11170982



KALAMAZOO CO
KALAMAZOO TWP
T52 R11 SEC.22



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.2.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Steve Vicenzi, Management Services Director, CFO
Prepared by: Andrew Falkenberg, Assistant Assessor / Assistant Treasurer

DATE: November 2, 2020

SUBJECT: Interlocal Agreement for Designated Assessor

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION approving an interlocal agreement with Kalamazoo County to approve Aaron Powers as the Designated Assessor for the period January 1, 2021 through December 31, 2025.

BACKGROUND:

Kalamazoo County has selected Aaron Powers from WCA Assessing to fulfill the role of Designated Assessor in Kalamazoo County and is requesting approval of an interlocal agreement to approve this selection. Aaron Powers is currently appointed as the City of Kalamazoo Assessor. These roles will not interfere with each other as there are safeguards put into place by the General Property Tax Act to allow for other problem resolutions prior to utilization of the Designated Assessor.

Public Act 660 of 2018 was approved by Governor Snyder on December 28, 2018 and amended the General Property Tax Act to provide a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a process for bringing a local unit into compliance if they remain non-compliant after a follow-up review. The Designated Assessor is an integral part of that process.

According to a published schedule, the State Tax Commission conducts an audit of assessment practices. If the assessing district (City, Township or Joint Assessing Authority) is determined to be in substantial compliance, the audit process for that five-year cycle is complete and the assessing district is not required to take any additional action.

If the State Tax Commission determines that an assessing district is not in substantial compliance with the General Property Tax Act, it will provide the assessing district with a notice of noncompliance, including the reasons the assessing district is not in substantial compliance.

The assessing district must either appeal the audit determination by the State Tax Commission or they must submit a corrective action plan for approval. The corrective action plan is defined in P.A. 660 of 2018 as “a plan developed by an assessing district that specifically indicates how the assessing district will achieve substantial compliance . . . and when substantial compliance will be achieved.”

In the event the State Tax Commission conducts a follow-up review, and the assessing district is not in substantial compliance after the follow-up review, the assessing district has three options:

1. The assessing district may hire a new Michigan Advanced Assessing Officer (MAAO) or Michigan Master Assessor Officer (MMAO);
2. The State Tax Commission assumes jurisdiction over the assessment roll in order to bring the roll into substantial compliance; or,
3. The local unit may move directly to the Designated Assessor.

Regardless of which option is selected, the State Tax Commission will conduct a second follow-up review to determine if the assessment roll is in substantial compliance. If, after the second follow-up review the assessing district continues to be in noncompliance, the local unit will move directly to the Designated Assessor.

Once the audit is complete, if an assessing district is notified that it has fallen out of substantial compliance prior to the next audit, the State Tax Commission may require the assessing district to contract with the Designated Assessor to serve as their assessor of record. If the assessing district is notified that it has fallen out of substantial compliance more than four years after the initial finding of substantial compliance, then the regular audit process will be followed.

The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the General Property Tax Act, meaning that local units are meeting minimum assessing requirements.

The Designated Assessor is the individual selected and agreed to by the County Board of Commissioners and a majority of the assessing districts within that county, subject to final approval of the State Tax Commission.

The Designated Assessor serves as the assessor of record and assumes all duties and responsibilities as the assessor of record for an assessing district that is determined to be non-compliant with an audit.

STRATEGIC VISION ALIGNMENT:

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 for the City of Kalamazoo.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE INTERLOCAL
AGREEMENT FOR KALAMAZOO COUNTY TO
APPROVE THE DESIGNATED ASSESSOR FOR A
PERIOD OF JANUARY 1, 2021 THROUGH DECEMBER
31, 2025**

Minutes of a regular meeting of the City Commission of the City held on _____,
2020, at or after 7:00 o'clock p.m., local time, virtually, to be accessed at the following link:
_____.

PRESENT, Commissioners:

ABSENT, Commissioners:

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

WHEREAS, The Assessing Districts are Municipal Corporations located within the
County of Kalamazoo, in the State of Michigan; and

WHEREAS, The Michigan Constitution of 1963, Article 7, Section 28 permits a political
subdivision to exercise jointly with any other political subdivision any power, privilege or
authority which such political subdivisions share in common with each other and which each might
exercise separately; and

WHEREAS, The Urban Cooperation Act of 1967, being MCL 124.505 *et seq.*, and the
Intergovernmental Transfer of Functions and Responsibilities Act, give effect to the Constitutional
provision by providing that public agencies may enter into interlocal agreements to carry out their
respective functions, powers and authority; and

WHEREAS, P.A. 660 of 2018 requires each County to enter into an AGREEMENT that
designates the individual who will serve as the County's Designated Assessor. That interlocal
agreement must be approved by the County Board and a majority of the Assessing Districts in the
County; and

WHEREAS, P.A. 660 of 2018 mandates that the Designated Assessor shall be an advanced
assessing officer or a master assessing officer.

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing Recitals, and in
consideration of the terms of the Interlocal Agreement, the City Commission authorizes the City
Manager or their designee to sign the Interlocal Agreement on behalf of the City of Kalamazoo.

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

AYES:

NAYS:

ABSTAIN:

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 _____. 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

Interlocal Agreement for Kalamazoo County to Approve the Designated Assessor for the period January 1, 2021 through December 31, 2025

Public Act 660 of 2018 requires a county to have a Designated Assessor on file with the State Tax Commission as of December 31, 2020. Accordingly, the following interlocal agreement (hereinafter “AGREEMENT”) has been executed by the Board of Commissioners for Kalamazoo County, a majority of the Assessing Districts in Kalamazoo County, and the individual put forth as the proposed Designated Assessor. Kalamazoo County and the Assessing Districts are collectively referred to throughout this AGREEMENT as the “Parties.”

RECITALS

WHEREAS, The Assessing Districts are Municipal Corporations located within the County of Kalamazoo, in the State of Michigan;

WHEREAS, The Michigan Constitution of 1963, Article 7, Section 28 permits a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with each other and which each might exercise separately;

WHEREAS, The Urban Cooperation Act of 1967, being MCL 124.505 *et seq*, and the Intergovernmental Transfer of Functions and Responsibilities Act, give effect to the Constitutional provision by providing that public agencies may enter into interlocal agreements to carry out their respective functions, powers and authority;

WHEREAS, P.A. 660 of 2018 requires each County to enter into an AGREEMENT that designates the individual who will serve as the County’s Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the Assessing Districts in the County.

WHEREAS, P.A. 660 of 2018 mandates that the Designated Assessor shall be an advanced assessing officer or a master assessing officer.

NOW, THEREFORE, based on the foregoing Recitals, and in consideration of the terms of this Agreement, the Members agree as follows:

BACKGROUND INFORMATION

Kalamazoo County proposes that Aaron Powers (R-6684) serve as the Designated Assessor for the following Assessing Districts within Kalamazoo County: Alamo Township, Brady Township, Charleston Township, Climax Township, Comstock Township, Cooper Township, Kalamazoo Township, Oshtemo Township, Pavilion Township, Prairie Ronde Township, Richland Township, Ross Township, Schoolcraft Township, Texas Township, Wakeshma Township, Galesburg City, Kalamazoo City, Parchment City and Portage City. Included as an addendum to this AGREEMENT are the Kalamazoo County SEV totals by class, including special act values, those properties deemed unique or complex by a local Assessing District, and a listing of the total number of parcels, by classification, including special act rolls, within each Assessing District.

Once the Designated Assessor process is invoked, the Parties agree that the Designated Assessor will perform the duties associated with being the assessor of record for an Assessing District at a mutually agreeable location. The Parties further agree that specific hours will be negotiated as part of the employment contract to be executed in the event an Assessing District is subject to the Designated Assessor process.

QUALIFICATIONS OF DESIGNATED ASSESSOR

1. Aaron P. Powers is currently certified as a Michigan Master Assessing Officer (MAAO). Certification number R-6684. Aaron P. Powers is currently an owner, and Managing Director, of WCA Assessing which acts as the assessor of record for multiple assessing jurisdictions throughout Michigan. WCA Assessing assesses over 27 billion in SEV for its client jurisdictions annually.

Mr. Powers has been the assessor of record for many complex assessing jurisdictions and currently serves in that role for the Townships of Canton, Plymouth and Northville, as well as the Cities of Kalamazoo, Oak Park, and River Rouge.

2. There are no known conflicts of interest between the Designated Assessor and Kalamazoo County or any Assessing Districts within the County.

It is understood that the individual identified as the Designated Assessor in this AGREEMENT will, during the length of this agreement, maintain their assessor certification in good standing with the State Tax Commission and when required to serve as the Designated Assessor for an Assessing District in Kalamazoo County shall act as the Assessor of Record for that Assessing District. When acting as the Assessor of Record for an Assessing District, the Designated Assessor shall meet all the requirements as set forth by the State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.

Any additional requirements that are agreed to by the Designated Assessor, the County and the Assessing Districts may not conflict with the State Tax Commission's *Supervising Preparation of the Rolls*.

DUTIES AND RESPONSIBILITIES OF DESIGNATED ASSESSOR

The Designated Assessor, while serving as the assessor of record for an Assessing District within Kalamazoo County, shall satisfy all requirements contained State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.

Within days of being appointed as the Designated Assessor for the Assessing District, the Designated Assessor shall prepare and transmit to the Assessing District's supervisor, manager, or chief executive a detailed proposal, including a schedule for delivery of documents, to correct deficiencies identified by the State Tax Commission's audit.

The Parties agree that the Designated Assessor, while serving as the assessor of record for an Assessing District within Kalamazoo County, shall:

1. Attendance at Board of Review Meetings

The Designated Assessor, or his designee, shall attend all March, July and December Board of Review meetings. It is agreed that if an Assessing District does not have an existing resolution allowing for alternative dates for July and December Boards of Review, they will adopt one.

2. Duties and Responsibilities related to Assessment Appeals

The Designated Assessor, or his designee, shall defend all appeals to the Small Claims Division of the Michigan Tax Tribunal. This shall include, but not be limited to, answering and filing petitions, preparing and submitting evidence and other such information necessary to properly defend such appeal, and he or his designee appearing at all hearings or meetings as may be necessary for defending such appeals. All of the foregoing regarding appeals to the small claims division of the Michigan Tax Tribunal is deemed to be included the services compensated pursuant to the terms and provisions of this agreement.

All other appeals to the Full Claims Division of the Michigan Tax Tribunal, State Tax Commission, or other court, the Assessing District shall obtain competent legal counsel at its expense. If counsel shall desire assistance of the Designated Assessor in the defense of such appeals, additional fees for preparing appraisals, analyses, and/or consultation, shall be reviewed and approved by the Assessing District and agreed upon in a case-by-case basis. The Designated Assessor shall be available to the Assessing District as an expert witness on behalf of the Assessing District in any proceedings. Compensation for travel associated with such proceedings shall be reimbursed by Assessing District.

3. Reporting Requirements and responsibility to meet with local unit officials

On or before December 31 of each year, at the Assessing Districts request, the Designated Assessor shall prepare written recommendations and conclusions regarding the current state of the Assessing Districts Assessment Rolls, by class, together with specific recommendations concerning actions which, in the opinion of the Designated Assessor, should be taken to achieve maximum equity and uniformity in the assessment process and compliance with State Tax Commission guidelines and rules and regulations.

4. Any and all obligations of local unit assessing staff members

If an Assessing Unit employs any certified assessing staff other than the Assessor of Record, those staff members will remain employees of the Assessing District. Those staff members will continue to conduct their duties as they understand them under the supervision of the Designated Assessor. If changes in duties are identified as necessary by the Designated Assessor, those changes will be discussed with the employee and the Assessing District prior to implementation. No existing staff member will be terminated by the Designated Assessor without the prior approval of the Assessing District.

5. Responsibilities of Designated Assessor while not acting as an assessor of record for an Assessing District under this agreement

The Designated Assessor will have no official duties of record pertaining to this agreement until such time as he is appointed the Designated Assessor of Record for an Assessing District under this agreement. Upon their request, the Designated Assessor will meet with an Assessing District to discuss potential solutions of any deficiencies identified by AMAR to avoid any formal action by the State Tax Commission.

6. Requirement to remain certified and in good standing
The Designated Assessor shall maintain his Michigan Master Assessing Officer certification and remain in good standing with the requirements of the State Tax Commission.
7. Non-exclusivity
Nothing in this Agreement prevents or limits the Designated Assessor from serving as the Designated Assessor, Certifying Assessor, Assessor of Record, Equalization Director, or in any other assessing capacity in any City, Township, County, or Assessing District jurisdiction in Michigan.

DUTIES AND RESPONSIBILITIES OF KALAMAZOO COUNTY AND ASSESSING DISTRICTS WITHIN KALAMAZOO COUNTY

The Parties to this AGREEMENT understand and agree that the Assessing Districts identified in this AGREEMENT required to utilize the services of the Designated Assessor will, during and throughout the term of this AGREEMENT, to the following:

1. Access to required documents and information
While under contract with the Designated Assessor, the Assessing District shall provide reasonable access to all assessing records, documents, databases, and information. This shall include remote access to the Assessing District's computer and network resources if available.
2. Policies and procedures
Furnish the Designated Assessor with any applicable local policies and procedures that the Designated Assessor may be subject to during the period of time the Designated Assessor serves as the Assessing District's assessor of record including technology, equipment, facilities, personnel, etc. that may apply to him or his designee.
3. Provide any technology, equipment, and workspace
The Assessing District shall provide necessary technology, equipment and workspace for the Designated Assessor to carry out their requirements under this Agreement.

DESIGNATED ASSESSOR COMPENSATION

The Designated Assessor may charge an Assessing District that is required to contract with the Designated Assessor and that Assessing District shall pay, for the reasonable costs incurred by the Designated Assessor in serving as the Assessing District's Assessor of Record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office.

1. Fee Structure

Should the Designated Assessor process be invoked, the annual fees for providing oversight, preparation and administration of the annual assessment roll will be based on a per parcel basis with the following fee schedule:

Agricultural Real	\$16.00 per parcel
Commercial Real	\$18.00 per parcel
Industrial Real	\$18.00 per Parcel
Residential Real	\$16.00 per parcel
Other Real	\$16.00 per parcel
Personal Property	\$15.00 per parcel
Special Act Parcels	\$20.00 per parcel

Should the necessity of a re-appraisal be necessary to bring an Assessment District into AMAR compliance the per parcel fee for such service, for real property, is \$80.00 per parcel.

Hourly fee schedule for personnel are as follows;

MMAO Assessor	\$150.00 per Hour
MAAO Assessor	\$100.00 per Hour
MCAO Assessor	\$60.00 per Hour
Support Staff	\$45.00 per Hour

the fees above are for services performed by the Designated Assessor in 2021 and are subject to a 4% increase for subsequent years under this contract.

2. Payment Responsibility

All fees associated with serving as the Designated Assessor shall be paid directly by the Assessing District under contract within 30 days of invoicing.

3. Payment in the event of Death or Disability

In the event of Death or Disability of the Designated Assessor, only compensation for work performed and completed shall be made.

4. Identification of additional Costs

The following items are considered additional costs outside of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office;

- Setting up Tax Database for Tax Collection
- Printing or mailing of Tax Bills
- Printing or mailing of Assessment Change Notices, or Personal Property forms
- Appraisal work for Full Tribunal Appeals
- Expert Testimony

These additional costs shall be the responsibility of the Assessing District.

5. Contractor Relationship

All services provide by the Designated Assessor while under contract with the Assessing District will be further agreed to by contract with the Designated Assessor's company WCA Assessing. WCA Assessing will provide for general liability, workman's comp, professional error and omissions insurance upon a mutually agreed amount indemnifying the Assessing District. The Designated Assessor is an employee of WCA Assessing and any and all resources of WCA Assessing provided to the Assessing District under this agreement would be further specified by contract subject to the fees and terms specified above.

6. Current WCA Assessing Clients

The need to invoke the Designated Assessor is only necessary if a Assessing District is in substantial non-compliance with AMAR and a corrective action plan is not accepted or approved upon a follow up review. Should these events somehow occur with a existing client of WCA Assessing, at the time of the execution of this agreement, WCA Assessing would waive all costs associated with this agreement.

MISCELLANEOUS

1. Petition to State Tax Commission

Upon the execution of this Interlocal Agreement, the County shall petition the State Tax Commission to approve Aaron P. Powers MMAO as the County Designated Assessor. The individual shall serve as the County Designated Assessor upon approval of the State Tax Commission. If the State Tax Commission rejects the County's petition, then the parties agree to enter into additional Interlocal agreements under MCL 211.10g(4)(a) until a suitable assessor is presented.

2. Nondiscrimination

The Parties hall adhere to all Federal, State, and local laws, ordinances and regulations prohibiting discrimination in the performance of this Interlocal Agreement. The Parties shall not discriminated against a person to be served or applicant for employment because of race, color, religion, national origin, age, sex, disability that is unrelated to a individual's ability to perform the duties of a particular job or position, height, weight, or marital status. Breach of this section shall be regarded as a material breech of this interlocal agreement.

This interlocal agreement shall become effective upon the execution hereof by the parties hereto.

SIGNATURES

KALAMAZOO COUNTY BOARD CHAIR:

Tracy Hall

Date

ASSESSING DISTRICT REPRESENTATIVES:

ALAMO TOWNSHIP

ALAMO TOWNSHIP REPRESENTATIVE

Date

BRADY TOWNSHIP

BRADY TOWNSHIP REPRESENTATIVE

Date

CHARLESTON TOWNSHIP

CHARLESTON TOWNSHIP REPRESENTATIVE

Date

CLIMAX TOWNSHIP

CLIMAX TOWNSHIP REPRESENTATIVE

Date

COMSTOCK TOWNSHIP

COMSTOCK TOWNSHIP REPRESENTATIVE

Date

COOPER TOWNSHIP

COOPER TOWNSHIP REPRESENTATIVE

Date

KALAMAZOO TOWNSHIP

KALAMAZOO TOWNSHIP REPRESENTATIVE

Date

OSHTIMO TOWNSHIP

OSHTIMO TOWNSHIP REPRESENTATIVE

Date

PAVILION TOWNSHIP

PAVILION TOWNSHIP REPRESENTATIVE

Date

PRAIRIE RONDE TOWNSHIP

PRAIRIE RONDE TOWNSHIP REPRESENTATIVE

Date

RICHLAND TOWNSHIP

RICHLAND TOWNSHIP REPRESENTATIVE

Date

ROSS TOWNSHIP

ROSS TOWNSHIP REPRESENTATIVE

Date

SCHOOLCRAFT TOWNSHIP

SCHOOLCRAFT TOWNSHIP REPRESENTATIVE

Date

TEXAS TOWNSHIP

TEXAS TOWNSHIP REPRESENTATIVE

Date

WAKESHMA TOWNSHIP

WAKESHMA TOWNSHIP REPRESENTATIVE

Date

GALESBURG CITY

GALESBURG CITY REPRESENTATIVE

Date

KALAMAZOO CITY

KALAMAZOO CITY REPRESENTATIVE

Date

PARCHMENT CITY

PARCHMENT CITY REPRESENTATIVE

Date

PORTAGE CITY

PORTAGE CITY REPRESENTATIVE

Date

DESIGNATED COUNTY ASSESSOR

AARON POWERS

DATE

ADDENDUM

2020 Ad Valorem and Special Acts SEV by Unit by Class							
					Total		Total
Unit	Agricultural	Commercial	Industrial	Residential	Real	Personal	Real & Personal
Alamo Twp.	15,976,300	11,027,100	3,856,400	152,107,300	182,967,100	8,111,500	191,078,600
Brady Twp.	29,263,900	3,763,200	1,462,300	196,973,300	231,462,700	9,886,100	241,348,800
Charleston Twp.	14,194,900	2,204,900	20,836,500	76,266,800	113,503,100	14,259,300	127,762,400
Climax Twp.	47,052,700	2,541,200	9,400	65,921,000	115,524,300	5,614,200	121,138,500
Comstock Twp.	11,312,300	172,332,500	63,189,400	417,456,849	664,291,049	76,937,458	741,228,507
Cooper Twp.	10,668,831	27,230,800	7,418,150	320,595,297	365,913,078	11,658,119	377,571,197
Kalamazoo Twp.	96,400	96,866,300	15,989,700	421,489,700	534,442,100	22,728,000	557,170,100
Oshtemo Twp.	6,043,100	381,053,600	22,328,000	640,277,100	1,049,701,800	75,887,300	1,125,589,100
Pavilion Twp.	28,659,400	12,482,800	15,459,500	227,707,200	284,308,900	11,553,400	295,862,300
Prairie Ronde Twp.	47,321,400	486,500	995,500	104,299,700	153,103,100	7,040,300	160,143,400
Richland Twp.	21,671,700	35,181,900	20,876,000	437,360,750	515,090,350	15,726,400	530,816,750
Ross Twp.	9,117,500	18,013,100	1,927,400	440,838,300	469,896,300	13,117,100	483,013,400
Schoolcraft Twp.	30,414,900	35,026,400	27,660,800	317,556,150	410,658,250	30,771,100	441,429,350
Texas Twp.	11,650,900	94,261,300	850,000	970,174,400	1,076,936,600	22,102,200	1,099,038,800
Wakeshma Twp.	50,067,100	295,400	5,900	35,348,200	85,716,600	28,498,900	114,215,500
Galesburg City	0	8,813,800	1,408,200	22,408,900	32,630,900	3,860,300	36,491,200
Kalamazoo City	0	667,577,900	108,259,200	1,121,768,929	1,897,606,029	173,143,700	2,070,749,729
Parchment City	0	7,966,200	2,309,000	36,548,500	46,823,700	1,912,800	48,736,500
Portage City	7,723,600	750,787,200	345,490,100	1,588,683,200	2,692,684,100	148,397,600	2,841,081,700
Total	341,234,931	2,327,912,100	660,331,450	7,593,781,575	10,923,260,056	681,205,777	11,604,465,833

Number of Ad Valorem and Special Acts Parcels by Local Unit by Class						
Unit	Agricultural	Commercial	Industrial	Residential	Personal	Total
Alamo	143	61	43	1,922	99	2,268
Brady	230	43	9	2,145	71	2,498
Charleston	91	28	25	976	81	1,201
Climax	292	41	1	999	59	1,392
Comstock	79	453	163	5,783	589	7,067
Cooper	110	78	78	4,152	112	4,530
Kalamazoo Twp.	4	512	101	7,848	416	8,881
Oshtemo	49	427	72	6,360	861	7,769
Pavilion	238	44	23	2,517	117	2,939
Prairie Ronde	234	5	14	1,016	31	1,300
Richland	109	160	34	3,315	267	3,885
Ross	64	108	44	2,843	155	3,214
Schoolcraft	204	311	105	3,753	247	4,620
Texas	63	137	32	6,372	232	6,836
Wakeshma	301	8	1	554	46	910
Galesburg City	0	95	16	456	110	677
Kalamazoo City	0	2,147	433	19,693	2,694	24,967
Parchment City	0	65	12	600	70	747
Portage City	10	1,117	188	16,230	1,899	19,444
Total	2,221	5,840	1,394	87,534	8,156	105,145

**List of properties deemed “unique, complex or high value” by the
respective Assessing Districts:**

Comstock Township:	STS Hydropower LTD (State Assessed)	07-22-130-313 07-22-251-020 07-22-400-011 07-23-360-012 07-23-430-014
	Grand Trunk Railroad (State Assessed)	07-31-380-010
Kalamazoo Township:	Dev 4201 Main St. LLC	06-18-330-052
	BRI-VAL LLC	06-18-415-016
Schoolcraft Township:	Paper City Development	14-13-470-036 14-13-470-038
Texas Township:	PNC Bank	09-02-105-015
	Consumers Credit Union	09-02-305-008
Portage City:	Pfizer	10-00014-001-C 10-00014-008-A 10-00014-009-A 10-00014-010-O



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.3.**

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

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

DATE: November 2, 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:

November 2 – City Commission adopts resolution setting public hearing for approving amended TIF plan

December 7 – City Commission conducts public hearing

December 7 – City Commission considers adoption of resolution amending the DEGA's Development and Tax Increment Financing (TIF) Plan.

December 7 – 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.



**KALAMAZOO DOWNTOWN
ECONOMIC GROWTH
AUTHORITY**

CITY OF KALAMAZOO

**DOWNTOWN
ECONOMIC
GROWTH
AUTHORITY**

**Development Plan
&
Tax Increment Financing Plan**

2018

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- III. TAX INCREMENT FINANCING PLAN**

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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

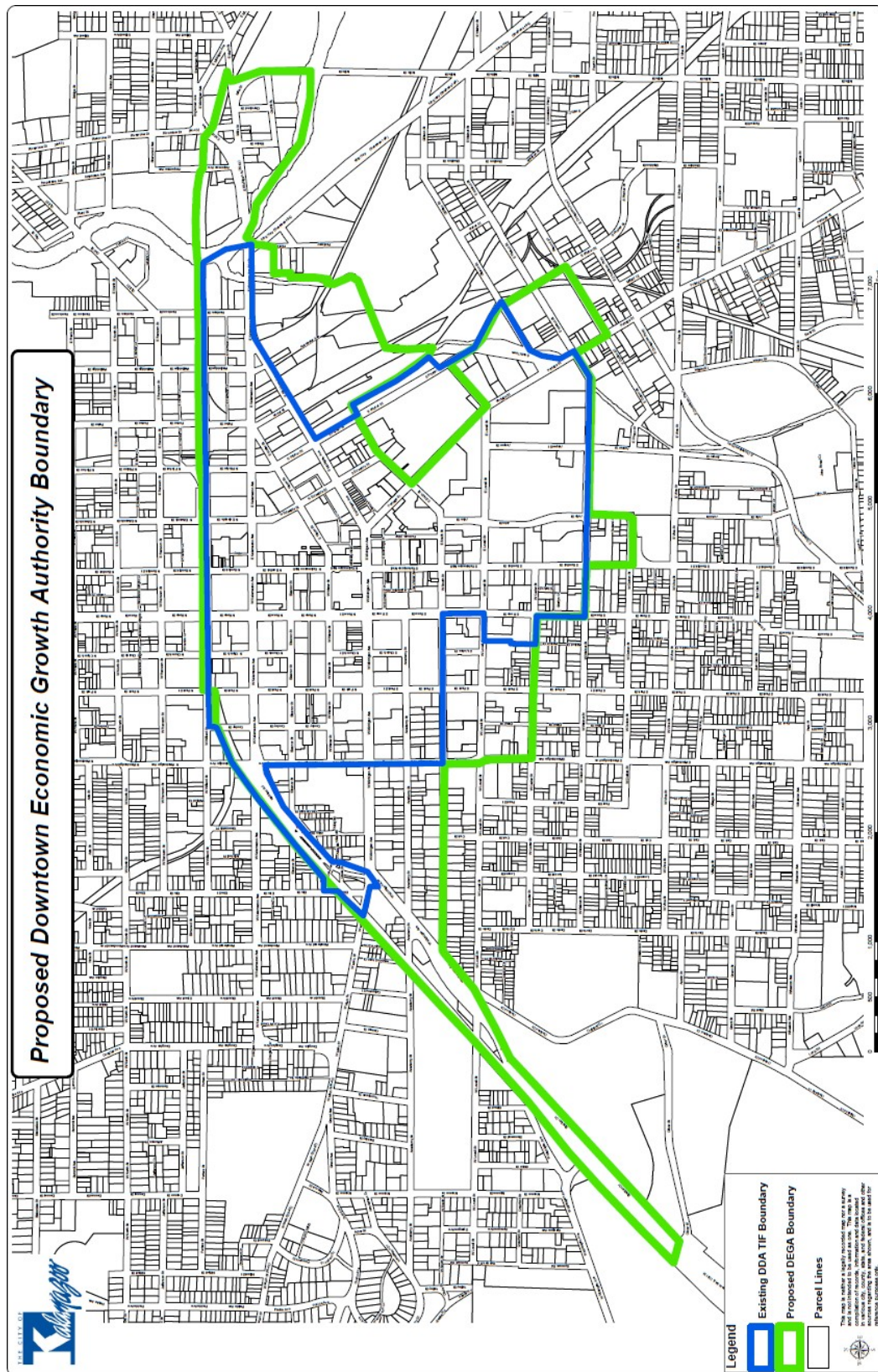
The boundaries commence at the intersection of the westerly right-of-way line of South Westnedge Avenue with the southerly right-of-way line of West Cedar St.; thence EAST along the southerly right-of-way line of West Cedar Street to its intersection with the westerly right of way line of South Rose 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**

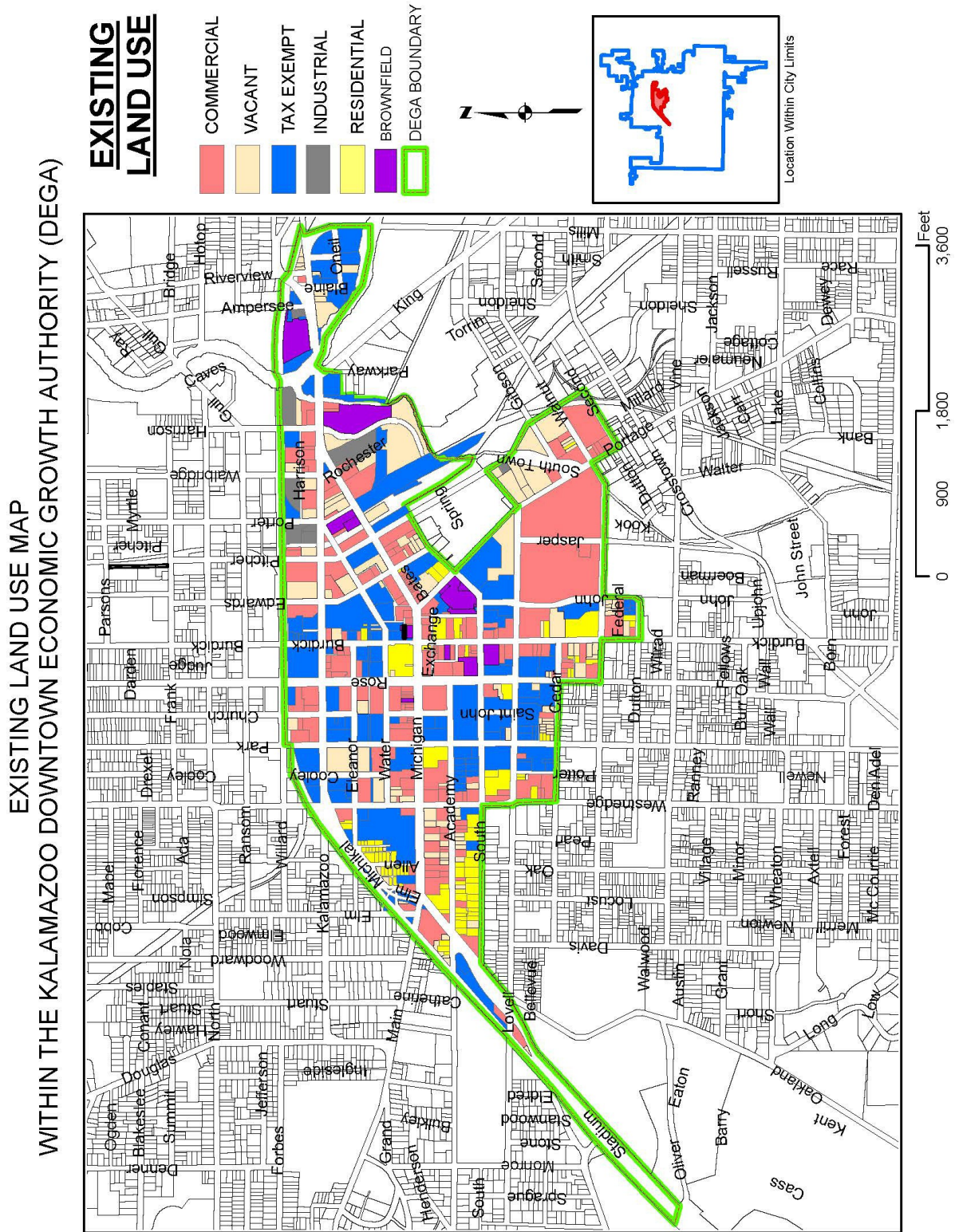
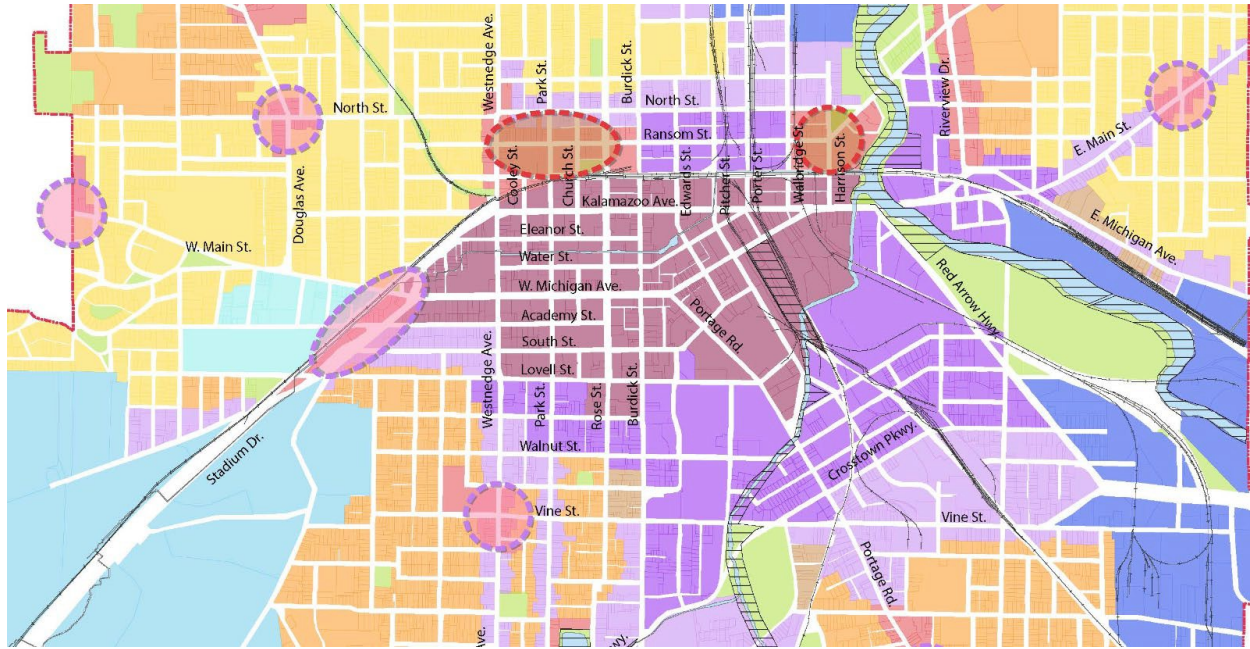


Exhibit 4 - Proposed Land Use Framework in the Qualified Development Area

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



Future Land Use - Legend

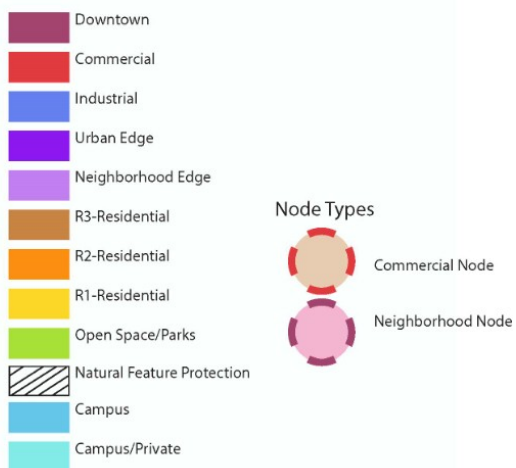
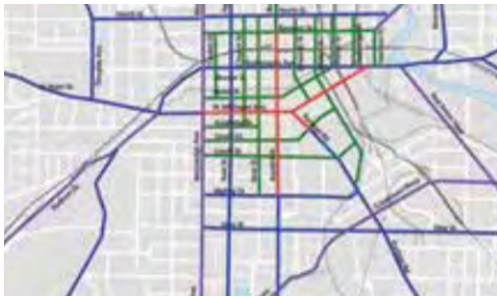


Exhibit 4B. 2025 Imagine Kalamazoo Master Plan Framework of Streets Map



Priority Streets



Main Streets



Neighborhood Connectors

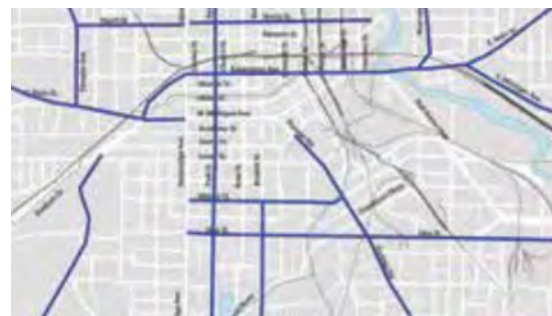


Exhibit 5 - Estimated Tax Increment Financing Revenue

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	(combined CCTA county-wide millage and KCTA urban millage)			
Initial Assessed Value (IAV)	131,244,499				
Estimated Annual Inflation Rate	1.03				

Exhibit 5B. City of Kalamazoo

Kalamazoo Downtown Economic Growth Authority - Estimates			
City of Kalamazoo			
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		
		\$ 17,000,000	\$ 20,500,000	Years		
Mobility Improvements		<i>Low</i>	<i>High</i>	0-5	5-15	15-30
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.	\$ 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			
<i>Priority Area Subtotal</i>		\$ 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		\$ 1,000,000	\$ 1,125,000	Years		
		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		\$ 3,000,000	\$ 3,100,000	Years		
		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 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 held electronically on November 2, 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, December 7, 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 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 November 2, 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 ECONOMIC GROWTH AUTHORITY

On Monday, December 7, 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 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.)

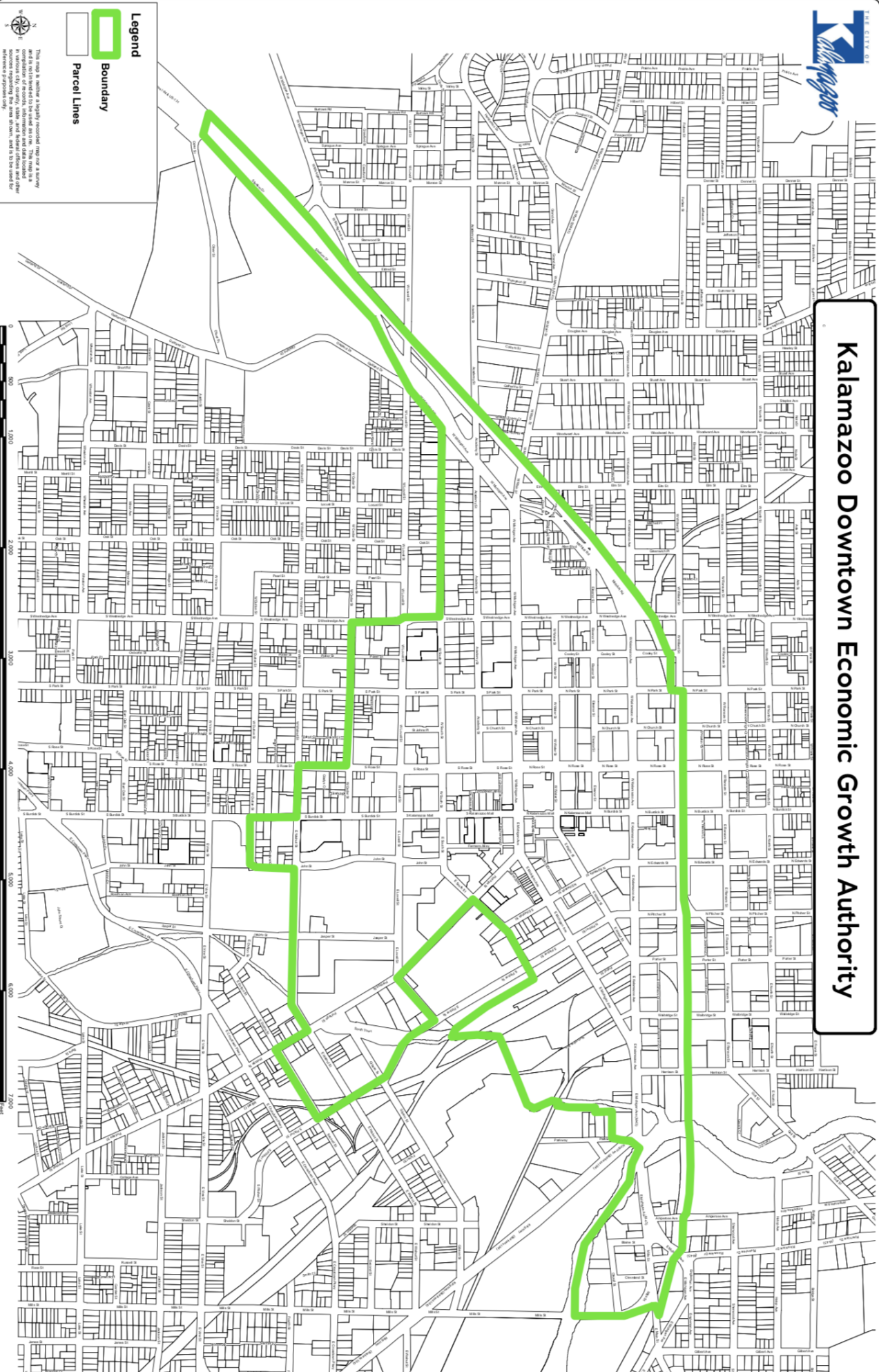
The public hearing will take place on Monday, December 7, 2020 at or after 7:00 p.m. during the regular City Commission business meeting. Persons who wish to contact members of the City Commission to provide input on the proposed amendment may do so on December 7th between 6:30 p.m. and the end of the 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/UCIgXSSXLSDxThVaaiRMsr5Q>). Maps, plats, and a description of the amendment to the Plan will be included in the December 7th 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





City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.4.**

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: November 2, 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.

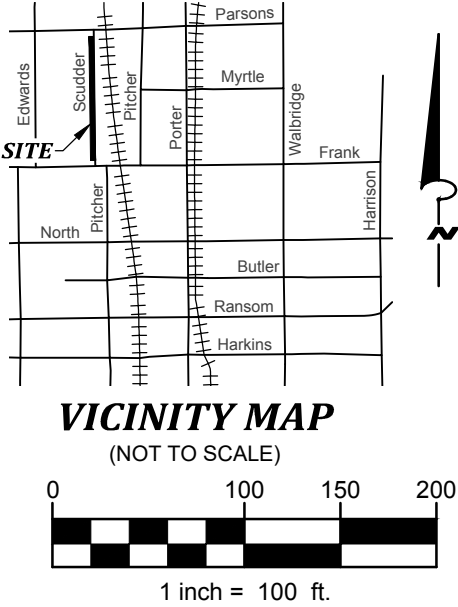
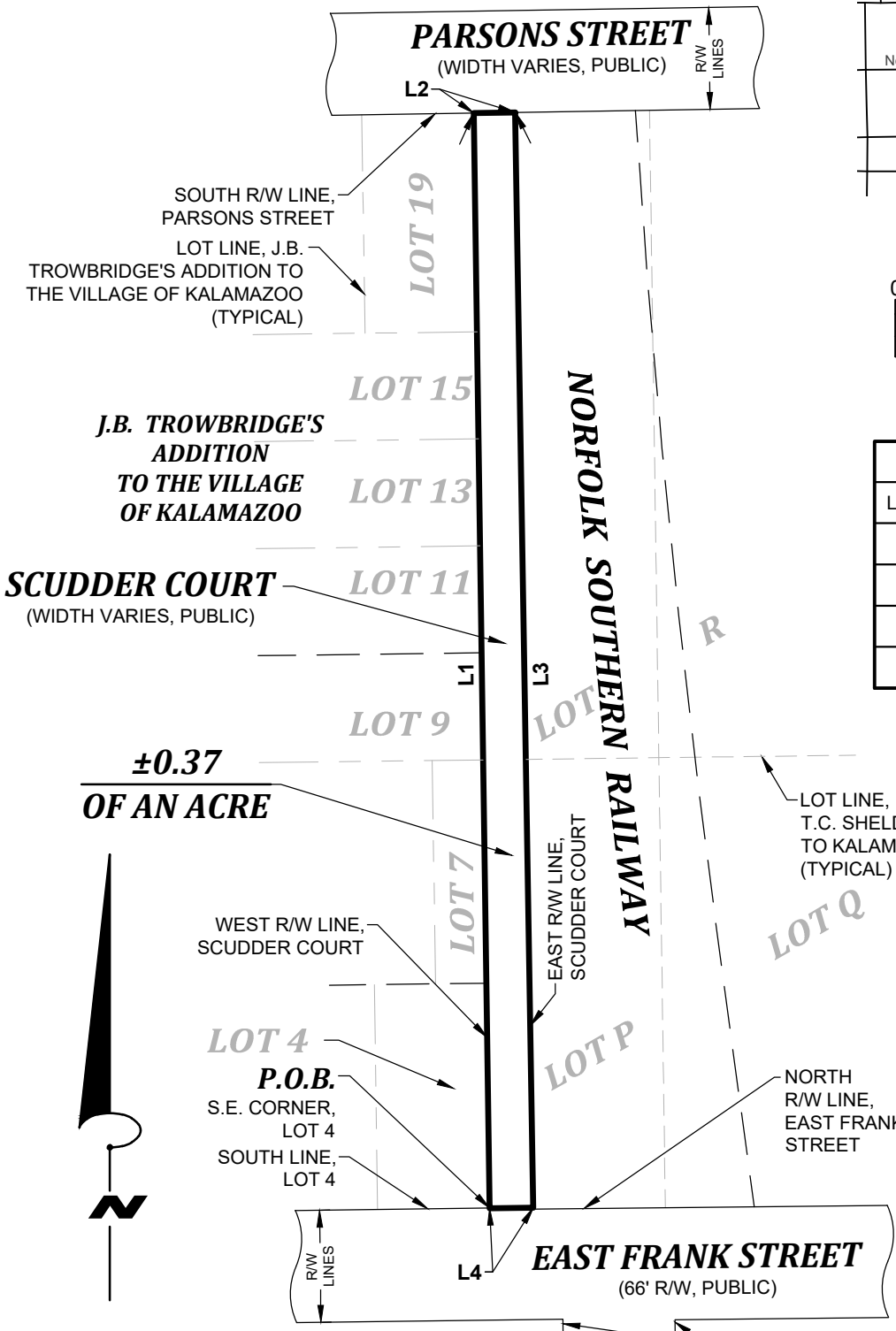
P.C. #2018.16: Request from the Community Planning & Economic Development Department for a text amendment to the Zoning Ordinance to add three new zoning districts; Live-Work 1, Live-Work 2, and Node. **[Recommendation: postpone action to the October 4 meeting.]**

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

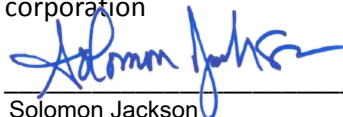
Norfolk Southern Railway Company, a Virginia corporation ("Norfolk"), is the owner of the property commonly known as 229 East Frank Street, Kalamazoo, Michigan (the "Property") which property is also being tax parcel number: 06-15-179-001. Norfolk has entered into a purchase and sale agreement with 148 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: **11/2/2020**

Item: **G.5.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Vernon Coakley Jr., Chief
Prepared by: Matt Huber, Assistant Chief

DATE: November 2, 2020

SUBJECT: Kalamazoo County's Hazard Mitigation Plan Planning Process

RECOMMENDATION:

It is recommended that the City Commission authorize the Kalamazoo Department of Public Safety to participate in the current planning process to update Kalamazoo County's Hazard Mitigation Plan and authorize the City Manager to sign associated documents.

BACKGROUND:

Disasters can cause loss of life, damage buildings and infrastructure, and have devastating consequences for a community's economic, social, and environmental well-being. Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. Hazard mitigation keeps natural hazards from becoming natural disasters. Hazard mitigation is best accomplished when based on a comprehensive, long-term plan developed before a disaster strikes. Mitigation planning is the process used by state, tribal, and local leaders to understand risks from natural hazards and develop long-term strategies that will reduce the impacts of future events on people, property, and the environment.

The Kalamazoo County Hazard Mitigation Plan (KCHMP) is a functional public document based on an "All-Hazards/Whole Community" approach to resiliency, as mandated at the State and Federal levels. The current version of the Plan is outdated and did not have full local community participation during the last revision cycle. This has resulted in some communities needing pre-disaster mitigation and post-disaster relief assistance and not being eligible to receive it. These communities may face long-term, costly processes to rectify and recover.

Hazard Mitigation Plans (HMP) are required by the Federal and State Governments to qualify for grant funding related to pre-disaster mitigation and post-disaster relief assistance.

Participation in the planning process is mandatory to be a part of the HMP. The KCHMP needs to be updated to reflect recent and ongoing changes in the threats and hazards we face and the way they are prioritized, and to better address the needs of at-risk populations county-wide. HMP must be updated on a five-year cycle to remain in force.

Once the Hazard Mitigation Plan is finalized and approved by the Federal Emergency Management Administration and the State of Michigan, a formal resolution will be brought before the City Commission for approval.

STRATEGIC VISION ALIGNMENT:

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

Emergency Management

Strategic Goal Impact:



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

Discussion

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.

Discussion: Public Safety consulted the Office the Kalamazoo County Office of Emergency Management.

FISCAL IMPACT:

No Fiscal Impact will result for participation in the planning process.

KALAMAZOO COUNTY HAZARD MITIGATION PLAN

LOCAL GOVERNMENT BRIEFING DOCUMENT

- The Kalamazoo County Hazard Mitigation Plan (KCHMP) is being updated. The KCHMP is a functional public document based on an “All-Hazards/Whole Community” approach to resiliency, as mandated at the State (MSP) and Federal (FEMA) levels. The current version of the Plan is outdated and did not have full local community participation during the last revision cycle. This has resulted in some communities needing pre-disaster mitigation and post-disaster relief assistance and not being eligible to receive it. These communities may face long-term, costly processes to rectify and recover.
- We don’t want to end up with communities left out of the updated plan and unable to get help when needed. If all local communities do not actively participate, our understanding of the Natural, Technological, and Human-caused threats and hazards and our capabilities for response to and recovery from potential events would remain incomplete.
- The KCHMP must also be updated to reflect recent and ongoing changes in the threats and hazards we face and the way they are prioritized, and to better address the needs of at-risk populations county-wide. We desire local jurisdictional participation to be as close to 100% as possible on this update/revision cycle.
- We request that your governing body make a **"Motion to participate in the current planning process for updating the County’s Hazard Mitigation Plan."** We also request that a copy of the minutes of this meeting reflecting the Motion be provided to the contact listed below. When the plan is approved by MSP and FEMA later in the year, we’ll ask that a formal resolution be voted on to actually adopt it.
- There is no monetary cost associated with signing on to this effort, and there are tremendous benefits to be realized in early identification of threats and hazards to people and property, businesses, and the environment. The Office of Emergency Management is available to guide and assist in substantive and meaningful ways in order to minimize time and effort on the part of participating jurisdictions.
- We would ask that this panel consider actively participating in this process, helping us to establish an ongoing dialog so that the Kalamazoo County can be a safer and more resilient community as a whole and in its parts. Your participation is vital to the process of identifying specific and general risks and greatly enhances our efforts towards mitigating the hazards we face as a community.

Contact:

**Andrew M. Alspach, CPP
Planner**

Kalamazoo County Office of Emergency Management

Phone: 269-383-8743 Fax: 269-383-8791 Desk: 269-383-8740 Cell: 269-203-6933

Email: oemofc@kalcounty.com Web: www.KCOEM.net Twitter: [@KZOO_OEM](https://twitter.com/KZOO_OEM)

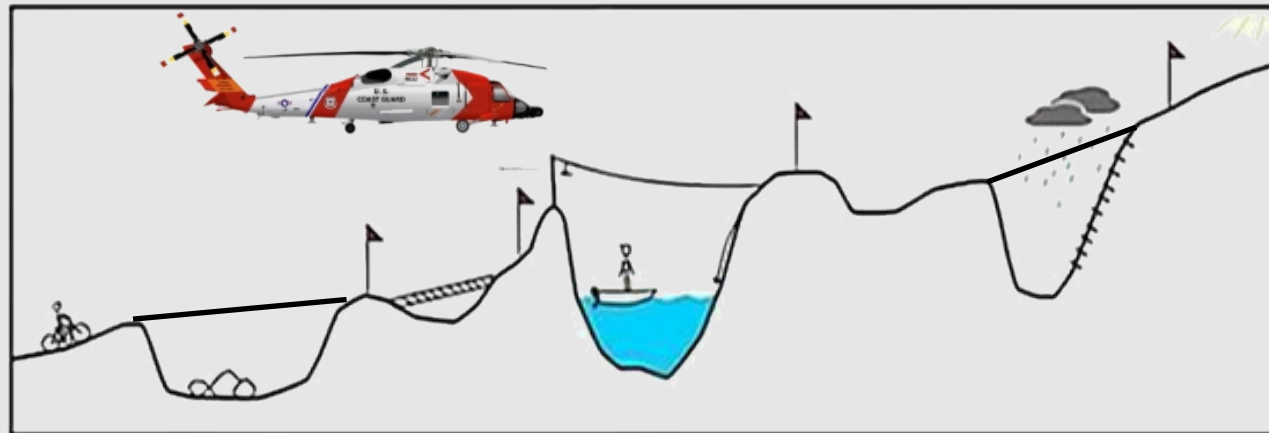
KALAMAZOO COUNTY SHERIFF'S DEPARTMENT

OFFICE OF EMERGENCY MANAGEMENT

PREVENTION•PROTECTION•MITIGATION•RESPONSE•RECOVERY



OUR PLAN





FEMA



WHOLE COMMUNITY/ALL HAZARDS

Whole Community: “Whole community includes individuals and communities, businesses, private and public sector owners and operators of critical infrastructure, faith-based organizations, nonprofit organizations, and all levels of government (local, regional/metropolitan, state, tribal, territorial, insular area, and federal).” –*National Response Framework v4, Oct 30, 2019*

All-Hazards: “Any incident or event, natural or human caused, that requires an organized response by a public, private, and/or governmental entity in order to protect life, public health and safety... and to minimize any disruption of governmental, social, and economic services.” **USCG, IM Handbook**



KALAMAZOO COUNTY HAZARD MITIGATION PLAN



FEMA



- HMPs ARE REQUIRED BY FEMA AND THE STATE OF MICHIGAN TO QUALIFY FOR HAZARD MITIGATION GRANT FUNDING.
- MITIGATION PLAN IS CREATED LOCALLY, AT THE COUNTY LEVEL.
- LOCAL UNITS OF GOVERNMENT MUST PARTICIPATE IN THE PLANNING PROCESS TO QUALIFY FOR ANY FUNDING.
- THE PLAN IS SUBMITTED TO MICHIGAN STATE POLICE/HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION FOR REVIEW.
- ONCE ANY REVISIONS OR CHANGES ARE COMPLETED, THE PLAN IS SUBMITTED TO FEMA FOR APPROVAL.
- ONCE APPROVED, THE PLAN MUST BE FORMALLY ADOPTED BY ALL PARTICIPATING JURISDICTIONS.
- PLANS MUST BE UPDATED ON A 5-YEAR CYCLE TO REMAIN IN FORCE.



ALL DISASTERS ARE LOCAL.

MITIGATION DEFINED:

Mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. In order for **mitigation** to be effective we need to take action now—before the next disaster—to reduce human and financial consequences later (analyzing risk, reducing risk, and insuring against risk).

-FEMA Sep 19, 2018

PREVENTION•PROTECTION•MITIGATION•RESPONSE•RECOVERY



Three major methods for mitigation:

- **INFORMATION**

- Public Awareness Campaigns • Preparedness Initiatives • Collaboration/MOUs •

- **INSURANCE**

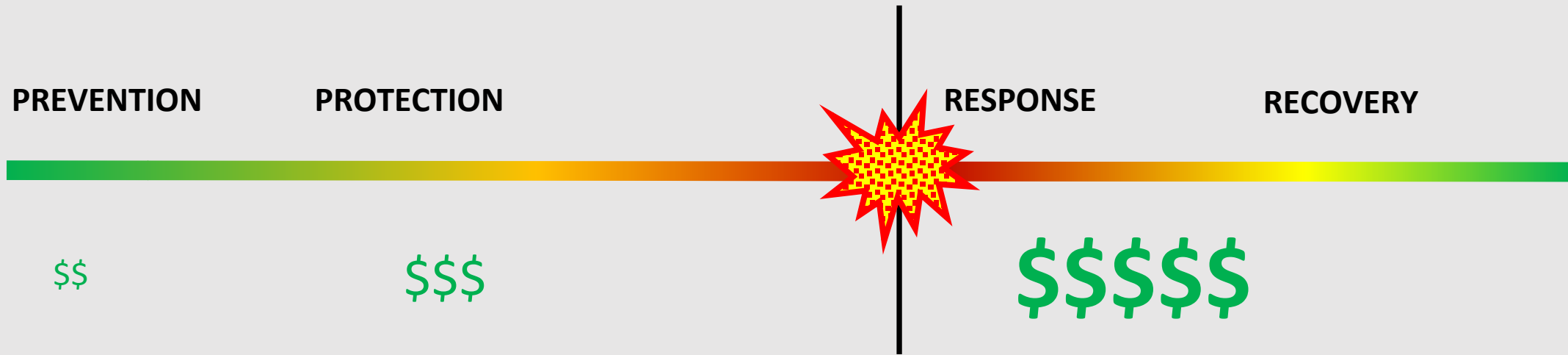
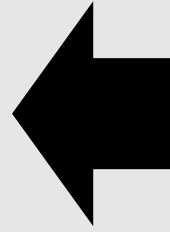
- NFIP • Homeowners' Insurance • Businesses Properly Covered •

- **INTEGRATION**

- Local Planning/Zoning • Code Enforcement • Shared Resources •



“LEFT OF BANG”



mITIGATION=Resilience



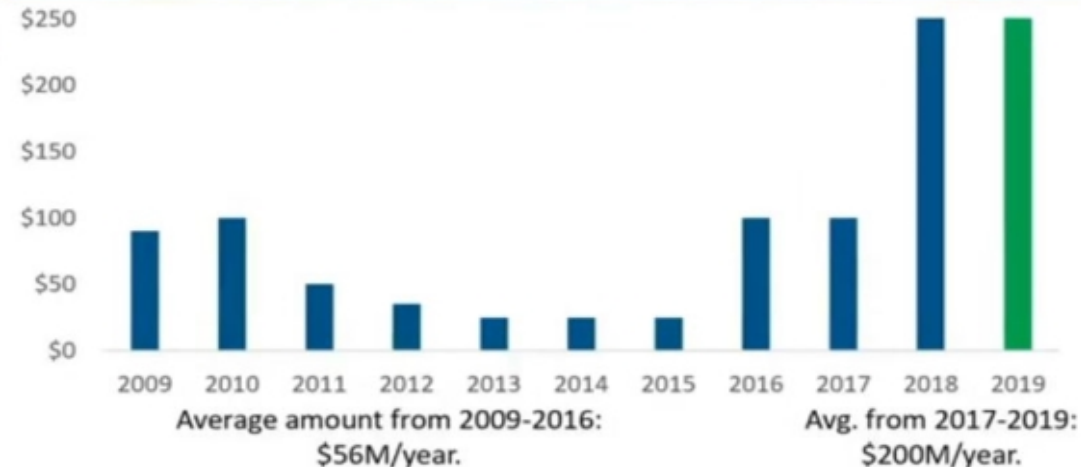
There's more at stake now than ever before...

DRRA Section 1234: Building Resilient Infrastructure and Communities (BRIC)

- ✓ Leverage 6% set-aside funding mechanism
- ✓ Encourage community-wide mitigation of critical lifelines
- ✓ Prioritize resilient infrastructure projects
- ✓ Competitive, risk-informed projects
- ✓ Build capacity and capability
- ✓ Support building code efforts



Since 2009, FEMA has received approximately \$1 billion in Pre-Disaster Mitigation grant appropriations, of which 48% has been in the last 2 years.



Funds will vary based on disasters. FIMA estimates that annual funds will average \$300-500M per year, with significantly greater amounts following years with catastrophic disasters.



Community Lifelines Defined

A CONSTRUCT FOR OBJECTIVES-BASED STABILIZATION EFFORTS

A lifeline enables the continuous operation of critical government and business functions and is essential to human health and safety or economic security.



- Lifelines are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function
- Lifelines are the integrated network of assets, services, and capabilities that are used day-to-day to support the recurring needs of the community
- When disrupted, decisive intervention (e.g., rapid service re-establishment or employment of contingency response solutions) is required to stabilize the incident



Energy Lifeline



Sub-sectors

Status or Impact:

Steady State/No Incident

Normal State/No Impact

Moderate Disruption/Impact

Severe Status/Impact

Status/Impact Unknown or not Established

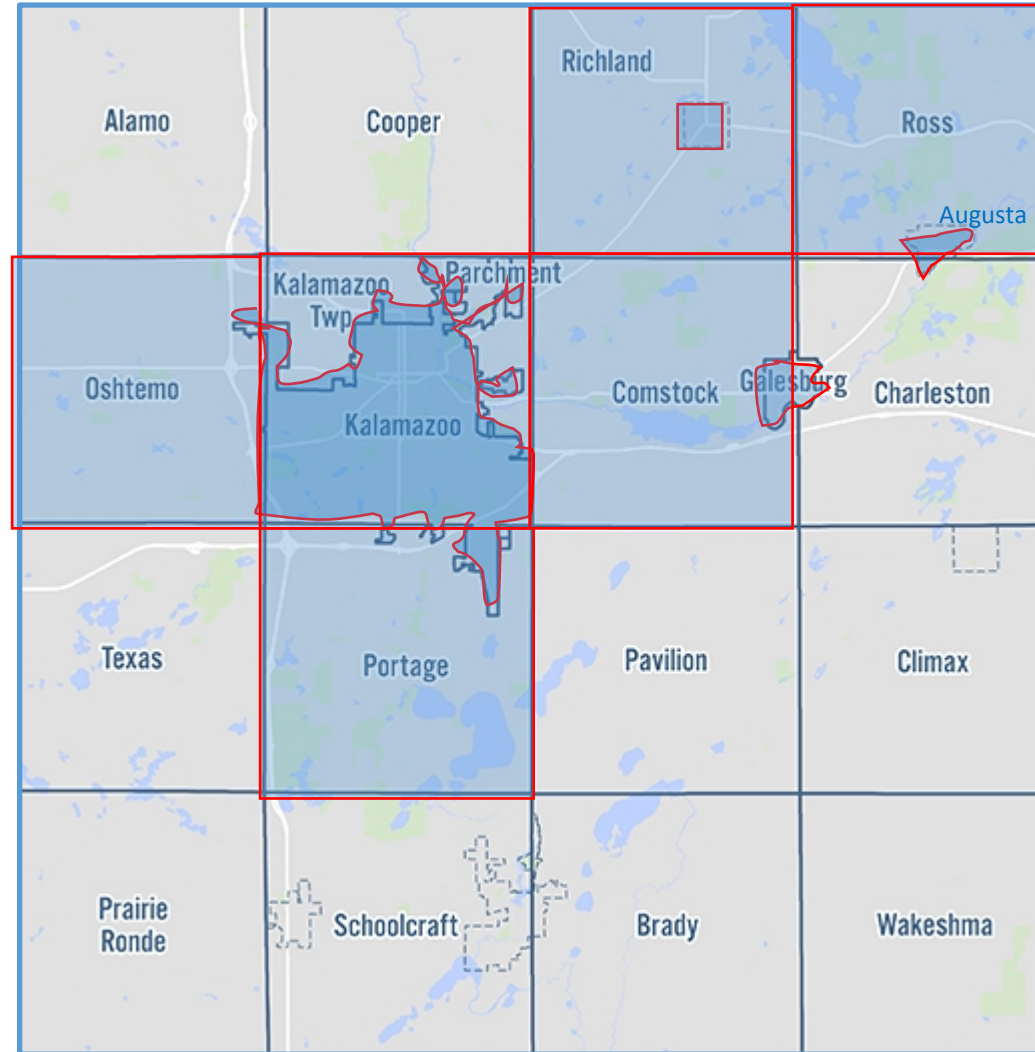
Power	Fuel
	
	
	
	
	



For Mitigation Planning, the emphasis is on reducing the potential impact of hazards to the community (*any community*). These icons help simplify the concept and make it easier to communicate impact, current state, and response and recovery progress to the public and within responding agencies.

JURISDICTIONS PARTICIPATING IN KCHMP- 2013

Minor Civil Division	2010 population
Alamo Township	3,762
Augusta Village*	885
Brady Township	4,248
Charleston Township	1,975
Climax Township	2,463
Climax Village*	767
Comstock Charter Township	14,854
Cooper Charter Township	10,111
Galesburg City	2,009
Kalamazoo City	74,262
Kalamazoo Charter Township	21,918
Oshtemo Charter Township	21,705
Parchment City	1,804
Pavilion Township	6,222
Portage City	46,292
Prairie Ronde Township	2,250
Richland Township	7,580
Richland Village*	751
Ross Township	4,664
Schoolcraft Township	8,214
Schoolcraft Village*	1,525
Texas Charter Township	14,697
Vicksburg Village*	2,906
Wakeshma Township	1,301
KALAMAZOO COUNTY TOTAL	250,331



“These ten participating communities constitute the majority of the county’s population, including its top five most populous jurisdictions.”- 2013 KCHMP page 7



CONTACT:

Andrew M. Alspach, CPP
Hazard Mitigation Planner
Kalamazoo County Office of Emergency Management

Kalamazoo County Sheriff's Office

1500 Lamont Avenue Kalamazoo, MI 49048

Phone: 269-383-8743 Fax: 269-383-8791

Desk: 269-383-8740 Cell: 269-823-8006

Email: [OEMofc@kalcounty.com](mailto: OEMofc@kalcounty.com)

Web: www.KCOEM.net Twitter: @KZOO_OEM





City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.6.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Vernon Coakley Jr., Public Safety Chief
Prepared by: Ryan Tibbets, Assistant Chief

DATE: November 2, 2020

SUBJECT: Acceptance of the 2020 COPS Hiring Program Award from the U.S. Department of Justice in the amount of \$1,875,000

RECOMMENDATION:

It is recommended that the City Commission accepts the 2020 Community Oriented Policing Services (COPS) Hiring Program (CHP) award in the amount of \$1,875,000 from the U.S. Department of Justice and authorize the City Manager to sign the grant award and special conditions documents.

BACKGROUND:

In March of 2020, Kalamazoo Department of Public Safety (KDPS) applied for COPS- CHP grant under the reducing gun violence category. KDPS was awarded grant funding in the amount of \$1,875,000 to hire eleven (15) new sworn officers by the U.S. Department of Justice. Through the additional Public Safety Officers, KDPS will continue to strive to build trust with the community while striving to reduce gun violence.

STRATEGIC VISION ALIGNMENT:

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

Police Proactive and Reactive Call for Service

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Public Safety engaged with the City Commission and the Michigan Immigrant Rights Center and El Concilio-Kalamazoo.

FISCAL IMPACT:

The 2020 CHP grants cover 75 percent of the approved entry-level salary and fringe benefits for each new, full-time sworn career law enforcement officer over three-year period of performance (36 months). The maximum funding per officer over the three-year period is \$125,000, with the remaining match coming from the Public Safety general fund budget. Public Safety will be responsible for retaining all sworn officer positions awarded under the CHP grant for a minimum of 12 months following the 36-month federal funding period.

CHP Funding

2021 Salary and Fringe Benefits for 15 officers = \$625,000

2022 Salary and Fringe Benefits for 15 officers = \$625,000

2023 Salary and Fringe Benefits for 15 officers = \$625,000

Total Award = \$1,875,000

Acceptance of this grant will increase the budgeted personnel allocations for Public Safety.



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.7.**

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

FROM: James K. Ritsema, City Manager
Reviewed by: Jeff Chamberlain, Deputy City Manager
Prepared by: Scott A. Borling, City Clerk

DATE: November 2, 2020

SUBJECT: Appointments to the Kalamazoo County Consolidated Dispatch Authority Board of Directors

RECOMMENDATION:

It is recommended that the City Commission approve the appointment of Chief Vernon Coakley and the reappointment of City Manager James Ritsema to the Kalamazoo County Consolidated Dispatch Authority Governing Board of Directors, with Public Safety Assistant Chief Matthew Huber and Deputy City Manager Jeff Chamberlain as alternates. It is further recommended that Public Safety Assistant Chief Matthew Huber be appointed to the Kalamazoo County Consolidated Dispatch Technical Advisory Committee, with Captain Christopher Franks as an alternate. These appointments will expire on November 8, 2021.

BACKGROUND:

On October 6, 2014 the Kalamazoo City Commission approved the Interlocal Agreement Creating the Kalamazoo County Consolidated Dispatch Authority which has been signed by the five Public Safety Answering Points (PSAPs) and ratified on October 20, 2014.

Governing Board of Directors

Under the terms of the Agreement a 13-member Governing Board of Directors will be created with representatives as follows:

- One (1) member selected by the Kalamazoo County Board of Commissioners
- Two (2) members selected by the City Commission of the City of Kalamazoo
- Two (2) members selected by the City Council of the City of Portage
- Two (2) members selected by the Board of Trustees of the Charter Township of Kalamazoo
- Two (2) members selected by Western Michigan University

- The Kalamazoo County Sheriff or, his/her designee
- One (1) member selected by the Michigan State Police
- One (1) member selected by the Kalamazoo County Board of Commissioners who is a firefighter from an entity not already represented by the Parties and who is recommended by the Kalamazoo Fire Chief Association.
- One (1) member selected by the Kalamazoo County Medical Authority.

The powers and duties of the Governing Board of Directors are broad, but in general the Board oversees the development of an operational plan for Consolidated Dispatch, hires a Director, enters into contracts, establishes budgets and other functions as allowed by law. Appointments are made by each agency and members serve at the will of their appointing agency.

It is recommended that the following appointments be made by the Kalamazoo City Commission to the Governing Board of Directors:

1. Chief Vernon Coakley (alternate: Public Safety Assistant Chief Matthew Huber)
2. City Manager James Ritsema (alternate: Deputy City Manager Jeff Chamberlain)

Technical Advisory Committee

The Interlocal Agreement also calls for the creation of an 8-member Technical Advisory Committee that reports to the Governing Board of Directors. The Technical Advisory Committee assists the Board and the Director with the technical aspects of implementing a consolidated dispatch authority, its staffing and operations.

The members of the Technical Committee are recommended by their respective agencies and are appointed by, and report to, the Governing Board. Members of the Technical Committee are generally members of the agencies' public safety, police or fire departments. Each of the following agencies are allowed one member on the Technical Committee:

- Michigan State Police
- Kalamazoo County Sheriff's Office
- City of Kalamazoo
- City of Portage
- Charter Township of Kalamazoo
- Western Michigan University
- Kalamazoo County Medical Control Authority
- Kalamazoo County Association of Fire Chiefs

It is recommended that the following appointment be made by the Kalamazoo City Commission to the Technical Advisory Committee:

1. Public Safety Assistant Chief Matthew Huber (alternate: Captain Christopher Franks).

STRATEGIC VISION ALIGNMENT:

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

40 Community Board Representation - Serve as board members on several community groups to foster common goals.

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:

There is no fiscal impact associated with these appointments and reappointments.



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.8.**

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

FROM: Scott A. Borling, City Clerk

DATE: November 2, 2020

SUBJECT: Appointments to the Civil Rights Board

RECOMMENDATION:

It is recommended that the City Commission approve the following appointments to the Civil Rights Board:

- The appointment of DeShawn Houston for a three-year term expiring on March 31, 2024
- The appointment of Dr. Angie Graham-Williams for a three-year term expiring on March 31, 2024
- The appointment of Jessica Glynn for a three-year term expiring on March 31, 2024
- The appointment of Marissa Harrington for a two-year term expiring on March 31, 2023
- The appointment of Gabriela De La Cruz for a two-year term expiring on March 31, 2023
- The appointment of Jacob Beach for a one-year term expiring on March 31, 2022
- The appointment of Janeen Brown for a one-year term expiring on March 31, 2022

BACKGROUND:

On September 8, 2020 the City Commission adopted Ordinance 2014, The Fair Housing Ordinance, and Ordinance 2013, which amended Chapter 18 of the Kalamazoo City Code to prohibit discrimination and discriminatory effects in the areas of employment, and public accommodations. Ordinance 2013 also created a Civil Rights Board (CRB), which has the following responsibilities:

- Foster mutual understanding and respect among the people in the City and discourage and prevent unlawful discriminatory practices toward the protected classes described in this Chapter.
- Review claims of discrimination brought by residents of the City of Kalamazoo and make recommendations for resolution following investigation of the claim by the City Manager or the designee of the City Manager.

- Review and analyze of conditions, practices, attitudes, policies, and other factors within Kalamazoo that contribute to discriminatory impact and further inequities, as well as evaluating the impact of anti-discrimination efforts.
- Make recommendations to the City Commission and City Manager on ways to improve City programs and ordinances to eliminate discrimination or remove effects of past discrimination.
- Engage in public awareness-building activities to ensure residents are informed of increased local protections and the role of the Board, including issuing an annual report of the activity of the Board.
- Engage with federal, state, and local agencies to assist in addressing issues of discrimination in the City.
- The Board shall provide an annual report to the City Commission regarding complaints received and actions taken.
- Establish bylaws and procedural rules for its meetings subject to approval by the City Commission.

The CRB is made up of seven members appointed by the Mayor and approved by the City Commission. The recommended nominees will be the first appointments to CRB. As required by the ordinance, the terms are staggered, with three members appointed for three years, two members appointed for two years, and two members appointed for one year. All members terms are scheduled to expire on March 31st in accordance with City Commission Rule 12. Details of the application and selection process are included in the attached Nomination Report.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program:

Board and Commission Support -The City Clerk's Office maintains the official meeting minutes, organizational documents, and membership records of the citizen boards, committees and commissions established by the City Commission. the Clerk's Office coordinates the process for appointing members to these boards.

This program/project has a high degree of impact on the following Strategic Goal(s):



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.

Discussion

Ensuring that City boards and commissions have qualified members who are duly appointed has a significant impact on the "Insights and Analysis" and "Organizational Principles" subgoals under the Good Governance strategic goal.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Discussion: applicants for appointment to City boards and commissions are nominated by the respective boards and commissions, with the approval of those nominations taking place at open meetings where the public has a chance to give input.

FISCAL IMPACT:

There is no fiscal impact associated with these appointments.



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

It is recommended that the City Commission approve the following appointments to the Civil Rights Board

- The appointment of DeShawn Houston for a three-year term
- The appointment of Dr. Angie Graham-Williams for a three-year term
- The appointment of Jessica Glynn for a three-year term
- The appointment of Marissa Harrington for a two-year term
- The appointment of Gabriela De La Cruz for a two-year term
- The appointment of Jacob Beach for a one-year term
- The appointment of Janeen Brown for a one-year term

SPECIAL REQUIREMENTS FOR THIS POSITION

Members appointed to the Board shall be residents of the City reflecting and representing the diversity of the Kalamazoo community and be able to demonstrate experience in civil rights, public accommodation, employment, disability or housing law. Members to the Board may be appointed who are not City residents, not to exceed two members, when there is a valid reason for such appointment, such as the member works in the City, or has special expertise to carry out the duties and responsibilities of the Board.

SELECTION PROCESS

Applicants Considered

A review committee of this inaugural board consisted of Mayor David Anderson, Vice Mayor Patrese Griffin, Commissioner Jeanne Hess and Dorla Bonner, Director of Diversity, Equity and Inclusion. Applications considered were:

- Jessica Glynn
- Khadijah Brown
- Kaitlyn Hepner
- Susana Rickman
- Sandra Calderon
- Elizabeth Presley
- Danielle Marschke
- Trevor Searls
- Steve Cox
- Janeen Brown
- Emma Tervonen
- Michael Harrison

- Dr. Angela Graham-Williams
- Madison Lukeman
- DeShawn Houston
- Jill Rowe
- Christina Shepherd
- Bianca Codrean
- Rashidi Shobowale
- Marcus Johnson
- Chris Foster
- Marissa Harrington
- Torey Davenport
- Jeremy Terpening
- Max Homrick
- Sholanna Lewis
- Jacob Beach
- Gabriela De La Cruz

Interview Process and Final Recommendation

Application for the board were made available via the City's website on September 9th. Due to the urgency of seating a board, applications were accepted until September 30th before the review process begin. The nomination team begin reviewing applications the first week of October. Interviews were held October 12th and 15th via zoom. Eleven candidates were selected for interview and the seven listed above were selected for nomination.

NOMINEE QUALIFICATIONS

Dual Board Memberships

None

Residency

Dr. Angela Graham Williams is the only applicant recommended that is not a city resident.

Term Limits

Term limits are listed above.

Training, Experience, Education And Skills

This inaugural board brings a wealth of experience and skills such as civil rights, law, banking/finance, lived experience, Real Estate/Property Management, Human Resources, and board leadership.

Contribution To Diversity

- African/American
- Latinx
- LGBTQ+

NOMINATION RATIONALE

After much deliberation the nominating committee is confident that the candidates selected provide the skill set and experience needed to effectively implement the goals of this board. The committee is also confident that the diversity ensures that to the greatest extent possible the board represents our community.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.9.**

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

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Marcy Dix, Program Finance Supervisor

DATE: November 2, 2020

SUBJECT: Approval of the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for \$500 (*Postpone Until November 16, 2020*)

RECOMMENDATION:

It is recommended that the City Commission approve the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for \$500.00.

BACKGROUND:

The City Commission approved the acquisition of the lot at 1015 Albert Avenue (Parcel No. 06-14-209-097) in March 2020. The parcel was acquired as of eleven tax-reverted properties that had gone through the tax foreclosure process and had not sold at auction. The properties were acquired to support the goals of the City's infill housing strategy. The purchase was made using Foundation for Excellence (FFE) funds approved for affordable housing. 1015 Albert Avenue is a vacant, conforming, buildable lot. The property was intended for an affordable housing project in the near future.

Kalamazoo Neighborhood Housing Services (KNHS) is a nonprofit housing agency that is currently working with the City and Local Initiatives Service Corporation on an infill housing project, which is also supported by the FFE affordable housing budget and a brownfield plan that was approved by the Brownfield Redevelopment Authority and the City in 2020. KNHS originally included 114 Burr Oak in its multi-site housing construction project, but the extent of demolition work required to build on the Burr Oak property does not fit with the project's construction timeline. The City's parcel at 1015 Albert is in a suitable location and buildable condition to insert into the project in the place of the original parcel. The original parcel will still be cleared and used for a future affordable housing project after the original project is finished.

Selling 1015 Albert Avenue to KNHS will achieve the City’s original goal of having affordable housing built on the vacant lot, while helping KNHS meet its project timeline and projected number of housing units.

The \$500 sale price is intended to match the price the Kalamazoo County Treasurer has set for the sale of property for similar uses and will cover recording fees associated with the sale. The Redevelopment and Purchase Agreement stipulates that Kalamazoo Neighborhood Housing Services will construction a single-family home on the lot within one year of the closing.

STRATEGIC VISION ALIGNMENT:

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

Affordable Housing

Improve the amount of decent and affordable housing in the City of Kalamazoo by supporting the maintenance, rehabilitation and development of accessible owner and renter occupied housing.

Strategic Goal Impact:



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

Discussion: Selling the parcel to KNHS will assist in the greater project of increasing affordable housing stock and infill of vacant lots.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The property was purchased with Foundation for Excellence funds approved for the affordable housing program. There is no current carrying value for this property and there will be no impact to the City's capital assets as a result of this sale.

Vacant properties held by the Community Planning & Economic Development Department with no intended community project will result in a tax liability to this department. There are also seasonal mowing costs.

REDEVELOPMENT AND PURCHASE AGREEMENT

This Agreement is entered into between KALAMAZOO NEIGHBORHOOD HOUSING SERVICES, whose address is 1219 Park Street, Kalamazoo Michigan 49001 ("Purchaser"), and the CITY OF KALAMAZOO, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("the City"), and

Recitals:

A. In March 2020, the City Commission approved the acquisition of the lot at 1015 Albert Avenue, identified as Parcel No. 06-14-209-097 ("Property"), for the purpose of supporting the City's infill housing strategy.

B. The property is a vacant, conforming buildable lot. The City desires to see a new home constructed on the Property and has searched for a suitable community partner to achieve this goal.

C. The Purchaser is a nonprofit with home ownership programs for individuals and family needing help building and purchasing affordable housing. The Purchaser has indicated this lot is suitable for their program and would construct a single-family dwelling on the site.

D. The City believes that Purchaser's acquisition and redevelopment of the Property will benefit the neighborhood, and thus serve the vital and best interests of the City and the health, safety and welfare of its residents.

E. Purchaser and the City desire to enter into this Redevelopment and Purchase Agreement (the "Agreement") for the mutual benefit of both parties, subject to the following terms and conditions.

NOW, THEREFORE, the parties agree as follows:

1. DESCRIPTION OF THE PROPERTY. The Property is vacant and presently unimproved parcel of land located at 1015 Albert Avenue in the City and County of Kalamazoo, State of Michigan, and is more fully described as follows:

23548 HAZARDS SUBDIVISION OF SECTION 14 N 44 FT OF LOT 97. (Parcel No. 06-14-209-097)

2. CONSIDERATION. Purchaser agrees to purchase the Property from the City for the sum of five hundred dollars (\$500.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey good and marketable title to the Property by warranty deed (subject only to the exceptions

that are permitted by this Agreement) to Purchaser simultaneously upon receipt of the Purchase Price, subject to the following terms and conditions of this Agreement

3. TITLE INSURANCE. At the sole option and expense of Purchaser it may obtain a commitment to issue an owner's title insurance policy insuring Purchaser ("Title Commitment"). The Title Commitment must be acceptable to Purchaser in the reasonable exercise of Purchaser's sole discretion. The City shall provide any surveys, affidavits and certificates required by the title insurance company if Purchaser elects to have the title policy without exceptions or with additional endorsements. Purchaser is responsible for paying the premium for the title policy and any added premium charged for a policy without exceptions and any such additional endorsements.

If Purchaser has obtained a Title Commitment, it shall notify the City within twenty (20) days after Purchaser's receipt of the Title Commitment whether there are any unacceptable issues ("Defects") regarding title for which City is responsible. The City shall remove each Defect for which it is responsible at its expense on or before the closing date. If the City fails or refuses to remove any Defect, then Purchaser may: (i) proceed to closing, waiving the Defect at issue; or (ii) terminate this Agreement by a written notice to City, in which case the Deposit shall be promptly returned to Purchaser, and neither City nor Purchaser shall have any further liability to the other under this Agreement.

City agrees not to take any action between the time of execution of this Agreement and the closing that will cause any lien or encumbrance to the Property.

4. INSPECTION. Purchaser and its agents, consultants, and designees ("Purchaser's Agents") may from time to time inspect the Property prior to the closing, and may enter the Property to perform the inspections referenced in this Agreement. Promptly upon City's acceptance of this Offer, City shall provide to Purchaser, or make available for review by Purchaser and/or Purchaser's agents, copies of any prior environment assessments, title commitments or surveys for the Property.

5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, which representations and warranties shall be true to the closing date, as follows:

A. There are no claims, legal proceedings or investigations by governmental entities relating to the Property, other than any lien against the Property for the costs incurred by the City in acquiring or improving the Property, which will be waived at closing.

B. The Property is free and clear of all violations of applicable laws, ordinances, orders, codes, rules, regulations, building and use restrictions, and other legal requirements.

C. There are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;

D. There is no pending or proposed special assessment affecting or which may affect the whole or any part of the Property; and

E. All necessary action to approve, execute, deliver, and perform this Agreement has been taken by City, and this Agreement is the valid and binding obligation of City, enforceable against City in accordance with its terms.

6. CONTINGENCIES. The obligation of Purchaser to close the purchase of the Property is contingent upon:

A. Purchaser's reasonable satisfaction with the results of its inspections, environment assessments/reports or other due diligent activities regarding the Property;

B. All representations and warranties of the City set forth in this Agreement being true as of the closing date;

C. The City having timely performed its obligations by the date of closing.

If any contingency is not satisfied by the date of closing, including any extension permitted under Paragraph 12, then Purchaser may terminate this Agreement by written notice to City.

7. PURCHASER COMMITMENT. As further consideration for this Agreement, Purchaser will obtain a Building Permit and commence with construction of a single-family dwelling in compliance with applicable City zoning requirements on the Property within one year of the closing.

8. ENVIRONMENTAL ASSESSMENT. Within 30 days from the effective date of this Agreement, Purchaser shall, at its own expense and for its own benefit, conduct all appropriate inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If such inquiry identifies the Property as a facility, Purchaser shall complete and submit a Baseline Environmental Assessment ("BEA") to the Michigan Department of Environmental Quality ("MDEQ") as provided under Act 451 (collectively, Due Diligence Activities). Purchaser shall also maintain on file a Due Care Plan.

After completion of the Due Diligence Activities, Purchaser shall have 5 days to give written notice to the City of its election to terminate the Agreement. If written notice is not timely given to the City Purchaser is considered to have accepted the Property in its "AS IS" condition. The closing shall then occur within the next 30 days (or within 60 days of the effective date of this Agreement), provided however, that all other contingencies under this Agreement have been met or completed. If the Purchaser

notifies the City of its intent to terminate this Agreement in accordance with this Paragraph 8, neither party shall have any further rights or obligations under this Agreement.

9. CITY COMMITMENTS. The City agrees to complete the following:

A. Provide copies of all available environmental reports in its possession for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser, Purchaser shall have the right to terminate this Agreement by giving written notice to the City as provided in Paragraph 8.

C. No official, board member, officer or employee of the City or the City is personally liable to Purchaser or its successor in interest upon a breach or default by the City for any amount payable to Purchaser or its successor or any obligation under this Agreement.

10. CLOSING. Subject to Paragraph 8, the closing shall occur on a date mutually agreed upon by the parties, but in no event later than 60 days from the effective date of this Agreement. Regardless of the preceding, Purchaser shall have the right to extend the closing date for up to an additional 30 days to complete necessary Due Diligence Activities or to attempt to satisfy contingencies. .

11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the warranty deed to the Property.

12. TAXES. The Property is currently exempt from the payment of taxes. Beginning with December 31 of the year in which Purchaser acquired the Property, Purchaser shall be responsible for the taxes, if any, levied against the Property and the personal property located within the Property.

13. ENVIRONMENTAL CONCERNS. Purchaser, having the opportunity to conduct Due Diligence Activities regarding the Property, accepts the Property in "AS IS" condition. The City makes no representations regarding environmental hazards or liabilities on or relating to the Property. The City is under no obligation to perform any cleanup or other remedial action.

14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If such approval is not made within 60 days after Purchaser has signed this Agreement, it shall be deemed null and void and of no force and effect.

15. SURVEY. Purchaser, at its option and expense, may obtain an ALTA survey of the Property ("Survey"). If there are any facts or conditions related to the Survey that adversely impact the Project, Purchaser shall provide notice to the City within 10 days after receipt of the survey, identifying in detail any unacceptable facts or conditions that Purchaser requests the City to cure. If the City is unable or unwilling to cure these facts

or conditions within 30 days after receipt of the notice from Purchaser, Purchaser shall have the option to either (i) waive such defects and proceed to closing; or (ii) terminate this Agreement.

16. TIME IS OF THE ESSENCE. The parties agree that in all matters relating to this Agreement, time is of the essence.

17. MAINTENANCE AND CLOSURE. In the event that Purchaser, or any affiliate or subsidiary, shall terminate business operations on the Property, Purchaser agrees to continue to maintain the property in an attractive manner. Furthermore, Purchaser agrees to comply with applicable law with respect to environmental releases for which it is responsible.

18. NOTICES. Any notice or other communication under this Agreement by one party to the other shall be in writing, signed by an authorized representative and delivered in person or by certified mail, postage prepaid with return receipt requested to the following:

Purchaser: Kalamazoo Neighborhood Housing Services
1219 Park Street
Kalamazoo, MI 49001

City: City of Kalamazoo
ATTN: City Manager
241 West South Street
Kalamazoo, MI 49007

w/copies to the City Attorney

Each party shall notify the other of any changes in the address for the receipt of notices.

19. Real Estate Brokers. Neither party has retained the services of a real estate broker regarding this transaction. If a broker makes a claim for remuneration in connection with the Purchase, the party against whom the claim is made is responsible for paying any commission or other compensation for which the broker is entitled to receive.

20. Miscellaneous.

A. This Agreement shall bind and benefit the City, Purchaser and their respective successors or assigns.

B. This Agreement may not be amended, altered or modified unless done in writing and signed by representatives of the parties who are so authorized.

C. This Agreement may be signed in counterparts, which together shall comprise a single agreement.

D. This Agreement and the exhibits to this Agreement contain all of the representations and statements by the City and Purchaser to one another and express the entire understanding between them with respect to the Purchase. All prior and contemporaneous communications concerning the Purchase are merged in and replaced by this Agreement.

Dated: _____, 2020

City of Kalamazoo

By: _____

James K. Ritsema

Its: City Manager

Dated: _____, 2018

Kalamazoo Neighborhood Housing Services

By: _____

Matt Lager

Its: Executive Director



City Commission Agenda Report

City of Kalamazoo

Date: **11/2/2020**

Item: **G.10.**

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: James J. Baker, PE, Public Services Director and City Engineer

DATE: November 2, 2020

SUBJECT: Consumers Energy Easement 1415 Harrison

RECOMMENDATION:

It is recommended the City Commission approve an easement on City property, located at 1415 Harrison, to Consumers Energy to supply three-phase electric power to Graphic Packaging International and to the City of Kalamazoo Water Reclamation Plant. (*Postpone until November 16, 2020*)

BACKGROUND:

The placement of the electric power infrastructure requires the removal of 721 trees. This request has been taken to the Tree Committee to which the requirement for a payment of \$8,863 to the City of Kalamazoo for urban tree planting was required as a condition.

This 3.5 acre easement and subsequent electric power infrastructure allows for the abandonment of an existing 2.7 acre easement and for the reestablishment of a wetland habitat on the east bank of the Kalamazoo River.

This electric power infrastructure modernization project is a necessary component of the Graphics Packaging International \$600 Million investment in recycling paper in Kalamazoo. This modernization benefits the water reclamation plant increases reliability and redundancy while also allowing for increased flexibility and demand response.

STRATEGIC VISION ALIGNMENT:

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

Wastewater Treatment Operations

Strategic Goal Impact:

Economic Prosperity

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

Payment to the City of Kalamazoo for urban tree planting in the amount of \$8,863 is required as part of this easement.

EASEMENT FOR ELECTRIC FACILITIES

Bronco

SAP# 34955136

Master Tract# TRN000916039420

Agreement# MI00000051230

City of Kalamazoo, a Michigan municipality, of 241 W. South St., Kalamazoo, MI 49007 (hereinafter "Owner")

for \$1.00 and other good and valuable consideration [*exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)*] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the Township of Kalamazoo, County of Kalamazoo, and State of Michigan as more particularly described in the attached Exhibit A and to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter "Facility Easement Area") described in the attached Exhibit B, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and also the right from time to time hereafter to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation and to conduct such other activities within the Facility Easement Area as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity, and also the right, from time to time hereafter, to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner's Land (hereinafter "Protection Easement Area") described in the attached Exhibit C, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers' facilities.

Additional Work Space: In addition to the easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, the right to temporarily use such additional work space reasonably required to construct said lines. Said temporary work space shall abut the Facility Easement Area, on each side, as required by construction.

Access: Consumers shall have the right to unimpaired access to said line or lines, and the right of ingress and egress on, over, and through Owner's Land for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the interests and rights granted hereunder.

Trees and Other Vegetation: Owner shall not plant any trees within the Facility Easement Area without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet on each side of the centerline as described in the attached Exhibit B, whether temporary or permanent, natural or man-made, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Ground Elevation: Owner shall not materially alter the ground elevation within 20 feet on each side of the centerline as described in the attached Exhibit B, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Exercise of Easement: Consumers' nonuse or limited use of this easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: _____

Owner: City of Kalamazoo, a Michigan municipality

Signature

By: _____
Printed name

Its: _____

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, Michigan,
on _____ by _____
of the City of Kalamazoo, a Michigan municipality, on behalf of the company _____.

Notary Public

Print Name

County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By:
Brandy R. Gale, 07/28/2020
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

After recording, return to:
Carrie Main, EP7-287
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the Township of Kalamazoo, County of Kalamazoo, State of Michigan:

Parcel 1:

Commencing at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 10, T2S, R11W; thence South 0° 15' 30" East along the East line of the West 1/2 of the Northeast 1/4 of said Section 10, 33 feet to the point of beginning; thence continuing South 0° 15' 30" East, 108.90 feet; thence North 89°25' West, 112.75 feet parallel to the North line of the West 1/2 of Northeast 1/4 of said Section 10 to the Easterly right of way line of the Chicago, Kalamazoo and Saginaw railway; thence Northeasterly along the Northeasterly prolongation of said Easterly right of way line 111.60 feet to a point 33.00 feet South of the North line of the West 1/2 of Northeast 1/4 of said Section 10; thence South 89°25' East 86.67 feet parallel to the North line of the West 1/2 of Northeast 1/4 of said Section 10 to the point of beginning, containing 0.249 of an acre of land, more or less.

Parcel 2:

Commencing at the Northeast corner of the West 1/2 of the Northeast 1/4 of Section 10, T2S, R11W; thence South 0° 15' 30" East 684.09 feet along the East line of the West 1/2 of the Northeast 1/4 of said Section 10, T2S, R11W, to the point of beginning; thence continuing South 0° 15' 30" East along said East line 231.0 feet; thence North 89° 25' West 163.80 feet to the Easterly right of way line of the Chicago, Kalamazoo and Saginaw Railway; thence Northerly 231.10 feet along said Easterly right of way line; thence South 89°25' East 158.61 feet parallel to the North line of said Section 10 to the point of beginning, containing 0.855 of an acre of land, more or less.

Parcel 3:

Beginning at the Northwest corner of the East 1/2 of the Northeast 1/4 of Section 10, T2S, R11W; thence South 0° 15' 30" East along the West line of the East 1/2 of the Northwest 1/4 of Section 10, a distance of 2,639.73 feet, more or less, to the Southwest corner of the East 1/2 of the Northeast 1/4 of said Section 10; thence South 89°7' 0" East a distance of 718.54 feet, more or less, to the Water's edge of the Kalamazoo River; thence Northerly along the Water's edge of the Kalamazoo River a distance of 2,808 feet more or less, to the center line of Mosel Avenue; thence North 89° 25' 00" West along the center line of Mosel Avenue to the Place of beginning and containing 44.64 acres, more or less.

Parcel ID: 06-10-232-001

AND

A parcel of land in Section 10, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan; the boundary of said parcel being described as commencing at the North 1/4 corner of said Section 10; thence S89°49'00" E along the North line of said Section 10, 1324.59 feet to the Northeast corner of the West 1/2 of the Northeast 1/4 of said Section 10; thence S00°35' 30" E along the East line of the West 1/2 of said NE 1/4 141.90 feet to the point of beginning of this description; thence continuing S00°35'30" E along said East line 205.92 feet; thence N89°49'00" W, 129.16 feet to a point measured 30.0 feet Easterly and perpendicular to the centerline of the main tracks of the Chicago, Kalamazoo and Saginaw Railway; thence Northerly parallel to and 30.00 feet distant from said Centerline of track to a point measured 30.00 feet Easterly of said centerline of track and 141.90 feet Southerly of the North line of said Section 10; thence S89 °49'00" E parallel to the North line of said Section 10, 109.08 feet to the point of beginning.

Parcel ID: 06-10-205-020

AND

A parcel of land in the Northeast 1/4 of Section 10, T2S, R11W, Described as beginning at a point on the North line of Section 10 being 149 feet Westerly measured along said North line from the Northeast corner of Section 10; thence Southerly along the Westerly side of the Michigan Railroad right-of-way to a point 133 feet West of the East line of Section 10 and 514.8 feet South of the Northeast corner of Section 10; thence West to the East bank of the Kalamazoo River; thence Northerly along the East bank of the Kalamazoo River to the North line of Section 10; thence East to the point of beginning. Also beginning at a point on the North line of Section 10 T2S, R11W, being 149 feet Westerly measured along said North line from the Northeast corner of Section 10; thence North 33 Feet to the North line of Mosel Avenue; thence West along the North line of Mosel Avenue to the East bank of the Kalamazoo River; thence Southerly along the East bank of the Kalamazoo River to the North line of Section 10; thence East along the North line of Section 10 to the point of beginning

Parcel ID: 06-10-279-002

EXHIBIT B

Facility Easement Area

An 80-foot-wide strip of land, being 40 feet on each side of the centerline of Consumers' electric facilities constructed on Owner's Land, the centerline of said electric facilities to be approximately located along a reference line described as:

Beginning at an existing point from the Consumers Energy Riverview Substation located in the Northwest 1/4 of Section 11, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan thence Westerly to a point, now known as Reference Point A, known as Consumers Energy Pole #5253 located on the Section line of Section 11 and Section 10, T2S, R11W, Township of Kalamazoo, County of Kalamazoo, Michigan at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Westerly crossing into Section 10, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan to a point, now known as Reference Point B, not more than 283 feet nor less than 183 feet West of the East line of Section 10, at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Northerly to Consumers Energy existing pole # 14 and also continuing from a point not more than 283 feet nor less than 183 feet West of the East line of Section 10 at a point not more than 1329 feet nor less than 1229 feet South of the North line of Section 10; thence Westerly to a point, now known as Reference Point C, not more than 1280 feet nor less than 1250 feet West of the East line of Section 10 at a point not more than 1211 feet nor less than 1111 feet South of the North line of Section 10; thence Westerly to a point, now known as Reference Point D, not more than 1358 feet nor less than 1258 feet West of the East line of Section 10, at a point not more than 1238 feet nor less than 1138 feet South of the North line of Section 10; thence Westerly to a point not more than 1393 feet nor less than 1293 feet West of the East line of Section 10 at a point not more than 1195 feet nor less than 1095 feet South of the North line of Section 10; thence Northerly to a point not more than 1434 feet nor less than 1234 feet West of the East line of Section 10 at a point not more than 176 feet nor less than 76 feet South of the North line of Section 10; thence Westerly to a point not more than 2605 feet nor less than 2505 feet West of the East line of Section 10 at a point not more than 118 feet nor less than 88 feet South of the North line of Section 10.

Also from a point not more than 1280 feet nor less than 1250 feet West of the East line of Section 10 at a point not more than 1211 feet nor less than 1111 feet South of the North line of Section 10; thence Southerly to a point, now known as Reference Point E, not more than 1311 feet nor less than 1211 feet West of the East line of Section 10 at a point not more than 2214 feet nor less than 2114 feet South of the North line of Section 10; thence Southwesterly to a point, now known as Reference Point F, not more than 1434 feet nor less than 1234 feet West of the East line of Section 10 at a point not more than 2562 feet nor less than 2362 feet South of the North line of Section 10.

Also, from Reference Point A, thence Northerly and Westerly not more than 50 feet
Also, from Reference Point B, thence Southerly and Easterly not more than 50 feet
Also, from Reference Point C; thence Northerly not more than 50 feet
Also, from Reference Point D; thence Westerly, not more than 50 feet
Also, from Reference Point E; thence Easterly not more than 50 feet
Also, from Reference Point F; thence Southwesterly not more than 50 feet.

AND

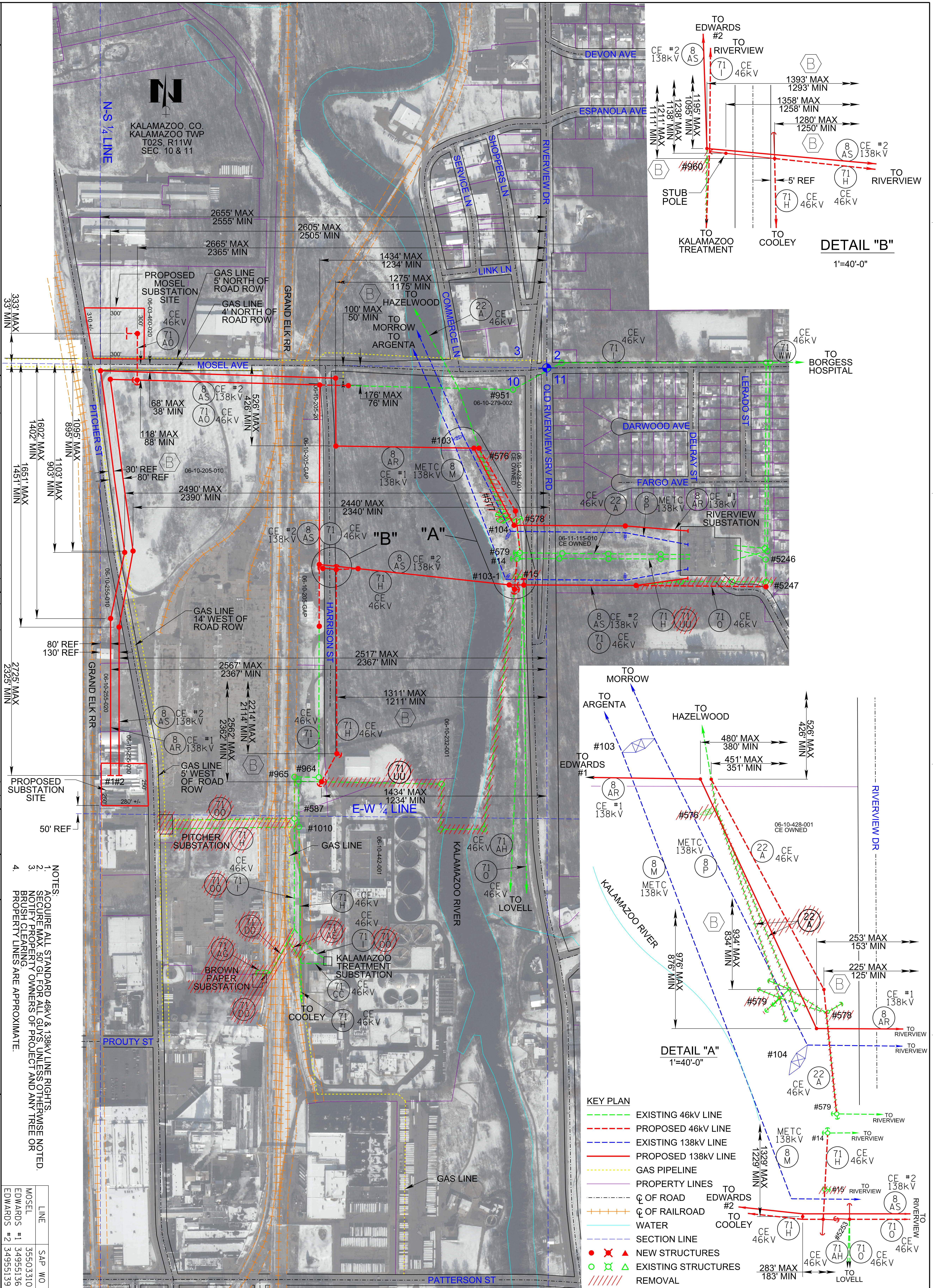
Beginning at an existing point from the Consumers Energy Riverview Substation located in the Northwest 1/4 of Section 11, T2S, R11W, Township of Kalamazoo, Kalamazoo County, Michigan thence Westerly, crossing into Section 10, T2S, R11W, City of Kalamazoo, Kalamazoo County, Michigan, to a point not more than 253 feet nor less than 153 feet West of the East line of Section 10, at a point not more than 976 feet nor less than 876 feet South of the North line of Section 10; thence Northerly to a point not more than 480 feet nor less than 380 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Westerly to a point not more than 1275 feet nor less than 1175 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Northerly to a point not more than 1275 feet nor less than 1175 feet West of the East line of Section 10 at a point not more than 100 feet nor less than 50 feet South of the North line of Section 10; thence Westerly to a point not more than 2655 feet nor less than 2555 feet West of the East line of Section 10 at a point not more than 68 feet nor less than 38 feet South of the North line of Section 10.

Also, Beginning at Consumers Energy existing pole # 579 in the Northeast 1/4 of Section 10, T2S, R11W, City of Kalamazoo, Kalamazoo County, Michigan thence Northerly to a point not more than 225 feet nor less than 125 feet West of the East line of Section 10 at a point not more than 934 feet nor less than 834 feet South of the North line of Section 10; thence Northwesterly to a point not more than 451 feet nor less than 351 feet West of the East line of Section 10 at a point not more than 526 feet nor less than 426 feet South of the North line of Section 10; thence Northerly to the existing 46 kV line.

EXHIBIT C

Protection Easement Area

Two 40-foot-wide strips of land, being 40 feet on each side of the Facility Easement Area.

[illegible]



325 Red Oak Lane
Rochester Hills, MI 48307

Telephone (248) 563-0797
tmhurst@att.net

August 10, 2020

**RE: Landscape Appraisal For:
City of Kalamazoo Property
@Harrison Street and Mosel Ave
Kalamazoo, MI
Project: Bronco-City of Kalamazoo Easement/Tree Committee
Parcels: 06-10-205-20, 01-10-205-GAP, 06-10-232-001, 01-10-279-002**

As requested, this is a completed landscape appraisal for the above-captioned property. It is my understanding this appraisal is to be used for a determination if a diminution in value of the subject property will occur with the removal of landscaping on that property, and if so, what is the diminution in value. There are a number of ways to approach the valuation of plants, such as contributory, income, replacement, and cost of cure. Additionally, where there is no demonstrated use for the plants they may be valued as timber, pulp, or firewood. The valuation method utilized can be different with the individual assignment. This parcel falls into a couple of these categories. First, we will consider those plants for contributory values.

The client and intended user of this report is: Consumers Energy Company

The effective date of this report is: August 10, 2020

This appraisal will address the landscape located in the proposed easement area. Contrary to fact, we will consider the value of this landscaping prior to any proposed project. The property was staked, and, to the best of my ability, I inspected all trees within the staked easement area.

This report is solely for these users and this use. Any other use may result in a misunderstanding of this appraisal.

Scope of Work/Relevant Data:

As stated in the Guide for Plant Appraisal, 10th Edition (page 8): “Plant appraisal is the act or process of formulating an opinion of a defined cost or value for plants, landscape elements, or services.”

The Guide for Plant Appraisal, 10th Edition (“GPA”) is published by the International Society of Arboriculture and is the standard here in the United States for general information and as a reference for plant appraisal. It states on page 14:

The principle of contribution holds that the value of a particular component of a property is measured in terms of its contribution to the value of the whole property, or the amount by which its absence would detract from the value of the whole (Appraisal Institute 2013a, 2015). This amount is called contributory value.

Trees and other plants are real estate, and rarely trade in the absence of the sale of the entire property of which they are a part. Therefore, their market value is measured in terms of their contribution to the whole.

The GPA also states on page 9: “In plant appraisal, landscape plants have market value because they are real estate and are generally traded as part of a larger real estate property.”

It is incorrect to place values on individual trees which are so high and unrealistic that if added to the remainder of the landscaping, would equal a price greater than the total worth of the real estate property. It is important for all factors of the property—such as separate standing structures, the lot itself, and landscaping—to come together to provide a value which is fair and reasonable for the total real estate worth.

The most common type of value appraisal is market value, which may be defined as “an opinion of value that presumes the transfer of a property, as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser” (The Appraisal Foundation 2016). It is also known as fair market value. The various definitions of market value share a common theme: the presumption of an open-market sale free of abnormal influences, where seller and buyer are knowledgeable and act in their own interests, and cash is exchanged on a specified date (GPA page 10).

I also consider the guidelines of the Michigan Tree Valuation Guide—Eleventh Revision (“MTVG”), prepared by the Michigan Forestry and Park Association and the Michigan State University Forestry Department for a more local means of determining values. This guide outlines the significance of four important factors in determining tree values: 1) tree size, 2)

species, 3) condition, which includes but is not limited to trunk, structure, evidence of insects and disease, life expectancy, and 4) location, which not only reflects on its function within a residential yard or along a highway or public park, but also its exact position in that yard—front focal point, or perhaps too closely grown amongst a group of many. Location also addresses city distinctions. For example, an oak in a more prestigious neighborhood will be worth more than the same tree in a more run-down community.

In certain instances, where there is a significant amount of existing landscape and the individual values would escalate beyond what would be fair and reasonable a fifth factor or “special factor” is utilized. As stated in the MTVG on page 10:

The special factor can be used to depreciate the value of trees where a lower value is warranted. Examples of disproportionately high values include single trees from within a group of trees, trees growing in easements, and where the total of tree losses are unreasonably high in relation to the total value of the property.

I utilize the trunk formula method from this guide as a basis for determining these plant values. To this formula, I apply my years of gathering comparables and experience in the field to derive the value amounts for the five factors listed above. However, the importance of considering both the sources I’ve mentioned, The Guide for Plant Appraisal and Michigan Tree Valuation Guide, to determine the proper landscape values cannot be stressed enough. It is my job as a professional landscape appraiser to analyze all factors of each case and to determine what is, in the end, a fair and reasonable compensation to the property owner for their loss.

It is essential to understand that bringing the *value* of the property back to what it was before the taking *does not* necessarily mean replacement as tree for tree, or size for size. That is an incorrect way to approach proper landscape appraisal. The professional landscape appraiser must be very careful not to submit replacement values which constitute a *more than* fair and reasonable compensation.

Finally, the ultimate question to be considered is the following: Would the asking price of this salable real estate property afford a value any less after the removal of these plants? This question should be addressed with each case. It is important to note that in the United States today trees do have value; however, just as importantly one must not ignore the fact that a tree within a residential yard, or a vacant lot, or a commercial complex is a piece of property. It is owned by that property owner in the same manner as the house, driveway, or fence. Therefore, for a professional landscape appraiser to do the job correctly, plant values *must be considered* in relation to their worth within the total property.

Application of Data:

Turning to the application of this information to this particular case, the subject property is acreage at Harrison and Mosel Ave. It is industrial/commercial property within an urban community. Due to the Bronco Project which extends through a portion of this property, the landscaping which exists there is subject to possible removal/disturbance in the construction process.

The trees here are predominately Cottonwood (*Populus deltoides*). They are considered a fast-growing, weak-wooded, less desirable variety. This area is an unkempt wood, with sections of lowland water. Cottonwood is known for breaking branches in wind and ice storms, as well as its extensive "cotton" seed production and distribution in the spring season.

In this instance, the highest and best use would be development of this land. With that in mind, the vast majority of trees would have to be removed in the construction process: clearing for building, grading, adding soil to this lowland area, and root compaction would naturally destroy/damage tree growth throughout.

With all the points mentioned concerning these tree varieties and development, they are considered undesirable in a commercial setting and it is my professional opinion that they do not offer a contributory value here.

TOTAL CONTRIBUTORY VALUE OF PLANTS: \$.00

When upon inspection of a subject parcel it is determined that there is no demonstrated use of that landscaping as it applies to contributory value within a property, other avenues of valuations are then considered. Those other considerations can be: Timber value, Pulpwood value, or Firewood value.

Timber Value: Within the Michigan market, trees can be harvested for saw logs, or veneer boards. There are a number of qualifications for a site and trees to be merchantable for timber value. First is size and condition. A tree must measure at least 12", but usually 15" DBH (diameter breast height or 4 ½' caliper up from the ground) to be considered for saw logs, and at least 15" for veneer. Branching should begin no lower than eight feet up as this ensures stronger, better quality product. A straight, even trunk ensures long, even logs or bolts. Of course, those trees must not have too many defects: decay, holes, scars, heavy branching, or bulges. Another disqualification is trunks that have any fencing or nails imbedded as this will damage sawmill blades.

Tree species is also important. While the market can vary, there are certain solid hardwoods that are more desirable, such as Red Oak, White Oak, Black Walnut, Hickory, and Sugar Maple. Lastly, since the bottom line is profit for a lumber contractor, there usually is a fifty to seventy-five tree minimum on a site to make it a consideration. They also look at accessibility on the site for their large equipment as well as distance to the mill.

Pulpwood Value: Trees that are smaller or soft-wooded varieties are not eligible for saw timber, but might qualify for their pulp (i.e. Poplar, Box Elder, or Ash). For this a tree must be at least four to five-inch caliper DBH. Hardwoods will also qualify, but they are not considered best quality for pulp. They are inventoried and calculated into total cords (a measurement of 4'h x4'w x8'l) and priced out at current value paid for cords of pulpwood. In the bottom half of lower Michigan there is far less marketability for pulp.

Firewood Value: Currently in the market the price paid per cord of pulpwood is relatively the same as that paid for firewood. It can be measured per full cord as is the pulpwood. The difference in qualification is that firewood candidates are usually hardwoods as opposed to those soft-wood varieties.

In the lower half of lower Michigan, it is appropriate to use the "Doyle" Log Scale for calculating board feet. The main sources I've used in determining current market values for timber are: the Ohio Timber Price Report, the Indian Price Report, and local timber buyers in Michigan. I am calculating for stumpage: trees bought as they are standing in the woods, and I am considering all desirable specimens from 12" DBH and greater. The remaining trees (those 5-11") are not candidates for firewood. To the best of my ability I conducted a 100% inventory of merchantable trees—those within the staked areas.

Timber can be a very specialized market—with the chance of compensation ranging considerably in "pockets" throughout the state. Because of this, I consider the range for timber value which mirrors the region's prices paid for stumpage. I will then provide a single number—which is the mean or average—and what I consider to be a fair compensation to the property owner for their loss.

****Note:** softwood trees such as Box Elder and Siberian Elm do not qualify.

Inventory consists of all trees and some branches in upper canopies that qualify for 12" and greater. I did not include dead trees, poor varieties, or those badly damaged: Cottonwood: 28 @ 12", 50 @ 14", 50 @ 16", 38 @ 18", 19 @ 20", 5 @ 22", 13 @ 24", 5 @ 26", 7 @ 28", 6 @ 30", 3 @ 40", 1 @ 45", 1 @ 36", Red Maple: 9 @ 12", 7 @ 14", 3 @ 16", 4 @ 30", 2 @ 18", 3 @ 36", 1 @ 20", 1 @ 40", Elm: 8 @ 12", 1 @ 14", Hackberry" 2 @ 12"

TIMBER VALUE COMPENSATION: \$8380.00

TOTAL COMPENSATION (Contributory/Timber/Firewood): \$8380.00

In conclusion, I certify that, to the best of my knowledge and belief:

-The statements of fact contained in this report are true and correct.

-The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions, and recommendations.

- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal consulting assignment.
- I have made a personal inspection of the property that is the subject of this report.

The client and intended user of this landscape appraisal report is Consumers Energy Company. If you have any questions on any portion of this appraisal report, please do not hesitate to contact me. A list of my qualifications is available upon request.

Respectfully submitted,



Teresa Hurst

Certified Arborist

Michigan Certified Nurseryman (CGIP)

Limited Real Estate Appraiser

	Line Section 8AS Marking Complete	Line Section 8AR Marking complete	Line Section 71H Marking complete	
Diameter class				
4-10"	43		82	178
10-16"	40		70	78
16-20"	41		65	26
20-24"	23		34	11
24-30"	5		10	3
30"+	6		6	
Total	158		267	296

Trees were not tallied by species. An estimate of the species mix so far is 65% cottonwood, 10% soft maple, 10%

Sawtimber value	230 trees 16"+	Sawtimber size trees are 85% cottonwood, 15% S Maple		
	Estimated 75Mbf	63750 bdft cottonwood	X \$100/Mbf	\$6,375.00
		11250 bdft SM	X\$150/Mbf	\$1,688.00
				\$8,063.00
Pulpwood value	3.8 acresX20 cords /acre	80 cordsX\$10.00/cord		\$800.00
			TOTAL	\$8,863.00

132

68

18

12

721