

Agenda

City of Kalamazoo - Planning Commission January 14, 2020

Rescheduled Date for the Regular Planning Commission January Meeting

City Commission Chambers, City Hall, 241 W. South Street

7:00 p.m.

- A. Call to Order
- B. Roll Call
- C. Adoption of Formal Agenda:
- D. Approval of Minutes from December 5, 2019
- E. Communications and Announcements
- F. New Business:
- G. Public Hearings:
 - 1. P.C. #2020.01: 3921 Oakland Drive. The school Lakeside for Children is requesting a special use permit to construct a new dormitory building. **[Recommendation: Approve the special use permit request for the dormitory building]**
 - 2. P.C.#2020.02: 4301 and 4305 Stadium Dr./2231 S. Drake Rd.
 - 1) Rezoning 3401 and 4305 Stadium Drive from Zone RS-5 and Zone RM-15 to Zone CC **[Recommendation: Recommend approval of the rezoning to the City Commission]**
 - 2) Request to remove the NFP Overlay from 3401 and 4305 Stadium Drive. **[Recommendation: Recommend denial of the NFP Overlay removal to the City Commission]**
 - 3) Rezoning 2231 S. Drake Road from Zone RS-5 to Zone CC. **[Recommendation: Recommend approval of the rezoning to the City Commission]**
 - 3. P.C. #2020.03 – Request for text amendment approvals. Chapter 50 Zoning Ordinance Articles 1, 3, 4, 5, and 7. **[Recommendation: Recommend approval of the text amendments to the City Commission]**
- H. Other Business:
 - 1. Confirmation of Planning Commission 2020 Calendar: 1/14, 2/6, 3/5, **4/2**, 5/7, 6/4, **7/2**, 8/6, 9/3, 10/1, 11/5 and 12/3 (Verify availability for BOLDED dates as these are close to holidays)
- I. Citizens' Comments
- J. City Commission Liaison Comments
- K. City Planner's Report:

L. Miscellaneous Comments by Planning Commissioners

M. Adjournment

City of Kalamazoo
PLANNING COMMISSION
Minutes
December 5, 2019
DRAFT

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

Members Present: Gregory Milliken, Chair; Emily Greenman Wright, Vice Chair; Alfonso Espinosa; Sakhi Vyas; Shardae Chambers; Derek Wissner; Coreen Ellis; James Pitts

Members Excused:

City Staff: Christina Anderson, City Planner; Clyde Robinson, City Attorney; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Code Administration Clerk/Cashier

A. CALL TO ORDER

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

B. ROLL CALL

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

Commissioners Espinosa and Pitts arrived after roll call.

C. ADOPTION OF FORMAL AGENDA

Commissioner Greenman Wright, supported by Commissioner Vyas, moved approval of the revised December 5, 2019 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Wissner, supported by Commissioner Ellis, moved approval of the November 7, 2019 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None

F. NEW BUSINESS

P.C. #2019.10: 2020 Capital Improvement Program. Request from Community Planning & Economic Development Department to review 2020 C.I.P. [Recommendation: recommend to the City Commission to approve the C.I.P.]

Mr. Jeff Chamberlain, Assistant City Manager, came forward to present the draft of the Capital Improvement Program (CIP) per state law requirement. He said the full draft of the City budget is on the website with the CIP as one chapter of it. Mr. Chamberlain said it is a \$53 million capital program which will outline work specifically for roads, water and sewer. He highlighted some of the main projects included in the CIP. It is replacing network systems that are aging out. Parks and Recreation will be reconstructing the Farmers Market and an extension of the Kalamazoo Valley River Trail. They are also building a new splash pad on the Northside and making improvements to Verburg Park. Mr. Chamberlain stated they are working with the community on the removal of Milham Park dam. He shared that as they've been working on Portage Creek, they've been removing some of the dams as they go through. He said they plan to have more public discussions as they go forward. Other projects include: ongoing repairs to Kik pool; groundbreaking for Station #2 on Bryant street; radio replacements. Mr. Chamberlain reported they plan to reactivate Station #1, on Cedar street, as a Public Safety station. He spoke of adding segments to the Kalamazoo River Valley trail. Mr. Chamberlin said the trail will continue north from Upjohn park through Bronson Hospital's parking lot up to Portage Street. In addition, it will go south of Upjohn Park through the Farmer's Market and head down Stockbridge and hopefully to Reed and Alcott. Major street, water and sewer projects will be on Oakland Drive between Parkview and Howard. Another huge project will be on Cork Street between Portage and Sprinkle. There will also be projects on scattered smaller streets. They plan to upgrade processes and equipment at the Wastewater Treatment Plant. A new phosphate handler to make sure chemicals and lead doesn't leach in from the pipes is in the plan. They are planning to build another water tank in Texas Township as well as improving the booster station on east side of city to improve water pressure. Lead line replacements will continue. Mr. Chamberlain said they are phasing in smart meters, so people don't physically have to go to the properties.

Commissioners Espinosa and Wissner asked where funding comes from for repairs reported, such as potholes and other road problems. They didn't see repairs like that noted in the CIP. Mr. Chamberlain stated there is an ongoing operations and repair budget for spot patching and maintenance. He reported that staff repair potholes throughout the year as they come across them. Mr. Chamberlain said they drive the streets in the City every couple of years to analyze their condition and give them a rating. They prioritize the roads based on condition and coordinate it with water and sewer work being done.

Commissioner Espinosa asked if it is effective for people to call and report problems with the roads. Mr. Chamberlain said if people call in to report, staff will try to fix the problems. They try to stretch the life span of the roads by maintaining them. Mr. Chamberlain also confirmed the CIP is public and a part of the City's overall draft budget.

Commissioner Ellis asked about the water tank that is proposed and what it means to residents in the area. Mr. Chamberlain explained that the water pipes are all interconnected. They can pump water here and send it to Oshtemo Township and vice versa. As a region grows, they need more water sources and tanks. This new tank will help with water pressure and provide water storage in case there is a fire.

Commissioner Pitts asked how the budget is set up and who decides what projects will be funded in neighborhoods. Mr. Chamberlin said the vast majority of the CIP is roads, water and sewer. He said that

projects are funded based on engineering studies, need, demand, conditions of roads, and on how much funding is available. They do go through a process with departments to look at their plans, the Master Plan and Neighborhood Plans. Projects are then put into the plan and get budgeted.

Commissioner Milliken asked about the southern boundary for the Portage Creek Trail Phase III project. Mr. Chamberlain said it will be coming to Stockbridge from the Farmers market to Reed Street. If they get to Reed, then there is a gravel path that goes through what used to be the Bryant Papermill. He said they are working with engineers to get a cost estimate to see if they can put asphalt there to get it connected, ideally, all the way to Alcott. Commissioner Milliken expressed hope for it to be extended all the way to Kilgore. Mr. Chamberlain said they met with the county this week, but to get from Alcott to Burdick is challenging. He said they have the Allied landfill site, private development properties, and the Blanche Hull Nature Preserve with wetlands and a creek. Mr. Chamberlain said they are trying to put together a realistic schedule to get to Kilgore.

Commissioner Greenman Wright said she was excited to see so many things the community identified through Imagine Kalamazoo being put into effect. She was especially excited about Upjohn park, the Kik pool, and the splash pad.

Commissioner Ellis, supported by Commissioner Chambers, moved to recommend to the City Commission to approve P.C. #2019.10: 2020 Capital Improvement Program.

Roll call vote was taken and the motion passed unanimously.

G. PUBLIC HEARINGS

P.C. #2019.09: 5374 Andrus Court. The Kalamazoo Youth for Christ is requesting a special use permit to allow a community service center at this location. [Recommendation: Approve the special use permit request for the community service center]

Planner Eldridge came forward to give the staff report. Kalamazoo Youth for Christ has requested a special use permit for a community service center in Colonial Acres mobile home community. He pointed out the community is bordered by the Kalamazoo Airport to the west, with other segments bordered by the City of Portage. The portion of the park in Kalamazoo is 38 acres and the portion of the park in Portage is 65 acres. The park is zoned R-3, high density residential. It was given a commercial designation on existing land use because of the way the pad sites are leased. Planner Eldridge reviewed pictures and maps of the site. A double-wide mobile home will serve as the community center. There are no other mobile homes on Andrus Court. There is an open field area south of the community center location for outdoor recreation. Planner Eldridge stated that Youth for Christ has worked with teens in park for 18 months now. The building will have wheelchair ramps and an ADA compliant bathroom, an outdoor patio area and a recreational space south of the site. The property owner of Colonial Acres wrote an email of support. Planner Eldridge spoke with the onsite manager who is excited about what is taking place. There were no responses from the mailings sent out. He shared that the criteria for a special use permit talks about how it complies with the standards of the zoning ordinance. Planner Eldridge pointed out that it will be the same

kind of structure as others in the park, so it is just the use of the structure that needs a special use permit. The park does not plan to put any other mobile homes on Andrus court, so that will create a natural separation. Planner Eldridge reviewed the rationale for approving the special use permit. Community Service Centers are an allowed special use; use will comply with zoning requirements; Youth for Christ selected the park because of its challenges, and they've already been working in the park for 18 months; facility will be staffed and monitored by Youth for Christ.

Commissioner Greenman Wright asked if Andrus Court is a private road or City owned. Planner Eldridge responded that it is a private road, and they've done a lot of work to improve those roads. Commissioner Greenman Wright inquired if mobile home communities fall into a different category as far as special use requests. Planner Eldridge said they would need to go through the same process. It is the use, not the type of building it is going in. He had pointed out the type of building in this case because it will blend with the neighborhood.

Commissioner Espinosa asked about the difference for criteria for a community center rather than a religious assembly place. He asked if they will they congregate and open the Bible there or just do community engagement. Planner Eldridge said it is labeled a community service center because of the types of services they are making available to those in the community. They won't be offering Sunday services.

Mr. Scott McCloughan, Executive Director at Kalamazoo Youth for Christ, came forward in support of the application. He said they have been in the area since 1944. They reach out to 11-19 year olds, and are involved in juvenile homes, detention centers, local schools, camps, mentoring, and tutoring. About six years ago, four churches recognized a need in the Colonial Acres neighborhood. The churches started helping with neighborhood beautification, clean up days, building ramps, and holding programs for younger kids and adults. The churches came to Youth for Christ a couple of years ago and asked if they would partner with them to help reach teens in this community. Mr. McCloughan said funds were raised, and they brought on a staff member to help fill this need. The problem was, there was no place to meet. One resident in the park offered her living room for teens and staff to congregate. This was intended to be a short-term solution. The churches bought a trailer that was already in the park as a long-term solution. This trailer needs a lot of tlc and will need to be moved to the proposed location. Mr. McCloughan said their organization wants to work with young people and help them grow in education, civic literacy, and understanding physical and safety needs. He said they also want them to grow relationally, and there is a spiritual component. Every program they offer is optional. Mr. McCloughan said they will offer tutoring, first aid, babysitting classes, movie nights, game nights, mentoring and Bible study, and it's all optional.

The applicant passed out an artist's rendering of the current site and the trailer they have purchased. He said people are stepping up to reroof, reside, build wheelchair ramps, and redo the inside. They want to create a basketball court on the property. Consumers Concrete has offered to donate the concrete. Lysters has offered to help with roofing and residing.

Commissioner Chambers asked if all teens are welcome regardless of sexual orientation or religion. She also asked if there is a cost to the parents. Mr. McCloughan said yes, all the teens are welcome. He said they want to love all the kids right where they are, and all their programs are free of charge.

Commissioner Wissner asked the applicant to touch on specific programs, hours of operation, and staffing. Mr. McCloughan said they are still working out some of the programming, pending a place to meet. It will be after school hours - which will change during summer. They will offer tutoring, City Life Club, and have opportunities for game nights. They want it to be a safe place for kids to belong.

Commissioner Ellis asked about the ages of the children and how they sign up. Mr. McCloughan said the ages are 11-19 years old. They try to maintain those ages and can redirect children outside of the age range to other programs. There is a parent-approval page that needs to be filled out to join.

Commissioner Greenman Wright asked if the building would be available for other things or only for Youth for Christ. Mr. McCloughan said it would primarily be for Youth for Christ. If there was the right organization and an understanding could be worked out, then they may possibly allow another organization to use the building. He said it will not be open for residents of the park because of liability issues.

Commissioner Milliken opened the public hearing.

Ms. Remi Harrington, co-founder of Zoo City Farm and Food Network, came forward. She was directed to speak during Citizen Comments on Non-agenda items.

No one came forward in response to the application.

Commissioner Milliken closed the public comment portion of the hearing.

Commissioner Milliken asked if the project would be required to go through site plan review. He wanted to know if the motion needed to be contingent on-site plan review approval. Planners Eldridge and Anderson said it did need to go through site plan review. Planner Anderson said the motion does not need to be contingent on-site plan approval.

Commissioner Ellis, supported by Commissioner Pitts, moved to recommend approval of P.C. #2019.09: 5374 Andrus Court. A special use permit for the Kalamazoo Youth for Christ to have a community service center at this location.

Commissioner Ellis said it was a great idea, and she likes the neighborhood that was chosen. She could see it thriving and being a place for that age group. She asked about operational costs or if there will be fundraising. Mr. McCloughan said there will be operational costs that Youth for Christ and the four churches will pay. There will be no expense to the park or the residents. Commissioner Ellis asked the names of the four churches. They are The Bridge, Portage Free Methodist (recently changed name to the Renovation Church), First Baptist of Portage, and St. Michael Lutheran.

Commissioner Espinosa said he thinks it is great but was still thinking about the difference between a community service center and religious assembly. He reported that the website is very religious-oriented, and he wouldn't be surprised if some sort of assembly happens which is not supposed to happen for this special use. He inquired about zoning for mobile home communities. Planner Anderson said they do have a mobile home district, but this is not zoned that way. Commissioner Espinosa re-iterated that this is great, and he would love to see it operating.

Commissioner Milliken said the zoning for this park as RM-36 is unique, and if it does become a situation where it definitely falls into religious assembly, it is allowed in RM-36. That could be addressed and changed if needed.

Roll call vote taken and the motion passed unanimously.

H. OTHER BUSINESS

Interview Team Recommendation for Commission Vacancy.

Commissioner Milliken reported the interview team met with and interviewed several candidates. They had a recommendation to put forward.

Commissioner Greenman Wright shared their recommendation, Mr. Brian Pittelko, is a strong candidate. He works at the W.E. Upjohn Institute with the Kalamazoo Promise. He has a unique skillset, with a strength of analysis.

Commissioner Milliken said the candidate had done a lot of work on Imagine Kalamazoo and the Urban Growth Initiative. He said Mr. Pittelko is familiar with City trends, history, statistics and demographics. Commissioner Milliken shared that the candidate's statement, "I have no ideological ax to grind," resonated through his comments.

Commissioner Milliken explained the process of someone being appointed to the Commission. The Interview Team recommends one or two candidates to the Planning Commission. The Planning Commission recommends candidates to the Mayor, who then submits an appointment to the City Commission. The City Commission votes and appoints the member.

Commissioner Vyas added that Mr. Pittelko was not the only candidate they interviewed for the vacancy, but he outshone the rest. He brings an enthusiasm for the City, deep knowledge and unique skills.

Commissioner Wissner, supported by Commissioner Vyas, made a motion to recommend Brian Pittelko to Mayor Anderson to fill the vacancy on the Planning Commission. A voice vote was taken and passed unanimously.

I. CITIZENS' COMMENTS (Regarding non-agenda items)

Ms. Remi Harrington, co-founder of Zoo City Farm and Food Network, came forward to speak about their agenda. She indicated they would like to secure land that is zoned appropriately for urban agriculture. They are interested in using vacant, abandoned and blighted parcels of property in the City for this purpose. They would like to establish a stakeholder voice that supports urban agriculture. Ms. Harrington said they would like to participate in industry development and the advocacy of small minority and disadvantaged business so those businesses can participate in institutional buying. They would like to get multi-board approval to change ordinances for vacant parcels because their current zoning is residential, and agriculture is a prohibited use. Ms. Harrington said they will attempt to get their application in to present a request for the January meeting of the Planning Commission. She went on to say they have gone on a listening tour to talk to neighborhood associations about what this looks like. Ms. Harrington stated there are neighborhood-specific things people want to see as it relates to the parcels they hope to use for urban agriculture. She pointed out that urban agriculture aligns with the City of Kalamazoo 2025 goals. Ms. Harrington said there are a multitude of economic, ecological and social benefits of urban agriculture and they need more urban growers to fuel the local food industry. She stated that growing their own food in neighborhoods is important and empowering and it is a right and responsibility. She shared the organizations website with the Commissioners: www.zoocityfood.com

Mr. Jeff Messer also came forward. He pointed out that the Planning Commission and Zoning Board of Appeals packets were not available on the website before the meeting. He said this occurs about twice per year. He asked Planning Commissioners to urge City staff to do better.

J. CITY COMMISSION LIAISON COMMENTS

None

K. CITY PLANNER'S REPORT

Planner Anderson stated there is an orientation for new board members for boards across the City. This orientation covers Imagine Kalamazoo, Master Plan, and City vision. She said it is critical that citizen boards see themselves working toward that collectively. The orientation is open to other board members if they want the refresher. It will be held Monday evening at 6:00pm.

Commissioner Milliken asked if there is a presentation power point that could be shared. Planner Anderson said there is, and it can be shared once or twice per year as they get new board members.

Planner Anderson said they are hoping in February to present comprehensive information to the Commission about transitional residences. They will have information about what ones have been approved and their location. That information will help them know if they need separation distances or any other zoning ordinance changes.

Discussion of Proposed Changes to the Public Participation Plan.

Planner Anderson said they are in the process of updating the Public Participation Plan. They want to make it clear to developers or petitioners what is required for outreach. She said they let them know they need to do outreach, but the requirements and accountability are not spelled out. Planner Anderson stated

the draft will soon be on the Imagine Kalamazoo site. She said it lists outreach requirements in detail. They ask most petitioners to do the first piece of outreach: knock on doors within 300' of property, send a letter, or make phone calls. This tells what information should be shared. It also says if there should be specific engagement with a neighborhood association or contact. A second piece for some projects would be a meeting. A meeting to invite stakeholders, and any who could be impacted by a project, to ask questions. She said it is far more successful to have those discussions prior to the public hearing rather than at the public meeting. This table will say what activities will require what kind of outreach. Planner Anderson said they will reach out to the development community to have them review it. It will be presented next week to the neighborhood meeting, and she is hopeful the plan will go before the City Commission early next year. Planner Anderson said they wanted to get it to the Planning Commission after some issues presented at the last meeting. She said this will be an ordinance to be approved.

Commissioner Milliken verified this change was the change listed on the agenda. Planner Anderson said the table is the primary new addition and then streamlining the plan. She shared that Ann Arbor has a very extensive public participation requirement for projects.

Commissioner Greenman Wright thanked City staff for putting it together so quickly. She said there has been continued discussion around the issue of the special use permit on Axtell. Commissioner Greenman Wright said she was disappointed some residents left before end of the last meeting, because that public hearing really highlighted to us that it was time to make some changes.

Planner Anderson wanted to be clear that none of this negates the State mandated noticing.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Espinosa asked why the City of Kalamazoo doesn't have an app for communication, updating, and reporting.

Planner Anderson reported the City does have recycle coach that provides a decent amount of information on City programs. She was not sure you can report things on the app, but you can do that online and pick items to report such as trees, snow on sidewalks, signs, potholes. Going online is not as simple as an app for some, but City staff are responsive to online reporting. She also shared the City has a Twitter account.

Commissioner Espinosa said most people have a device. He believes that for communication purposes, something that specifically says City of Kalamazoo, will go a long way. Planner Anderson let him know she will pass his comments along to the Communication Department.

Commissioner Chambers said she spoke to one of the heads for Vine Neighborhood, and they would like an update to community engagement. The Neighborhood will have an open house in March to talk about transitional housing and other things that affect them. Commissioner Chambers said many don't understand what transitional housing is and how that will affect their neighborhood. Planner Anderson said they can reach out to the Association Director and/or have staff go to neighborhood meetings for specific and detailed conversations.

Commissioner Ellis shared she is still excited about training. She wished everyone happy holidays.

Commissioner Espinosa directed a question to Attorney Robinson about recreational marijuana laws coming into effect. He asked how the City is looking into implementing it or if they are still on hold.

Attorney Robinson came forward and shared they had a meeting last month with Millwood and answered questions. They hope to have several more meetings to gather input from residents and potential operators of businesses. He said they are also following developments at the State and trying to keep up on changes in rules. Attorney Robinson said they are collecting proposed or adopted ordinances of the communities opting in to recreational marihuana. He estimated there are approximately 1470 cities, villages and townships in Michigan and only 23 have said yes to recreational marihuana. He said most communities have opted out because they either don't want any part of it or they're waiting to see how it goes. Attorney Robinson said Kalamazoo is just getting the medical marihuana businesses operating in the community. He suggested they first evaluate the impact of those on the community and their locations.

Planner Anderson said she is working on revising all districts in the zoning code and having more time to get those in place will keep them from having to change things later.

Attorney Robinson said in addition to the six different types of licenses in the statute, the state of Michigan Regulatory Agency has adopted four more. He said very few of the 23 who have chosen to opt in have authorized the new regulatory types of uses that have been authorized. One type is an operation of a place to consume, but you can't sell there. Attorney Robinson observed that it is interesting how communities have reacted to the legalization of marihuana.

Commissioner Milliken said he is excited by the investment the City is making in the infrastructure. He wished everyone a happy holiday.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:26 pm.



Planning Commission Staff Report

City of Kalamazoo

Project Address: 3921 Oakland Drive
Case #: P.C. #2020.01
Meeting Date: January 14, 2020
Applicant: Lakeside for Children
Owner: Same
Public Hearing: Yes
Date Legal Ad Published: December 30, 2019

Project Summary:

The applicant is requesting a special use permit to allow a new dormitory building to be constructed on the school property.

Recommendation:

The staff recommends that the Planning Commission approve the special use permit request.

ANALYSIS

Property Size:

51.25 acres

Description of Current Use of Property:

The eastern portion of the property contains the facilities for the Lakeside for Children campus. The western portion of the property consists of an undeveloped field.

Community Planning & Economic Development Department

245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
(269) 337-8044
(269) 337-8513 [fax]
www.kalamazoo.org

Staff Contact Information:

Christina Anderson, AICP, City Planner
Peter Eldridge, AICP, Assistant City Planner

Current Zoning District:

Zone RS-5 (Residential – Single Dwelling District) and RM-15 (Residential, Multi-Dwelling District).

2025 Master Plan & Imagine Kalamazoo 2025 Alignment:

The Future Land Use Map denotes the subject parcel as R-1 Residential which is described as low intensity residential. Schools are commonly found in all residential land use classifications.

The request meets the Shared Prosperity goal of the Strategic Vision pertaining to youth support services.

Surrounding Zoning and Land Uses:

West: Zone RS-5: Single-family homes
North: Zone RM-15: Single-family homes
East: Zone RM-15: Whites Lake
South: Zone RM-15: Single-family homes and Autumn Crest Condominiums

Project Description:

Lakeside for Children was founded in 1907 in a farmhouse that was formerly located on the Oakland Drive frontage. The first occupants of the Academy consisted of nine boys who lived and worked on the grounds attending area schools. Lakeside has since grown to a 79-bed facility that serves boys and girls, 12 to 18 years of age, who need a temporary out-of-home environment. The average stay is between six and twelve months. Attendees receive educational and behavioral assistance from trained teachers and counselors. The maximum student capacity for the school is 124. The school is currently managed by the Sequel Youth and Family Services agency.

Lakeside for Children has undertaken several building projects over the last fifteen years. These projects include an expansion of the dining hall and residential facilities, construction of a new administrative/classroom building and health and wellness center. In 2014, a temporary structure was erected on the west side of the campus that has primarily been used for school sports team practices. Lakeside is currently proposing to construct a new dormitory building to accommodate approximately 32 students.

Schools are allowed by special use permit in the RS-5 and RM-15. Any new school buildings or facilities require review by the Planning Commission. A site plan review for the new dormitory building will also be required.

Outreach:

Staff has asked the applicant to report on outreach to the adjacent neighborhoods. Those results are not available currently. The applicant planned to reach out to Executive Director, Cheryl Lord, of the Oakwood Neighborhood Association, as they have done in

the past. The South Westnedge neighborhood does not have an organized neighborhood association at this time.

Review Criteria:

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

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

The site has contained school facilities since 1907. The school campus is situated on the east side of a 51-acre parcel, which is generally wooded and well screened from the adjacent neighbors. The facilities are not visible from Oakland Drive. Schools are common within residential areas and constitute an important fabric of a community.

2. That the proposed special use complies with Sec. 4.2: Use Standards of the zoning ordinance.

Schools and school expansions are allowed by special use permit in the residential zoned districts with approval from the Planning Commission.

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

The dormitory will be centrally located in the current campus and well screened from adjacent single-family homes. All new lighting for the dormitory building will need to comply with the light standards, which includes down lighting or shields to reduced glare. Since the building will be utilized by students and staff of the school, the new building will not result in a significant additional traffic for the site. Staff believes the project complies with the criteria.

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

The new dormitory is not anticipated to have a negative environmental impact on the property or on adjacent properties.

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

The existing road capacity will be sufficient to handle the traffic for the new dormitory.

6. That the proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
No additional driveway entrances are planned for the property in connection with this project. Existing road and driveway conditions are believed to be safe and adequate.
7. That there are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.
The site is adequately served by all services.
8. That the proposed special use is located and designed so that adequate access onto the site is provided for fire, police, and EMS services. **Adequate access will continue to be provided on the site for emergency services.**
9. That the proposed special use complies with the appropriate standards in Chapter 6: General Development Standards and Article 7 Parking and Loading of Chapter 50.
The proposed project complies with the standards in Chapter 50 pertaining to off-street parking. It also will comply with the development standards of Chapter 6 of the Zoning Ordinance.
10. That the proposed special use complies with all standards imposed on it by all other applicable provisions of the ordinance for use, layout, and general development characteristics.
Staff has verified the proposed use will meet the applicable provisions of the Zoning Ordinance.

Site plan review:

This project does require site plan review approval.

Findings:

Staff has made the following findings regarding this request:

1. Schools and school expansions are allowed as a special use in Zones RS-5 and RM-15.
2. Schools are common uses within residential neighborhoods and are a vital component of providing needed youth support services
3. The new dormitory will be centrally located in the campus
4. The new dormitory will only be used by the students and staff and is not open to the public.

RECOMMENDED ACTION

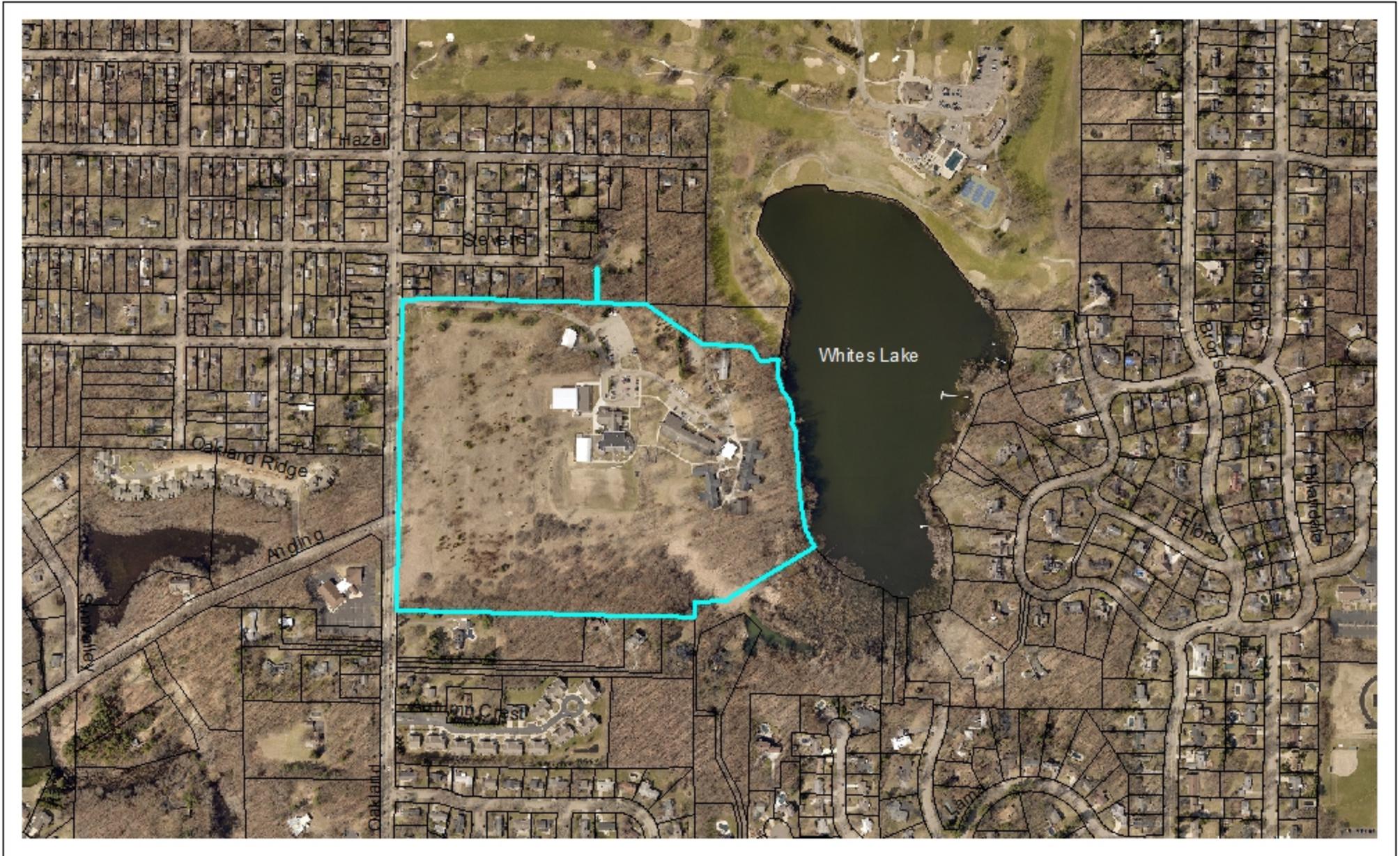
The staff recommends that the Planning Commission approve the special use permit request for the new dormitory building.

Attachments:

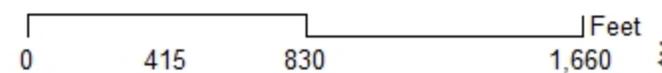
1. Existing Zoning Map

2. Aerial Map
3. Existing Land Use
4. Future Land Use
5. Site Diagram for Dormitory
6. Letter from Lakeside for Children CEO
7. History of Lakeside for Children

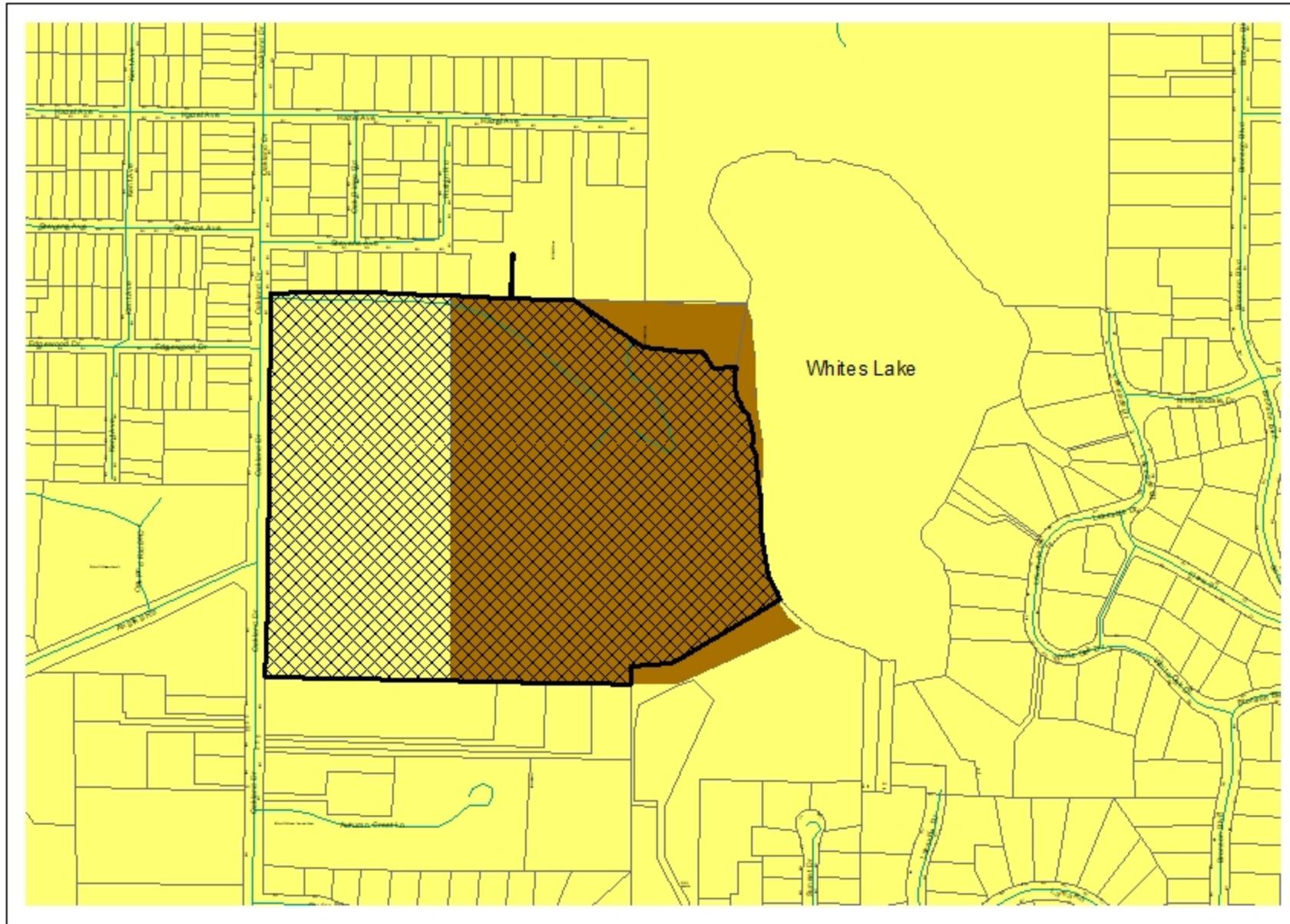
P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building



P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building



P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building

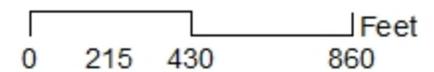


**Current
Zoning**

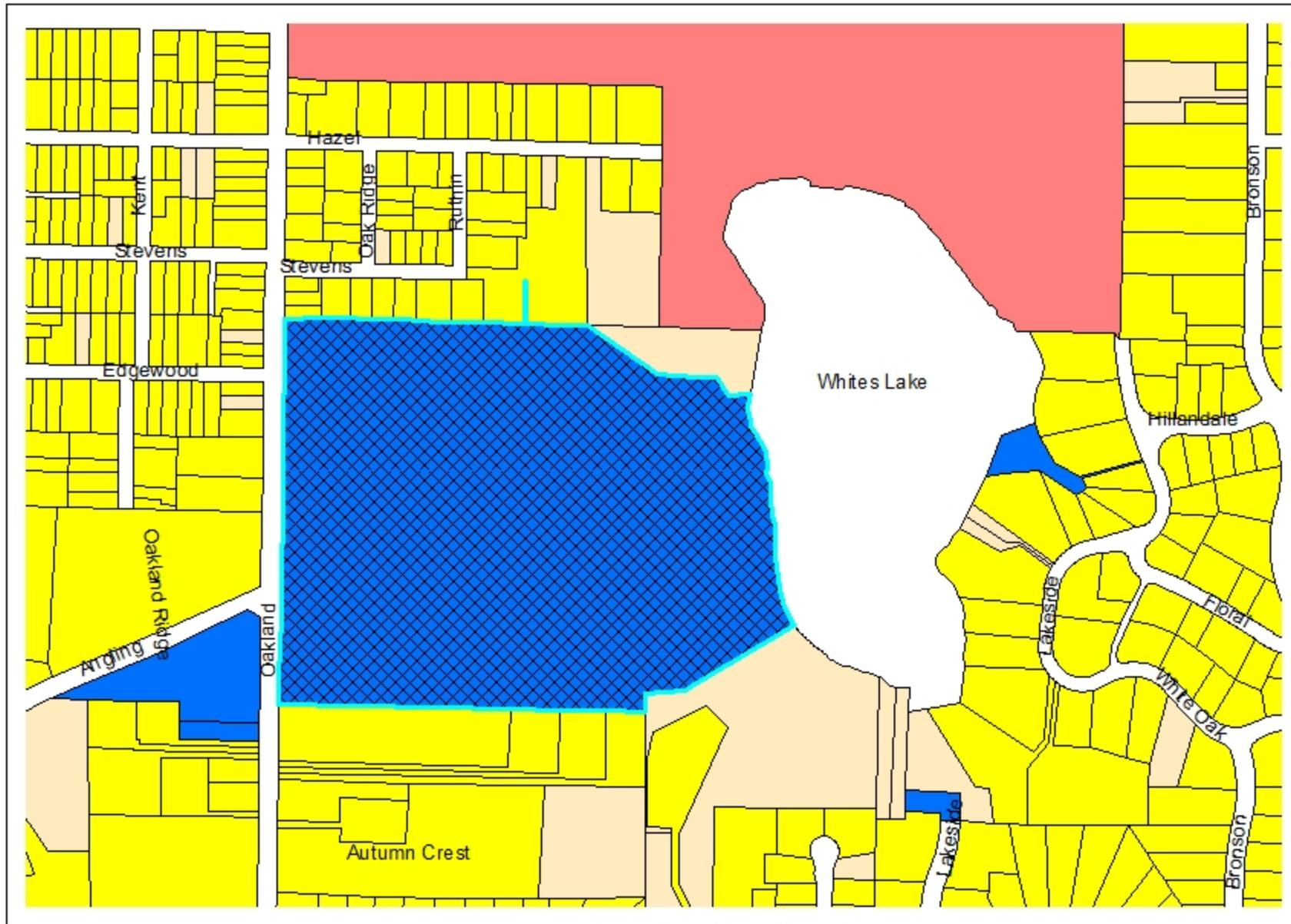
-  RM-15
-  RS-5



P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building



P.C. #2020.01 - 3921 Oakland Drive
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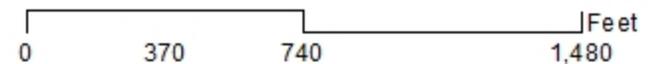


**EXISTING
LAND USE**

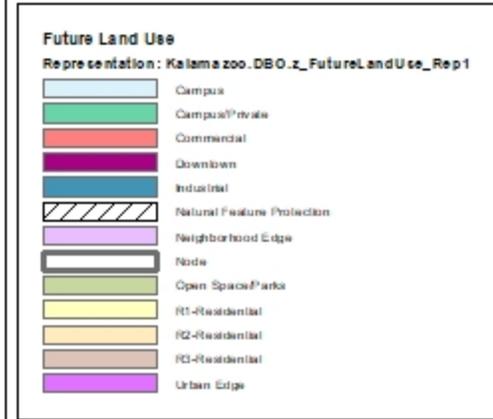
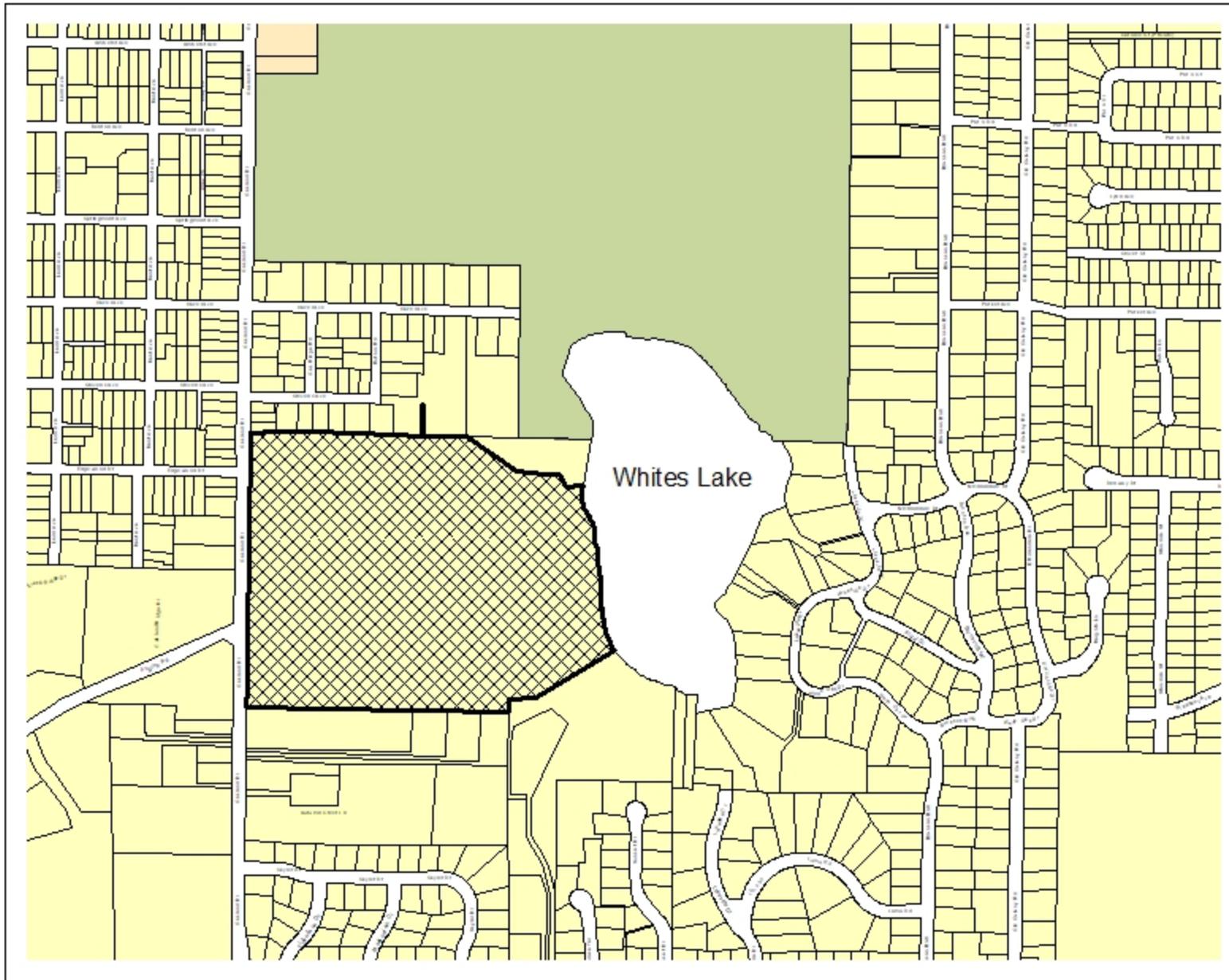
- COMMERCIAL
- VACANT
- TAX EXEMPT
- INDUSTRIAL
- RESIDENTIAL



P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building



P.C. #2020.01 - 3921 Oakland Drive Special Use Permit - New Dormitory Building



P.C. #2020.01 - 3921 Oakland Drive
Special Use Permit - New Dormitory Building



PLANS PREPARED BY:

DATE: 09/13/2019

PROJECT: LAKEVIEW ACADAMY - NEW BUILDING

ISSUED FOR: ECKERT WORDELL

JOB NUMBER: 1948001

DATE: 09/13/2019

SHEET NUMBER: C 3.0



NO.	DATE	BY	ISSUED FOR
1			
2			
3			
4			
5			

LAKEVIEW ACADAMY - NEW BUILDING

ECKERT WORDELL

JOB NUMBER: 1948001

DATE: 09/13/2019

SHEET NUMBER: C 3.0

SITE NOTES

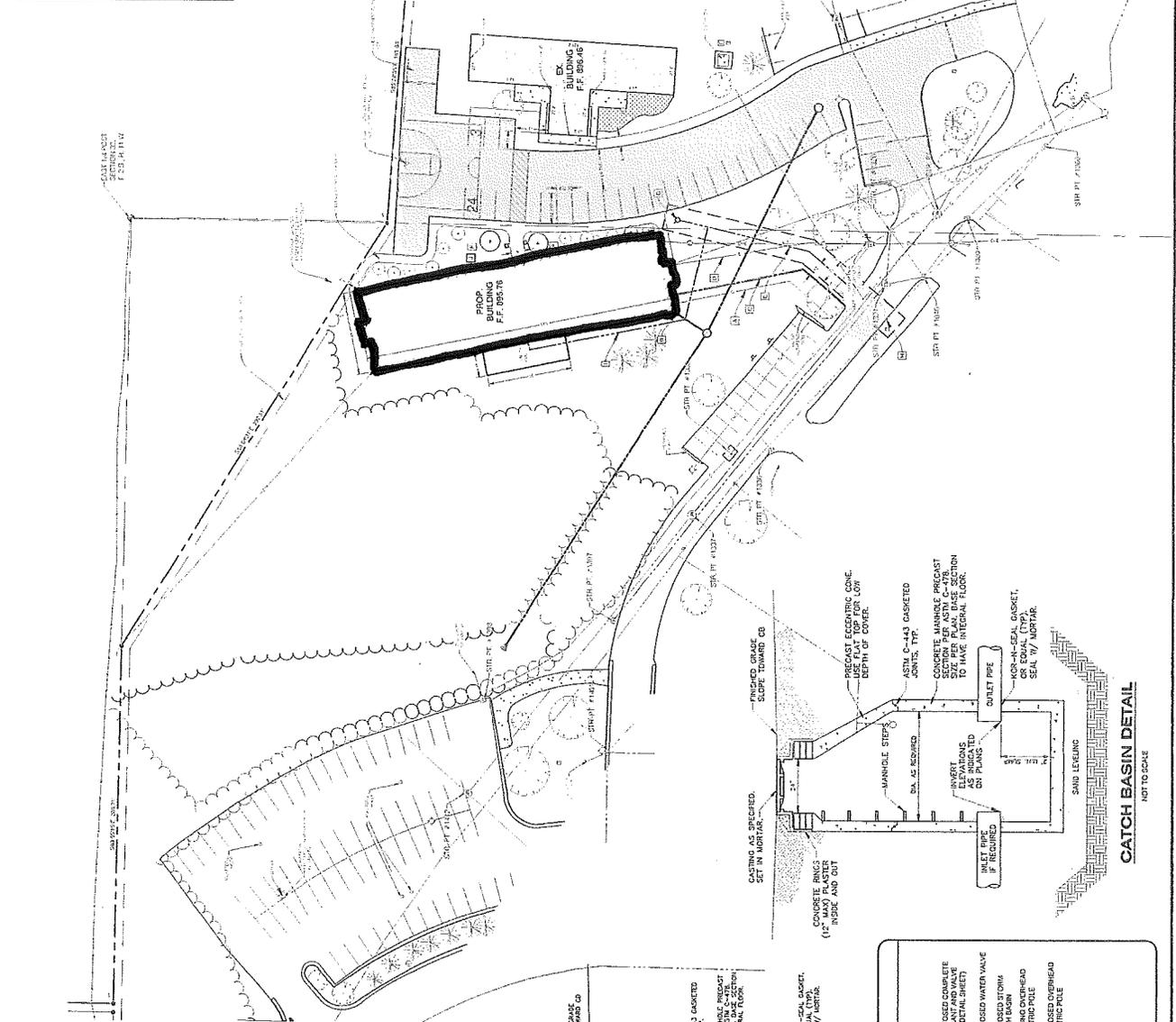
1. PARCEL NUMBERS: 04-22-432-001
2. SITE AREA TOTAL = 46.94 ACRES
3. ZONING: RM-15
4. SETBACKS:
 - FRONT: 75'
 - REAR: 100'
 - SIDE: 5'
5. ROADS = PRIVATE - MAINTAINED BY COVINGTON ASSOCIATION
6. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED. METERS AND FLOW PIPE AT BOTTOM OF PIPE TO MATCH CURRENT DRAINAGE PATTERNS TO BE LOCATED AND DEPTH NOTED. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED.
7. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED.
8. NO RECORDS TO BE USED FOR THIS PROJECT.
9. STORM EVENTS OVER ICCDC STANDARDS.
10. METLANDS DO EXIST ON PROPERTY BUT ARE UNREGULATED AND WILL BE REMOVED AS PART OF THE PROJECT.
11. ALL ADJACENT PARCELS ARE ZONED RS-9 RESIDENTIAL.

OWNER / PETITIONER

MISTERS FOR CHILDREN
 322 ONWARD DR.
 ANN ARBOR, MI 48106
 734.763.5202



ALL UTILITIES TO BE LOCATED AND DEPTH NOTED. METERS AND FLOW PIPE AT BOTTOM OF PIPE TO MATCH CURRENT DRAINAGE PATTERNS TO BE LOCATED AND DEPTH NOTED. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED.



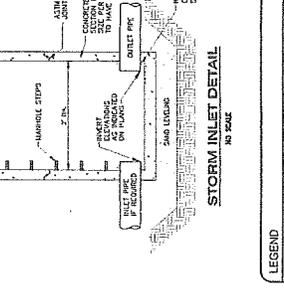
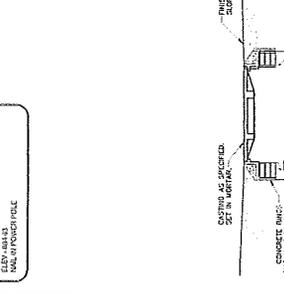
SITE PLAN NOTES

- PROPOSED GAS SERVICE
- STORM OVERHEAD PIPE OR UNDER BUILDING
- MANHOLE/VALVE/BOX
- ELECTRIC SERVICE
- PROPOSED WATER SERVICE
- LANDSCAPE BEDS WITH PERIMETER IRRIGATION AND SHRUBS
- 2" FIBER OPTIC
- EXIST. LOT TOP - 4.98' TO DRAIN
- PRIVATE WATER SERVICE
- MANHOLE

BENCHMARK INFORMATION

BM 1
 CHISELED 2" IN LIGHT POLE BASE

BM 2
 18" DIA. CONCRETE PIPE



LEGEND

- PROPOSED LIGHT POLE - SHALL BE 6" DIA. WITH 1" DIA. BASE
- EXISTING OVERHEAD ELECTRIC UTILITIES
- PROPOSED OVERHEAD ELECTRIC UTILITIES
- PROPOSED WATER UTILITY
- PROPOSED SANITARY SEWER
- PROPOSED STORM OVERHEAD WATER VALVE HYDRANT AND VALVE (SEE DETAIL SHEET)
- PROPOSED STORM CATCH BASIN
- EXISTING OVERHEAD ELECTRIC POLE
- PROPOSED OVERHEAD ELECTRIC POLE
- PROPOSED WATER UTILITY
- PROPOSED SANITARY SEWER
- PROPOSED STORM OVERHEAD

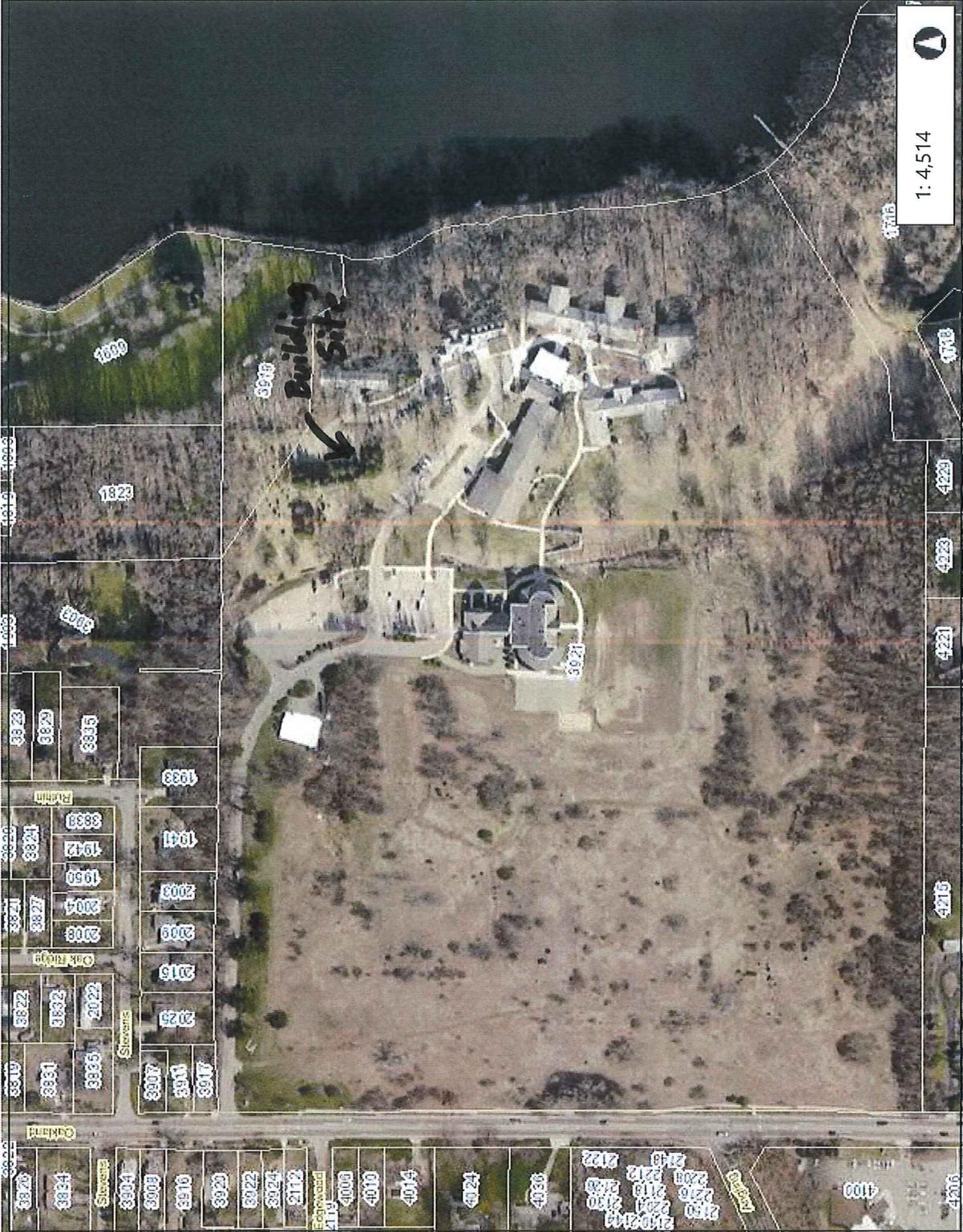
STORM INLET DETAIL
NO SCALE

CATCH BASIN DETAIL
NOT TO SCALE

1 inch = 20 ft.

811 Call before you dig.

Lakeside for Children - 3921 Oakland Drive



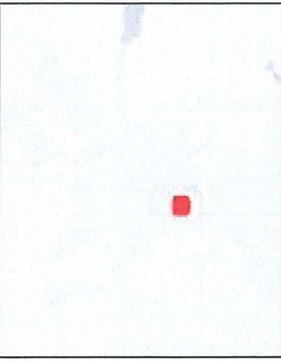
1:4,514

0.1 Miles

0.1

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Street Names - City
- Parcels





December 10, 2019

Lakeside for Children
New Dormitory
3921 Oakland Drive
Kalamazoo, MI 49008

RE: Lakeside Academy for Children – New Dormitory
Project No. 2019-11-023

To Whom It May Concern:

The purpose of the proposed new dormitory building is to provide much needed replacement housing to the students of Lakeside for Children. The new building will accommodate 12 students in private rooms and 20 students in ten semi-private rooms for an overall total of 32 students. The dorm will also provide support spaces such as activity area, restrooms, and showers. The cafeteria, classrooms, administration, and recreation areas are located elsewhere on the campus.

The new dormitory will be a one-story building with a pitched roof and asphalt shingles. The building height is approximately 22' from the finished floor to the peak of the pitched roof. The eave height is approximately 10'-6". It is planned to be approximately 8,700 square feet. The exterior will blend in with the current campus architecture and interior materials will be selected to be durable for ease of future maintenance. The students do not drive so the existing parking quantity is expected to be sufficient. However, to ensure compliance with city ordinances we still added 15 spaces to meet the requirements of 1 space for every 3 beds (required 11 spaces).

Sincerely,

A handwritten signature in black ink that reads "Sam Lealofi". The signature is written in a cursive style with a large, looped 'S' and 'L'.

Sam Lealofi
CEO

INITIALS/INITIALS
Enclosures

THE HISTORY OF LAKESIDE FOR CHILDREN

Lakeside for Children traces its origins to a June evening in 1907 when William S. Dewing, an English-born Kalamazoo businessman with a great concern for children, assembled 24 of Kalamazoo's leading citizens in his residence.

For several years, Dewing and James Balch thought the community needed a sanctuary for homeless boys. Their social conscience was shared by William L. Brownell, who pleaded the case in such convincing fashion that the 24 men were galvanized into action. They decided to form an organization "for the care, education, and bringing up of boys."

Lake Farm for Boys was established on September 30, 1907.

The first board of directors included Dewing, Balch, Dallas Boudeman, C.G. Kleinstuck, Samuel Folz, Albert Crowley, E.C. Parsons, I.A. Ransom, George Waite, E.B. Desenberg, Francis Milham, F.M. Hodge, and other Kalamazoo "movers and shakers." Balch served as president of the home's board for its first 45 years until his death in 1952.

The board wanted the home to be located in a rural setting so the youngsters had close contact with farming, hard work, and nature, yet, be near enough to the city to take advantage of its educational and religious assets.

In the spring of 1908, 55 acres of farmland were purchased on the shores of Whites Lake just south of downtown. By autumn, a cottage for boys had been built to accompany an existing farmhouse. Individual and corporate philanthropy made the land purchase and construction possible.

The board arranged for an open house to show off the new community asset. On October 6, 1908, some 500 inquisitive souls took the Kalamazoo trolley to the end of the line on Oakland Drive and Parkview Avenue. From there, they were transported to Lake Farm by carriage, wagon, or buggy, compliments of Dewing.

Newspaper accounts of the grand opening said that the new home was "the first of its kind in Michigan" for destitute and homeless boys and was one of the few in the whole nation.

After staff was hired and more construction completed, the first boy arrived on the grounds August 20, 1909. Within a few months, nine boys from Kalamazoo, ages six through 16, were living at Lake Farm for Boys.

From Orphanage to Residential Treatment Center

The population of boys on campus slowly grew after 1908 and by 1942 numbered 42, ranging in age from six to 16. The average stay was three years. Some were orphans, but others were abused and neglected, or simply came from poor families that could not care for them.

Meanwhile, the campus expanded to meet their needs. A board of directors made up of local citizens purchased more acreage, erected buildings, and hired staff. The land holdings peaked at 150 acres in 1952, the year that longtime board president James Balch died.

Through the years, private gifts and a trickle of aid from the State of Michigan helped offset expenses, as did the sale of eggs, milk, and crops raised on the campus farm. An annual “letter campaign” begun in 1925 and donations from local benefactors paid for campus improvements and operational expenses.

Board meeting minutes from that era list the first donation from the Kalamazoo Rotary club to a local charitable agency, “the gift of a Ford V8 station wagon from Mrs. Donald Gilmore,” the gift of a new administration building from Mrs. Harold Upjohn, sleds donated by the Kalamazoo Sled Company, “1,500 quarts of fruit and vegetables” and a good crop of alfalfa, corn, wheat, timothy, and orchard grass.

But, stated one report, “the most important crop is BOYS.”

In 1944, an agreement was reached for Lake Farm for Boys residents to attend Kalamazoo Public Schools so they would have a better opportunity to grow socially, physically, and mentally.

That same year, Clarence “Pops” Dooley became the Lake Farm director, overseeing a staff of five: groundskeeper, matron, farmer, seamstress, and cook. By the time Dooley retired in 1972, he’d led the institution through a transition from a farming operation and home for orphaned boys to a residential treatment facility for boys – and girls – with mental health and behavior problems and kids who had been abused and neglected.

Lakeside for Boys and Girls

Girls became part of Lake Farm in 1963 when another institution dedicated to helping children in need – Dewing Hall for Girls – merged with Lake Farm for Boys. Dewing Hall’s history actually predates Lake Farm.

In the early 1870s, Mrs. William G. (Jane) Dewing and Miss Eliza Fisher Goodspeed began organizing activities, classes, and schooling for young girls who could not attend traditional classrooms because of family difficulties. After operating in houses at W. Main, Douglas Ave., and Potter St., their program for girls was blessed with a three-story brick building in the 800 block of South Westnedge Ave. in 1877 that became known as the Kalamazoo Children’s Home. (The structure was razed in 1972.)

The name “Children’s Home” was changed to Dewing Hall in 1957 to honor its founders, who not only had established the orphanage but had also contributed to its support for many years. By then, Dewing Hall had become a licensed residential treatment unit that was home to 16 adolescent girls. As the facility aged, prominent community leaders (including Kalamazoo businessman, philanthropist, and longtime Lakeside for Children board member Burton Upjohn), worked tirelessly on a relocation of the Children’s Home or a merger with Lake Farm.

On April 8, 1964, one year after that merger was completed, Lake Farm for Boys became Lakeside Inc.

Upjohn also led a major capital improvement campaign beginning in 1963 that led to the addition of a small gym, an educational building, and several more cottage style residence halls where students still live today. Additional upgrades were made possible by single benefactors and by other organized capital campaigns in 1972 and 1982.

Meanwhile, a student population that had dipped to as low as 30 in 1968, began to rise, reaching 51 in 1987, and 65 in 1998. The number of employees also increased during that time, with many holding academic degrees and certifications more closely aligned with new state requirements for the treatment and care of the changing campus population.

To keep pace, a \$6.8 million capital campaign started in 1999 to fund new administrative, treatment, instructional, and residential spaces, as well as The Todd Cultural Center where students can perform and view theatrical and musical programs. These buildings were completed in 2003.

While the number of buildings on campus grew, the campus itself grew smaller. No longer operating as a working farm, Lakeside sold off more than 80 acres of farmland it owned south and west of the campus. The agency also sold a few acres of land to its longtime next-door neighbor, The Kalamazoo Country Club. Lakeside today sits on a little more than 48 acres.

The Modern Lakeside Era

In October 2005, the organization took on its current name, Lakeside for Children. Two years later, the board narrowed the cohort of children it serves to 12- to 18-year-olds who have been abused or neglected, have been removed from their homes for their safety, and, in many cases, have been adjudicated by the juvenile justice system due to their own offenses.

That same year, the Lakeside board contracted with Sequel Youth Services to operate all campus programs. Sequel is a privately-owned company that develops and operates programs across the country for children and adults with behavioral, emotional, or physical challenges. Its mission is to prepare its clients to lead responsible and fulfilling lives by providing mentoring, education, living skills, and support within a safe, structured, dynamic environment.

Lakeside Academy is Sequel's staff-secure residential program operating on the campus of Lakeside for Children. Staff members help students focus on the confrontation and redirection of negative behavior while recognizing desired, positive behavior.

Lakeside, which is accredited by the Joint Commission as a behavioral health institution, is licensed by the State of Michigan for 124 beds. About 50 percent of students come from Michigan with a few from Kalamazoo and Southwest Michigan. Others come from nearly a dozen states including California, Washington, Indiana, and Tennessee.

Throughout their Lakeside stay – six to 12 months or longer – students are challenged to analyze failures and experience successes in nearly every area of life.

Since 2013, they have attended school year-round on campus in our own Lakeside Charter School. Authorized by Central Michigan University, the school is governed by an independent school board and administrators. Our teachers teach to State of Michigan mandated educational policies.

Students typically arrive on campus behind their school-age peers in reading, math, and other scholastic measures. Lakeside Charter School helps them recover lost school credits that will transfer to their home school district, and put them on a path to graduate high school or receive a GED. Several Lakeside students earn their high school diploma or GED every semester. Numerous students now go on to community colleges and universities in Michigan and elsewhere.

Parallel to this, Lakeside Academy helps students receive the counseling, role modeling, and other support they need to develop the life skills and self-discipline necessary to lead successful lives. Once students realize they are in a safe and supportive environment with a positive peer culture, they blossom and mature.

Lakeside and the Community

Community involvement is central to a Lakeside student's successful stay.

Students volunteer in many ways in the community throughout the year. They have staffed water tables in the Winchell Neighborhood during the annual Kalamazoo Marathon, helped Oshtemo Rotary Club members set up and break down their annual Family Fun Days event, and volunteered to work with nearby Oakwood Neighborhood Association residents in the Building Blocks program, to name only a few activities.

Lakeside students also go to the movies, the mall, Lake Michigan, and countless other locations, just like other teenagers. The only difference is that they are always accompanied by Lakeside Academy staff members.

Lakeside students – the Titans – travel to other area schools and host area schools on our campus in boys soccer, basketball, track and field, and wrestling competitions sanctioned by the Michigan High School Athletic Association.

Community support is central to Lakeside's continued success. Lakeside Health & Wellness Center, opened in April 2017, is a recent example. The Center houses three interactive classrooms, an all-purpose room, locker room, and a gymnasium with a regulation high school court that can accommodate basketball, volleyball, badminton, wrestling, and countless other sports, recreational, and wellness activities.

The 12,000 square-foot building was constructed and appointed through a successful \$2.3 million fundraising campaign supported by individual, family, foundation, and corporate donors, nearly all drawn from the Kalamazoo area.

Lakeside leaders, its Sequel partners, and employees are passionate about providing excellent programs and facilities that make permanent, positive changes in the lives of the boys and girls they serve. We couldn't have done this for 110+ years without the support of equally passionate community supporters.

This combined passion has led to Lakeside for Children attracting attention in Michigan and beyond for the quality of its programs. There is consistently a waiting list of students to be admitted and administrators frequently host groups from human services departments and courts across the country who are interested in adding Lakeside to their lists of preferred service providers.

What started as an orphanage for boys more than a century ago, is now a nationally recognized residential treatment facility that promotes maturity, clear thinking, and individual growth for boys with chronic behavioral issues.



Planning Commission Staff Report

City of Kalamazoo

Project Address: 4301 and 4305 Stadium Drive / 2231 S. Drake Road

Case #: P.C. #2020.02

Meeting Date: January 14, 2020

Applicant: DNS Stadium Drive, LLC

Owner: Same

Public Hearing: Yes

Date Legal Ad Published: December 30, 2019

Project Summary:

The applicant is requesting the following:

- 1) To rezone 4301 and 4305 Stadium Drive from RS-5 Residential – Single Dwelling District and RM-15 Residential – Multi Dwelling District to CC Community Commercial District.
- 2) To remove the NFP: Natural Features Protection Overlay District from 4301 and 4305 Stadium Drive.
- 3) To rezone 2231 S. Drake Road from Residential – Single Dwelling District (Zone RS-5) to CC Community Commercial District.

Recommendation:

Staff supports the requests to rezone 4301 and 4305 Stadium and 2231 South Drake from RS-5 and RM-15 to CC Community Commercial (Requests 1 and 3).

Staff does not support the request to remove the NFP: Natural Features Protection Overlay District from 4301 and 4305 Stadium Drive (Request 2) and recommends that the Planning Commission deny this request.

***Community Planning & Economic Development
Department***

245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
(269) 337-8044
(269) 337-8513 [fax]
www.kalamazoocity.org

Staff Contact Information:

Christina Anderson, AICP, City Planner
Peter Eldridge, AICP, Assistant City Planner

ANALYSIS

Property Size:

18.9 acres

Description of Current Use of Property:

Along the S. Drake Road frontage there is a vacant single-family dwelling and a detached garage. The remainder of the property is vacant and wooded.

Current Zoning Districts:

Zone RS-5 (Residential – Single Dwelling District) and RM-15 (Residential, Multi-Dwelling District).

2025 Master Plan & Imagine Kalamazoo 2025 Alignment:

The Future Land Development Map designates the parcels as Commercial with the Natural Features Protection Overlay. The request for commercial zoning is in alignment with the Master Plan. The request to remove the NFP Overlay District is not in alignment with the 2025 Master Plan and the recent update of the Zoning Ordinance. The Zoning Ordinance was updated in May 2019 following the guidance of the 2025 Master Plan and an extensive community process.

Surrounding Zoning and Land Uses:

West: Zone BRP (Oshtemo Twp.): WMU – Vacant SW corner of Drake & Stadium and Development of WMUs Business Technology & Research Park (BTR2)

North: Zone CC: University Commons Commercial Center

East: Zone RM-36: Stadium Drive Apartments

South: Zone RS-5: WMU - Asylum Lake Preserve

Project Description:

The applicant, DNS Stadium Drive, LLC, is proposing a commercial development on the three properties at the corner of Drake and Stadium, including a Drive & Shine Carwash facility similar to that developed on the former site of Davenport University on West Main/M-43. This type of commercial development requires a change from the current RS-5 Residential Single Family and RM-15 Residential Multiple Family Districts. The applicant is proposing a change to CC Community Commercial District, which is the district currently located along most of Stadium Drive.

In May 2019 these properties were mapped with the Natural Features Protection (NFP) Overlay District. The NFP Overlay is intended to guide development on properties that contain or are adjacent to a natural feature(s), such as wetlands, water resources, trees, woodlands, slopes, and natural heritage areas. The applicant is requesting the removal of the NFP Overlay District from the two parcels with Stadium Drive frontage.

Outreach:

Applicants who request a rezoning typically do their own outreach on the request to alert neighborhood leaders and nearby stakeholders, in addition to the State of Michigan mandated research. Staff made this applicant aware that this type of outreach is recommended. Staff also provided a link to the proposed edits to the Public Participation Plan as discussed and presented to the Planning Commission this Fall.

Staff has asked the applicant to report on the outreach undertaken during the public hearing presentation. Those results are not available currently. In Fall 2018, the applicant met with the lead representatives of the Oakland Drive Winchell Neighborhood, Oakwood Neighborhood, Woods Lake Neighborhood, the Asylum Lake Preservation Association and the Asylum Lake Policy and Management Council to present a conceptual plan for the site. At the time, these organizations requested a larger format presentation open to the residents of these neighborhoods. The applicant did not move forward with the rezoning application that Fall; no additional outreach was completed at that time.

Review Criteria:

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

- 1) Consistency with the 2025 Master Plan.

The 2025 Master Plan, unlike past City Master Plans, focuses on 1) land use and transportation as halves of the same pie and 2) context. Stadium Drive is a busy, commercial-focused sub-urban corridor. The properties in this application are wooded and uniquely sloped and are adjacent to a preserve (Asylum Lake). The Master Plan recognized these two different contexts, designating these three properties commercial as it relates to future land use, and natural features protection as it relates to the how the property physically gets developed. The latter was codified in the Zoning Ordinance in May 2019 as the NFP Overlay District.

The request to rezone the parcels to CC Community Commercial is in alignment with the 2025 Master Plan and supports the commercial development envisioned. The request to remove the NFP Overlay District is not consistent. Both the Planning Commission and City Commission considered the applicant's request to remove 4301 and 4305 Stadium Drive from the proposed NFP District overlay in April and May 2019 during the NFP Overlay's creation. Both Commissions denied the applicant's request after reviewing the intent of natural features protection in the 2025 Master Plan and the (draft-at that time) NFP Overlay District. The existence of the NFP Overlay District does not prevent these parcels from developing with commercial uses.

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

Stadium Drive and the intersection of Stadium and Drake have been confirmed as solidly commercial areas with development of the last few years. This has occurred with WMU’s sustainably designed Business Technology & Research Park north along Drake and the Costco development at the northwest corner of Drake and Stadium, both in Oshtemo. The parcels in this request are some of the few remaining undeveloped parcels on the Stadium Drive corridor.

As it relates to the request to remove the NFP Overlay, there have been no condition changes. Asylum Lake remains a preserve that is managed using an ecosystems-based approach to protect water quality, wildlife habitat, and public open space. The three properties in this application remain wooded and uniquely sloped which should shape the character of any future development project.

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

Rezoning the properties to CC Community Commercial follows with the 2025 Master Plan that Stadium Drive is a commercial-focused sub-urban corridor and will continue to evolve with that context in mind.

There is no demonstrated need that warrants the removal of the NFP Overlay District. The district was recently mapped last spring after an extensive public process that clearly demonstrated the community need for the NFP Overlay District.

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

The proposed rezoning to CC Community Commercial is compatible with the context and character of Stadium Drive. As previously stated, this property has two contexts – Stadium Drive and the natural features on and directly south of the property (Asylum Lake and associated wetlands).

Removing the NFP Overlay would not be compatible; its location on these parcels is an appropriate use of the district. The parcel located immediately to the south is managed as forest land according to the Asylum Lake Preserve Management Plan. Further, it does not impact the properties overall development for commercial uses compatible with the surrounding Stadium Drive.

- 5) The extent to which the proposed amendment would result in a logical and orderly

development pattern.

Stadium Drive's development pattern is commercial, which makes the request to rezone the properties to CC Community Commercial appropriate. The NFP Overlay District guides the site planning to ensure a balance between natural features protection and logical development. Removal of the NFP Overlay District would limit the City's ability to achieve this balance.

RECOMMENDED ACTION:

Based on the review by the Planning Division, the following actions are recommended:

- 1) Recommend approval to the City Commission for the rezoning of 4301 and 4305 Stadium Drive to CC Community Commercial.

- 2) Recommend denial to the City Commission for the request to remove the NFP Overlay from 4301 and 4305 Stadium Drive.

- 3) Recommend approval to the City Commission for the rezoning of 2231 S. Drake Road to CC Community Commercial.

Attachments:

1. Existing Zoning Map
2. Existing Zoning with NFP Overlay
3. Proposed Zoning Map
4. Aerial Map
5. Existing Land Use
6. Future Land Use
7. Correspondence Received
8. Exhibit D

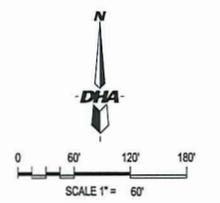
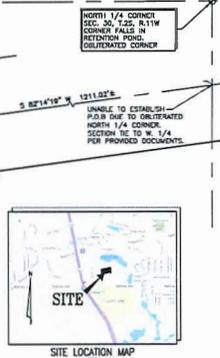
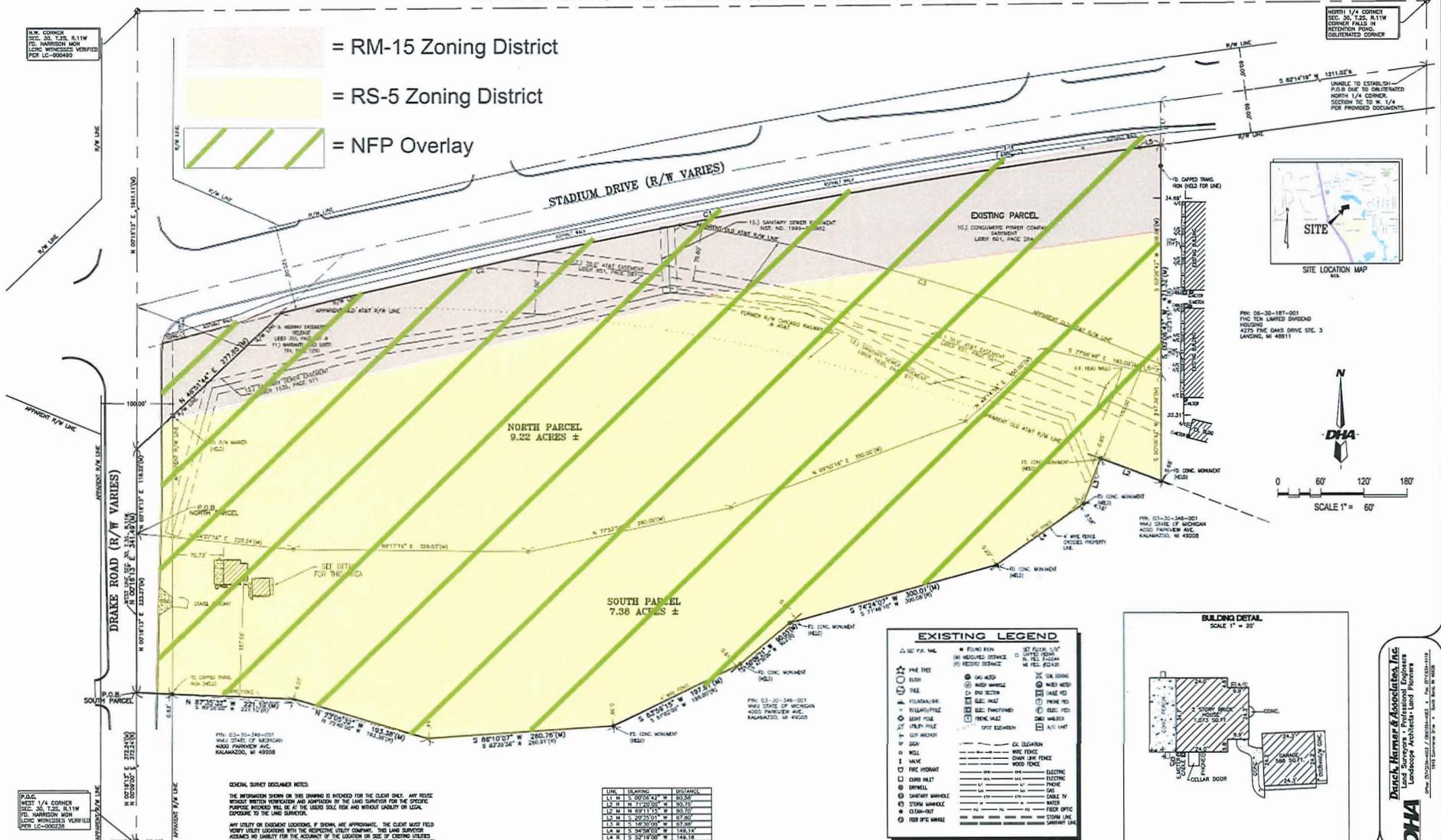
Existing Zoning

4301 and 4305 Stadium Drive / 2231 S. Drake Road

SURVEY PREPARED FOR: HAJI TEHRANI
 SURVEY DATED: 4/9/19
 FILE #: 170243

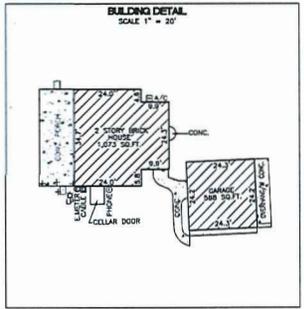
LOT LINE ADJUSTMENT DIAGRAM

PART OF THE NORTHWEST QUARTER OF SECTION 30; TOWN 2 SOUTH, RANGE 11 WEST,
 CITY OF KALAMAZOO, KALAMAZOO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN



EXISTING LEGEND

△ SET P.K. MARK	○ FIELD SIGN	□ SET BOUND. MARK
○ FINE FENCE	○ WOOD FENCE	○ WIRE FENCE
○ CONCRETE	○ BRICK	○ ASBESTOS
○ METAL	○ PLASTER	○ STAIN
○ PAINT	○ STAIN	○ CLEAN-OUT
○ STAIN	○ CLEAN-OUT	○ STAIN
○ STAIN	○ CLEAN-OUT	○ STAIN
○ STAIN	○ CLEAN-OUT	○ STAIN
○ STAIN	○ CLEAN-OUT	○ STAIN



GENERAL SURVEY DISCLOSURE NOTES

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY FURTHER REVISIONS, CORRECTIONS AND AMENDMENTS BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSES WILL BE AT THE CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR OBLIGATION TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THE LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NON-EXISTENCE OF ADDITIONAL UNDISCOVERED UTILITIES OR EASEMENTS.

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C3	791.85	2215.81	57°22'12"	S 89°02'28" E	899.93

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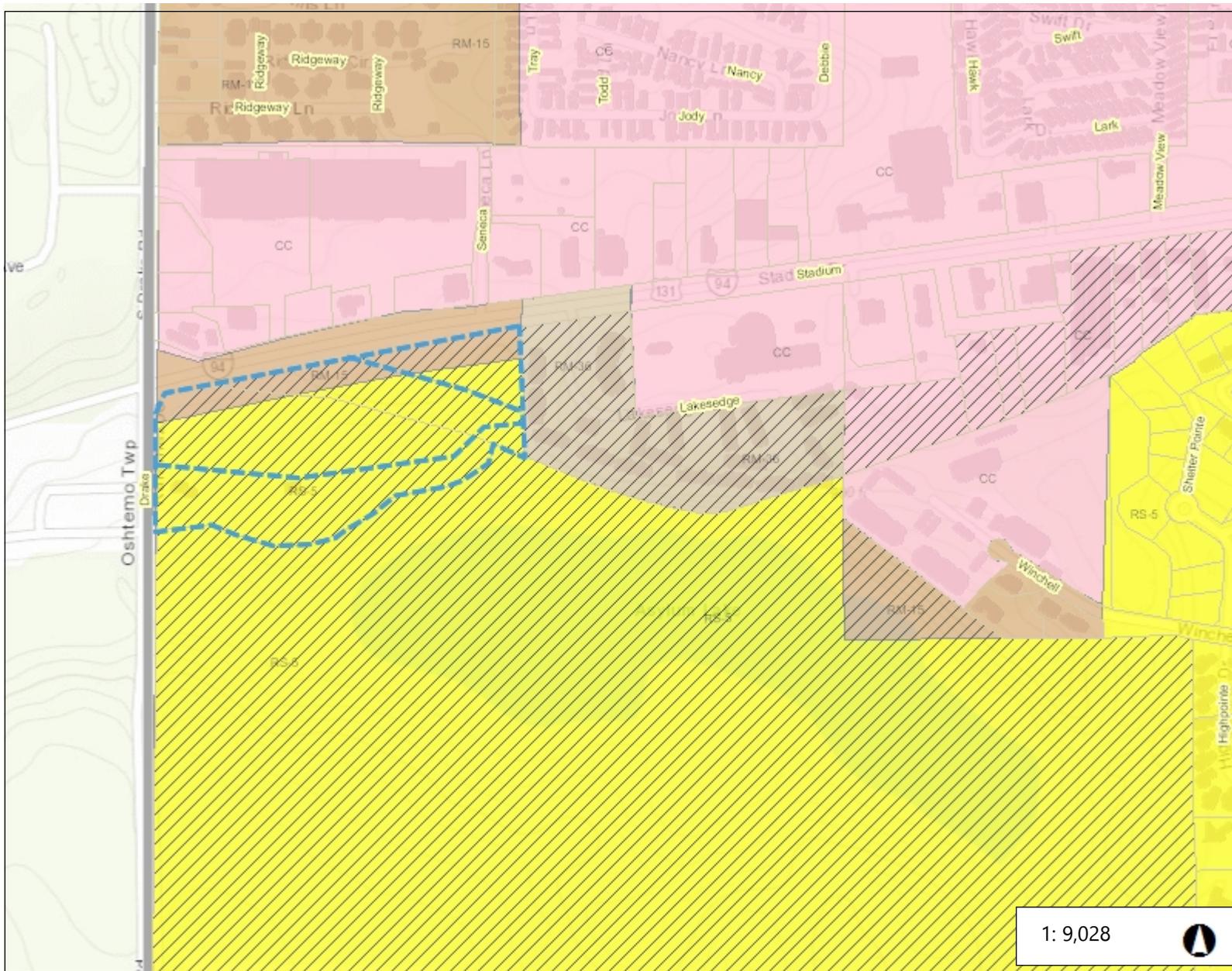
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REVISIONS

NO.	DATE	BY	DESCRIPTION

SHEET **1** OF **2**

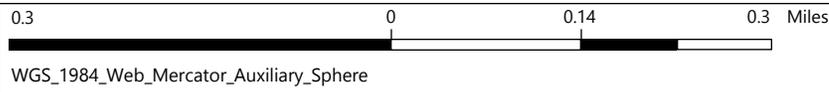
Existing Zoning with NFP Overlay



Legend

- Street Names - City
- Parcels
- NFP Overlay
- Zoning
- CBTR
- CC
- CCBD
- CMU
- CN-1
- CO
- IC
- LW-1
- LW-2
- M-1
- M-2
- NODE
- PUD
- RD-19
- RM-15
- RM-15C
- RM-24
- RM-36
- RMU
- RS-5
-

1: 9,028 



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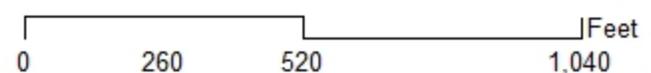
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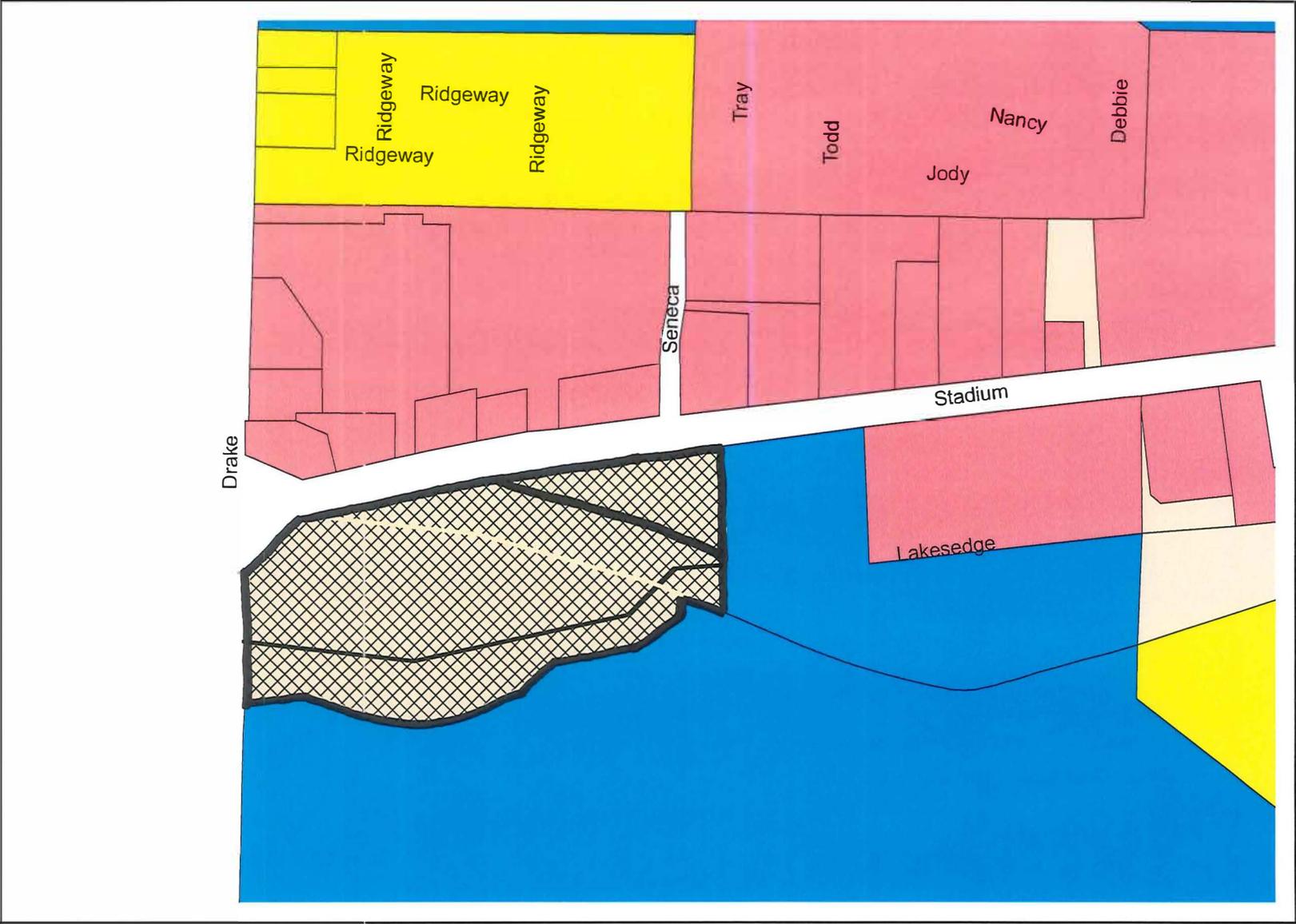
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Rezoning Request from RS-5 and RM-15 to CC
Request to Remove NFP Overlay from 4301 and 4305 Stadium Drive



P.C. #2020.02 - 4301 and 4305 Stadium Dr / 2231 S. Drake Rd



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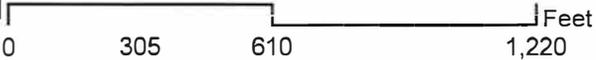


**EXISTING
 LAND USE**

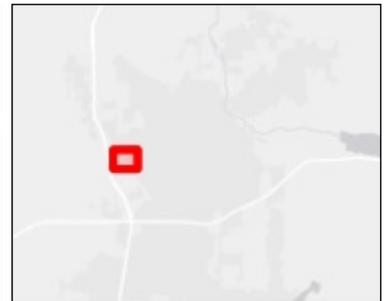
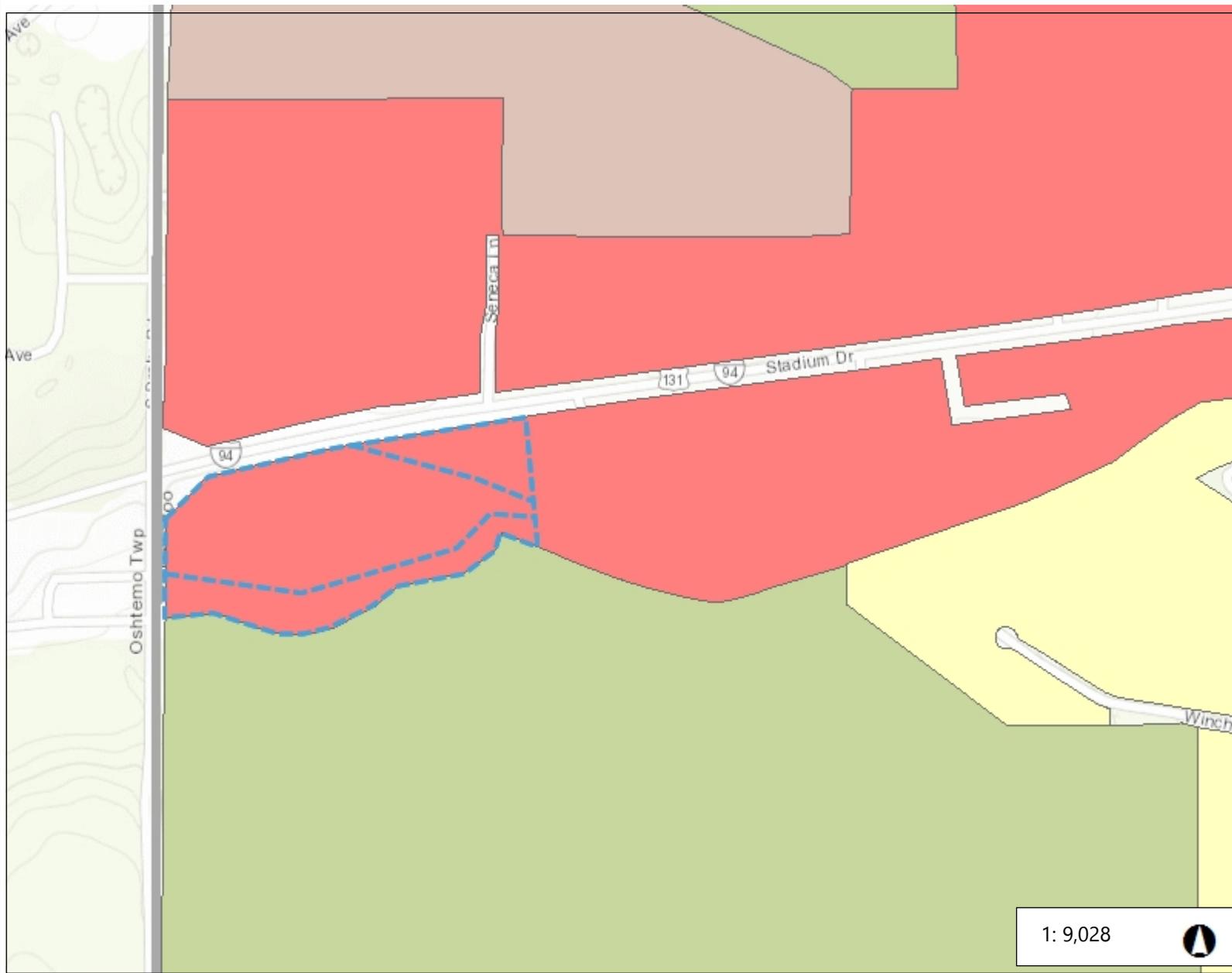
- COMMERCIAL
- RESIDENTIAL
- TAX EXEMPT
- INDUSTRIAL
- VACANT



P.C. #2020.02 - 4301 and 4305 Stadium Dr / 2231 S. Drake Rd



Future Land Use



Legend

Future Land Use

- Campus
- Campus/Private
- Commercial
- Downtown
- Industrial
- Natural Feature Protection
- Neighborhood Edge
- Node
- Open Space/Parks
- R1-Residential
- R2-Residential
- R3-Residential
- Urban Edge
- Parcels

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To: Kalamazoo City Planning Commissioners
From: The Asylum Lake Preservation Association

The Asylum Lake Preservation Association, formed when the Preserve was founded in the late 1990's, has been the citizen group advocating for it ever since. We have been sharing this eight-page magazine with the community for some years now, and we send it on to you to share the history and the current features of this remarkable community asset.

John Kreuzer
Lauri Holmes
Co-chairs

Asylum Lake Preserve

A Kalamazoo Treasure for All Seasons



This magazine celebrates a community treasure, one that's not well known outside the area around it. That's partly because the Preserve has a very small "neighborhood." It's surrounded by Parkview Avenue, South Drake Road, and Stadium Drive, whose residential apartments face away from the Preserve. Highpointe Drive, a street of twenty-five condominiums, is the only residential street that is next to the Preserve.

So we are inviting you to become the "neighborhood" for the Preserve, to take an active interest in keeping this land as a quiet place to be enjoyed by the community. Join ALPA, go to Facebook (Asylum Lake Preserve) or the ALPA Web page, (www.asylumlakepreservationassociation.org).

INSIDE

A look back at the complex and fascinating history of this place, views of the varied landscape here, news of current educational and ecological activities in the Preserve, questions about its future.



Winter at Asylum Lake Preserve, page 3



History of Asylum Lake, page 6

ALPA NEWSLETTER

Published by the Asylum Lake Preservation Association, a volunteer organization dedicated to assuring that the Preserve remains a natural open space, to see that it is preserved as habitat for wildlife, and for continued use by the whole community.

INSPIRED BY ASYLYM LAKE PRESERVE



Some people come to Asylum Lake Preserve for exercise. Some to walk the dog. Some to simply soak in the ever-changing sights of nature. Others come for inspiration. Whether it be artists, writers, or poets the lakes, trees and grasses encourage the muse.

These drawings by Ladislav Hanka, and poetry by Conrad Hilberry, Lynn Pattison, and Renay Piercey are examples of the inspiration nature provides.

As one of Renay's poems describes the Preserve:

*A sylvan enclave of peace and serenity
surrounded by busy roads and highways.
Asylum Lake, graceful and glistening
in the sun, mysterious
in a midsummer fog
asylum for troubled souls
and creative spirits, alike.*



Green

No one else can claim it.
Steep slope west of the path,
oaks, maples, dead grape vines

hanging on, and below, in a slant
of sun, my pond scum lake.
A hundred yards of tight valley,

bushes in the water, nothing
flowing in or out. Stalks bend
east, bowing to the wind

in their reedy way. A click
of cricket, or time
passing through. I frighten

a frog. He jumps and swims
slicing the green silence.
On the way back, a haunt

of notes from Jeff's melodion--
no keyboard, just air pressed out,
pulled in, and buttoned down,

music for an August afternoon.

Ed Conrad Hilberry
Conrad Hilberry poem is a tribute to the small pond
next to the walk on Winchell.

At Last

A woodchuck waddles from the thicket
to lunch on young shoots. The marsh rings
with cries of peepers--Easter creatures, a cross
on each tiny back. I want to wind the trunks

of saplings in blue ribbon, hang flags over
the gate. Soon we'll clean feeders and brew thick syrup
for the hummingbirds eager for bee balm and bleeding
heart. A clutch of turkeys cuts

across the path, males fanning full displays
Under a mat of leaves daffodils nudge up, appraise
the light. I tie prayer scrolls in the sweet gum,
cut woody vines from trees. Soon,

a haze of green in the treetops and soil
softening. Time for wind chimes of hollow bones,
bottles that whistle in the wind. Mayapples
unfurling, Lilies of the Valley rising. Oven birds.

— Lynn Pattison



ASYLUM LAKE PRESERVE IS A TREASURE FOR ALL SEASONS



WHAT'S GOING ON

Under the ground?

Hydrogeology. That's the scientific word for it. Back in the mid-'90s the Department of Geosciences at WMU developed a test site and buried metal drums and pipes in a distant corner of the prairie at the Preserve. Now, every summer, hydrologists from places such as Virginia, Minnesota, Peru, Japan, Denmark, and Norway, come to Kalamazoo for a seminar course that teaches them to monitor the level and quality of the groundwater, and how to detect oil drums, pipes and other items that have been buried underground which threaten the quality of the groundwater in places where the barrels or pipes are rusting or leaking.

Using electric, magnetic, and ground-penetrating radar tools they practice on a far corner of the prairie, learning how to detect the barrels and pipes. They take these skills back home to help clear the environment of buried trash that can cause pollution.

The barrels and pipes buried in the Preserve do not pose a threat to the Preserve. They are clean and nondegradable. You could think of them as "seeds" planted there to help train the growing number of professionals now being employed in the field of environmental studies and ecology.

A second project of the hydrogeology program in Asylum Lake Preserve studies its groundwater. Each summer a special seminar spends a week drawing samples from wells located in the preserve.

Wells? You may be wondering, will someone fall down one of these wells while innocently taking a walk or a run? The simple answer is "never."

These are not the kinds of open wells that people fall into. In fact, it would be a challenge to even find one of them, since the tops are covered with metal plates that are

locked and bolted down flat to the surface.

When the water samples are taken to test the flow and quality of the groundwater, seminar students (people from all over the U.S. and the world) camp out in the field next to the wells. They take samples on regular intervals over a 40-hour period and work to protect the site.

To learn more about these efforts, you can visit the website of the WMU Department of Geology (<https://wmich.edu/geology>).



Learning hydrogeology at the Asylum Lake Preserve.



Students working at Asylum Lake.



DID YOU KNOW?

At Asylum Lake Preserve there are 455 plant species, 117 bird species, 6 varieties of frogs, 6 kinds of turtles, and an indefinite number of snakes, and of course, many white-tailed deer. Asylum Lake Preserve is composed of mature oak-hickory forests, sedge meadows, old fields, and prairie/savanna.

WATER QUALITY IN THE PRESERVE

Hydrologists from WMU and elsewhere report that the water quality of Asylum Lake and Little Asylum is poor. While researchers continue to monitor, test, and learn more about what we all might do improve its quality, much is already known.

The major pollutant in the lakes is **phosphorus** from fertilizer used on yards and gardens of area homes, apartment complexes, and businesses. Phosphorus enters the lakes via groundwater and storm sewer inflow. Studies show that most of it stays in the lakes' sediment and surrounding groundwater.

Phosphorus causes increased growth of algae and other plants (biomass). These, in turn, remove oxygen and block sunlight from the water. Whether growing or decaying, algae and biomass remove oxygen from the water and make the water stagnant and unhealthy for fish and other aquatic life.

The best way to reduce phosphorus loads in the Preserve is to stop it at its source, i.e., get homeowners and business owners to reduce their use of fertilizers. Storm sewer drainage into the Preserve can also be adjusted so that phosphorus drains first into filtration and treatment systems or into soil where some of it will remain.

It's harder to limit the **salt** that runs into the lakes from roads, sidewalks, and parking lots surrounding the Preserve. We can, of course, ask neighbors, business owners, and our municipalities to limit salt use in winter. Yet, we all know the perils of walking and driving on icy surfaces.

But salt never disappears from water, even as it moves through the



Work must be done to keep Asylum Lake alive.

soil. And the salt level in the Preserve's lake water is rising.

One way that lakes stay healthy is through a twice-a-year natural cleansing and aerating process called inversion or "lake turnover." In the fall, water on top of the lake cools and sinks, while the warmer bottom water rises. This process reverses in the spring. It's nature's way of supplying oxygen-rich water from the surface layer to the stagnant water at the bottom. It also exposes all the water to sunlight and guarantees healthy plant life, which in turn supports healthy fish and animal life.

But salt water is denser than fresh water. (That's why we can float in it!) So, salt water sinks to the lake bottom and stays there, thus preventing the mixing and turnover essential for a healthy aquatic environment.

The combination of too much phosphorus and salt robs lake water of its oxygen, kills healthy aquatic plant life, and eventually kills or drives out the animals that no longer have food or oxygen to survive. Reducing the amount of these pollutants coming into the

lakes could help them recover some much-needed balance.

Students and faculty from the Environmental Studies program at WMU continue to sample and test water in the Asylum Lake Preserve through the year. The canoes sometimes tied to trees near the south side of Asylum Lake aren't pleasure boats. They were bought with part of a National Science Foundation grant to WMU and are used to take samples from the lake water and the lake bottom.

We are fortunate to have local experts who are learning about our environment and sharing that knowledge so we can preserve the natural gifts that we have in the Asylum Lake Preserve.

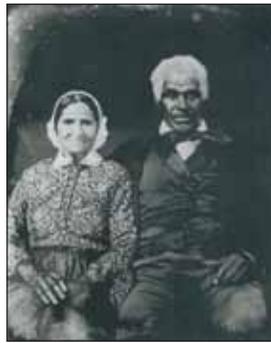
Let's all do our part to keep our lake water clean and healthy.



ASYLUM LAKE: A FASCINATING HISTORY

1830-1839

1830-1839: Settlers purchase land in the area. Among them is Enoch Harris, the area's first black settler. They arrive on this "Genessee Prairie" from Ohio in 1830, bringing seeds which it is said were used to plant the first apple orchard in Kalamazoo County. Harris is so respected that his neighbors often ask him to mediate property disputes, which must have been numerous and complicated in those early days. The Harrises are buried in Genessee Prairie Cemetery, at Parkview Ave and 11th St., where there is a



Enoch and Deborah Harris.

historical marker dedicated to them.

Where was the lake? Early maps show only a small pond-like body of water on the site that is now Asylum Lake. It is believed a horse-drawn scoop, like this one, carved dirt out of a nearby hillside to make the earthen berm we see today, thus making the lake the size we know now.

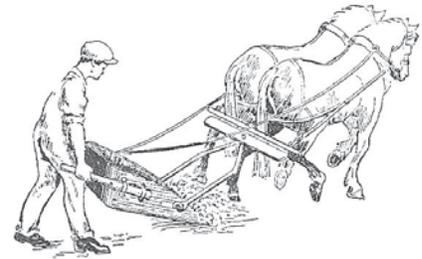


Illustration courtesy Tillers International

1887-1959

1887-The State Legislature purchases 357 acres for an addition to the "Michigan Asylum for the Insane." At this point, the lake, which had been previously named after the settlers who owned the land, becomes known as "Asylum Lake."

The Colony Farm operation: 1887-1959: This was what we might think of as the "agricultural and campus" phase of the land, as it becomes part of the farming operation run by the hospital and the campus of the hospital itself. It is called the Colony Farm. (What is now Drake Road was called Colony Farm Road, and the Asylum's presence was reflected in the original name of Oakland Drive, Asylum Ave.)

Patients who are able to do farm work cultivate the land, tend the cows and pigs, and raise food for the patients and for the animals. Besides providing food, which makes the hospital self-sustaining, farming has therapeutic value for the patients who

are given meaningful work and fresh air, the only "medications" available to them.



Van Duesen Cottage

By the 1950's, the hospital's annual report states that it owns approximately 1,388 acres of land, a majority of which is dedicated to agricultural activities

"Cottages," really large houses, are built, three of them along the south ridge of the lake, as is a home for the resident director. Though these cottages look elegant, they are, sadly enough, overcrowded from the beginning. Patients suffer from influenza epidemics, tensions in relationships, and other difficulties

from this overcrowding.

1910: The tunnels: An interesting feature of the hospital campus is the tunnels which connect some of the buildings to the newly constructed Rich Cottage.

"During the stormy days of winter" says the Gazette, "or inclement weather in the summer, patients will not be compelled to buffet with the elements in going from the cottages to the dining room."

"(It is) illuminated with electric lights and the patients are protected from wintry winds and snow in their passage from the cottages to the dining room."

Rich Cottage provided house-keeping services, heating utilities, nurses'sleeping quarters, a large kitchen and generalized dining services.

The opening of the new building is celebrated with a dance to which all the employees are invited, according to the Kalamazoo Gazette of October 19, 1910.

ASYLUM LAKE: A FASCINATING HISTORY

1959-1971

Farm operations end, land is sold off, patient population shrinks: As the cost of growing food and raising animals becomes greater than buying it, and as new medications shorten hospital stays, the population and the farming operations decline. The piggery closes in the mid-50's as it is polluting the lake and the water table, and creating health concerns as housing development was expanding westerly toward the farm.

Adding to the cost of the farm operation is the fact that many of the new patients are former WWII

soldiers who are inexperienced in working farms and operating farm machinery.

As Dr. Clarence Schreier, the head of the hospital, says in 1955, "the majority of our patients now are city-bred, and not only know nothing about farming but look with great distaste on this form of activity ... years ago much of the farm work was manual, or by horse, but now tractors and machines do the work ... the cost of farm operations has risen ... while the therapeutic value of the farms has decreased."

In psychiatric hospitals across the state and the nation, fresh air and manual labor are replaced by new medications and community placement programs.

In 1957 the legislature passes a resolution ending farming operations throughout the state. The cottages are emptied and eventually demolished by 1971.

The Asylum Lake Property is declared surplus to the institution's needs.

1973-1990S

1973-1990s: The land begins to return to a "natural state." As the cottages are demolished, the underground tunnels remain. They serve one useful purpose--as a practice area for the local police SWAT team. But they are a serious safety hazard, and are eventually blown up and filled in, so that only hidden traces of them remain.

The land as a desirable commodity: During this period, the land, returning to its "natural" state, is an appealing target for many developers, and many initiatives for its use are proposed during this era.

They include:

- a Planned Housing Development with 1500 units
- an armory
- a children's psychiatric hospital;
- an industrial park
- a golf course
- a city park with a boat launch, shelter, bathroom facilities.

As the legislation is finally passed, an interesting discussion goes on about the name of the area.

Though some suggest calling it "Fair Oaks," Rep. Welborn prevails when he says that it should remain "The Asylum Lake Preserve," because "due consideration (should) be given to the past history of the surrounding area,"...even though perhaps "many of us are ashamed of the past when the Kalamazoo State Hospital was an insane asylum."

1990: Asylum Lake Preservation

Association forms: In response to proposals to use some of the property for an industrial park, residents from throughout the region form the Association and lobby against having the natural state of the area so radically changed.

Intense and sometimes bitter debate goes on for several years around the issues of having the land which was originally conveyed as open public space now being used in a different way. Finally, an agreement is reached whereby WMU would use the land south of Parkview for a research and business park, and the land north of Parkview would be preserved to "promote ecosystem integrity and natural aesthetics, ensure passive



The Business, Technology and Research Park at WMU. (Courtesy of FTC&H)

recreation, support research and education."

Dr. Elson Floyd, president of WMU, and the City of Kalamazoo also establishes a fund at the Kalamazoo Community Foundation that yields an annual income to preserve and maintain the natural area. Expenditure of this money is determined by the Asylum Lake Preserve Management Council, which has members from the University, the surrounding neighborhood associations and the Asylum Lake Preservation Association.

HOW DID THE PRESERVE COME TO BE?

You've read the long and fascinating history of the land we now call the Preserve. But the land would not be the sanctuary it is now without the efforts of many people in the community, who lobbied for the area at a time, in the early 1990's, when many people thought it should be developed.

That is when the Asylum Lake Preservation Association (ALPA) and the Asylum Lake Preserve Management Council (ALPMC) came into existence. ALPA has continued to be a community-based advocacy group for the Preserve, holding community gatherings, publishing newsletters like this, helping to put dog waste bags and pamphlet stations in the Preserve, and informing the community about issues with a Facebook page and a Web page.

The Management Council has charge of the moneys from the Community Foundation Fund and decides on expenditures for the upkeep and protection of the Preserve. It consists of seven University members and six Community Representatives from local groups like ALPA, the Environmental Council, the Environmental Concerns Advisory Committee to the Kalamazoo City Commission, and neighborhood associations located near the Preserve.

When you enter the preserve at the Parkview entrance you'll notice a large stone at the beginning of the paths. This is a memorial to the people who made the Preserve possible as a quiet natural haven for the Kalamazoo area. Beginning in the early nineties, a group of citizens mobilized the community to keep the Preserve from being developed so that the whole community could enjoy it as a haven of calm nature.

At the base of the stone is a tribute plaque funded by ALPA and placed by David Nesius to commemorate two of those people, Renay and Montford Piercey. It acknowledges the value we place on the energy and dedication of the Piercys and those like them have made to the community.



Left to right: Laurie Holmes, Donna Tellam, Tom Holmes, Mark Hoffman, David Nesius, Cal Mastin and Mary Sue Hoffman.

WHAT DO THESE TWO CREATURES HAVE IN COMMON?

You wouldn't think this frog and chipping sparrow have a lot in common--other than they both live in the Asylum Lake Preserve



Chipping Sparrow

and they depend on the protection of their habitat here to survive. But

they share another trait--they both change their calls or songs when their environment is filled with the noise that we humans make, especially traffic noise.



Gray Frog

Since the Asylum Lake Preserve has in fact a lot of background noise, often a whole lot of background noise, it's a good place to find out about those changes that our animal friends make in something so basic as their calls to each other. Two graduate assistants in the WMU Biology Department working with WMU Assistant Professor in Biological Sciences Sharon Gill are comparing the calls of the animals at Asylum Lake Preserve with those at a nearby preserve, one which is far away from "anthropogenic noise" (the noise we create). It's one of the adjustments animals have to make to our presence that we don't often think about.

WHERE YOUNGSTERS LEARN TO LOVE THE LAND

The day starts with Buster Bronco welcoming third graders to the 274-acre Asylum Lake Preserve. The 150 students from four schools – Mattawan Early Elementary, Montessori School in Kalamazoo, El Sol Elementary and Woodward Magnet of Kalamazoo Public Schools – are about to spend the day on the land. The day grew from the Kalamazoo No Child Left Inside Initiative developed by the Kalamazoo Nature Center and is rooted in the understanding that children who have positive experiences outside are more likely to become conservation stewards. Its goal is to get students outdoors to explore, observe, appreciate and connect with the natural environment and each other.

The program has been ongoing for four years now. It started with a pilot program in 2010 for 68 students and has welcomed nearly 150 students for the day in each of the subsequent years.

The way it works is children

participate in activities at stations set up throughout the Preserve. Western Michigan University students, serving as nature guides, lead the students from station to station where they take samples from Asylum Lake, study water ecology, and learn about invasive species by pulling out garlic mustard plants.

The youngsters also practice journaling and build leadership skills throughout the day.

The elementary students have the opportunity to build relationships with youngsters from other schools as they are encouraged to team up with them for their activities.

About 20 volunteers help make the day possible.

The program encourages youngsters to be curious about nature.

The event is organized by the University's landscape services department and president's office. It was created by an employee from



Students journal and experience nature up close as they learn to be stewards of the land at the Asylum Lake Preserve.

each of those units to complement the program developed by the Nature Center and local public schools in partnership with WMU.

GARLIC MUSTARD HAS GOT TO GO

If you're a gardener or a conservationist, you know this plant. It leaps into any space it can find and chokes out anything (like native grasses, trillium, other beautiful flowers,) and even after it's pulled out leaves a chemical in the soil so that nothing can take its place unless



carefully planted there, thus leaving that space for it to invade again. This is why we have the "garlic mustard army," which pulls this noxious invader every spring in



Asylum Preserve before it sprouts seeds and gets even worse. When possible, WMU includes garlic mustard pulls in its public outreach events to help control what has become one of the preserve's most persistent invasive plants. A garlic mustard decomposition area is dug at the preserve each year so the collected plants can be buried on site as a more environmentally friendly alternative to sending the weeds to a landfill.

KEEP YOUR DOG ON A LEASH, PLEASE

We love dogs, we really do.

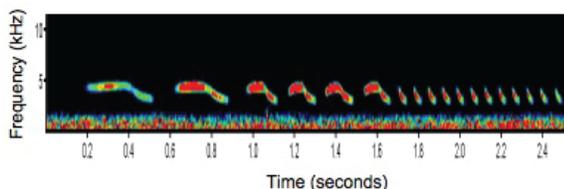
But dogs that run loose or that poop at the sides of the trails can be deadly to ground nesting birds, or to some of the native plants our hard-working volunteers have so carefully planted by the trails where they can get sun.

If you let your dog run loose over the field, you might not only have to pay a fine, but you may have had a hand in destroying the home of a field sparrow, or other ground-nesting birds. Dog poop not only destroys plants but it pollutes. One more reason for keeping our four footed friends on a leash, as the poster at the entrance says, picking up after him or her.



The Field Sparrow, pictured right, has a sweet song shown in the audiogram below.

But the audiogram doesn't capture the magic of the song. Those last repeated notes often rise upward, like bubbles in a glass of champagne. It can lift your spirits to hear it. But since they nest on the ground in the prairie section of the Preserve, romping dogs can destroy their home before the young can fledge.



Work was done to resurface the path, improve erosion control, and plant native vegetation.

LOOKING AHEAD FOR ASYLUM LAKE

Changes in the landscape: In the spring and summer of 2012, the Management Council of WMU contracted to have the path from the Winchell entrance past the end of the lake improved.

The path was resurfaced, erosion control terracing and drainage were put in place, native plants planted along the path, and the berm was repaired and widened to its original size.

What's in the future? The Management Council plans to continue to remove invasive plants and to encourage native plants. A trail which will make the Preserve accessible to handicapped persons is being worked on and hopefully will become a reality in the near future.

Since the preserve has at times in its history been an oak-savanna, farmland, residences for the State Hospital and a natural area, "restoring the area to its natural state" is a complicated issue.

However the goal of the Management Council and ALPA is "to assure that the Preserve remains a natural space, to see that it is preserved as a habitat for wildlife, and for continued use by the whole community." The many historical and ecological factors will be sorted out as we plan for the future care of the Preserve.

Each year the Management Council identifies, prioritizes and budgets for projects within the Preserve.

Join ALPA, come out and volunteer and stay in touch. We need you!

Controlled burns really are 'rocket science'

You're going to WHAT?

Many people greet the idea that prairies or forests are going to be purposely burned with disbelief, since we've been raised to understand that fires kill the valuable plants and animals in a forest or a prairie.

But the fact is that such fires occurred before we became the dominant species on this planet, and these fires actually helped keep the native plants strong.

Now we set fires to burn off invasive species and regenerate the prairie.

But, "prescribed burns" are, in the words of one expert, "rocket science!"

You don't just go into a forest or onto a prairie and light a match.

Paul MacNellis, retired Director of Landscape Services at WMU and a controlled burn expert, says that such conditions as wind direction and speed,



Controlled burns at Asylum Lake Preserve



barometric pressure, relative humidity, solar gain, atmospheric mixing--up to 187 factors in some cases--have to be checked out before the go-ahead is given.

The prairie at the western edge of the Preserve has been overdue for a controlled burn, as it is being overwhelmed by invasive species and needs a "clearing out" to allow native plants whose seeds are under the ground to re-sprout. So, a burn is planned for the future. We will inform you of the date when it is set, when the weather conditions are just right



ALPA needs support from the community

Asylum Lake Preserve has a fascinating history... a bounty of animals and plants...an endowment fund for its maintenance.

What else does it need? It needs you, as part of a supportive community! You can see that this property is not a Preserve by accident, many people have worked long and hard to keep it this way.

While many now use the Preserve for rest and renewal, there are fewer who have understood its history and fragile nature. After reading this newsletter we hope you too understand and that you can help create the community that the Preserve needs to survive.



Lily pads on Asylum Lake.

Please consider filling out the form below giving us your contact information for the mailing list and indicating if you wish to volunteer for ALPA and the Preserve.

If you wish, add a suggested donation of \$10 per family to support ALPA's volunteer efforts. We promise to never share your e-mail address

with anyone and will not bother you with frequent e-mails.

We will update you on what is happening in the Preserve and alert you to opportunities to help guard and improve this beautiful treasure.

Membership form: Asylum Lake Preservation Association

Name(s): _____

Mailing address: _____

Email address: _____

I/we would be interested in being on a committee of ALPA: YES ___ NO ___

(We all hate committee work, but we need active ALPA members, and this one won't be boring or arduous.)

I/we would like to volunteer in the Preserve: YES ___ NO ___

Suggested donation: \$10 a year.

Please mail this form with your check made out to ALPA to:

ALPA c/o J. Huxmann, Treasurer
3432 Barnard Ave
Kalamazoo, MI 49003-3316.

ALPA

Asylum Lake Preservation Association

January 3, 2020

To: Kalamazoo Planning Commission

From: The Asylum Lake Preservation Association

A recent notice of a public hearing before the Planning Commission states that DNS Stadium Drive LLC has put in a request to rezone 3401 and 4305 Stadium Drive and 2231 S. Drake Road to Zone CC. In addition, they have requested the removal of the NFP Overlay from 3401 and 4305 Stadium Drive. The purpose of this letter is to express our objection to these changes.

We could provide a long list of the special qualities and features that this irreplaceable community resource offers, but it is not necessary. All one needs to do is visit Asylum Lake Preserve and visualize the destruction and irreversible ecological, visual and historical damage that will take place with allowing this rezoning at the northwest end of Big Asylum Lake, on one of the highest points in the Preserve.

We are aware that there has been some debate about a possible denial of the right of an owner to develop his property. We believe that the following factors mitigate against that concern in this case:

1. DNS Stadium Drive LLC purchased the property zoned Residential.
2. The 2025 Master Plan which indicates commercial development did not open the way for an imposing business to be built next to such a city and regional asset.
3. Any removal of the NFP Overlay would be a complete contradiction to the recently approved Climate Emergency Resolution and a gross violation of our city's commitment to protecting our natural resources.
4. Approval of the rezoning request for CC Commercial would also be an indication that Kalamazoo does not place real importance on its environmental resources.
5. Western Michigan University just revealed its vision for the future, which stresses the importance of wellness and how our natural spaces contribute to overall wellness of our citizens. This request by DNS Stadium Drive, LLC is the opposite of such a concern and would severely diminish this WMU asset.

For these reasons, we are saying that the designation of Zone CC and the removal of the NFP is unacceptable and be denied. Any development of this property must take into consideration the factors described above and by local individuals and organizations.

Approved by the ALPA Board of Directors, January 3, 2020

Co- Chairs John Kreuzer and Lauri Holmes

jk93282@gmail.com and lauriholmes@gmail.com

From: Environmental Concerns Committee
To: Kalamazoo Planning Commission

Re: Harmful Impact of Commercial Development on Asylum Lake Preserve

Date: Thursday, January 2, 2020

Following a deliberation and unanimous vote at our December meeting, the City of Kalamazoo Environmental Concerns Committee (ECC) concludes that the requested rezoning at 3401 and 4305 Stadium Drive, and 2231 South Drake Road, is inappropriate. The ECC believes that the Commercial-Community zoning of these properties would allow an unacceptable level of development in this environmentally sensitive location. The ECC is also opposed to the removal of the NFP Overlay from the Stadium Drive properties because such an action runs counter to the intent of the recently adopted ordinance to promote thoughtful development of areas with natural features. The ECC has a responsibility to advise City staff and the City Commission on environmental issues and policy affecting the City of Kalamazoo. In that role, we have made a recommendation to the City Planner to not support any of these requests to amend the zoning map and will recommend to the City Commission that the requests be disapproved.



1326 N. Hillandale Dr.
Kalamazoo, MI 49008
July 13 2019

Dear Kalamazoo Planning Commission,

I'm writing in response to the sale of property adjoining Asylum Lake and with concern over the possibility that the sold land could become commercial property encroaching on and negatively affecting the Asylum area.

The natural area of Asylum Lake is important in so many ways to Kalamazoo, to its citizens and to the wildlife it harbors.

It is my understanding that the current zoning law would allow only residential uses of the adjoining land under question. Please do all you can to urge that the current zoning prohibitions be kept in place, so that the adjoining land may not be used for commercial purposes and so that the environmental integrity, health, beauty and quiet of this land are protected.

I feel strongly that the benefits the Asylum Lake area affords human and animal life in our community are at least as important as any financial benefits the development of the adjoining land might provide the city of Kalamazoo. I've lived here for thirty years and during that time I've watched with sadness as our green spaces have diminished one by one. To see this one fragmented, encroached on by noise and other kinds of pollution, thinned of trees, and threatened with exposure to busy streets and commercial properties would be heartbreaking indeed.

I realize that many people have worked hard to come up with reasonable solutions to this situation. I hope that long-term environmental and, yes, spiritual considerations are given careful weight. The financial benefits of development may be easier to argue, but the harm it does could well be lasting in a way we as a community truly can't afford.

I appreciate your considering these comments.

With sincere thanks,

A handwritten signature in black ink that reads "Nancy Eimers".

Nancy Eimers

Kalamazoo resident and

WMU Faculty Member



Asylum Lake Preserve Policy and Management Council

Landscape Services • Western Michigan University • Kalamazoo MI 49008-5324

Asylum Lake Preserve Management Council

Duane Hampton (Chair)
Department of Geological and
Environmental Sciences

Mark Frever
WMU Landscape Services

Peter Strazdas
WMU Facilities Management

Sarah Larson
WMU Facilities Management

Steve Keto
WMU Natural Areas Manager

David Lemberg
College of Arts and Sciences

Steve Kohler
Institute of the Environment
and Sustainability

James Penner
Campus Planning and
Finance Council

Lauri Holmes
Asylum Lake Preservation
Association

John Kreuzer (alternate)
Asylum Lake Preservation
Association

Paul Manstrom
City of Kalamazoo
Environmental Concerns
Committee

Tyler Bassett
Kalamazoo Environmental
Council

Kay Chase (alternate)
Kalamazoo Environmental
Council

Paul Scott
Oakland Drive/Winchell
Neighborhood Association

Bonnie Alkema
Neighborhood Association
of Parkview Hills

Marnie Twynham
Parkwyn Village
Neighborhood Association

To: City of Kalamazoo Planning Commission
From: The Asylum Lake Policy and Management Council
Date: January 3, 2020

The purpose of this letter is to (1) thank the City of Kalamazoo for adopting the Natural Features Protection Overlay District and Map which will help protect the Asylum Lake Preserve, an irreplaceable community asset, and (2) request that rezoning properties near the preserve be done fully recognizing the mission and sensitivity of the Asylum Lake Preserve and its watershed.

This Council is charged with following the Declaration of Conservation Restrictions that established the Asylum Lake Preserve. Section H.1 of the Restrictions states the following: *“Promote Ecosystem Integrity and Natural Aesthetics: Maintain the Asylum Lake Preserve as green space and wildlife habitat. Policies should be adopted that promote ecosystem integrity and natural aesthetics. Selected landscape features such as woodlands, old fields, wetlands and lake should be protected from further degradation and enhanced through carefully considered restorative action. ... **Special attention should be given to water quality in Asylum Lake and protection of the Asylum Lake watershed.**”*

The June 20, 2019, release of stormwater and soil into Asylum Lake from WMU’s construction site on Drake Road illustrates its vulnerability to development and the need for “over and above protections” for vulnerable preserves when considering rezoning on adjacent and proximal properties.

Asylum Lake Preserve is at an ecological tipping point. Major concerns are road salt, parking lot salt, phosphorus and sediment inflow to the lake, and cumulative effects of increasing development and traffic on wildlife. The chloride concentration in Asylum Lake has increased from about 10 times greater than normal in the 1970s to 25 times greater than normal today! The deeper portion of the lake already is oxygen-depleted which happens seasonally. Increasing salt accumulation eventually will create a dense layer on the lake bottom that never mixes, and thus will be permanently devoid of oxygen and barren of aerobic life.

Increasing salt and silt accumulation will almost certainly result in major natural resource damage. We believe that Asylum Lake has very special environmental, educational and community roles that must be zealously safeguarded. We ask your help in this effort.

The Policy and Management Council approved this communication on July 22, 2019.

January 3, 2020

Dear Members of the Planning Commission,

On January 14th you will be voting on a defining issue for our city. Our city has taken a bold step in declaring a Climate Crisis and accepting a resolution. Kalamazoo and its residents have also worked hard to create a Nature Features Protection strategy and board to address sustainable building along with the need for our city to respect and honor Green or wild places that remain. Your decision on the 14th will either support these initiatives or will create a president that will create a great negative environmental impact on our community and lives.

It is my hope that you see what legacy you want to leave for future generations.

I hope you choose the one for Hope and the future.

Sincerely,

Karin Larsen
Oakwood Neighborhood

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”



January 3, 2020

To: Members of the City of Kalamazoo Planning Commission
cc: Director, Community Planning and Development; City Planner

RE: Position of the Oakland Drive/Winchell Neighborhood Association (ODWNA) Board regarding: A) the proposed rezoning of 4301 and 4305 Stadium Drive, and 2231 S. Drake Road, located at the SE corner of Stadium Drive and Drake Road, from their current Residential (RS-5) status to Community Commercial (CC), and B) the requested removal of the Natural Features Protection (NFP) Overlay from 4301 and 4305 Stadium Drive.

The foregoing described properties are located entirely within the Oakland Drive/Winchell Neighborhood (ODWN), so any future development of the properties will have a direct impact on the quality of life of its residents and businesses. In addition, these properties lie on the northern boundary of the Asylum Lake Preserve (ASP). This public nature preserve provides essential outdoor recreation for three nearby neighborhoods (ODWN, Parkview Hills, and the Oakwood Neighborhood), as well as provides outdoor recreational and educational experiences for all city residents. Because a nature preserve's goal is to preserve our natural systems it is important to recognize that these systems extend onto the adjacent properties, and what happens on them is critical to the short-term health and the long-term viability of the ASP as well as the surrounding neighborhoods.

The ODWNA Board recognizes that while the City's Master Plan Future Land Use Map has designated the property that is the subject of this zoning request for "commercial" use, neither the Plan nor the Map specify or recommend which specific commercial zoning district(s) might be appropriate or allowed.

Consequently, the ODWNA Board has taken the following positions, based on neighborhood feedback gathered throughout our Neighborhood Plan process:

1. The ODWNA Board strongly opposes rezoning of these properties to Community Commercial (CC), the most intense commercial development allowed by the City.
2. The ODWNA Board would be less opposed to an application seeking to rezone the properties to either Commercial Office (CO) or Commercial Neighborhood Office (CNO).
3. The ODWNA Board strongly opposes eliminating the NFP Overlay on any of the properties.

Our positions are based upon the following:

- I. CC zoning would be inconsistent with the goals of the City's Master Plan, specifically the City's Strategic Vision of Environmental Responsibility. This vision was formalized in the Imagine Kalamazoo (IK) 2025 Master Plan and action items were developed as part of IK@Work on pages 144-146 of the Master Plan. ***To allow high-density commercial development on this property, located immediately adjacent to residences (Stadium Drive Apartments) and the ASP would be inconsistent with the City's Description and Purposes of a CC zoning district.***
 - Community Commercial (CC) is defined in the City's §2.3 Commercial Districts Descriptions and Purposes as: "The CC, Community Commercial district is intended to accommodate larger community and regional shopping centers that serve a community-wide market area."; the most commercially intense development allowed by the City.



II. Although CC is the current zoning district along most of Stadium Drive, the property in question is the only parcel of land in the City being proposed for such intense commercial development that shares a (1,500 foot) property line with a nature preserve and abuts a large residential development (Stadium Drive Apartments), ***establishing this situation as unique, and the properties in question should be zoned accordingly.***

- As defined in the City's §2.3 Commercial Districts Descriptions and Purposes:

Commercial Office (CO) district is defined as *"generally intended to function as a medium- to high-intensity office district primarily along arterial streets. The district is intended to prevent strip commercial development by allowing office uses but no other commercial uses and to serve as a land use buffer between major streets and residential neighborhoods. It may also be an appropriate land use buffer between higher intensity commercial areas and residential neighborhoods."*

Commercial Neighborhood Office (CNO) district is defined as *"primarily intended to accommodate low-intensity administrative and professional offices that are compatible with the character of residential neighborhoods. The district is also intended to be used as a transition district between higher intensity commercial areas and residential neighborhoods. The district allows administrative and professional office uses in structures that formerly housed residential dwelling units. Residential uses are also allowed in the district when located in a mixed-use structure (one containing office and residential uses)."*

Unlike rezoning to CC, rezoning to allow the types of commercial development in CO and CNO could be consistent with our Master Plan as it: 1) allows for a better transition or buffer between existing land uses, and 2) promotes a reasonable balance between commercial development and the issues related to residential quality of life and environmental respect and sustainability.

III. Removal of the NFP Overlay would circumvent the NFP process as set out in § 50-3.2 Overlay Zone Districts

- When the NFP Overlay Ordinance was approved by the City Commission in May 2019, they specifically did not allow for the removal of the Overlay on this property, as it was determined at that time that this property met all of the requirements of the Ordinance to be included in NFP Overlay-protected status. The NFP was developed to *"put in place a guide for the development of land on or near areas identified as Natural Features in order to achieve the long-term protection of these areas."* and to *"insure natural features within the City are protected long term for the enjoyment of the public and health of the environment"*. ***We insist that the Planning Commission follow the lead of the City Commission in requiring all property owners to follow the current Ordinance for requesting any NFP Overlay variances.***

IV. Lack of public engagement (to-date) by the applicant concerning this rezoning request

- The City's Draft Public Participation Policy recognizes that *"the heart of Imagine Kalamazoo is engagement."* The City has also stated in that document that:
 - *"[The City] believes that communication between developers/petitioners, those who are seeking review or approval from a City Board, and stakeholders/adjacent property owners is key to a successful development project."*
 - *"[Public] Engagement is REQUIRED when any proposed project requires review through...rezoning."*
- To date, neither the ODWNA nor any other recognized Neighborhood Association or environmental interest group has been approached by the applicant to discuss or explain this aggressive rezoning request or listen to the concerns of those neighborhoods or interest groups that would be most affected



by approval of the rezoning request.

- The first (and last) meeting the ODWNA had with the property owner's representatives was on October 30, 2018, when representatives from our Board and other local groups met with the applicant's representatives to be briefed on a "conceptual" site development plan. While some of our initial questions were given responses post-meeting in writing, our subsequent multiple requests for additional meetings (and to include the public at-large) to gain additional detailed information about the owner's plans were rejected.

Before the Planning Commission's January 14, 2020 meeting and subsequent recommendation on this rezoning request, we respectfully ask that each member of the Planning Commission undertake his or her own due diligence in understanding what is at stake with the current rezoning request. Take a walk around the area of the property at issue – along Stadium Drive and Drake Road and along the shore of Asylum Lake to help inform your decisions regarding this environmentally sensitive area of our city and what development intensity will best coexist with neighborhood quality of life, environmental responsibility, and sustainable development goals.

Our Board members would be pleased to meet with any member(s) of the Planning Commission at his or her convenience to discuss this issue or walk the area together.

Please email us at: odwnanews@winchellneighborhood.org and we can arrange a time to meet.

Sincerely,

Oakland Drive/Winchell Neighborhood Association Board

A handwritten signature in black ink, appearing to read "Peter Kushner".

Peter Kushner, President

EXHIBIT D

Purpose of Request

In November 2017, DNS Stadium Drive, LLC, purchased the Property, with the intention to develop a 40,000 to 60,000 square foot car wash, interior cleaning, detailing, self-vacuuming, and oil change facility, and additional retail and residential uses. During the due diligence period, Mr. Haji Tehrani confirmed with City Planning Staff that the City's 2025 Master Plan and Future Land Use Map both designate the Property as a Commercial future land use. The purpose of this Application is to amend the zoning classification of the Property to bring it into alignment with the City's Master Plan.

The development of the Property is intended to accommodate the larger Kalamazoo community, and to include retail that serves a community-wide market area. After discussions with City Planning staff, it was determined that the "CC – Community Commercial" zoning district was the most appropriate designation for the Property.

1. **Was a mistake made when the Property was originally zoned to the present district?**

No, but conditions in the area have changed, as reflected in the City's 2025 Master Plan, which designates a number of properties along Stadium Drive and S Drake Road as Commercial future land uses that are currently in residential zoning districts, including the subject Property.

The North Parcels of the Property, however (as defined on Exhibit B), should not have been included in the "Natural Features Protection" overlay. The City's 2025 Master Plan identified a "Natural Features Protection" area containing certain natural features that covered the Asylum Lake Preserve and surrounding property (the "*NFP Area*"). In 2019, a Natural Features Protection Ordinance (the "*NFP Ordinance*") was adopted to protect those features. In this case, the *only* part of the Property that the Master Plan designates for inclusion in the NFP Area — and, therefore, the *only* part of the Property that contains the natural features that the NFP Ordinance is intended to protect — is in the South Parcel of the Property (as defined on Exhibit B). The NFP Area does not touch any part of the North Parcels.¹ But while the NFP Area touches only the South Parcel, the "Natural Features Protection" overlay in the NFP Ordinance (the "*NFP Overlay*") covers the entire Property. The result is that the North Parcels are the *only* parcels included in the NFP Overlay that are entirely outside the Master Plan's NFP Area.

This issue was discussed with the City Commission at the meeting where the NFP Ordinance was adopted, but the City Commission was reluctant to make changes to the map of the NFP Overlay that would have postponed implementation of the Ordinance or extended the moratorium. The City Commission did, however, recognize that neither of the North Parcels belonged in the NFP Overlay and indicated that the property owner could request that the North Parcels be removed from the NFP Overlay in connection with any rezoning of the Property.

¹ As initially configured, the NFP Area touched part of one of the North Parcels. However, including part of that North Parcel (but not all of it) would have resulted in a "split zoning" problem. The City attempted to avoid that problem by including both of the North Parcels in the NFP Overlay. The "split zoning" problem, however, has been resolved: the internal boundary lines of the Property have been adjusted so that the only part of the Property touched by the NFP Area is the South Parcel. The North Parcels are now located entirely outside of the NFP Area.

2. **Have conditions changed in the area generally, or the City as a whole, which would justify the rezoning?**

Yes, as reflected in the City's 2025 Master Plan, which designates a number of properties along Stadium Drive and S Drake Road as Commercial future land uses that are currently in residential zoning districts. Several new commercial development have occurred or are occurring along Stadium Drive, including several car dealerships, restaurants, and retail centers. In light of this development, as reflected in the City's 2025 Master Plan, the highest and best use of this Property is for commercial use.

No conditions, however, have changed in the natural features of the Property or surrounding area that would warrant a departure from the City's Master Plan or the inclusion of the North Parcels in the NFP Overlay. The City's Master Plan was adopted less than two years ago and, in that time, the natural features of the Property and surrounding area have remained substantially the same. The City has not identified new features on the North Parcels that the City was not aware of when it adopted the Master Plan. Therefore, there is no reason to include either of the North Parcels within the NFP Overlay when the Master Plan excluded them from the NFP Area.

3. **Would all uses permitted under the proposed district be in the general public's interest and not merely in the interest of an individual or small group?**

Yes, the City's designation of this Property as best suited to commercial development in its 2025 Master Plan demonstrates the City's determination that it is in the general public's best interest that this Property be developed for commercial purposes. The use of the CC zoning classification, specifically, allows the subject Property — which is bounded by commercial development to the North and West, Asylum Lake Preserve to the South, and Stadium Drive Apartments to the East — to be developed in a thoughtful, flexible manner with a potential mix of uses to serve as convenient transition between these uses, while providing for increased setbacks over other potential classifications (e.g., CMU). This balance of features was discussed at length with City staff who concurred in the conclusion that the CC zoning classification was the appropriate classification for which to apply.

4. **Would all uses permitted under the proposed district be appropriate in the area included in the proposed change?**

Yes, the mix of uses permitted under the CC zoning classification would be entirely consistent with the commercial development that has occurred along the Stadium Drive corridor while permitting potential mixed uses to transition between that commercial corridor, the Asylum Lake Preserve to the South, and the Stadium Drive Apartments to the East. The City has also indicated that rezoning the Property to a commercial classification would be appropriate in the area by classifying one of the Northern Parcels — the parcel previously known as 2231 S Drake Road (39-06-30-162-001) — as "Commercial Vacant Land" on the 2019 tax rolls.

5. **Would the character of the area or neighborhood be adversely affected by any use permitted in the proposed district change?**

No, as indicated in the City's 2025 Master Plan, the subject Property is on a prime commercial corner in one of the City's main commercial corridors. With the exception of the Property, the corridor has been nearly fully developed with commercial and multi-family uses. Permitting the Property to be rezoned to the CC zoning classification would permit the owner of the Property to develop it in a manner that presents an opportunity for a mix of transitional uses, while providing for increased setbacks over other potential classifications. This balance of features was discussed at length with City staff who concurred in the conclusion that the CC zoning classification was the appropriate classification for which to apply. The City has also indicated that rezoning the Property to a commercial classification would not adversely affect the character of the area or neighborhood by classifying one of the Northern Parcels — the parcel previously known as 2231 S Drake Road (39-06-30-162-001) — as "Commercial Vacant Land" on the 2019 tax rolls.

6. **Is the proposed change in accord with city's Comprehensive Plan and sound planning principles?**

Yes. As indicated, the City's 2025 Master Plan designates the Property for a Commercial future land use. In fact, the City Planner confirmed during the May 20, 2019 meeting of the City Commission that the Property has been designated as "Commercial" in the City's Master Plans since 1998.² Under the City's 2025 Master Plan, "Commercial" uses include "retail, office, and entertainment uses" and residential uses "incorporated into commercial areas," but the Master Plan encourages retail uses at "key intersections." The Property here is on one of the most important commercial intersections in the City: Stadium Drive and S Drake Road. S Drake Road serves as the City's west boundary with Oshtemo Township, and the Township has designated its own side of the border as "Gateway Commercial North," encouraging development to build off of the many car dealerships, restaurants, and retail centers going up along the City's Stadium Drive corridor. This leaves the Property at the junction where two commercial corridors meet. Changing the Property to a CC zoning classification is not only consistent with the Master Plan, but in accordance with sound planning principles. The City has already classified one of the Northern Parcels — the parcel previously known as 2231 S Drake Road (39-06-30-162-001) — as "Commercial Vacant Land" on the 2019 tax rolls.

The removal of the North Parcels from the NFP Overlay would also be in accord with the City's Master Plan. All up and down Stadium Drive there are at least a dozen instances of where property that is adjacent to the NFP Area is not included in the NFP Overlay. The North Parcels are the *only* example of where a parcel that is entirely outside of the NFP Area is included in the NFP Overlay. Excluding the North Parcels would be consistent with the way the NFP Overlay is handled everywhere else within the Stadium Drive corridor (where adjacent property located outside the NFP Area is not included in the NFP Overlay).

² See Kalamazoo City Commission, Regular Business Meeting of May 20, 2019, at pg. 102, available at <https://kalamazoomi.civicclerk.com/Web/Player.aspx?id=222&key=-1&mod=-1&mk=-1&nov=0>.

7. **Is the proposed zoning change consistent with the zoning plans of adjacent governmental units?**

Yes. The Property is located along the City's west boundary, which adjoins Oshtemo Township. The zoning districts along the Township's east boundary currently include C-R – Local Business District, Restricted, and the Township's Future Land Use Map and Century Highfield Sub-Area Plan has designated the area as "Gateway Commercial North," to build off of the City's new commercial development along Stadium Drive, which includes several car dealerships, restaurants, and retail centers.

8. **Are there any other reasons the Commission may find pertinent in considering the particular zone change?**

As the Commission may be aware, the development of this Property for commercial use is inevitable given its location, as recognized in the 2025 Master Plan. As indicated above, although not required under applicable law, the applicant has spent — at the City's request — an inordinate amount of time, money, and energy working with the City, neighborhood associations, and various conservation organizations and stakeholders in the Asylum Lake Preserve identified by the City with the aim of developing the Property in a way that integrates and transitions well with the adjacent uses/properties, and will be adequately screened/shielded from the Asylum Lake Preserve and the neighborhoods further South and Southeast. While these are all ultimately matters that should not be directly relevant to a rezoning request, they are matters which nevertheless are worth noting.

Thank you.



Planning Commission Staff Report

City of Kalamazoo

Project Address: N/A

Case #: P.C. #2020.03

Meeting Date: January 14, 2020

Applicant: CPED, City of Kalamazoo

Owner: N/A

Public Hearing: Yes

Date Legal Ad Published: December 30, 2019

Project Summary:

Updates to Chapter 50 Zoning Ordinance based upon 1) its application over the last year and 2) planned expansion of the location of the Live Work 1, Live Work 2, and Node Districts in coming months following the 2025 Master Plan.

Recommendation:

Staff recommends that the Planning Commission recommend approval of these edits to the City Commission.

ANALYSIS

2025 Master Plan & Imagine Kalamazoo 2025 Alignment:

The Zoning Ordinance is intended to support the vision of the 2025 Master Plan. To that end, in fall of 2018 the City started to update its Zoning Ordinance by creating 3 new districts and revising the parking standards. This was followed in 2019 with edits to the residential districts to remove conflicts between the zoning and the physical lot

***Community Planning & Economic Development
Department***

245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
(269) 337-8044
(269) 337-8513 [fax]
www.kalamazoo-city.org

Staff Contact Information:

Christina Anderson, AICP, City Planner
Peter Eldridge, AICP, Assistant City Planner

dimensions on which they were mapped, and the creation of the Natural Features Protection Overlay.

Throughout 2020 City staff will bring forward for review additional changes to both the Zoning Ordinance and Map. The first focus will be updating such sections as landscaping, signage, and administrative and review language; creating new districts for Downtown (currently CCBD); updating the zoning Map in both Downtown and neighborhoods; and general updates to all other commercial districts. Once complete, staff will shift its focus to a comprehensive update to the residential districts.

Request Description:

The text amendments proposed are noted in red in the attached document and are summarized here.

- 1) Article 1 General Requirements. Minor edits to clarify definitions and standards.

These changes are based upon staff use of the code over the last year and a desire to make the language as easy to understand and apply as possible.

- 2) Article 4 Uses. There are changes proposed to the Use Table and to the development standards associated with some uses.

These changes are based upon staff use of the code over the last year to better clarify language and requirements. These changes are also being proposed to ensure that the Live Work 1, Live Work 2, and Node districts can be applied in neighborhoods beyond the Northside, where they were initially mapped.

- 3) Article 5 Zoning Standards: Lot Types. This article contains the form-based zoning standards associated with the Live Work 1, Live Work 2, and Node districts which regulate not only the traditional setback and height requirements, but also such elements as location of building entrance, quantity (percentage) of transparent windows on walls facing streets, and location of parking and driveways. These regulations support a walkable mixed-use environment, which is why these districts are used on key corridors and neighborhood centers.

This article has the largest number of edits. In addition to updating the language for clarity, 2 new lot types were added, and several lot types were edited. These edits are in anticipation of mapping these districts in additional neighborhoods in the coming months.

Updated/new Lot Types:

- a. Cottage Commercial Lot Type. This lot type supports the use of residential-looking structures for commercial uses. Houses along many of our corridors have evolved to contain a mix of uses and in some situations the street facing building façade is converted to a storefront closer to the front property line.
- b. Yard Lot Type. The Yard Lot Type is not new. It was previously set up to support the development of both attached and detached structures typically for residential uses. In the edits proposed, this Lot Type has been divided in

to two different sets of regulations, one set for attached buildings, such as row or townhouses, and one for detached, such as a single-family home.

Other changes to this Article include the following and are proposed to make these districts usable for multiple areas:

- a. An allowance for taller structures in the Live Work 2 district when the structure is located on a Connector Street Type (refer to the [2025 Master Plan – Connected City](#) for information on the street types).
 - b. Clarification on allowed height in Nodes.
 - c. Clarification on the existing Occupied Space requirement. Occupied Space refers to the first 15’ inside a building, measured from the front building façade. In some locations, the Zoning Ordinance limits this area being used for internal parking or residential units to promote an active, walkable street. Both the definition and the language in Article 5 were adjusted to be more clear on when the limitation exists.
- 4) Article 7 Parking & Loading Regulations. Edits to the parking and loading section include the following.
- a. Nodes. Establishing a parking reduction for uses located in the Node District.
 - b. On-Street Parking Credit. Adjusting the existing on-street parking credit to expand how the credit can be applied.
 - c. Hotel/Motel Require Parking. Since the parking regulations were approved in Fall of 2018, two new hotels located in the Community Commercial district requested variances to allow for additional parking. Understanding the location of these hotels (in Community Commercial, near the expressway), the required parking for this type of hotel/motel has been updated, which should prevent the need for similar variance requests in the future.

Review Criteria:

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

- 1) Consistency with the 2025 Master Plan. The proposed amendments are in alignment with the 2025 Master Plan and will further the Zoning Ordinances ability to support the vision of the Master Plan.
- 2) Change of Conditions that Require an Amendment. The proposed amendments reflect the plan to map Live Work 1, Live Work 2, and Node in additional neighborhoods and corridors.
- 3) Does Amendment Address a Demonstrated Community Need. The proposed amendments further the City’s ability to meet the desired vision outlined by the community during the Imagine Kalamazoo 2025 engagement process and detailed in the 2025 Master Plan.

- 4) **Compatibility with Surrounding Uses.** The proposed amendments do not impact the Zoning Map but are changes to the text. The proposed amendments are based on Kalamazoo's context and therefore would be compatible with the character and context of Kalamazoo's neighborhoods and corridors when mapped.

- 5) **Will the Amendment Result in a Logical and Orderly Development Pattern.** The proposed amendments were developed based upon the use of the Zoning Ordinance over the last twelve months and the future development vision of the 2025 Master Plan. When mapped they would support logical and orderly development patterns

RECOMMENDED ACTION

Staff recommends that the Planning Commission recommend approval of these edits to the City Commission.

Attachments:

1. DRAFT Chapter 50 Zoning Ordinance



Chapter 50: Zoning Ordinance

DRAFT 01/2020

THE CITY OF KALAMAZOO



imagine
kalamazoo
2025

Chapter 50 - Table of Contents

How to Use These Regulations

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How to Use These Regulations

The Live-Work 1, Live-Work 2, and Node 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. Map. The zoning districts detailed in these regulations are mapped according to Figure 1.2-1.

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.

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.

Figure 1.2-1 Zoning Map.

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

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

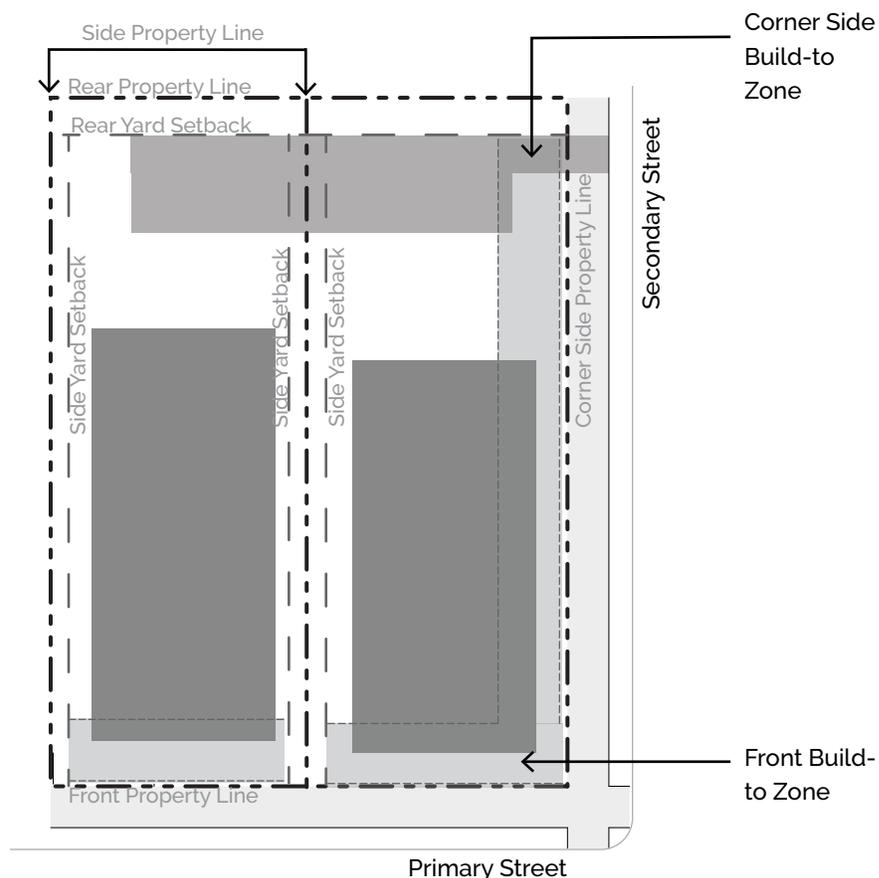


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

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

K. 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.

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

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

N. 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.

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

P. 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.

Q. 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.

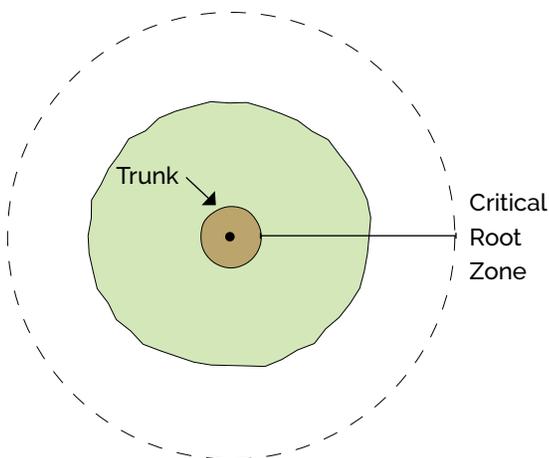


Figure 1.3-2 Measuring Critical Root Zone

R. Graminoids. Grasses, sedges, and rushes.

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

T. 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.

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

V. 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.

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

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

Y. 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.

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

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

BB. 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.

CC. NREPA. Michigan's Natural Resources and Environmental Protection Act, 451 of 1994, as amended, MCL 324.101 - 324. 90106.

DD. Occupied Space. **The first fifteen (15) feet inside a building measured from the front facade. In this space, uses such as interior parking, residential units, storage, or utility areas may be restricted.**

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

FF. 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.

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

HH. 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.

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

JJ. 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.

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

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

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

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

OO. 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.

PP. 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.

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

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

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

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

UU. 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.

VV. 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.

WW. 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.

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

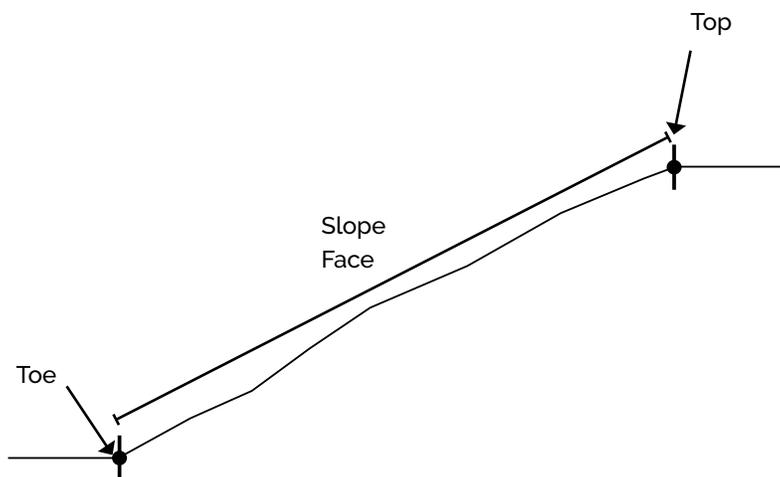


Figure 1.3-3 Parts of a Slope

YY. Street, Types. The types of right-of-ways and associated treatment of vehicular, bicycle, and pedestrian ways within as defined by the Master Plan.

ZZ. 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..**

AAA. 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.

BBB. 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.

CCC. 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.

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

EEE. 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.

FFF. 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.

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

HHH. 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.

III. 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.

JJJ. 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.

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

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

MMM. 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.

NNN. 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.

OOO. 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.

PPP. 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.

QQQ. 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.

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

SSS. 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.

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

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

Article 50-4. Uses.

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

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

B. Lot Type Required. All uses shall be located within a permitted Lot Type, unless otherwise specified.

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.

4.1-1 Use Table Key

P Permitted S Special Use

PD Permitted - Development Standards Required

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.

Table 4.1-1 Use Table

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

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

(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, residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space).

(b) In Live Work 2, Yard - Detached Lot Type is permitted only when it contains with 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 are not permitted in a building's occupied space. Refer to Article 5 Zoning Standards : Lot Types..

(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.

(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 residential is Permitted with Development Standards ("PD"), clubs and lodges and other similar uses with limited hours or private membership are not permitted **in the occupied space of the ground floor in** Nodes. **Refer to Article 5 Zoning Standards : Lot Types.**

(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"), 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.

(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.

(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 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"), outdoor kennels are not permitted.

(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. A parking lot is not permitted on a corner lot.

(c) Required Treatment When Fronting on a Street.

[1] Primary Street. A parking lot is not permitted on a lot that fronts a primary 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

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
Dry Cleaning, Laundry-mat
Eating & Drinking Establishment, Cafe, Coffee Shop, Brewpub, Tavern, Lounge
Fitness (ex: Gym, Yoga, Pilates, Dance Studio)
Framing
Funeral Home
Locksmith
Mail system, copying, printing
Medical Services, Optical, Urgent Care
Pet Grooming
Personal Services (salon, spa, barber shop)
Repair of Small Goods, household goods, electronics
Tailor & Seamstress
Tattoo, Piercing
Training Center
Travel Agency

Table 4.4-2. 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

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)

[2] Live Work 2. Vehicle repair shops are the only Vehicle Services use permitted in the Live Work 2 District.

(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 and Node 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.

(1) 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.

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.
- (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 building 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.

Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District			Key
	Node	Live Work 1	Live Work 2	
Accessory Dwelling Units (ADU)	PD	PD	PD	P Permitted S Special Use PD Permitted - Development Standards Required
Agriculture	P	P	P	
Drive Through	PD	PD	PD	
Food Truck	PD	PD	PD	
Home Occupation	PD	PD	PD	
Kiosk	PD	PD	PD	
Outdoor Storage		PD	PD	
Secondary Building	PD	PD	PD	
Sidewalk Café	PD	PD	PD	

[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.

(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. 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 primary 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 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.

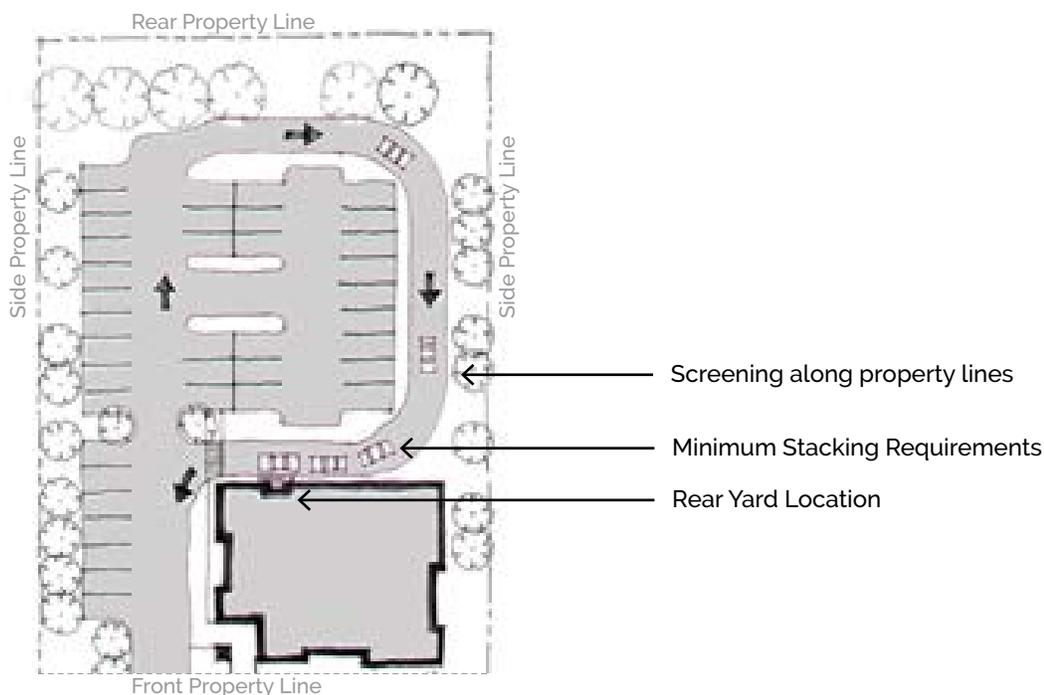


Figure 4.5-1. Drive Through Design

[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 as a Home Occupation. Refer to 4.3.G(16) in Appendix A.

(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 an 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 of five (5) feet must be maintained free of all obstacles.
- (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

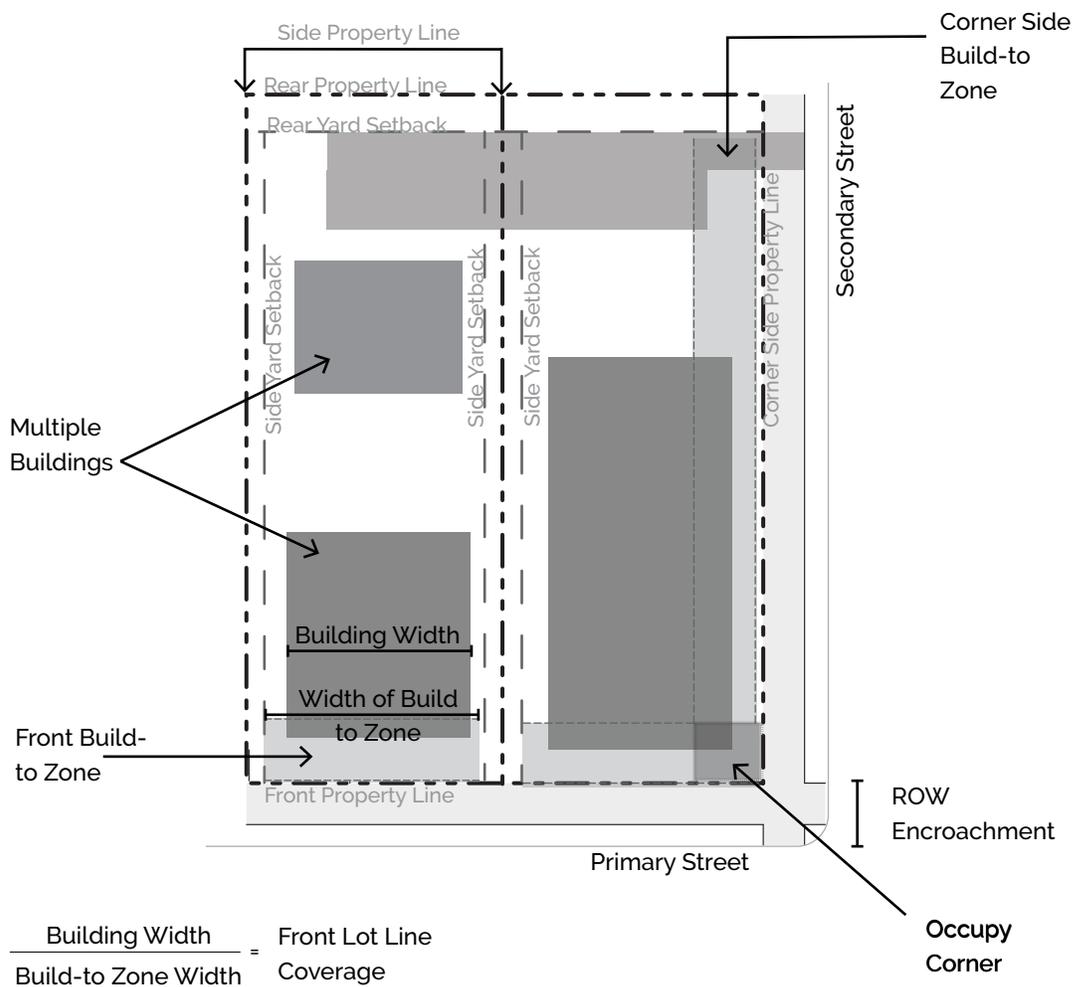


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

encroach into the right-of-way.

- (a) Where permitted, an encroachment agreement with the City is required.
- (b) Encroachments shall not extend closer than two (2) feet from the back of the curb line.
- (c) A minimum height clearance of eight (8) feet must be maintained.

B. Lot Area.

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

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

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

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.

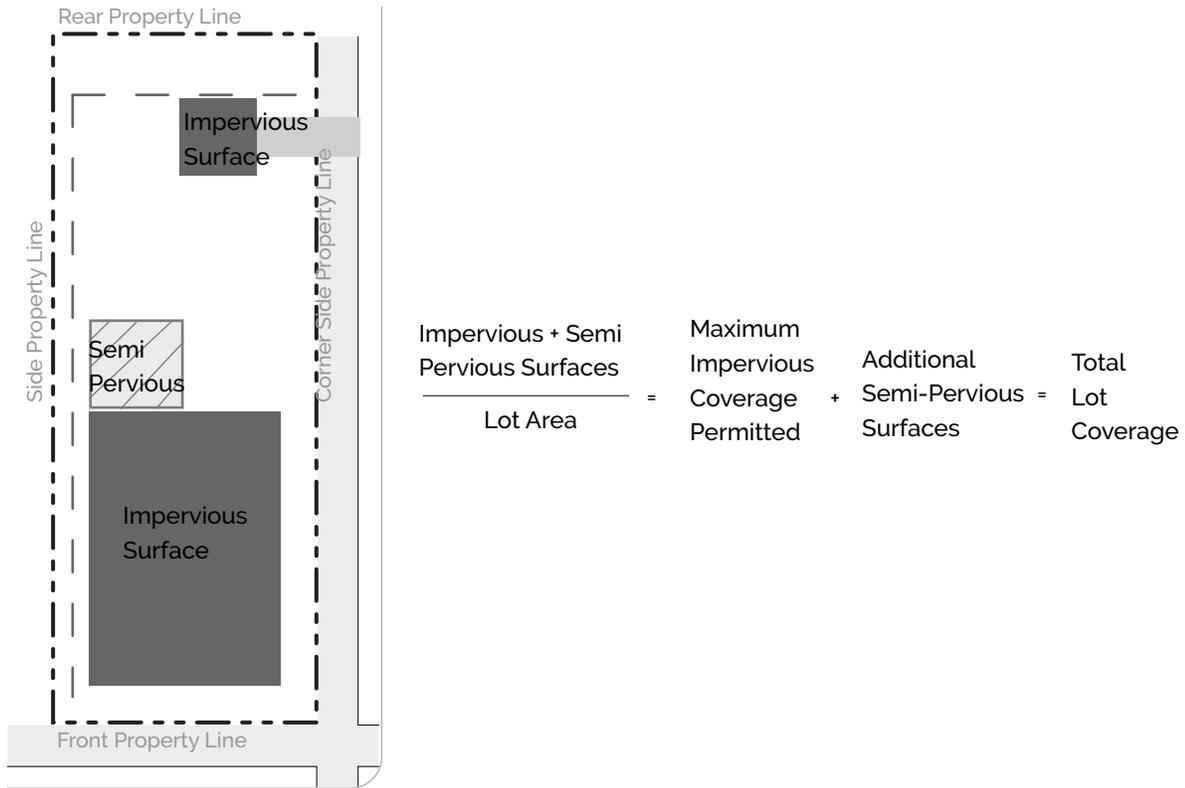


Figure 5.2-2 Lot Coverage

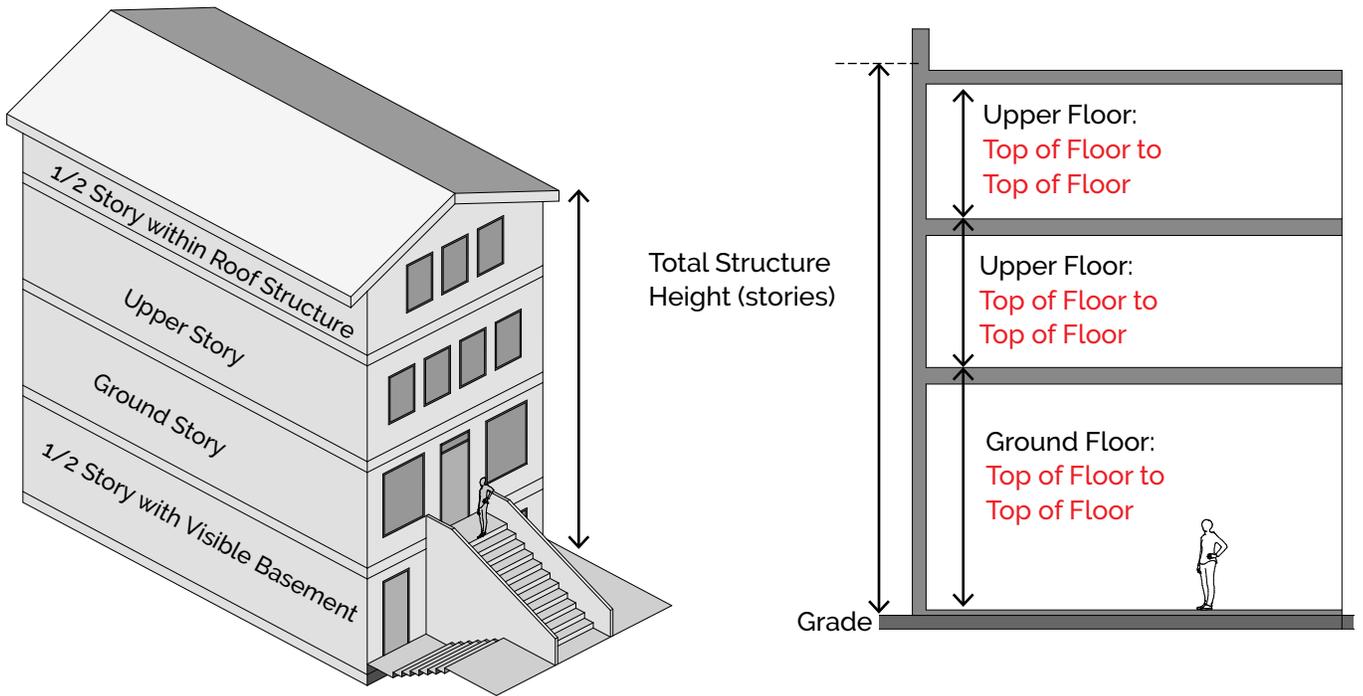


Figure 5.3-1. Measuring Height

(b) Application. Floor height requirements apply only to principal buildings on street facing facades.

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 floor, 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 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 when facing a primary street.
 - (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.

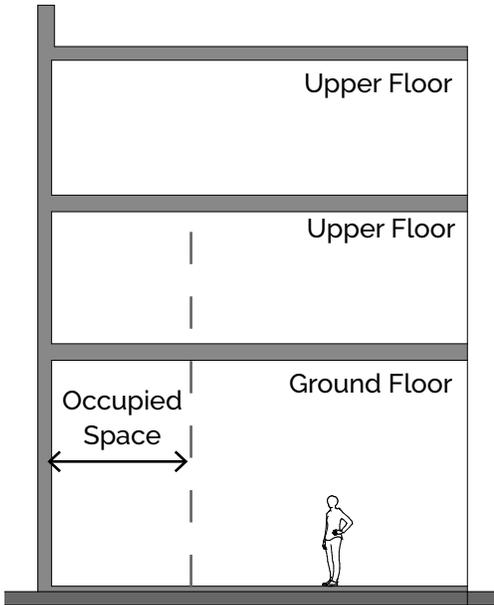


Figure 5.4-1 Permitted Uses Per Floor

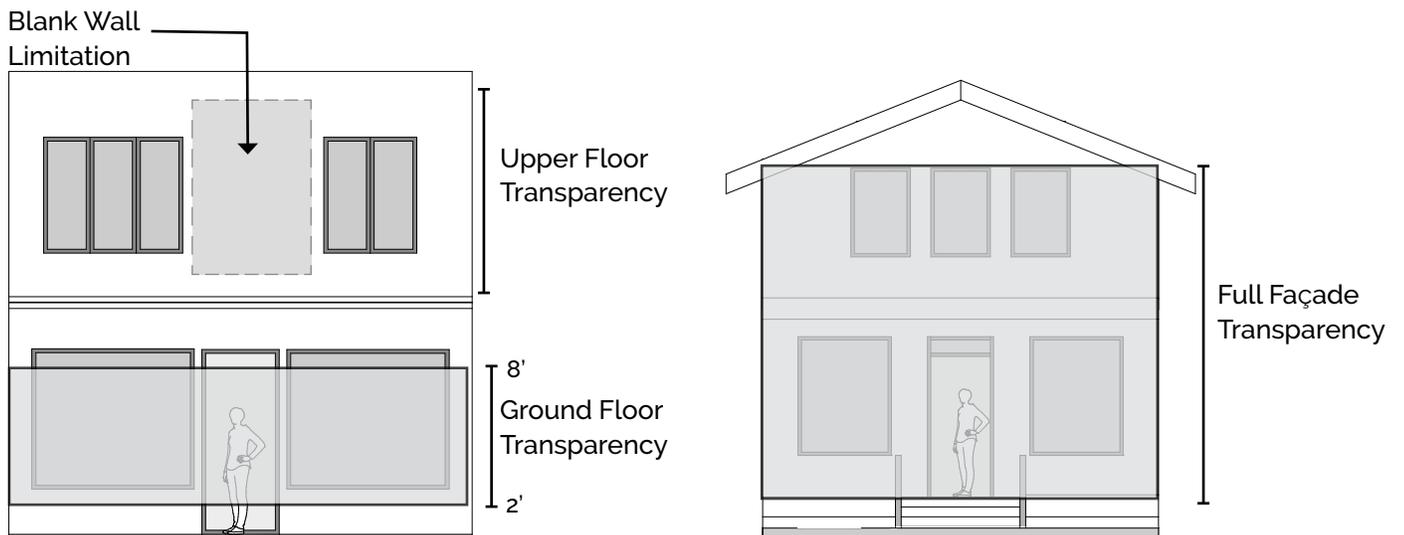


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Figure 5.5-2. Storefront.

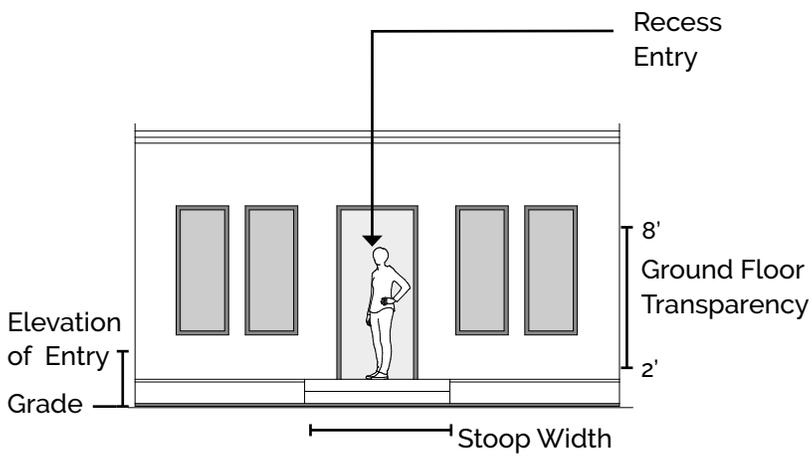


Figure 5.5-3. Stoop.

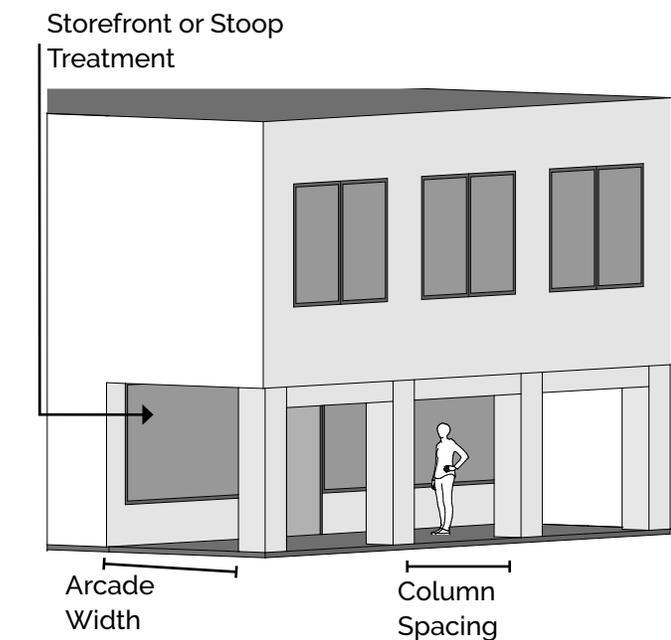


Figure 5.5-4. Arcade

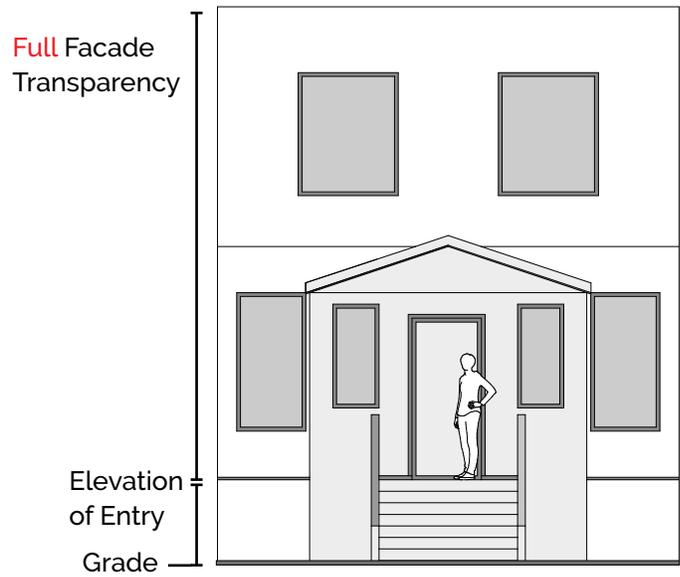


Figure 5.5-5. Porch.

(a) Height. Maximum tower height is equal to the height of one (1) upper story floor of the building onto which the tower is applied.

(b) Width. Maximum tower width along all facades is one-third (1/3) the width of the building or thirty (30) feet, whichever is less.

(c) Use. Towers may be utilized by the same uses allowed in the upper stories of the front type in which it is located.

(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.

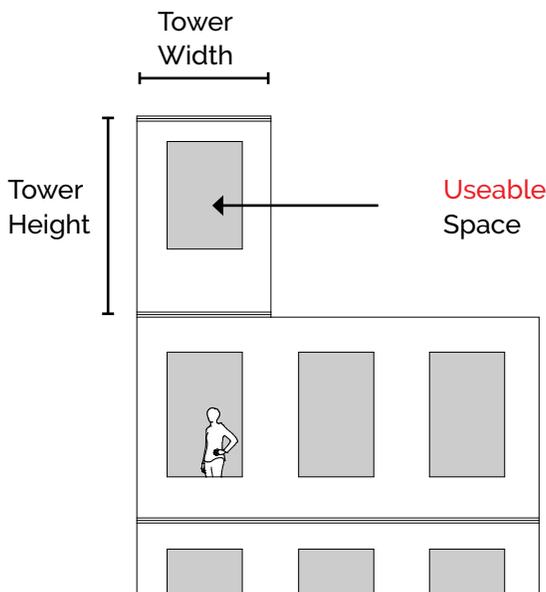


Figure 5.5-6. Tower.

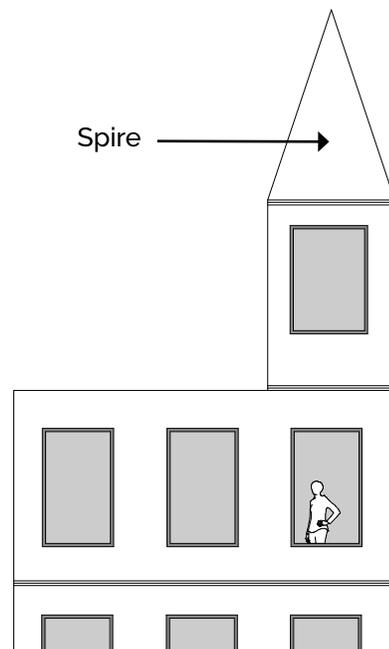


Figure 5.5-7. Spire

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

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

(5) **Warehouse Lot Type.** A Lot Type that maintains the urban character of an area while considering the needs of commercial and industrial uses. This types standards include limited entrance treatments requirements.

(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.

(6) **Yard - Detached Lot Type.** A residential Lot Type that allows for detached buildings that are set back from the street. Typically they support 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	Live Work 1	Live Work 2
Commerce	P		
Flex		P	P
Cottage Commercial	PD	P	P
Civic		P	P
Warehouse			P
Yard - Attached		P	P
Yard - Detached		P	P
Outdoor Market		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 ⁴ , 1 on Front if on an interior lot ⁴	12

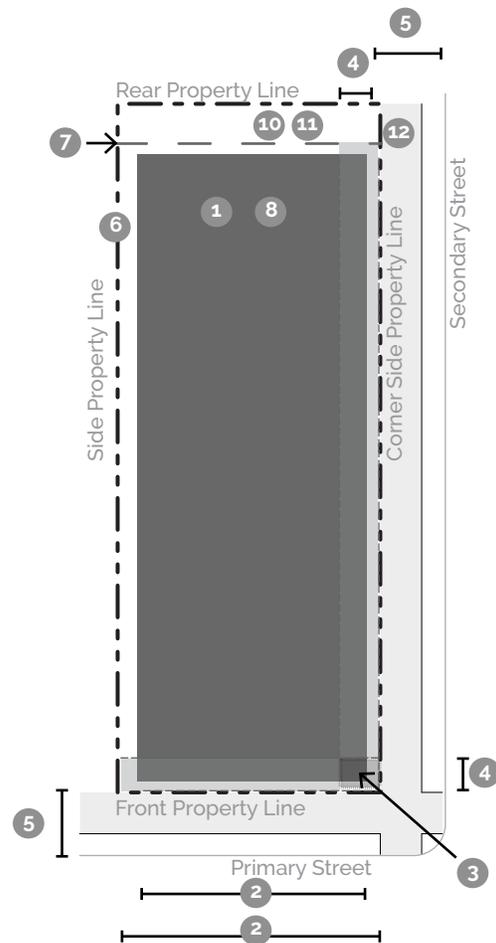


Figure 5.6-1 Building Siting.

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 required review and approval through the site plan review process.

³ Entrance bays for parking and loading not permitted on primary streets.

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

(2) Height (Figure 5.6-2)

Minimum Height	2 stories	14
Maximum Height	NODE: 3 stories; or up to height of tallest building within 330'; no max. height on Priority Streets	15, 16, 17
Ground Floor	14'-24' ⁶	17
Upper Floor(s)	9'-14'	18
(3) Uses (Table 4.1-1)		
Ground Floor	All permitted uses per district	18
Upper Floor	All permitted uses per district	19
Occupied Space	Yes: first two floors	20
Accessory Uses & Structures	See Table 4.5-1	

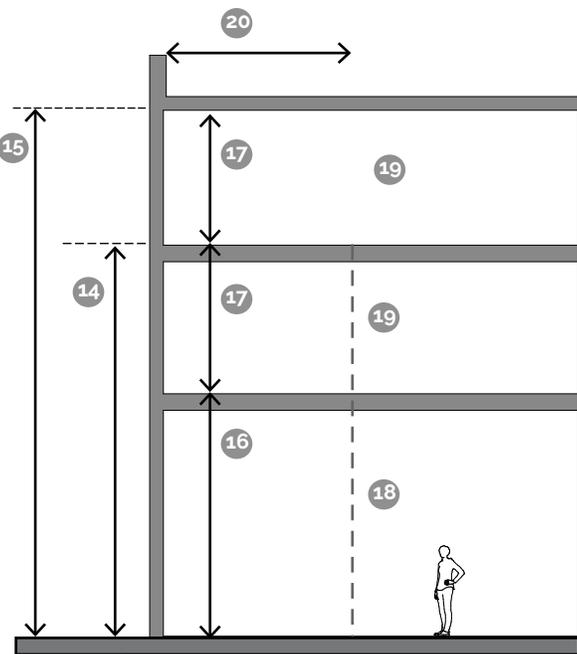


Figure 5.6-2 Height & Use

(4) Street Facing Facades (Figure 5.6-3)

(a) Transparency (minimum)		
Ground Floor	Per entrance type, see 5.5.B	21
Upper Floor(s)	20% per floor	22
Blank Wall Limitations	Yes	23
(b) Entrance		
Location	Front Facade, Building Corner	24
Entrance Treatment (see 5.5.B)	Storefront	25
Entrances on Street Facing Facades	1 per 60' of building length	26
Entrances on Other Facades	Yes	
(c) Roof Type		
Tower	Permitted	27
Spire	Not Permitted	

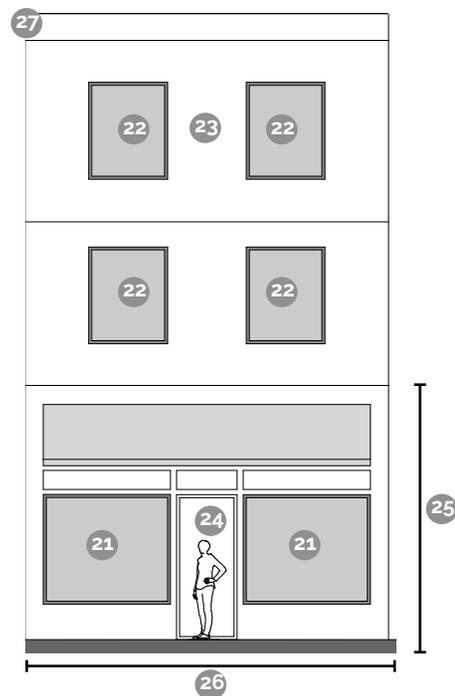


Figure 5.6-3 Street Facing Facades.

Notes:

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

⁵ 330' 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.

⁶ A Ground Floor height of 20' or greater will be counted as two (2) stories for overall building height.

C. Lot Type: Flex

(1) Building Siting (Figure 5.6-4)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	70% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-10'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	0'	7
Rear Yard Setback	0', 0' off alley 10' next to R district	8

(c) Lot Coverage

Impervious Surface (max)	75%; 85% in Live Work 2	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear Yard	11
Loading & Service Location	Rear, Side, Corner Side Facades ²	12
Driveway Location	Alley; 1 on Corner Side ³ , 1 on Front if an interior lot ³	13

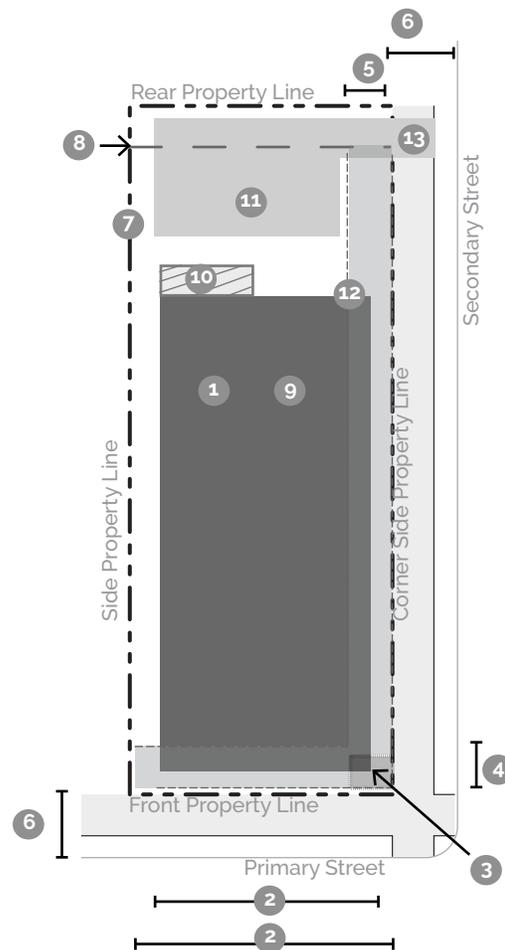


Figure 5.6-4 Building Siting.

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.

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

(2) Height (Figure 5.6-5)

Minimum Height	1 story	14
Maximum Height	3 stories; in Live	15
	Work 2 & on a	16
	Connector Street up to 5 stories permitted; no max. height on Priority Streets ⁴	17
Ground Floor	14'-24' ⁵	
Upper Floor(s)	9'-14'	

(3) Uses (Table 4.1-1)		
Ground Floor	All permitted uses per district	18
Upper Floor	Yes; except Residential/Lodging permitted per Table 4.1-1	19
Occupied Space		
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	

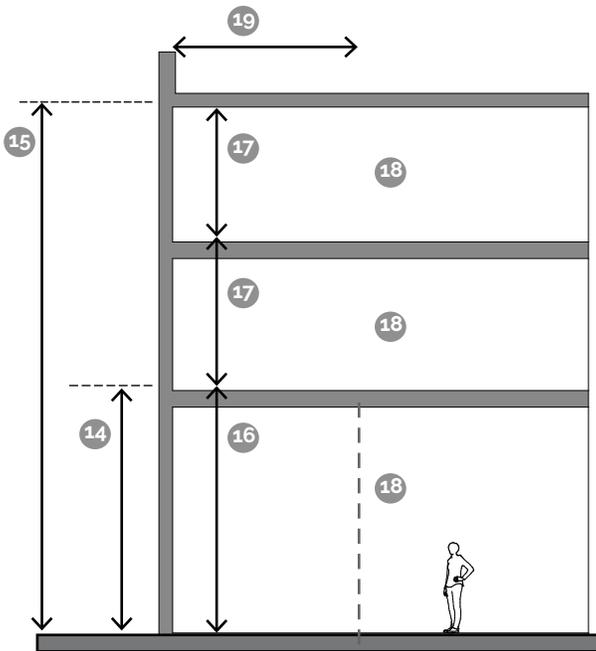


Figure 5.6-5 Height & Use

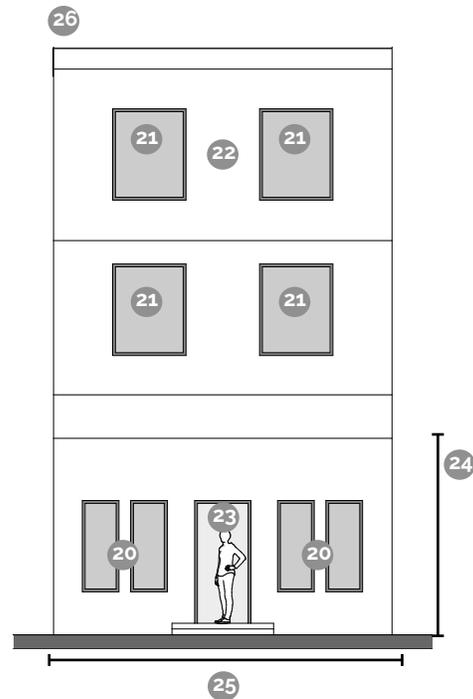


Figure 5.6-6 Street Facing Facades.

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

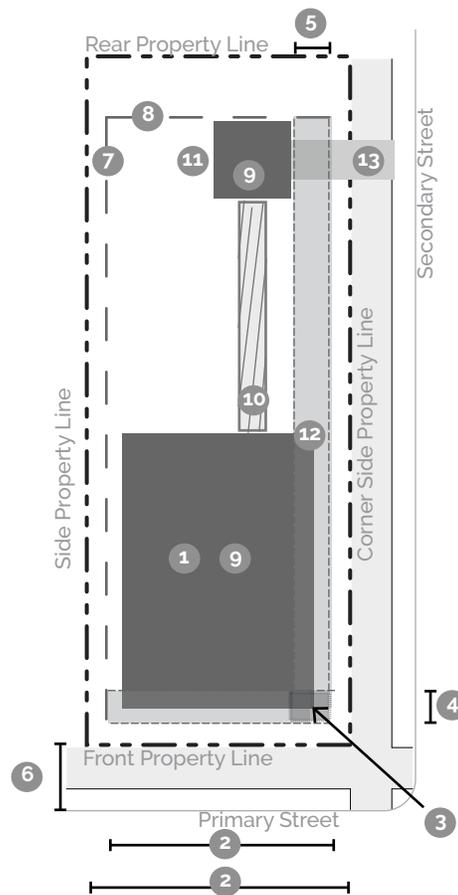


Figure 5.6-7 Building Siting Attached and Detached

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 ³	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	Yes	
Accessory Uses & Structures	See Table 4.5-1	18

(4) Street Facing Facades (Figure 5.6-9)

(a) Transparency (minimum)		
Facade Transparency (min)	40% for Stoops and Porches; Storefronts per 5.5.B(2)(a)	19
Blank Wall Limitations	No	20
(b) Entrance		
Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch, Storefront	22
Entrances on Street Facing Facades	1 per building	23
Other Facade Entrances	Not Required	24
(c) Roof Type		
Tower	Permitted	
Spire	Not Permitted	

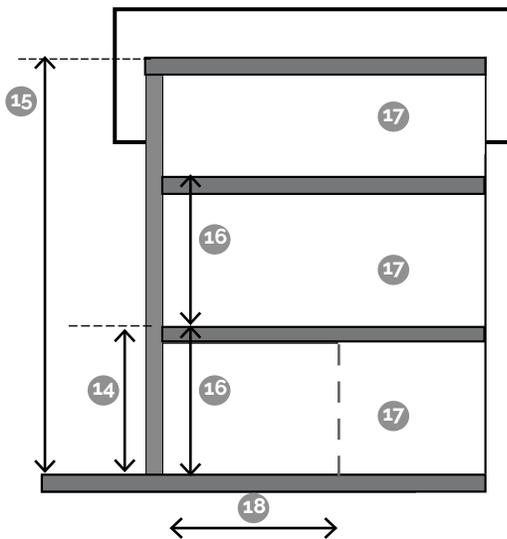


Figure 5.6-8 Height & Use

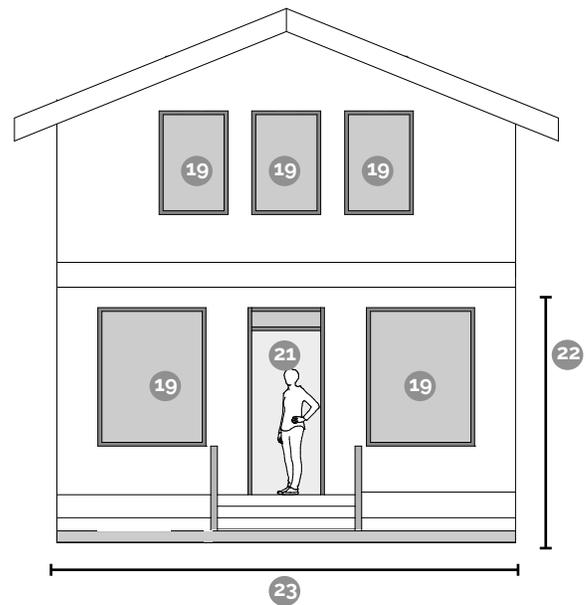


Figure 5.6-9 Street Facing Facades.

³A one-story addition is permitted on the front facade of a multiple story building.

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'	4
Corner Build-to Zone	0'-15'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	0'	7
Rear Yard Setback	5', 0' off alley, 10' next to R district	8

(c) Lot Coverage

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

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side Corner Side Facades ¹	12
Vehicle Entrance Bay		
Driveway Location	Alley, 1 on Corner Side ² , 1 on Front if an interior lot	13

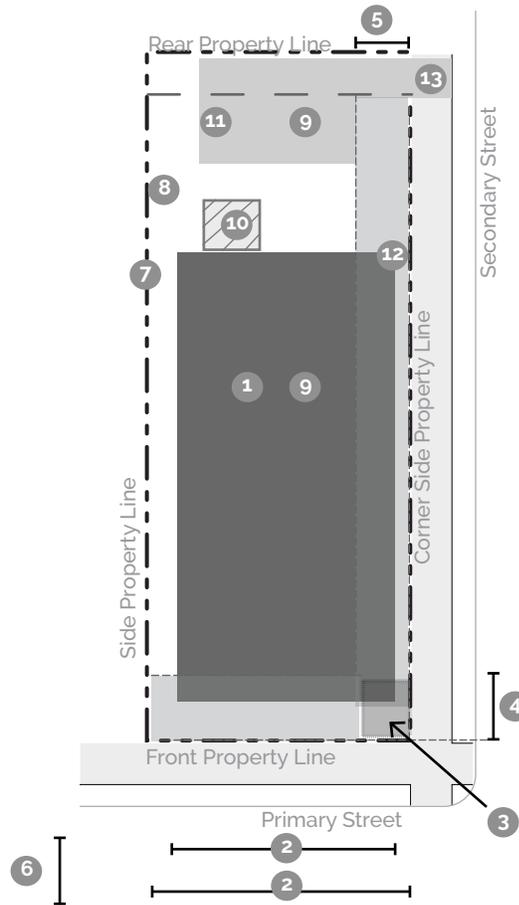


Figure 5.6-10 Building Siting.

Notes:

¹ Entrance bays for parking and loading are not permitted on primary streets

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.

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-15'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15', 0' off alley,	8

(c) Lot Coverage

Impervious Surface (max)	80%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side, Corner Side Facades ² , & 1 on Front Facade ²	12
Vehicle Entrance Bay	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13
Driveway Location	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13

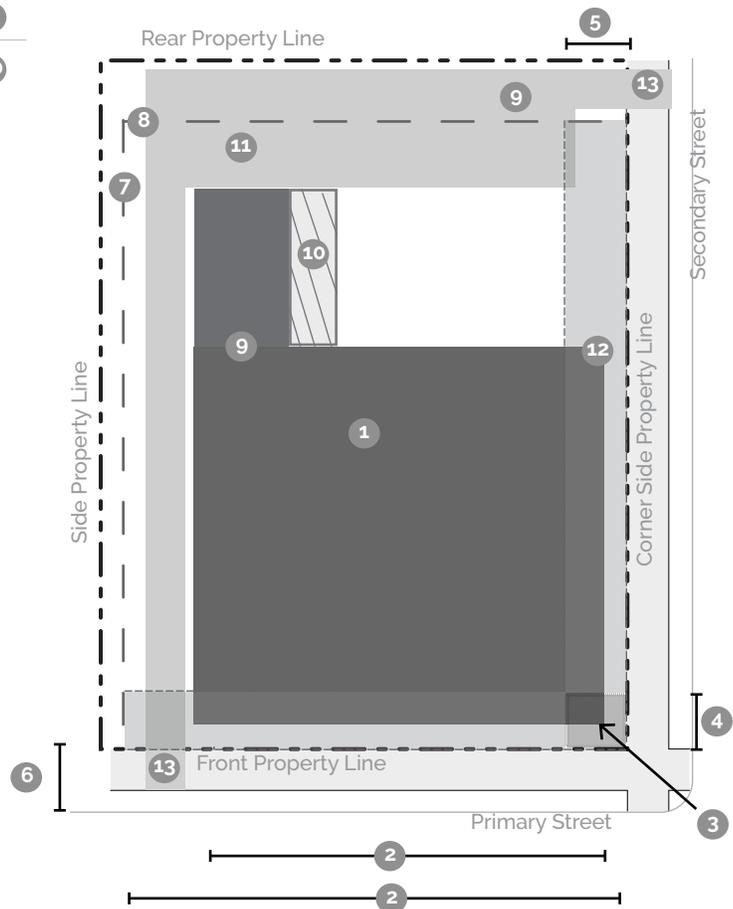


Figure 5.6-13 Building Siting.

Notes:

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

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

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

(2) Height (Figure 5.6-14)

Minimum Height	1 stories	
Maximum Height	3 stories ⁴	15
Ground Floor	14'-30' ⁵	16
Upper Floor	9'-15'	17

(3) Uses (Table 4.1-1)

All Floors	Industrial	18
	Not Required,	
	except Craftsman	19
Occupied Space	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
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(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

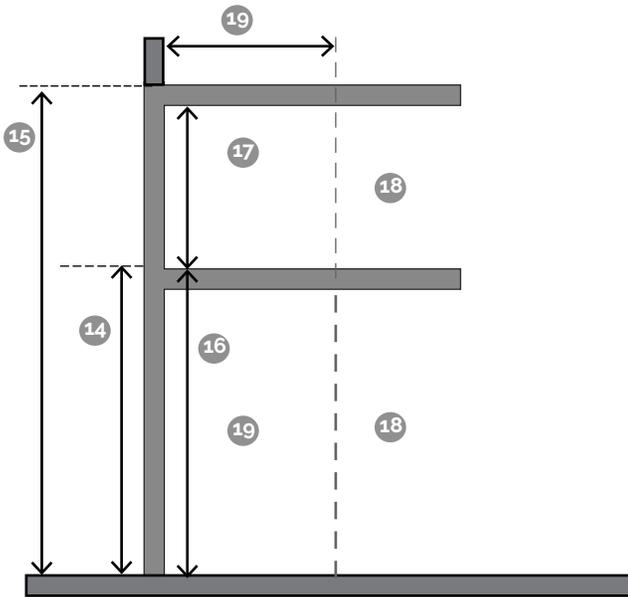


Figure 5.6-14 Height & Use

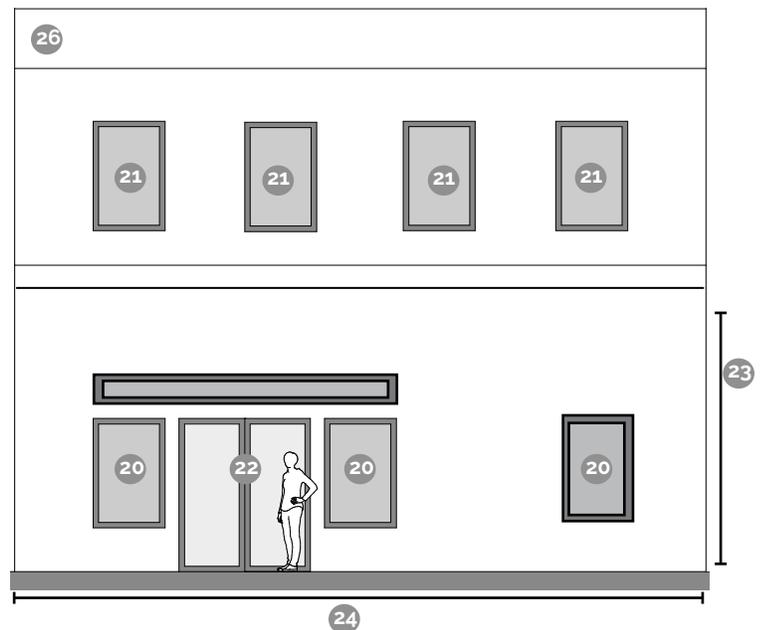


Figure 5.6-15 Street Facing Facades.

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

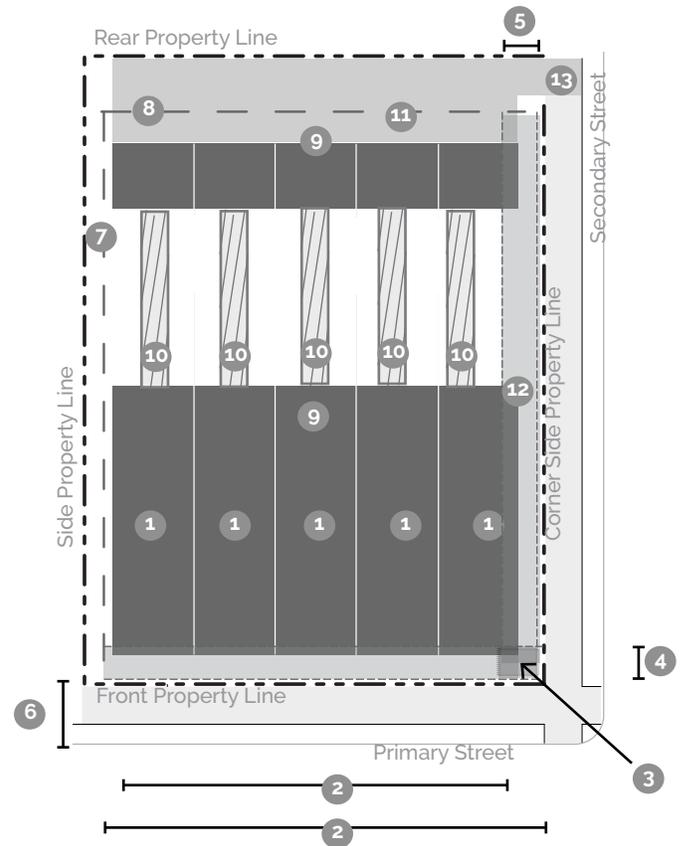


Figure 5.6-16 Building Siting

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.

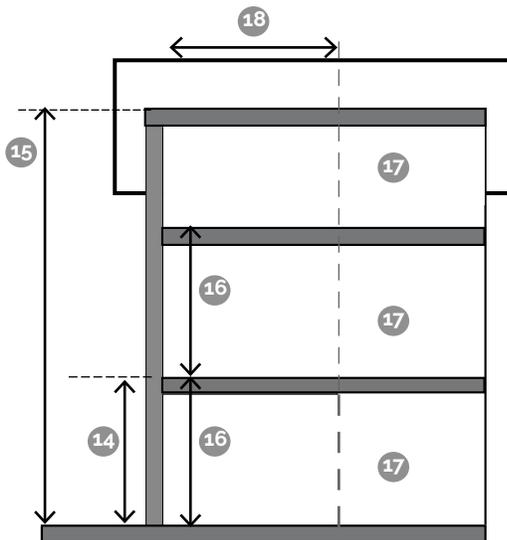
³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-17)

Minimum Height	1 story	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 interior parking	18
Accessory Uses & Structures	See Table 4.5-1	



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

(a) Transparency (minimum)

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

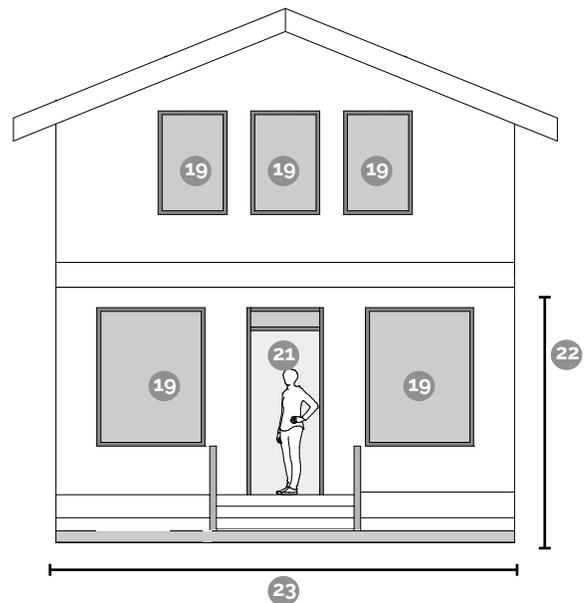


Figure 5.6-17 Height & Use

Figure 5.6-18 Street Facing Facades.

Notes:

⁴When 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

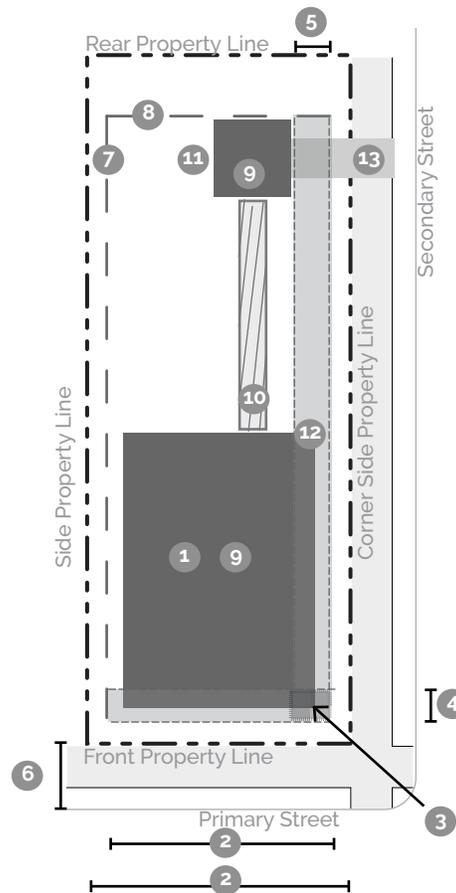


Figure 5.6-19 Building Siting Attached and Detached

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.

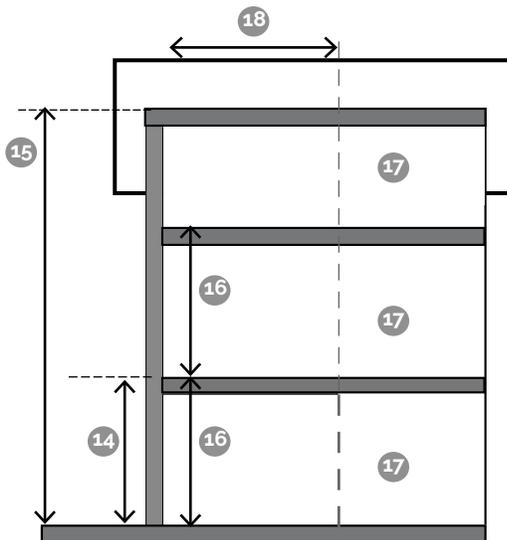
³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-20)

Minimum Height	1 story	14
Maximum Height	2.5 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

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



(4) Street Facing Facades (Figure 5.6-21)

(a) Transparency (minimum)

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Not Permitted
Spire	Not Permitted

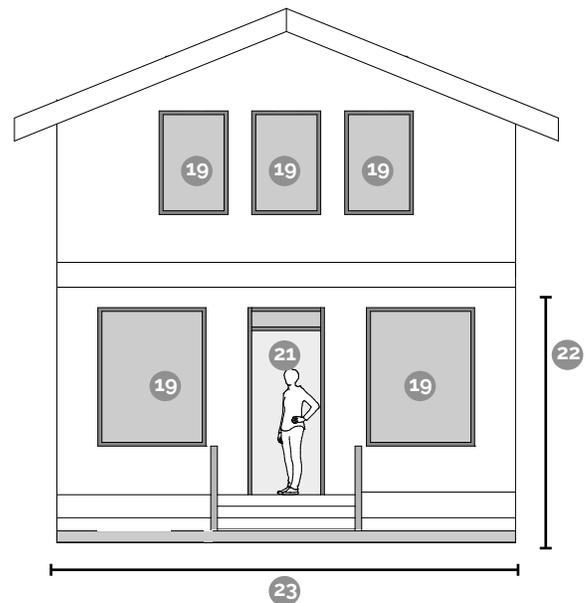


Figure 5.6-20 Height & Use

Figure 5.6-21 Street Facing Facades.

Notes:

⁴When 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	
ROW Encroachment	Yes	2

(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 Front if not an interior lot	10

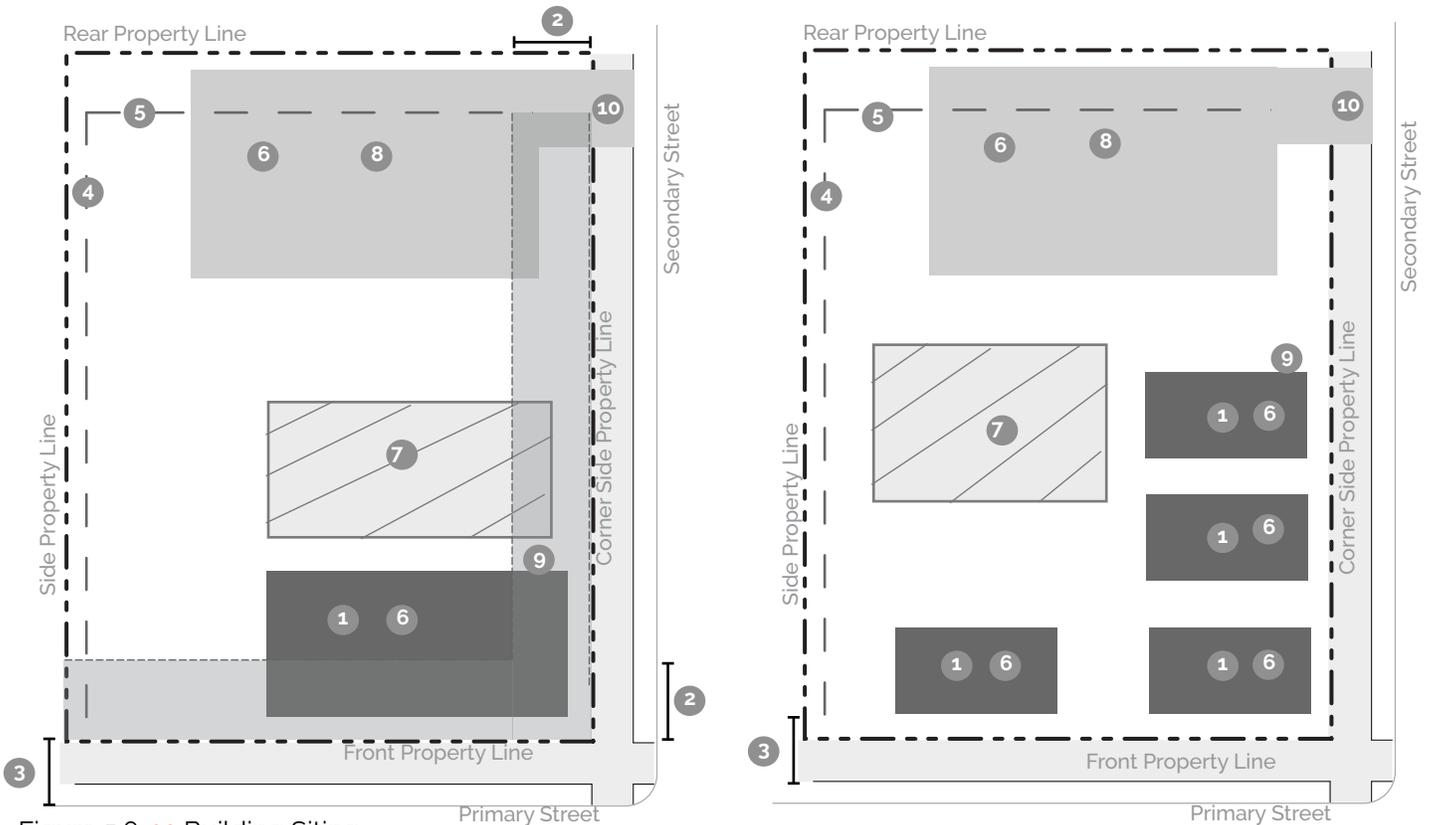


Figure 5.6-22 Building Siting.

(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

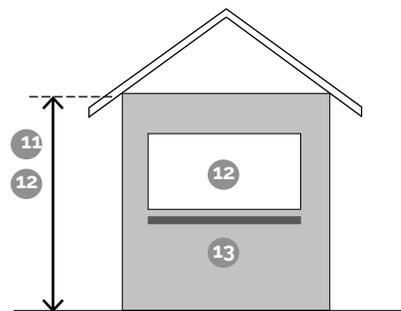


Figure 5.6-23 Street Facing Facades.

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.

³When 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.

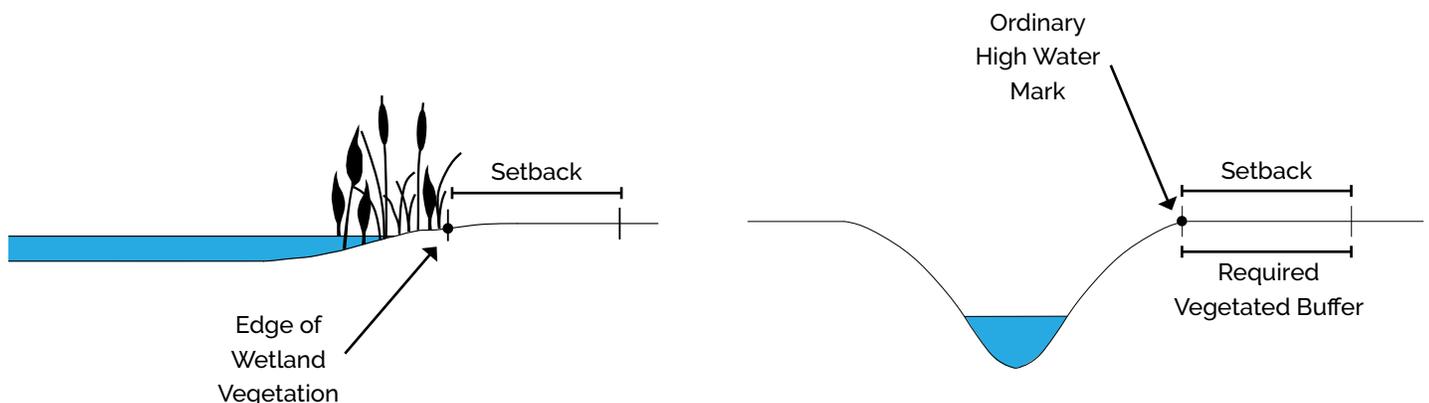


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

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.

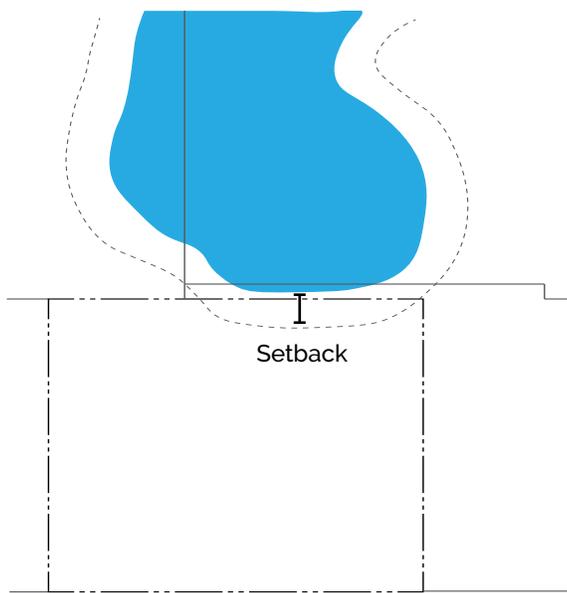


Table 6.2-1 Wetland and Water Resources Setbacks

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.

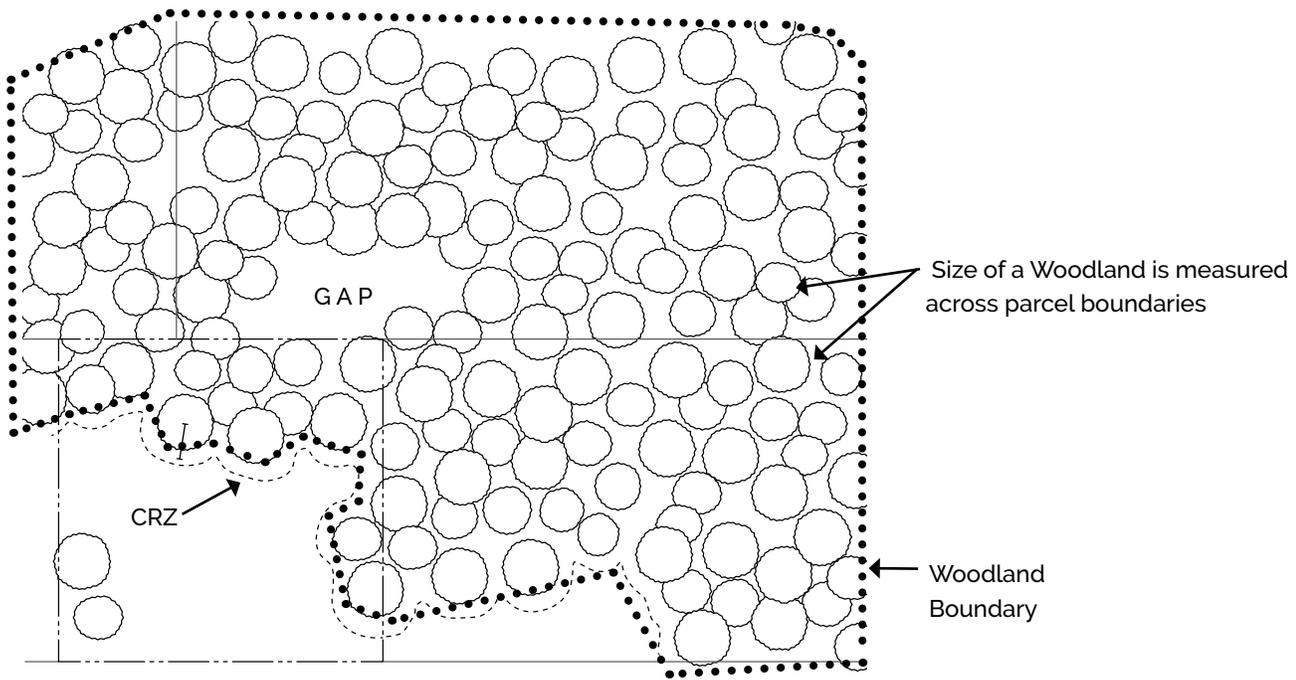


Figure 6.2-3 Defining and Delineating a Woodland

(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 laciniosa</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.

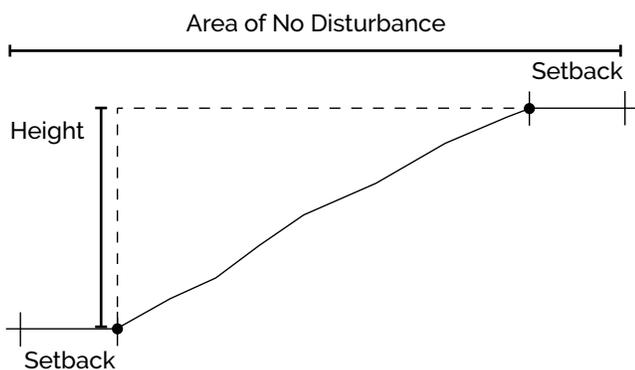


Figure 6.2-4 Protected Slope Setbacks

(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.

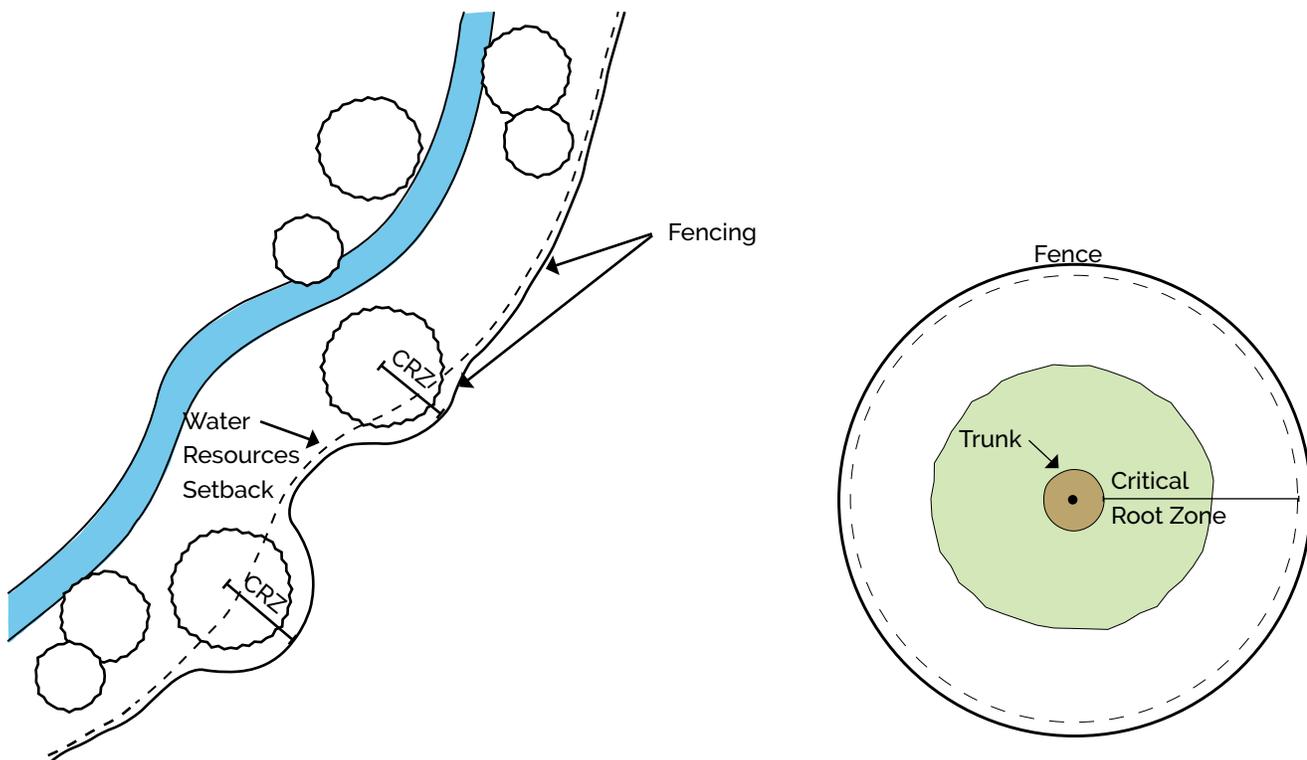


Figure 6.2-5 Placement of Construction Fencing

(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 subject to 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.

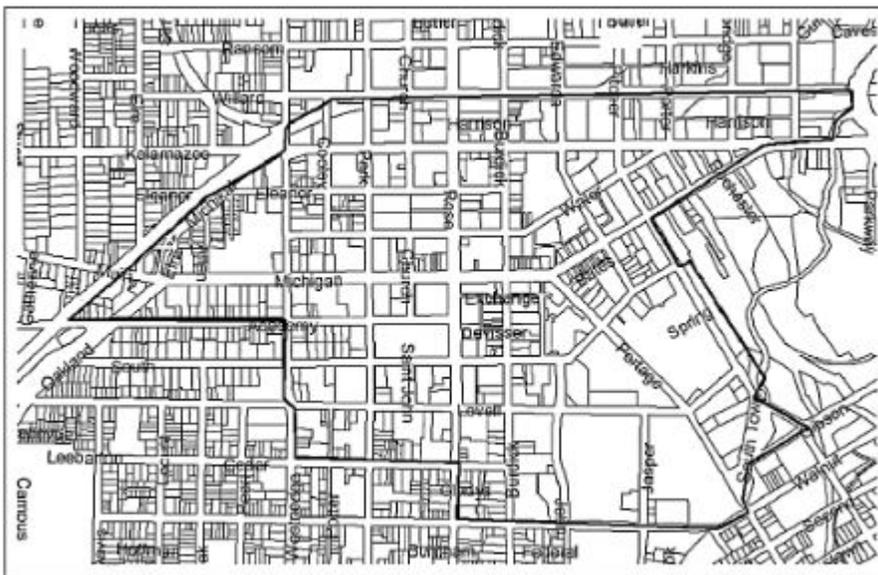


Figure 7.1-1 Downtown Exempt Parking Map

(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 1/2 shall be disregarded; a fraction greater than 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
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
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

(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.

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 & Drinking Establishments	50%	70%	100%	70%	60%	100%
Entertainment (Spectator, Participant) & Assembly	5%	30%	100%	5%	80%	100%
Office	5%	100%	5%	5%	5%	5%

(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.

[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.

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.

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

- [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

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'

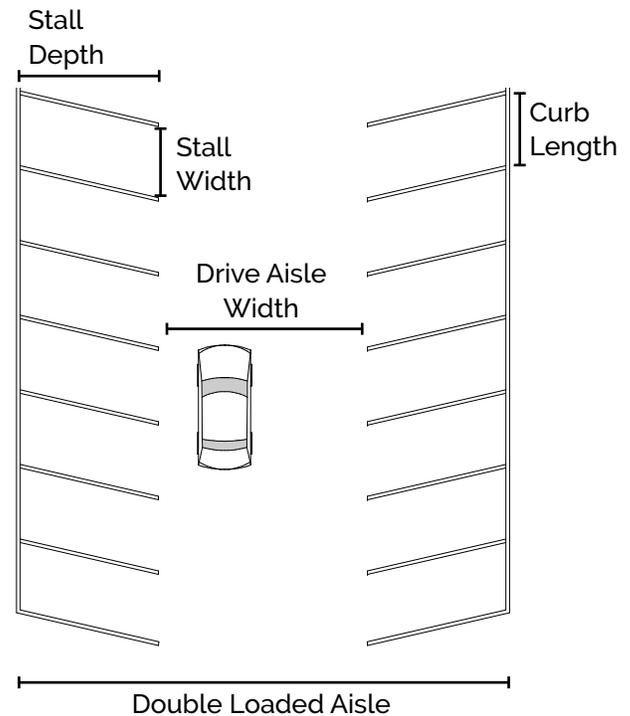


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

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.