

## Agenda

### City of Kalamazoo - Planning Commission

February 6, 2020

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 January 14, 2020
- E. Communications and Announcements
- F. New Business:
  - 1. Transitional Residence Report  
(materials to be provided at the meeting)
- G. Public Hearings:
  - 1. 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
- 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  
January 14, 2020  
*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; Brian Pittelko

Members Excused:

City Staff: Christina Anderson, City Planner; Clyde Robinson, City Attorney; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant

**A. CALL TO ORDER**

Commissioner Greenman Wright called the meeting to order at 7:02 p.m.

**B. ROLL CALL**

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

\*Commissioner Milliken arrived as the first Public Hearing was finishing.

**C. ADOPTION OF FORMAL AGENDA**

**Commissioner Vyas, supported by Commissioner Espinosa, moved approval of the January 14, 2020 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES**

**Commissioner Wissner, supported by Commissioner Vyas, moved approval of the December 5, 2019 Planning Commission minutes. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

Planner Anderson welcomed new Planning Commissioner, Mr. Brian Pittelko, to his first meeting.

**F. NEW BUSINESS**

None

## **G. PUBLIC HEARINGS**

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**]

Planner Anderson presented the staff report. The request for a special use permit is to allow a dormitory at Lakeside Academy. The property is zoned residential (RS-5 and RM-15) and backs up to Whites Lake. Planner Anderson reviewed pictures and maps of the area. Lakeside Academy is a school that exists in a residential district. Schools are permitted in this district, but whenever they do expansions, they must come before the Planning Commission for a special use permit.

Mr. Jeff Palmer, Board Chair of Lakeside for Children, came forward to speak. He introduced Ms. Sam Lealofi, CEO of Lakeside for Children and Architect, Mr. David Jarl. Mr. Palmer reported they have taken care of at-risk children since 1908. They currently serve boys 12-18 who come from all around Southwest Michigan and communities across the state. He said they've even had boys come from as far away as California. Lakeside for Children is licensed by the State for 126 beds. Boys typically stay from 6-9 months. Mr. Palmer stated that the State asked them to increase their bed count. They plan to replace the oldest dorm on campus and use the old dorm for office/storage space.

Mr. David Jarl, architect, shared some things about the project. This one-story building will be 8700 square feet with a pitched roof with asphalt-style shingles. It will house 32 occupants: 20 in private rooms, 12 in semi-private rooms. Mr. Jarl said they determined the northeast corner of property was best suited for this use. They added parking where they could.

**Commissioner Greenman Wright opened the public comment portion of the hearing.**

No one came forward.

**Commissioner Greenman Wright closed the public comment portion of the hearing.**

**Commissioner Espinosa, supported by Commissioner Pitts, moved to recommend approval of the special use permit request for 3921 Oakland Drive for the school, Lakeside Academy for Children.**

Commissioner Espinosa said he believes Lakeside Academy is a great institution and something that should be supported in the community.

Commissioner Greenman Wright asked the applicant about stormwater management plans. Mr. Jarl confirmed their civil engineer is working on those plans.

**Roll call vote was taken and the motion passed unanimously.**

Commissioner Milliken arrived.

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

1) Rezoning 4301 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 4301 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]**

Commissioner Milliken explained the order in which the hearing would continue.

Planner Eldridge presented the staff report for the three parts of the request. He explained that applicants are encouraged to do their own outreach. The City sends standard notices to property owners within 300 feet of the property in question and to neighborhood associations. The applicant is encouraged to send their own notices or go door to door and meet the neighborhood and its organizational leaders. Ideally the City would like applicants to schedule a neighborhood meeting. The applicant for these requests reached out to the Oakland Drive/Winchell Neighborhood Association (ODWNA), Asylum Lake Preservation Association (ALPA), and Asylum Lake Policy and Management Council (ALPMC) and informed them of the request in the weeks before the hearing.

Planner Eldridge said he was proud of the citizens in Kalamazoo and organizations for the feedback they provided. City staff sent supplemental packets with correspondence received to Planning Commissioners on 1/8, 1/10, and 1/13. Letters/correspondence received after 1/13 were provided on the dais. In addition to those, there were two Change.org petitions done. Planner Eldridge confirmed that City staff received a significant amount of feedback on these matters.

The three properties together equal 18.9 acres. Planner Eldridge reviewed the property around the three parcels: north is University Commons, commercial strip development; west is vacant land owned by WMU; south is Asylum Lake Preserve; east is Stadium Drive Apartments. The applicant proposes commercial development for these properties. He has a similar facility, a Drive and Shine car wash, constructed on West Main. In order to construct another car wash on these properties, he will require the zoning ordinance change from residential to commercial. CC is the predominant zoning from Rambling Road to Drake Road. Planner Eldridge reviewed maps and pictures.

1) Planner Eldridge stated that staff support the request (Part 1) to rezone 4301 and 4305 Stadium Drive from Zone RS-5 and Zone RM-15 to Zone CC. He went over the criteria to evaluate the request.

Consistency with 2025 Master Plan. Stadium Drive is a commercial focused sub-urban corridor with NFP Overlay. The request was determined to be in alignment with the 2025 Master Plan and supports the commercial development and vision there.

Changes in Condition. New commercial development solidifies Stadium Drive as a commercial corridor and intersection.

Demonstrated Community Need. There is a need to finish updating zoning of parcels to align with the Master Plan's future land use map (NFP done in 2019). Under goals in the Master Plan, there is an action item to align the zoning map with the future land use map. The request is compatible with the area, because CC dominates the zoning in the corridor.

2) Planner Eldridge stated that staff do not support the request (Part 2) to remove the NFP Overlay from 4301 and 4305 Stadium Drive.

Consistency with 2025 Master Plan. Parcels can have dual context. For this property it would include being located on a commercial corridor and having natural features and being adjacent to natural features. The NFP Master Plan designation led to a new zoning district overlay being created in May 2019 after a 6-month public process. The request to remove the overlay is not consistent with the 2025 Master Plan.

Changes in condition – Conditions for the NFP Overlay have not changed since its creation in May 2019. The City is committed to creating sustainable strategies and expanding the NFP.

Demonstrated Community Need. The community has spoken at multiple meetings that preserving natural spaces is important. The community was very involved and outspoken about the creation of the NFP during the public participation process.

Compatibility with Adjacent Land Use Zoning. The 2025 Master Plan recognizes this as a dual context site. The NFP ensures compatibility between the commercial and natural features protection.

Logical Development Pattern. Removing NFP would impact the logical and orderly development of the site to meet its two contexts.

3) Planner Eldridge stated that staff do support the request (Part 3) to rezone 2231 S Drake to CC.

Consistent with 2025 Master Plan. The new commercial development solidifies S. Drake Road as a commercial corridor.

Demonstrate community need. There is a need to finish updating parcel zoning to align with Master Plan's future land use map (NFP done in 2019). Under goals in the Master Plan, there is an action item to align the zoning map with the future land use map.

Compatible. The request is compatible with the area, because CC dominates the zoning in the corridor and allows uses such as proposed.

Commissioner Milliken asked for clarification as to which parcels correspond to which address. Planner Eldridge identified the addresses.

Commissioner Greenman Wright asked what the anticipated vision was for this corner when they were creating a future land use map and reviewing zoning along the corridor. Planner Eldridge stated the vision was for the corner to be consistent with development along Stadium Drive – developed for a commercial use.

Commissioner Ellis asked if the removal of NFP is not supported and rezoning is supported, how that works together. Planner Eldridge shared the rezoning to commercial designation is supported by staff because in the Master Plan it is shown on the future land use map. Those working on the NFP worked hard to put together a cohesive plan as well as a map. The City wants to continue to uphold and build upon that momentum. The City is not in support of removing the NFP. Planner Anderson said applicants have the right to make a request in front of the Planning Commission or Zoning Board of Appeals whether or not the request is supported by staff.

Commissioner Vyas asked if any traffic studies were conducted when considering the application. Planner Anderson stated that traffic studies are completed at the site plan stage of a project.

Commissioner Milliken asked for an explanation on how an overlay district works. Planner Anderson shared that an overlay is an additional set of standards placed on a property. Every property has a base zone, in addition to that there are standards related to site development. The Natural Features Protection Overlay is not about underlying use, but about how a property gets developed. The overlay goes on top of zoning standards for development.

Attorney Matthew Van Dyk, Miller Johnson, spoke on behalf of the applicant. He used the future land use map with the NFP Overlay to clarify a point. Attorney Van Dyk pointed out the northern portion of the property is not in the NFP as shown on the map. He said the was important because Planner Eldridge said one of the goals of the future land use map is to conform the future ordinance to it. Attorney Van Dyk stated that his client acquired the property in late 2017. His client did this after confirming through a review of the Master Plan, the future land use map, and discussion with City staff that the property could be commercially developed in an economically feasible manner. At the time, only the southern portion of the property was to be in NFP.

Attorney Van Dyk shared the following points:

1 – The property is currently zoned residential. It is clear from development in the area, this is commercial property. The request is consistent with the 2025 Master Plan. The Master Plan explicitly excludes the northern property from NFP.

2 – This is a function of changing conditions which are properly captured in the 2025 Master Plan – they are requesting conformance to the Master Plan.

3 – The uses permitted under CC is in the general public interest because this is the primary commercial corridor.

4 – All uses in CC would be appropriate here. The City Assessor reclassified the property as commercial vacant land in the 2019 tax rolls despite still being zoned residential.

5 – The character of area would not be adversely affected by the change in classification. Developing the property as commercial would be consistent with the area. Subjecting the southern property to the NFP and leaving the northern property out of it strikes the appropriate balance between commercial development on Stadium Drive and the transition to the Asylum Lake Preserve.

6 – The proposed change is in line with the City's comprehensive plan. The Master Plan calls for all to be commercial with southern property subject to NFP.

7 – The proposed change is consistent with zoning plans for adjacent governmental units.

8 – They are asking for the zoning to conform to the clear intent of the Master Plan. He said it is reasonable for his client to rely on the Master Plan and representations of City staff when he purchased the property.

Attorney Van Dyk said they are asking to rezone the property consistent with judgement reflected with the Master Plan. He also said, if NFP remains, it would render the northern parcels undevelopable without extensive variances from NFP.

The applicant, Mr. Hadji Tehrani, President and CEO of DNS Stadium Drive LLC, came forward to speak. He said he was disheartened by the negative publicity and comments, stating there were even hate comments. Mr. Tehrani felt that with everything around this property commercial, it was a good fit for them. They were clearly told the City slated this property for commercial in its Master Plan with a narrow strip in southern part being to NFP. Mr. Tehrani said the City asked them to volunteer their project through the NFP group and it would gain support. He said they spent a year participating in half-dozen meetings to define what NFP meant. After that year came the Moratorium, and then they learned NFP was on the whole property. If NFP is applied to whole property, it makes it commercially undevelopable. It would take multiple variances, and none are guaranteed to be granted. Mr. Tehrani said they bought property on premises as shown on the Master Plan to be commercially developable. He said they were told in writing by City staff only southern part of property will be in NFP. Mr. Tehrani said they followed every engineering step required to be certain the development wouldn't negatively impact the surrounding areas including the lake. He stated their development plan is 100% consistent with the City's Master Plan. They will leave quite a bit of greenery by the lake. People will not be able to see any buildings on land if sitting on a boat on the lake.

Commissioner Wissner asked him to speak to the water treatment programs he has with his facility. He also asked what they plan to do with surface water run-off and the water used within the car wash. Mr. Tehrani told him the run-off from Stadium Drive is running through the property into the lake completely untreated. They will make sure that is treated before it goes into the lake. Not a drip of water from a car wash is permitted by regulation in the State of Michigan to run-off in streams or land. Mr. Tehrani said they will put in 10 tanks to separate oil from water before it is sent to the City to be professionally treated. Water comes to the first tank while the car is getting washed and the oil gets separated from it. From there

it is called a sedimentation process. By the time it is in tank 10, the water is clear. They filter it again and use it back in the car wash. Mr. Tehrani said 80% of their water is recycled water filtered by them from the last tank. The residue from that then goes to City to be professionally treated. He shared the worst way to wash a car is to wash it on the driveway.

Commissioner Vyas asked if any traffic studies were completed prior to determining this is the land he wanted to use for a car wash. Mr. Tehrani said traffic studies are typically not done during the contingency period, but they have finished them. He said they worked with the State of Michigan because Stadium is a State highway, and they defined what traffic study to do and where our points of entry and exit were supposed to be. Commissioner Vyas asked for the results of the study because this is a dangerous intersection. Mr. Tehrani said there will only be two cuts into Stadium. One about half-way through the property about 500 feet past the Stadium and Drake corner and one at the traffic light. There is an existing cut on Drake just at the southern portion of the property. Anything south of that access on Drake, they plan to leave as green land. He said the traffic study didn't come back with any negative impact.

Commissioner Chambers asked if the car wash he wants to put on Stadium would be consistent with the one already built on Drake. She also wanted to know if he was adding a lube shop and how he planned to make sure none of that enters the water. Mr. Tehrani said that by State regulation they have a basement in the lube center that is built like an upside-down swimming pool. He said it is required to put stuff in the foundation so there is no physical way for oil to seep from that into the environment. Mr. Tehrani said they take oil from oil changes and use it to heat their facilities. He shared it is the number one preference as far as EPA is concerned to burn the oil on site for heating purposes.

Commissioner Chambers asked how competition would work when the same exact business is on West Main and those corners are not far from each other. Mr. Tehrani said they are two different markets and they anticipate having just as much volume at this location as the one on West Main. Mr. Tehrani shared they have facilities in other towns that are only a mile apart. Customers shop in different markets in different areas. They are not worried about it being a bad thing. Commissioner Chambers asked if he was worried about other car washes that exist on Stadium Drive. Mr. Tehrani said he was not worried because their service is totally different and not offered in this market. He said they have a service called interior clean. A vehicle goes on a beltway, moving about the speed of 7.5 minutes from beginning to end. They have six people standing on the belt doing services to this car. They plan to offer this service at the Stadium Drive location.

Mr. Tehrani answered Commissioner Espinosa that he has not had any environmental studies done that show the impact of development on this corner or for Asylum Lake Preserve.

Commissioner Ellis asked Mr. Tehrani if his new development footprint needed to be so large. Mr. Tehrani said it does need to be large to provide the services they offer. They provide a building, heated space, to vacuum cars inside. He said they are the first in Michigan to offer that service.

Commissioner Pitts asked him to speak on any environmental studies of wildlife. Mr. Tehrani said they took some people from an NFP forum to look at that site to figure out what the natural features were and

how to protect them. There was some discussion about turtles and how they could design buildings to make sure the turtles make it from point A to point B. Mr. Tehrani spoke about finding a happy medium between development and leaving a place natural for wild life. He said they believe the Master Plan made sense because it is a totally commercial area. Mr. Tehrani believes there is a misconception that they are building on Asylum Lake Preserve. He said not an inch of their property falls within what is considered Asylum Lake Preserve.

Commissioner Pitts followed up by asking about the distance between his commercial property (the building itself) to the preserve. Mr. Tehrani said there is roughly 150-175 feet of distance from the closest boundary of them to the lake. He said none of their buildings would naturally even come close to the edge of their property. Mr. Tehrani said they would prefer to keep the southern part of the development residential with the northern part commercial. He guessed that the distance of the carwash to the lake would be approximately 300 feet.

Commissioner Wissner pointed out that the southernmost parcel is residential. He asked if 2231 was residential or had the NFP and 4305 & 4301 were not residential, would that permit him to move forward? Mr. Tehrani agreed that in his view, residential would be more appropriate for the southernmost parcel and he would be able to move forward if the others were not.

Commissioner Greenman Wright asked for clarification as to if it was essential to rezone 2331 Drake to commercial. Mr. Tehrani said he wasn't sure the parcels could have multiple zonings if they consider it is one development. NFP would be applied to southern part regardless – commercial or not makes no difference. Planner Anderson said it would depend on the comprehensive development project and how site plan is done. She cited examples of where the driveway comes in, where it splits off, if the intent is ground-floor residential. Residential on ground floor not permitted in CC, so a variance may be needed in the future. She said in theory it is possible if the parcels were separate, but that would be decided in site plan.

Mr. Tehrani declared he will protect it no matter what it is zoned. He plans to live with this community, and he will work with staff to determine what makes sense.

Commissioner Greenman Wright clarified with staff that the intent is to merge these parcels into one property. Planner Anderson said if the developer is planning on comprehensively developing all the parcels as commercial, then through site plan we ask them to combine the parcels. If there was a parcel that had a separate residential piece, then in theory those could be on different parcels.

Commissioner Espinosa confirmed with the applicant and staff that the property was purchased in October 2017, the same month the Master Plan was adopted. Planner Anderson confirmed the NFP was mentioned in the Master Plan. Commissioner Espinosa wondered how the applicant knew his property was in NFP before NFP was put into place. Planner Anderson explained the Master Plan shows the parcels as appropriate for commercial. The Master Plan also designates the existence of natural features and goals associated with creating or preserving natural features in the City. The method of how to implement the protection of natural features had not been determined at that time. Planner Anderson said that after quite

a bit of deliberation, the City chose to implement it through zoning code which is applied over whole parcels. She said natural features (slope, woodland, trees) was clearly defined through the process. Through that definition, through review of the Master Plan, this body as well as the City Commission approved the zoning standard which applied it over all parcels on the south end of Stadium drive. City staff, the public, this body, and the City Commission used the information from the Master Plan to base zoning recommendations on how it was going to be implemented. It ended up looking like it goes over most of the properties that front stadium. If they have natural features, they were mapped. Not based on use or location. That's why the zoning map looks a little different than the Natural Features Protection map. Planner Anderson thought the first maps were released in February 2019. They started the process in January, and it was approved by the City Commission May 20th.

Mr. Tehrani said before he placed the property under contract, he had a copy of the previous map that was shown. He estimated it was as early as July or August that he was made aware of what part of property was in NFP. Mr. Tehrani said he had that in writing in an email. Commissioner Espinosa presumed that Mr. Tehrani knew about the natural features future land use map that was used in the planning stages of the Master Plan before it was adopted. Mr. Tehrani said it was just like the future land use map with NFP overlay. Commissioner Espinosa asked staff if the previous future land use map in the previous Master Plan had this property designated as commercial. Planner Anderson said it did not. Commissioner Espinosa commented that the applicant only knew this particular property was designated to be commercial during the planning of the Master Plan without certainty that NFP would be implemented on this property. He added that if there was information before everything was adopted, it doesn't sound fair to him for NFP.

Planner Anderson responded this map was approved in Oct 2017, so when he was looking to purchase the property, about the same time, he used this map (FLU with NFP overlay) as part of his discovery period to determine if there would be potential for commercial or if it would receive a favorable rezone based on the future land use map. Commissioner Espinosa asked when this map came into effect. Planner Anderson said the future land use map came into effect in October 2017. Commissioner Espinosa asked about its release to the public. Planner Anderson said they drafted the Master Plan starting in June to sometime in September. Drafts to both text and maps were discussed and released throughout that process for public review. The State required to release drafts 60 or 90 days in advance for review. Commissioner Espinosa didn't think it quite added up that the applicant knew the property wasn't going to be in the NFP before the Master Plan was adopted.

Mr. Tehrani said they didn't just rely on the physical document. There were multiple dialogues on the phone with Ms. Anderson and emails to clarify the future plan for this land. Commissioner Espinosa said he thought it would have been important for NFP to be adopted before purchasing property. Mr. Tehrani replied they are not arguing with the NFP ordinance, they want to know what part of this property falls into NFP and what part does not. According to the Master Plan the northern part did not fall into the NFP area.

Commissioner Milliken asked if staff knew what this property was designated in the previous Master Plan. Planner Anderson did not have that information in front of her. She said it was not commercial. Multiple properties were institutional along Stadium. Commissioner Milliken said Imagine Kalamazoo was a

distinct shift and a distinct declaration that this corridor is commercial. They were not relying on a past plan. Planner Anderson agreed that is what the Master Plan shows.

**Commissioner Milliken opened the public hearing.**

Many people came forward in opposition to the requests.

Ms. Dara Lyon Warner, Ms. Laurie Laing, Ms. Mary Maiorano, Mr. Jesse Russell and Ms. Melissa McCombs came forward urging Planning Commissioners to do the right thing and preserve this natural resource. Ms. Laing pointed out that the community clearly showed up in opposition of the request. She made the comment they don't need a new car wash; they need green space. Ms. Laing also encouraged them to update the Master Plan to protect this property. Ms. Maiorano thought Mr. Tehrani made the decision to buy the property based on a working document. Mr. Jesse Russell said he was distraught to see so many areas demolished in favor of economic gain. He asked Planning Commissioners to look at things more preservation based. Ms. Melissa McCombs shared that she loves nature and animals. She said she cares about the impact on animals that don't have a voice, and she cares about the water they are drinking.

Mr. James Asher currently attends Portage Northern High School. He said he stands in strong opposition to this construction. He shared that his family would take them to Asylum Lake. He witnessed the natural beauty there, they taught his sisters to fish there, and they would exercise their dog there. Mr. Asher stated a price cannot be put on this earth. No company, especially one from Indiana, has the right to hurt our protected environment. He urged the Commissioners to protect this piece of land for the generations to come.

Mr. Gabriel Giron, resident of Edison neighborhood, referred to Asylum Lake as a treasure in this community. He strongly urged them to deny the requests. Mr. Giron believed that any removal of the NFP would completely contradict the Climate Emergency Resolution and be a direct violation to our City's commitment to protecting our natural resources. He said to ignore the possibility that this car wash could negatively impact Asylum Lake is a red-flag. Mr. Giron also said the air pollution will drive away the birds. The natural ecosystem cannot be restored once it is taken.

Mr. Phillip Micklin said he has regularly gone to Asylum Lake since 1972, and he referred to it as the natural jewel of this community. Mr. Micklin said protecting Asylum Lake also means taking great care and responsibility for those properties by the lake. He vehemently opposed the rezoning of these lands and the NFP removal because they provide a degree of protection. He also told Planning Commissioners that it is totally inconsistent if you rezone this property to CC and keep the NFP. He wants them to keep the NFP. Because it is contradictory, he believes the NFP forbids a car wash because it has lots of protections and distance requirements. He encouraged the Planning Commissioners that if they keep NFP, then rezone the property to the least intensive commercial development.

Mr. David Benac, Vice Chair Southwest Michigan Sierra Club, opposed to any rezoning of commercial for this property and was opposed to the removal of the NFP Overlay. He said if the applicant is honest in his commitment environmental protections, where is the environmental assessment? He wondered how this

property got a commercial designation? Mr. Benac stated he would like to see the public comments where people said they wanted this to be commercial. He believed that if they can't be supplied, then they should be FOIAed. How did the applicant know this was going to be commercial before the public did? This is not what the public wants.

Ms. Sherry Sims said she has been coming to meetings on behalf of this preserve for 20 years. She is advocating for people of Kalamazoo who use the preserve. Ms. Sims said they have had many discussions about the areas that buffer the preserve. In each case, they've given up something. She cited examples of Baker Farm, Colony Farm Orchard, part of WMU. Ms. Sims said the corner has been invaded by commercial properties, but it doesn't have to continue to be invaded. She stated they need to keep this buffer here.

Ms. Susan Creager, Lawton, Audubon Society of Kalamazoo, came forward to talk about Asylum Lake Preserve as a habitat for many species of birds. Ms. Mary Spradling also came forward to advocate for the birds. Ms. Creager spoke of many types of birds who live at the preserve and use it as a migration stop-over site. She believes any disturbance (such as light pollution and lack of cover) adjacent to the Preserve will affect the birds negatively. Ms. Creager said run-off from a car wash would negatively impact the water and quality of the Lake. Asylum Lake Preserve is a refuge for wildlife and an important place for nature observation in general and bird watching in particular. She said the Audubon Society of Kalamazoo uses the Preserve for field trips and bird counts. Ms. Creager said they strongly oppose the requests. She also cited a scientific report on climate that estimates how many bird species will be on the brink of extinction or extinct by the year 2080, if bird habitat is destroyed by development and climate warming. Ms. Spradling cited the National Audubon Society report showing that ¼ of the earth's birds have disappeared in the last 40 years because of loss of habitat and window strikes. Birds fly into windows. The applicant has proposed a huge glass building lighted building at night. That is how birds die.

Ms. Olivia Pennebaker, said she moved to live by Asylum Lake Preserve, not a car wash. She referred to Asylum Lake as one of Kalamazoo's most cherished natural areas. She pointed out that the Shine & Drive carwash could pack up and leave anytime, but the damage would be permanent. Ms. Pennebaker made the comment that developers should not overrule the interests of the citizens of Kalamazoo. She also shared that in 2018 the corner of Drake and Stadium was third most dangerous intersection in Kalamazoo county. She urged Planning Commissioners to give future generations the fields and woods.

Mr. Pete Kushner, President, Oakland Drive Neighborhood Assoc, said they have been involved with the issue as this property is fully within their neighborhood boundaries. He said their response is based on extensive neighborhood feedback. Mr. Kushner said they had one meeting with the applicant in 2018, and then nothing until they received an email from the applicant's lawyer a few days ago. They are opposed to the removal of the overlay. He said the original map showed all parcels covered in some part with the NFP overlay. It wasn't until May 2019 when the property was re-parceled that two parcels were not included in the NFP overlay. As far as rezoning, the board understands that the Master Plan and the City is favorable to commercial development here. This land only needs to be usable for commercial purpose - not specifically to CC or the applicant's specific use. Mr. Kushner pointed out that CC zoning allows for multiple uses: major retail shopping, grocery stores, liquor stores, gas stations, oil change shops, car

washes, vehicle and equipment repair, and fast food drive through. He said the board does not think any of these uses are appropriate. He said they are not opposed to seeing CO or CNO. Either of these might serve as a land use buffer or transition district.

Ms. Iris Potter said she has spent much time in Asylum Lake Preserve. As a longtime advocate to land preservation, she personally opposes zoning change and development, oppose NFP removal. She said she lives by the other car wash and have seen its impact. Ms. Potter said she didn't understand why this was being considered in light of Climate Emergency Resolutions. Land development is a key factor related to climate change with a loss natural water absorption due to less open earth and trees in Kalamazoo. It is happening at a quickening rate. Let's slow this down and implement a balance in development to keep some of the green spaces that remain. Today the preserve continues to be surrounded by more development. Even with certain environmental protections, the area to be protected is affected and will never be the same.

Mr. Eric Brokus, owner of Rick and Sam's Car Wash, we have 4 locations. Mr. Tehrani's comment says he offers something different. He does exactly what the other others do and offers detailing on top of it. He said he offers detailing at one of my locations and it is not an impulse decision. People plan to get their car detailed. They decide to go to that destination. He saw no reason people cannot go to West Main for that service. Mr. Brokus questioned if Kalamazoo is the right market for Mr. Tehrani's business model. He shared that the industry standard between locations is 3 miles and that is needed to be successful. Mr. Brokus voiced the opinion that car wash and oil change is the most redundant thing that could be put on this property. He talked about other car washes and oil change places nearby (all within a mile and a half of proposed location). With this investment in this location, he believes Mr. Tehrani is relying on other competition to close. He reminded them that the Master Plan states the importance of supporting local business.

Ms. Elizabeth Marko and Mr. Matthew Bissinger both expressed concern that no environmental surveys were done to ensure wildlife and nature would be preserved. Ms. Marko said she couldn't understand having commercial property with NFP. They seem opposite. She urged Planning Commissioners to protect this space. Mr. Matthew Bissinger said the applicant acts as though if his appeals are not approved, he would be cheated. He reminded Planning Commissioners that no such legal contract exists, and it doesn't need to be rezoned. Mr. Bissinger encouraged them to keep the property as green space.

Ms. Donna McClurkan, Oshtemo, said she spends a lot of time in the city of Kalamazoo. She reminded people there were formal Climate Emergency declarations made in 2019. Ms. McClurkan said everything around us is dying and she cannot be silent. She said she is angry about what is being taken away from us, clean drinking water, places that are increasingly devoid of wildlife, ecosystems wiped out in the name of development. Ms. McClurkan stated that we do not need more places to buy stuff, office complex or strip mall or a car wash.

Mr. Tom Holmes gave maps, including the 2010 Master Plan and the properties lot divisions because he thought they were missing information. He reported that on the map they would see the Vermeulen property as a green swatch to corner showing it as open space. The next map shows the land divisions of the land before Mr. Tehrani bought them. Mr. Holmes said he talked to earlier city planners and this section was

often seen as future green space. He reported that the City Planner wrote a very good letter to Mr. Tehrani that told him of all the contingencies. She gave clarification of the process – that this was not set in stone before he bought the land. Mr. Holmes said the reviewing guidelines state it should be in general public interest – not of a small group. He felt that with the other commercial across road, it makes it more important that this stay green space.

Ms. Chris Wills brought forward the petition on Change.org. She reported that since Thursday, the City of Kalamazoo residents opposing the rezoning and to protect the NFP Overlay had gotten 3,772 signatures of Kalamazoo residents alone. Most of the signatures (8,226) are from the surrounding Kalamazoo county area. Ms. Wills said it is obvious that most people in area would like the Preserve saved and not see development near it. She feels the development of a car wash, the CC zoning, is inappropriate for this area. Ms. Wills believes that the peace and serenity of the Preserve far outweighs the benefits of a large development. Once it's gone, it's gone, and you won't get it back. She reported that another petition was started within minutes of hers with 1,177 signatures. That is close to 10,000 signatures in opposition.

Mr. Jeff Wykrent, construction trades teacher, brought up the issue of the need to regrade the property to get it to be level and install the tanks needed. He said that because the slope is significant, they will have to put in a retaining wall and backfill for a level grade to capture the run-off, wastewater, or snowplowing. Any commercial in this area would need to regrade.

Mr. John Kreuzer, Asylum Lake Preservation Association, came forward in opposition of the rezoning of the parcels listed. He said they believe 2231 should be left as zoned today, but if it is developed, it should be developed in a way which will not impact the ecological integrity of the preserve and include a buffer along the southern boundary of the parcel extending 200 feet to the north. He said they are strongly opposed to the elimination of NFP overlay on any of the properties. Mr. Kreuzer reported the 2025 Master Plan did not specify what type of commercial zoning was appropriate. He believes the requests are a complete contradiction to the Climate Emergency Resolution. He said that businesses come and go, but damage to our best and largest green space cannot be replaced.

Mr. Ian Middleton reported spending many days at Asylum Lake with family and school. He said Asylum Lake came under threat once within the last year, when run-off from WMU's construction site contaminated the area. He doesn't believe that Mr. Tehrani can guarantee 100% there will be no leaks. If leaks do occur, then dirt, residue from gasoline, motor oil, and rust could deteriorate the quality of Asylum Lake. Mr. Middleton indicated Mr. Tehrani promised this will be his largest car wash to date. He informed Planning Commissioners that Mr. Tehrani potentially plans to build a new facility on Westnedge in Portage in the future. He encouraged the applicant to look for another area to build his car wash.

Ms. Diana Whitmore asked if they knew the deforestation which will follow this construction and the number of organisms this will affect? These changes will limit homes in ecosystem, causing species to fight over their resources. Ms. Whitmore spoke of a study she did on a 1x1 foot plot on the El Sabo Nature Preserve. In that plot there were 7 different species of insects. She wondered what species they can't see in the 18.9 acres. She noted the recent Climate Declaration and that there was no environmental study. She

pointed out that no more land is being made for us in this world. Ms. Whitmore said when she walks through Asylum Lake, she can clear her head of depression and worries.

Mr. Sydney Fernandez said he grew up in the Winchell Neighborhood, adjacent to the Preserve and spent years of his youth in Asylum Lake. He spoke of the value of green space to the emotional, social and cognitive development of young people. He indicated that he and his friends cultivated foundational core values at Asylum Lake. He mentioned the values of courage, commitment, compassion, stewardship, discernment of right and wrong, community, leadership and the interconnectedness of ecological systems. Mr. Fernandez said when a community invests in its youth, whether access to green space or education, that investment pays off. He has taken many groups to Asylum Lake and support the constellation of organizations who preserve the ecosystems vibrancy and beauty. He reminded the Planning Commissioners the parcels are home to a rich ecological environment.

Mr. Roland Bissonnette mentioned that just because you can do something, doesn't mean you should. He asked Planning Commissioners to consider what they will tell the next generation when they are deprived of the green spaces when they are growing up. Nothing can replace the natural places. He compared the situation with the Lorax by Dr. Seuss, ending with, "We speak for the trees and we won't be silenced."

Ms. Susan Andress said she went to some of the meetings for Imagine Kalamazoo, and she knows one of the things people valued is green space. She requested they do not change zoning and they keep the NFP overlay on all the property. Ms. Andress said she is concerned about how far development is from the shore of Asylum Lake because the shore line can move when the water gets higher.

Ms. Lauri Holmes lives next to preserve. She mentioned that there is a Climate Emergency Resolution, and there are review guidelines which say that all uses permitted would be in the general public's interest, not merely in the interests of an individual or small group. Ms. Holmes did not think the property had to be made commercial. She asked Planning Commissioners what they should say to their children and grandchildren, when they realize the resources are not infinite.

Mr. Rex Brueggemann, President of the Arcadia Neighborhood Association, came in opposition to rezoning and NFP Overlay removal. He spoke of Asylum Lake as an amenity for the entire city. He said that apart from impact on the whole ecosystem, development there will impact the experience of people using the property. Mr. Brueggemann said he has property near the car wash on West Main – it is big and is bright. There is no way it won't impact the experience on the property. He encouraged having a process open to public participation if they are not able to get the properties in perspective – their use and significance to the community around them.

Ms. Julie Fee spoke of living behind the Drive & Shine on West Main. She believed her experience could offer insight on how it will impact the lives of the birds and animals which use Asylum Lake as their home. She can hear the car wash equipment run – sometimes in her apartment with the windows closed. She can hear music in her parking lot and on the balcony. She frequently hears an alarm sound loudly, and occasionally hears workers shout to each other. When it is dark, lights of cars waiting in line shine in her

apartment windows. She said it is still bright even after closing. She hoped the city realizes what a huge impact it will be and not allow them to build next to the preserve.

Ms. Laurie Atwater, Vice Chair of board of directors at Peoples Food Coop, spoke out against the proposals presented. She said the People's Food Coop is a sustainable building, built on brownfields with solar panels, rain garden – everything to make sure it has the least impact of environment around it. When you look at the impact another kind of business might have, sustainability is hugely important. She asked Planning Commissioner to consider ideas of sustainability in development – keep the NFP Overlay in place and deny the changes in zoning.

Mr. Matt Clysdale is a wildlife photographer and videographer in the area. Over the last two decades, spent hundreds of hours if not thousands of hours exploring the preserves and green spaces of Kalamazoo – including this property. He said he knows the proposed development is wrong for this spot. He shared lessons he learned spending time in the woods taught me lessons: 1) How important Preserves and green spaces are for wildlife. 2) What is good for wildlife is good for people. When he needed a reprieve from the stresses of City life, areas like these offered the calm and quiet needed to recharge and re-center myself. Nature is good for health – physical, psychological, spiritual, emotional health - nature is good medicine. 3) The efficacy of a Preserve is its ability to block out the outside world. He said that when the human world looms on that horizon, the quality of that experience is diminished.

Dr. Duane Hampton, Chair of Asylum Lake Policy and Management Council, starting by providing copies of letters for the Planning Commissioner. He explained the ALPMC is charged with carrying out the declaration of conservation restrictions adopted by the WMU Board of Trustees in 2004. He indicated this set of principles is designed to maintain the Asylum Lake Preserve as an asset to the greater Kalamazoo community. He said the proposed development will adversely affect the preserve and its ecosystem. Of concern, are possible adverse effects on the water quality of Asylum Lake and the impact on trees, plants and animals – some protected or endangered, that the Preserve supports. He urged Planning Commissioners to deny the rezoning and NFP requests. If the Planning Commission recommends rezoning, he strongly urged a less intensive designation be considered. They would like to see requirements for extensive buffering to lessen visual impacts and mitigate light and noise pollution and run-off. Think about to what CC opens the door.

Mr. Christopher Bovid, Attorney, concerned resident and President of Woods Lake Association, said he strongly opposes rezoning any of the parcels to CC and removing the NFP overlay. He said despite the rezoning request, this Commission can still recommend a less intense zoning district to the City Commission. Please consider that. Mr. Bovid reported the members of the Woods Lake Association have additional experience with CC zoning near lakes. He said it permits high-intensity uses with around the clock vehicular traffic. He cited examples of a Dry-Cleaning business which heavily contaminated the Bacchus property and a leak in a Gas Station storage tank near Woods Lake. Mr. Bovid said the leak is still not cleaned up, and now there is a ½ foot thick level of gasoline product at the water table that is Woods Lake. He urged Planning Commissioners not to open that door with this property.

Mr. Paul Scott, board member of the Asylum Lake Preservation Association, came forward against CC rezoning for the Stadium Drive and Drake parcels. He said they agree that CNO or CO would be good zoning for this area. He said they want that zoning for the top two parcels, and they agree the NFP should stay. They believe the lower parcel along the lake should remain RS-5 Residential. He said they agree the top two parcels are too noisy and light to remain RS-5. They believe that RS-5 is more realistic for the lower parcel if it is buffered by the office buildings in CNO or CO. He said homes built there would be worth more with lake-side view. Mr. Scott pointed out that RS-5 offers less dense building, less density would mean less traffic, which would lead to less road salt making its way into Asylum Lake. He said the zoning code refers to a buffer between commercial and residential areas. He believes the same buffer is needed for nature preserves.

Ms. Kara Moberg came forward to oppose the rezoning and the removal of the NFP Overlay. She said Planning Commissioners' decision must be in line with the Master Plan and the Strategic Vision Goals of Shared Prosperity, Connected City, Inviting Public Places, and Environmental Responsibility. She said any rezoning to commercial will take away from Inviting Public Places and Environmental Responsibility. Ms. Moberg spoke about the cut into natural spaces by the development of Arboretum Parkway and Walden Woods. She cautioned that even if Mr. Tehrani is careful about the distance of the development from Asylum Lake, the next owner of the property may not have that same intent.

Ms. Juliet Altman, said she can sympathize with applicant as she is a small business owner. As a member of the Vibrant Board of Kalamazoo and the Edison Neighborhood, she wants to make the community a better place. Ms. Altman said she was disappointed to learn of the 2025 Master Plan to make all that commercial. Mr. Tehrani says he will protect it, but what happens if his business fails or if another business comes in there. She said they need to protect it.

Mr. Troy Wallace, Arcadia Neighborhood, said the most intense commercial zoning, CC, doesn't make sense. He thought light commercial may be reasonable for the northern properties and residential for the Drake property. Mr. Wallace said it is important for college students to have good affordable housing available to them. He didn't think residents of adjacent apartment would be excited about the light and noise. Mr. Wallace asked them to be smart about protecting Asylum Lake.

Mr. Nate Hartman, came forward to say that Asylum Lake is a beautiful place, but he already sees lights reflecting in water. He can't imagine they won't see lights if the car wash is built. Mr. Hartman wants them to keep NFP in place.

Ms. Katie Pearson owns a 2-acre urban farm that practices restorative agriculture. She opposes the building of the car wash and the rezoning of land. She said they should think of dynamic, sustainable development. Development that uses civic engagement in an authentic way. She cited the example of central artery in Boston, MA and how the Arcadia creek used to be buried, is now uncovered with the museum and college. Ms. Pearson said they have the right opportunity make the right development happen.

Ms. Hamita Sharma spoke in opposition to the request. She had strong objections to paragraph 8 of document in exhibit D of the packet indicating the development of property is inevitable given its location

as recognized in the 2025 Master Plan. She cautioned that with the traffic changes of adding the new Costco, adding something on that corner will make that area a nightmare. Ms. Sharma asked the Planning Commissioners to take this very seriously as their decision will be permanent.

Mr. Jeff Brasch, business owner in Kalamazoo and a member of non-profit boards, came forward in opposition to the requests. He said he is thankful for a Proclamation of a Climate Emergency. He said if we believe we're in a climate emergency, they're the barrier to stop things to being zoned.

Ms. Sarah Ruggles, Chair of the Vine Neighborhood Association, said she was speaking for herself as a nature lover. She indicated the Planning Commissioners were there to represent the interests and to trust the best judgement of the people of Kalamazoo. She believed it was clear the people of Kalamazoo have spoken against the developer of Indiana and his paid cohort. Ms. Ruggles thanked them for upholding democracy.

Ms. Lynn Pattison read a note from Dr. John Fink. He shared that Asylum Lake Preserve has been a sacred space for his family. He loves the balance of forest, water and prairie and the wide diversity of plant and animals. Mr. Fink stated he returns to Asylum Lake nearly every week of every season for the spiritual inspiration it offers. He is troubled by the degradation that has begun and wonders how fresh and clean water will continue to flow. He is more troubled by the idea of further degradation for the northern portion along Stadium Drive. The vitality of diversity and plants will surely disappear. Dr. Fink encouraged them to shape a policy which protects this space.

Ms. Karrie Lawson, Oakwood Neighborhood, thought that going forward they would need to talk about how to marry the Master Plan to the Climate Emergency. She said her family like to use the Asylum Lake Preserve, and that NFP should be expanded.

Mr. Ron Lawson shared that he has spent a lot of time hiking in Asylum Lake with his son. He said he had no opposition to people having businesses, except when it impacts your area so much. He encouraged the Planning Commissioner to look for future generations and vote for the kids.

Mr. Andrew DeGraff shared that it is getting harder to find areas to escape to and find silence. He said people can almost find silence at Asylum Lake. Spaces like these are becoming extinct.

Ms. Sharon Dever asked Planning Commissioners to listen to citizens and the now over 8,350 people signed on the Change.org petition. She asked for them to wait until entire plan can be followed including Environmental Responsibility - especially right after we declared a climate emergency.

Ms. Judy Huxmann, Oakwood Neighborhood, said she's been in this battle for a while. She was also concerned about finding quiet places. Ms. Huxmann referenced the trees taken out in BRT2. She said they are still willingly taking out large stands of trees. Ms. Huxmann believes the BTR2 devastated the property across the street from the preserve. They are experiencing the impact of sound pollution. Stop the destruction of the trees for commercial development.

Ms. Karen Larsen shared that she had asked multiple times if they can include protection of property around a preserve. She said they were promised it would happen in the second level. Ms. Larsen expressed the fear it may be too late, unless they act for the people who are speaking and for the generations coming behind.

Mr. Mark Hoffman passed out a timeline on the property. On a prior future land use map for this property, 2/3 was designated green space and 1/3 was designated neighborhood commercial. The rezoning request calls for sweeping change of land use for a highly intensive commercial activity. Commercial rezoning is not contingent on the NFP Overlay. He cautioned that if the Overlay is removed, there would be little to control the intensity of the commercial development. Mr. Hoffman met with site designers to go over the land use. He said the land use plan was two commercial buildings, a car wash and a water control feature. Mr. Hoffman indicated the proposed site plan does not alleviate the impact on the adjacent properties. Developers can discuss the elaborate plans they envision, but those designs can change based on multiple factors. He explained a model WMU recently provided for initiating a development scenario for its 54-acre property west of Drake Road. They employed local experts and formed a community consensus committee to create a site condominium blueprint similar to a PUD. He said the designs recognized the importance of the adjacent Asylum Lake Preserve and allocated required open space for a large buffer to shield the preserve from future development that would be clustered on the opposite side of that parcel. Mr. Hoffman encouraged the developer to take an approach similar to WMU when considering development of this property.

Two people came forward in favor of the project.

Mr. Jeff Guess, Indiana, came forward in favor of this project. He is currently the District Manager of Drive & Shine. He said they appreciate people coming out and showing support of the community. The reason they want to be a part of that passion is that it mirrors their passion, values, and vision. Mr. Guess then read a statement of their vision. He said they are great stewards in the community where they live, driving significant returns on their investments, and never stopping to improve themselves and customer's experiences. Mr. Guess said they create and sustain a culture of growth, servant leadership, flawless execution, community awareness and involvement and the relentless pursuit of people centric leadership. He said they have the culture of family, considering themselves brothers and sisters. Mr. Guess said they will care about this community as family. He gave examples of the employees and owner caring for each other when crises hit them.

Mr. Matt Tehrani, VP of Technology and Chemistry at Drive & Shine, said they recycle 80% of the water they use to wash cars. He cautioned that if you wash your car in driveway, it goes right to groundwater and our streams. Mr. Matt Tehrani said the water they use goes through a series of sealed tanks on site to filter out the particles and is then sent to the City sewer to be professionally treated. The filtered particles are then collected and removed by professional soil management companies. Oil from oil changes are used to heat or they have it recycled professionally. He said they use biodegradable soaps. They are great stewards to our communities. Mr. Matt Tehrani noted how they donate back to the communities through charities. He said they have a passion for Kalamazoo and Asylum Lake. They know they cannot be successful without serving the community.

**Commissioner Milliken closed the public comment portion of the hearing.**

Commissioner Wissner asked if staff could clarify the boundary and history of the boundary of NFP. He referenced the discrepancy between two diagrams we were shown. Planner Anderson referred to the map a citizen had provided – it was the future land use plan from the 2010 Master Plan. She said this plan shows green space with a bit in the NE corner of commercial. She explained the future land use plan, which located natural features in the area, and the zoning code do two different things. The zoning code looks different because it was drawn using the parcel lines at the time. When the map was reviewed, with where natural features exist, with public comment, all those things were considered, and the decision was made to use zoning for the NFP implementation and map it on the entire properties. Planner Anderson reported there was a change in property lines. The first boundary looks like the initial one with the small triangle in the NE corner. The boundary which separated the railroad ROW and third parcel was shifted down. She clarified for Planning Commissioners that Michigan has clear subdivision rules. If you're not creating a certain number of new lots, there are things you can do to move property lines that don't require a review process.

Commissioner Milliken asked for an explanation of how the designation shifted from the 2010 map to the 2025 designation. Planner Anderson explained that through review it is not uncommon for future land uses to shift between Master Plans. This Master Plan focused on pairing the land use and transportation together. Planner Eldridge had noted the Master Plan designated this property, as well as others, as having more than one context. If there is a very busy street like Stadium Drive, that is vehicular oriented with higher speeds, the development that faces that should correspond to how that street works. To the south and to the east there are less intense uses. Planner Anderson said the NFP Overlay district helps balance those two contexts. The use is designated as commercial, but the how the site develops is based on context and what natural features are on the property. These things are managed through site plan with the help of NFP. Planner Anderson shared a little more about what is handled through site plan. Things like stormwater, environmental studies, transportation, and the placement of curb cuts will be finalized in site plan. She also noted this property has different road jurisdictions to compete with (City, County, MDOT) and site plan is where these elements tend to get hashed out. Which is why some of that is not available today. The questions before the Commission today are if CC is the appropriate zoning district and if it is appropriate to remove the NFP Overlay.

Commissioner Milliken confirmed with Planner Anderson that Exhibit D in the packet was from the applicant and not staff.

Commissioner Espinosa asked for clarification on the review criteria. He asked if it was through the 4,000 points of contact that they determined this property should be commercial CC, or if it was City Planning who envisioned it for CC zoning? Planner Anderson said while there were 4,000 points of contact, not every person commented on every element in the plan. Those comments were collected throughout the process. At some point a map was created and released and reviewed by the public. Comments, questions and concerns were received about different points on the map. They listened to those viewpoints and moved the plan forward. Commissioner Espinosa stated that, at that point, we would not have time to switch

anything. Planner Anderson said the Planning Commission had the opportunity to review the plan and provide feedback. She said it is important to note the Master Plan is meant to last 10 years. It is not a static map. There is a process to review and adjust the map if we find it necessary. Commissioner Espinosa noted that the draft of the Oakland/Winchell Neighborhood, only talks about light commercial development, not necessarily heavy commercial development for that corner. He said if they have people in the neighborhood expressing that they don't want that, he doesn't understand how it became nominated as a commercial corridor.

Commissioner Wissner asked the applicant to talk about the rear of the parcel and what plans are regarding grading and light. He wondered what about the plan for fill and if people would see light from other areas of the lake. Mr. Tehrani said lighting would be designed by regulations. He said they are required to limit light pollution. Mr. Tehrani shared that his architect did a simulation and if you were on a boat on the lake, you couldn't see the building. The building is beyond the slope. Mr. Tehrani said there is a significant dip that will have to be brought to grade. He indicated the challenge with NFP is that it looks at slopes whether man-made or natural. Mr. Tehrani said the NFP would make this property undevelopable because you can't fill if you have a 20% slope or more.

Commissioner Milliken stated they heard comments about the possibility of lesser commercial designations. He asked Mr. Tehrani if he was interested in a lesser designation or if he wanted to continue with the requested CC zoning. Mr. Tehrani confirmed he wanted to continue with the request for CC zoning – he would need that zoning to construct his business. Commissioner Milliken asked, based on your previous comments, are you interested in pursuing your third request regarding the rezoning of the Drake Road parcel? Mr. Tehrani confirmed he wanted to pursue the request for rezoning the Drake parcel to CC.

Commissioner Greenman Wright asked if we are legally able to propose a different zoning at this meeting, or do they have to proceed with the requests before them? Attorney Robinson said that is an excellent question for which he did not have an immediate answer. Commissioner Milliken said he believed they should proceed with the requests that were made. He said the applicant made a request on CC zoning and the Planning Commissioners should make a recommendation based on that request. Commissioner Milliken said he thought they can provide feedback on what zoning they believe is appropriate.

Commissioner Vyas clarified that if CC was not approved, then the zoning would remain residential. Planner Anderson clarified that if they don't approve CC, it would go forward to the City Commission with the recommendation. Commissioner Ellis requested clarification. Planner Anderson explained that when it relates to zoning, the Planning Commission makes a recommendation to the City Commission. The City Commission will take that information, the minutes, the record of public comment, and then through a two-step process will decide. The City Commission's decision is the final decision.

**Commissioner Wissner, supported by Commissioner Pitts, moved to recommend approval of the NFP Overlay removal on 4301 & 4305 Stadium Drive to the City Commission for P.C. #2020.02 Part #2.**

Planner Anderson asked him to restate the motion as numbers were transposed in the address on the agenda. He agreed.

Commissioner Wissner stated it is difficult to discuss one piece without the others. He said there is a convincing argument that the parcel on Drake (2231) is enough of a buffer from the elements of Stadium to Asylum Lake. He said it is difficult to argue that Stadium Drive is not a heavily commercial zone. Commissioner Wissner said that is one of the few developable parcels in Kalamazoo. He wondered where else in Kalamazoo one might develop a large parcel. He said he's not a huge proponent of a car wash, but they are being asked if it should be zoned commercial or not. Commissioner Wissner believes this is an appropriate use for this corner. He wishes to see protections of Asylum Lake Preserve, but he believes the Preserve and the Stadium Drive parcels should be looked at separately. Commissioner Wissner thinks a natural feature border between the two with the 2231 S. Drake parcel achieves this.

Commissioner Greenman Wright asked for clarification as to whether Commissioner Wissner was saying they should repeal the NFP Overlay. Commissioner Wissner clarified saying it should be removed from the two Stadium parcels and kept for the Drake parcel.

Commissioner Espinosa said he was not agreeing with Commissioner Wissner. He read through everything they received and then went to the Strategic Vision Goals which directs the Master Plan. Commissioner Espinosa listed off the Strategic Vision Goals, noting that Environment Responsibility had been mentioned several times. He shared that in seven of those Strategic Visions, Climate Action is mentioned. He said it was very challenging for him to say that just because the surrounding area is developing into commercial structures, they must do it. That is not a strong argument to him. Commissioner Espinosa drew attention to the Environmental Responsibility because that has been the main concern for most of the people who have come to this meeting today. He read page 40 of the map of the Strategic Vision: Environmental Responsibility - a green and healthy City. Commissioner Espinosa indicated the key word was redevelopment. He said there are multiple places in Kalamazoo that could probably benefit from \$10 million. Commissioner Espinosa also quoted page 47, the Economic Vitality Goal of the Strategic Vision for the City of Kalamazoo. Commissioner Espinosa said it is very clear, the Strategic Vision speaks against this proposal. He referred to some lines in Imagine Kalamazoo at Work - Implementation, regarding the intensity the business would bring to the area; mitigating run-off, erosion and contamination of water; developing a climate action plan; protecting natural features through policy for wellhead protection for watersheds; and erosion, urban forest, tree canopy, wildlife refuge along Kalamazoo river and creek corridors. Commissioner Espinosa questioned how the applicant could say that run-off and contamination would be impossible – especially with the big impervious surface which will be established there. He also referenced how important our watersheds are.

Commissioner Espinosa stated that three points that he took straight from the Imagine Kalamazoo at Work - Implementation: 1) consider the built-out environment and evaluating vacant lands or new projects as they relate to protection including but not limited to restoration of wetlands (this project is the opposite of restoration), forest and daylight creeks. 2) Pursue the acquisition or protection of sensitive environmental areas, throughout a range of techniques such as conservation easements, deed restrictions, transfer of development rights, land conservancy donations, transfer to foundations or public bodies. 3) Expand on

inventory of natural features and open spaces to frame green ways and classify priority areas to unify neighborhood greenway plans across the city for connectivity. Commissioner Espinosa asked how they could move forward when it would set a precedence against their own plans. He believed developing this just because it fits the area, doesn't justify the damage for the area and for future generations. He stated he was very much in opposition to rezoning and removing NFP.

Commissioner Milliken said that as creative as the boundary line solution may be, he fears it may open Pandora's Box. There are hundreds of other parcels where only the corner of the parcel may be shown on the future land use map in the NFP designation but shows the whole parcel through the zoning implementation. If approved, he feared they would see many similar requests coming through which would disrupt the development pattern, the fabric of the community and the effectiveness of the NFP ordinance. In terms of the criteria for amending the zoning ordinance, he didn't think there had been any changes since April when this was approved. Commissioner Milliken said he didn't see a need that warrants the amendment since it was approved in April, and he certainly didn't think it's compatible with the adjacent land use of Asylum Lake.

Commissioner Wissner asked if it was zoned CC and NFP was on all three parcels, would a business be able to work with City to navigate that? Planner Anderson said during site plan the applicant would work with staff to figure out how to work with NFP and if any relief might be required. NFP never intended to say no development on a property it just talks about how a site develops.

**Commissioner Milliken reminded Planning Commissioners that the motion is to approve the removal of the NFP Overlay.**

**Roll call vote was taken and the Planning Commissioners unanimously voted no. The motion did not pass.**

**Commissioner Vyas, supported by Commissioner Ellis, moved to recommend approval of the rezoning 4301 and 4305 Stadium Drive from RS-5 to zone CC to the City Commission for P.C. #2020.02 Part #1.**

Commissioner Vyas shared that she was planning to vote no. She didn't feel this zone is appropriate given the use. She said she is more comfortable leaving it as a residential zone for now.

Commissioner Ellis said she believed the land should be kept as residential use. She felt the land could be used for something both City and residents would like – something that could expand to the lake and add to the natural beauty of it.

Commissioner Vyas clarified for Commissioner Milliken that she said for now because someone could come for another requested district and they would consider it.

Commissioner Greenman Wright said she couldn't add much from what Commissioner Espinosa already read from the Strategic Vision. She said page 144 clearly articulates what should be their driving force

and criteria as they judge the most appropriate use of land. She expressed she was thankful they did not have to evaluate anyone's business plan or how many car washes were needed. They just needed to interpret the Master Plan and the Strategic Vision. Commissioner Greenman Wright said she thinks the Strategic Vision really dictates this is not necessarily an appropriate land use or zoning for this area. She felt it would be opening a giant box for intensive use. She believes they have an opportunity to fulfill the Strategic Vision. Commissioner Greenman Wright added that she is aware that Kalamazoo is landlocked and have 50% of the area of the City off the tax rolls. She said they are limited as to where we can develop and have tax revenue. She believes that where there are limitations, there is creative power. Commissioner Greenman Wright expressed a desire to see how they can innovatively redevelop brownfield areas before they carve out the last corner.

Commissioner Milliken shared that he felt torn about the decision. The Strategic Vision was done before Imagine Kalamazoo and the property was still called commercial. Oakland Winchell called it commercial. They say we must follow the Master Plan and keep the NFP, then say we can't follow the Master Plan because things have changed. Having said that, he was not sure CC is the appropriate zone. However, he does think commercial is appropriate there - no one wants a single-family home on Stadium Drive.

Commissioner Wissner said if we want green space and preserves here, where do we want businesses? If Stadium Drive, off the expressway, near other car-related businesses isn't appropriate, then where else in Kalamazoo is appropriate. He observed that on Stadium Drive, green space is strange. Commissioner Wissner said they could see it developed to the City boundaries, now they have an applicant who is ready to invest, and they say no because they aren't sure about whatever. He said it didn't feel right to him.

Commissioner Vyas could appreciate where he was coming from. The one thing she was holding onto was the review criteria presented by the staff. She said she was not sold this is a demonstrated community need. She read the review criteria referencing Compatibility with Adjacent Land Use Zoning. Commissioner Vyas again was not sold on this point with this case. She indicated it may be possible to rezone it at some later time if it is appropriate. The decision tonight doesn't set this particular parcel in stone forever.

Commissioner Greenman Wright spoke in reference to what Commissioners Vyas and Milliken said, the operable word is guidance. She said they are tasked with discerning specifically for this corner what is the most appropriate use. Commissioner Greenman Wright encouraged the applicant to think of more creative uses that are not so intensive. There are other places in Kalamazoo that are open and where a developer doesn't have to cut down trees. She said they must use all their information: input from the community, guidance from City staff, information from the applicant, in addition to their guiding documents. She doesn't not believe this is the most appropriate use for the land.

Commissioner Espinosa shared that it is not impossible for the applicant to find zoning or property appropriate for his use. He said Table 4.1 shows M-1 and 2 which is appropriate for a car wash.

Commissioner Pitts said they have difficult decisions to make. All the planning and hard work in the Master Plan is a great thing. The City needs businesses for economic growth in Kalamazoo. At the same time, he

understands they must listen to their community. Commissioner Pitts stated he wanted to be on the right side of history when this is over.

**Roll call vote was taken and the motion did not pass. Commissioner Wissner voted yes.**

**Commissioner Greenman Wright, supported by Commissioner Chambers, moved to recommend approval of the rezoning of 2231 S. Drake Road from residential RS-5 to CC to the City Commission for P.C. #2020.02 Part #3.**

Commissioner Greenman Wright said she had nothing to add to the rationale. She would be voting no for this. She said she has the expectation of an innovative use that both protects the intent of the community as well as an opportunity for growth and development.

Commissioner Milliken said if this vote goes the same as the previous vote, he would like this to be an item of discussion for a future meeting for the future land use map and/or zoning category, so we're not faced with this discussion again in the future.

Commissioner Ellis shared that citizens' comments and letters did not fall on deaf ears. Safety and love for Kalamazoo was in mind and guiding her vote.

**Roll call vote was taken and the Planning Commissioners unanimously voted no. The motion did not pass.**

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**]

**Commissioner Greenman Wright, supported by Commissioner Vyas, motioned to table P.C. #2020.03 – Request for text amendment approvals for Chapter 50 Zoning Ordinance Articles to the next regularly scheduled meeting.**

**A voice vote was taken, and the motion passed unanimously.**

## **H. OTHER BUSINESS**

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)

Planner Anderson said they are required to post the calendar after the meeting. She asked Commissioners to review the dates, in particular, the ones close to holidays.

It was agreed they will post this calendar.

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

A citizen came forward and made a statement about planning and considering zoning on vacant residential parcels to have appropriate codes for urban agriculture uses.

Another gentleman came forward, he said this was the first meeting of which he was a part. He applauded everyone coming here and said he is more interested than ever to be involved in Kalamazoo. He said he appreciated all of them.

**J. CITY COMMISSION LIAISON COMMENTS**

None

**K. CITY PLANNER'S REPORT**

None

**L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Chambers thanked City staff for sending everything and keeping them up to date on the requests.

Commissioner Ellis welcomed the new Commissioner and wished everyone a Happy New Year. She announced that Saturday is the Women's March in Kalamazoo, 11:00am Bronson Park.

Commissioner Greenman Wright requested to have a script for filling in.

Commissioner Espinosa commented on the amount of people who showed up and asked if they could just have Neighborhood representatives talk. Planner Anderson said it is totally their option. Neighborhood Associations may issue a statement, but individuals may want to come and speak anyway.

**M. ADJOURNMENT**

**Commissioner Milliken adjourned the meeting at 12:38am.**



# Planning Commission Staff Report

City of Kalamazoo

**Project Address:** N/A

**Case #:** P.C. #2020.03

**Meeting Date:** February 6, 2020

**Applicant:** CPED, City of Kalamazoo

**Owner:** N/A

**Public Hearing:** Yes

**Date Legal Ad Published:** December 30, 2019 and January 22, 2020

## Project Summary:

Updates to Chapter 50 Zoning Ordinance based upon:

- 1) Use of new zoning regulations over the last year
- 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 and Neighborhood Plans
- 3) Preparation for updating Downtown zoning.

## 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

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

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

Staff Contact Information:

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

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residential districts to remove conflicts between the zoning and the physical lot 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 3 Zoning Districts. Addition of 3 new districts in preparation for Downtown zoning in 2020.

These districts start the conversation for the future mapping of Downtown, which is currently mapped as one all-encompassing district (CCBD). Dividing the Downtown into multiple districts allows the City to manage the key retail streets (Priority Streets) in and around the Mall, the area directly adjacent to these, and then the larger blocks surrounding the core differently in use and scale.

- 3) Article 4 Uses. There are changes proposed to the Use Table (Table 4.1-1) and to the development standards associated with some uses (noted as PD in the use table).

There are three primary reasons for these changes. First, the changes are based upon staff use of the code over the last year to better clarify language and requirements. Second, these changes are 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. Finally, the changes take into account the inclusion of three new districts that will be considered for Downtown. These districts would, if approved through this text amendment request, not yet exist on any zoning map. The intent is to create districts that will then be reviewed and mapped later this year. Until then CCBD is the zoning for Downtown Kalamazoo.

- a) Downtown 1(D1) is the most restrictive district in terms of uses and ground floor treatment, as it focuses on supporting uses that will best activate the Priority Streets that serve as the principle walkable shopping district (Kalamazoo Mall and Michigan Avenue).
- b) Downtown 2 (D2) is intended primarily for the blocks adjacent to D1, the uses and lot types are expanded to include civic uses and greater flexibility with residential uses within a building.

- 
- c) Downtown 3 (D3) is intended for the remaining Downtown area. It is a similar district to Live Work 2 except it does not permit industrial uses.

The proposed Downtown districts are added to the Accessory Use and Structure Table (Table 4.5-1). In addition, all residential districts have been incorporated into the table as it relates to accessory uses (home occupations and accessory dwelling units) and structures (secondary buildings).

- 4) 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 and the proposed Downtown districts. These districts 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 and in the proposed Downtown districts when the structure is located on a Connector Street, Main Street, or Priority 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 clearer on when the limitation exists.

- 
- 5) 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.** Many of the proposed amendments reflect the plan to map Live Work 1, Live Work 2, and Node in additional neighborhoods and corridors. As it relates to the proposed Downtown districts, Downtown continues to grow and evolve and a single district is not the right tool to support this. For example, one district limits the ability to treat Priority Streets like the Mall and Michigan Avenue with a higher level of design and use regulations that can support these streets as walkable principle shopping streets.
- 3) **Does Amendment Address a Demonstrated Community Need.** Yes, 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, this includes permitting a wide variety of housing options to support community need, supporting economic development by removing barriers to new projects, and supporting development that matches with the character and scale of the corridor or neighborhood.
- 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 will 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

Article 1. General Requirements

Article 2. Review Bodies and Processes

Article 3 Zoning Districts & Map

Article 4. Use Regulations

Article 5. Zoning Standards: Lot Types

Article 6. Zoning Standards: Overlay District Standards

Article 7. Parking & Loading Regulations

Article 8. Landscape & Screening Regulations

Article 9 Signage.

Article 10 Lighting.

## How to Use These Regulations

The Live-Work 1, Live-Work 2, 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**.

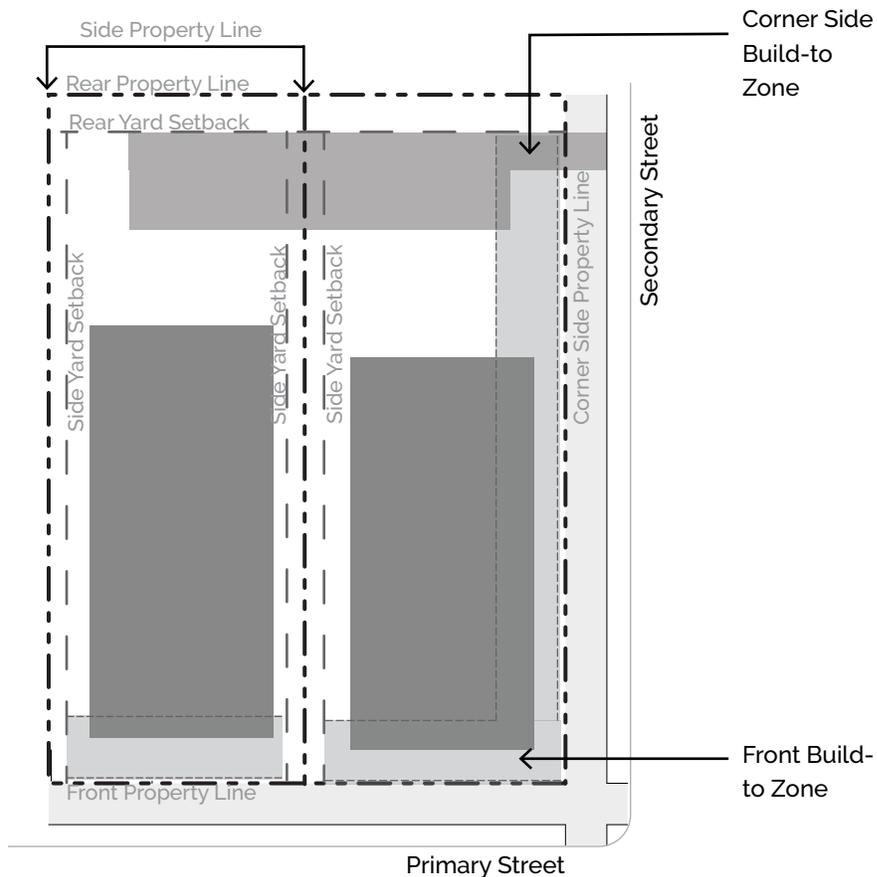


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

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.

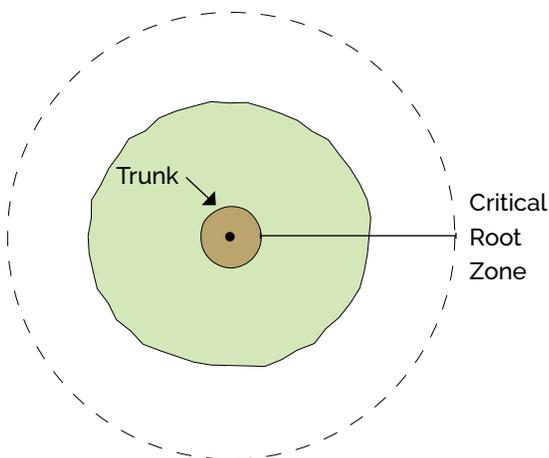


Figure 1.3-2 Measuring Critical Root Zone

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. Refer to Article 5 Zoning Standards for more information.**

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.

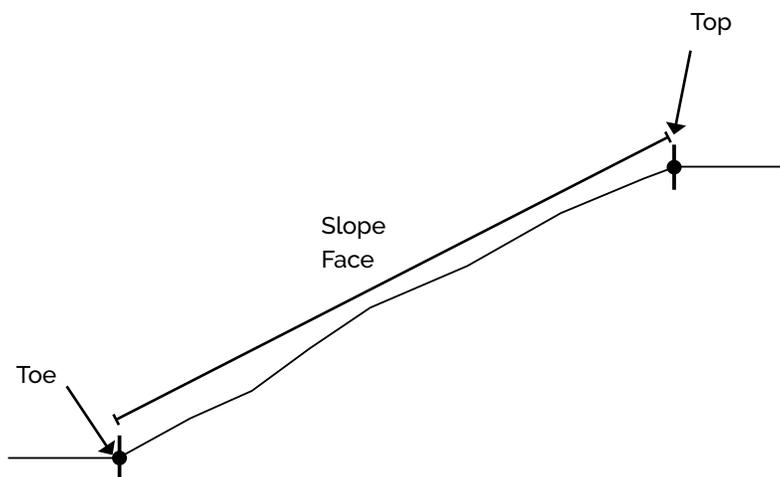


Figure 1.3-3 Parts of a Slope

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.

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

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

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

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

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

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.

**4.1-1 Use Table Key**

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

Table 4.1-1 Use Table

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

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

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

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

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

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

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

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

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

A. Residential/Lodging Uses.

(1) Bed and Breakfast. An establishment providing short term lodging and service of at least one (1) meal per day to guests on a lot that also serves as the principal residence of the operator.

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

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

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

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

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

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

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

(5) Residential, Multi Family. Five (5) or more dwelling units located within a primary structure on a lot. In the districts where residential is Permitted with Development Standards ("PD"), residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(6) Rooming House. A type of group living use in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. In the districts where a rooming house is Permitted with Development Standards ("PD"), residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

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

## B. Civic/Institutional Uses

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

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

(b) In Downtown 1, Religious Assembly is not permitted on the ground floor.

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

degrees and certificates.

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

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

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

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

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

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

### C. Commercial

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

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

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

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

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

(2) Day Care. A use providing care, protection, and supervision for children or adults on a regular basis away from

their primary residence for periods of less than twenty-four (24) hours. In the districts where a day care is Permitted with Development Standards ("PD"), the following is required.

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

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

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

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

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

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

(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.

(g) **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 to Appendix A 6.3 Screens & Fencing for more information on fences.

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

(a) **Use Limitations.**

[1] **Gas Stations.**

[a] Gas stations require a special use permit.

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

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

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

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

vacuuming is not permitted on lots adjacent to a residential zoning district.

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

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

(c) Outdoor Activities.

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

[2] Washing areas are not permitted outside.

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

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

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

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

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

#### D. Industrial.

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

(a) Retail Component.

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

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

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

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 **with Craftsman Industrial uses** provided the area used for storage is less than or equal to five (5) percent of the site's lot area. **Refer to 4.5.C((7) for additional requirements.**

(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

### Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District							Key
	Node	LV1	LV2	D1	D2	D3	All R	
Accessory Dwelling Units (ADU)	PD	PD	PD			PD	PD	P Permitted
Agriculture	PD	P	P	PD	PD	PD		S Special Use
Drive Through	PD	PD	PD		PD	PD		PD Permitted - Development Standards Required
Food Truck	PD	PD	PD		PD	PD		
Home Occupation	PD	PD	PD	PD	PD	PD	PD	
Kiosk	PD	PD	PD		PD	PD		
Outdoor Storage	PD	PD	PD			PD		
Secondary Building	PD	PD	PD	PD	PD	PD	PD	
Sidewalk Café	PD	PD	PD	PD	PD	PD		

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 **primary structure** is permitted per lot.

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

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

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

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

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

(2) Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes as an accessory use on the lot. **In the districts where**

agriculture is Permitted with Development Standards ("PD"), the following standards apply,

- (a) Agriculture as an accessory use shall not prevent a lot from meeting its lot type requirements, refer to Article 5 Zoning Standards: Lot Types
- (b) Agriculture as an accessory use is permitted in all yards.
- (c) Agriculture as an accessory use is permitted within a building, provided that it is not in the occupied space of a building; it is permitted on a buildings roof.

(3) Drive Through. Drive throughs provide service to customers who remain in their vehicle and may be used in conjunction with variety of uses including financial institutions and restaurants. In the districts where a drive through is Permitted with Development Standards ("PD"), the following standards apply, Refer to Figure 4.5-1 Drive Throughs.

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

- [1] Nodes, **Downtown 2**, and **Downtown 3**. A drive through is permitted only in the rear yard, fully screened from property lines by structure or landscaping.
- [2] Other Districts. A drive through is permitted in the rear yard. If the lot does not front a 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

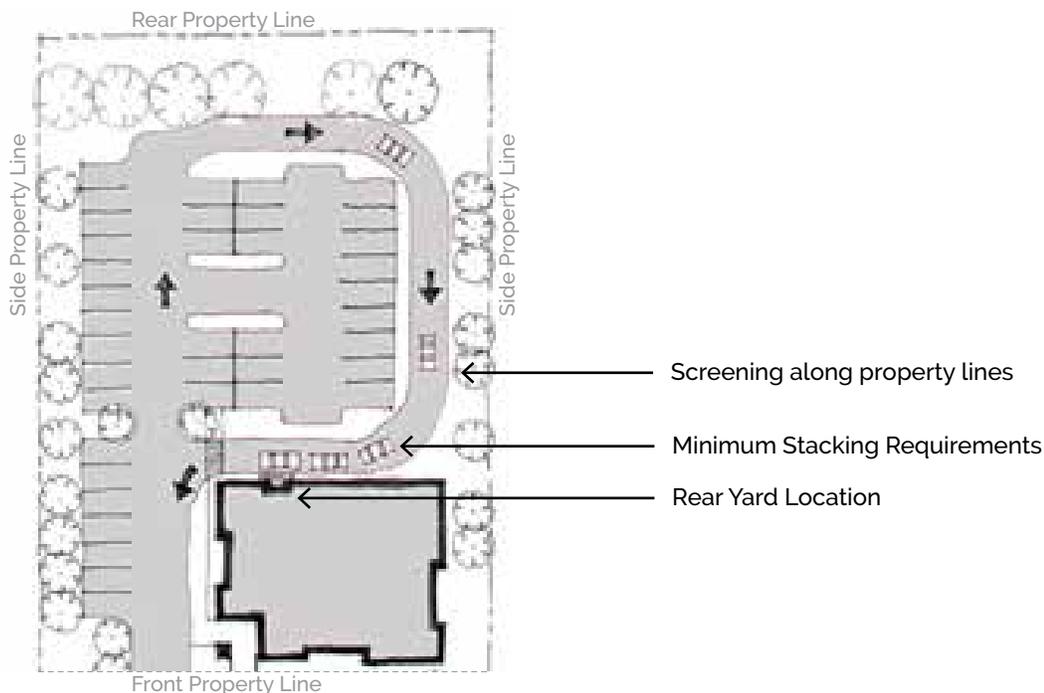


Figure 4.5-1. Drive Through Design

window or entrance into the stall or loading area.

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

(a) Single Food Truck. Site Plan approval is required when one (1) food truck operates on a lot three (3) or more days a week 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.

[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

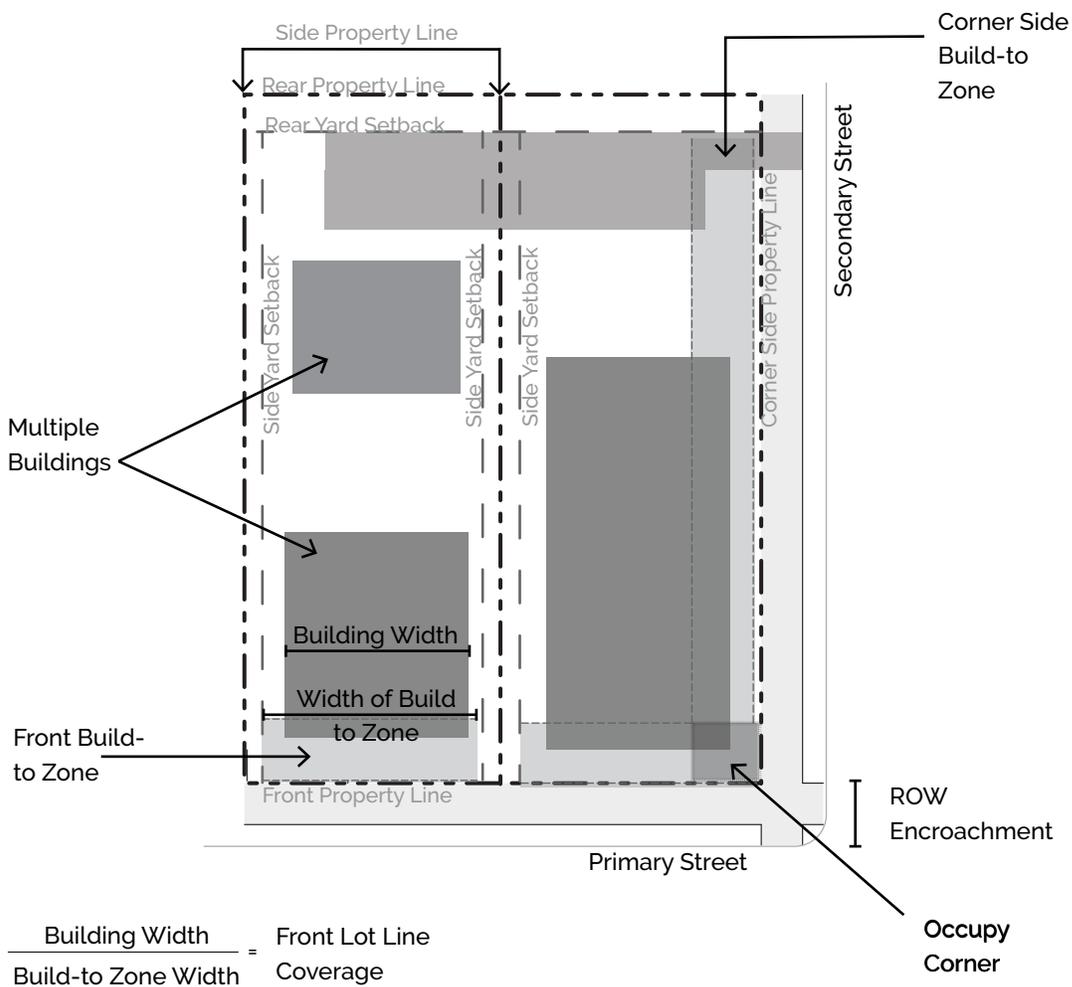


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

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.

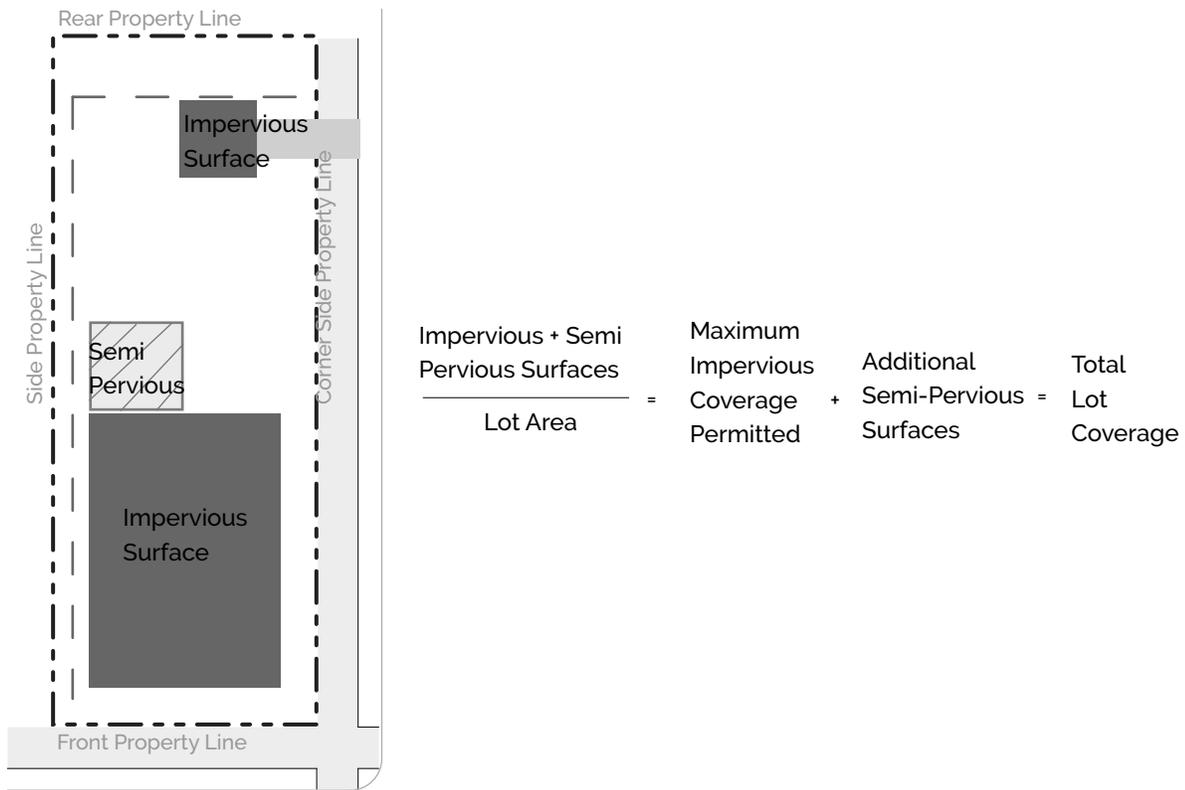


Figure 5.2-2 Lot Coverage

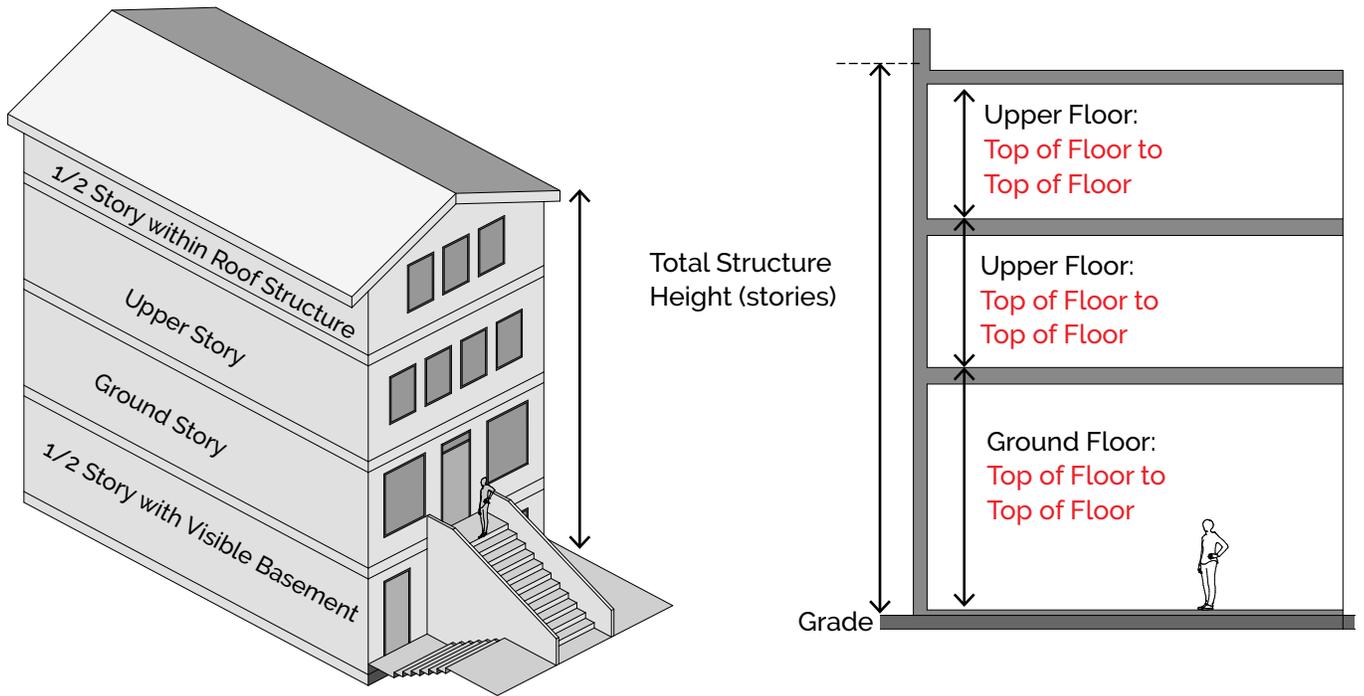


Figure 5.3-1. Measuring Height

(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, **public** entrance of the principal building, noted by façade.
- (2) Entrance Treatment. The entrance treatments required on street facing facades. Entrance treatment standards apply to the entire ground story of all front facades, and corner side facades 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.

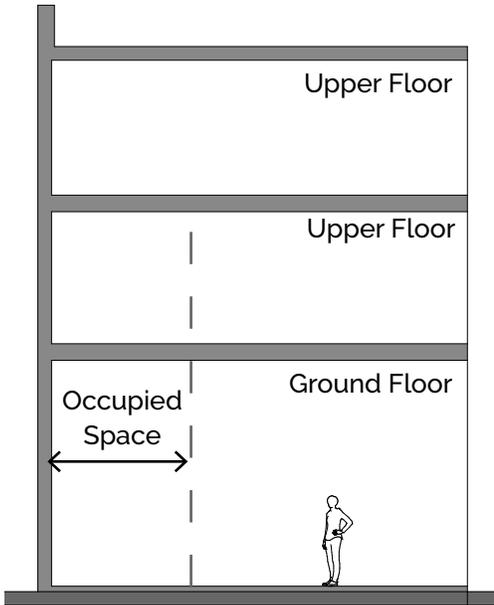


Figure 5.4-1 Permitted Uses Per Floor

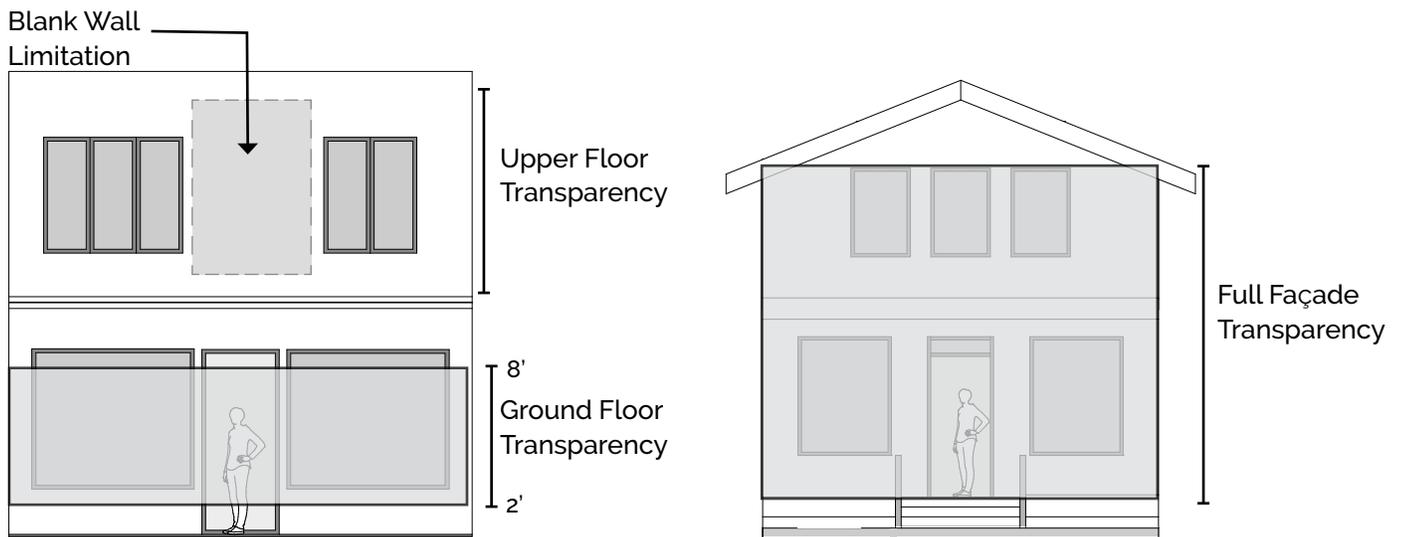


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

(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.

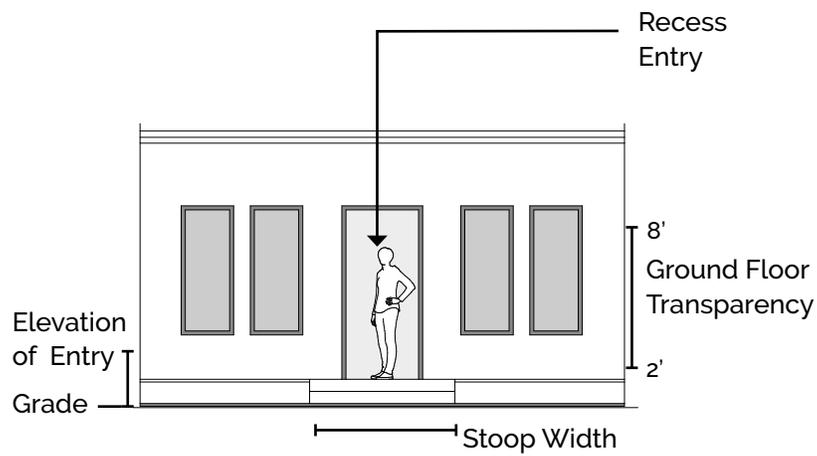


Figure 5.5-3. Stoop.

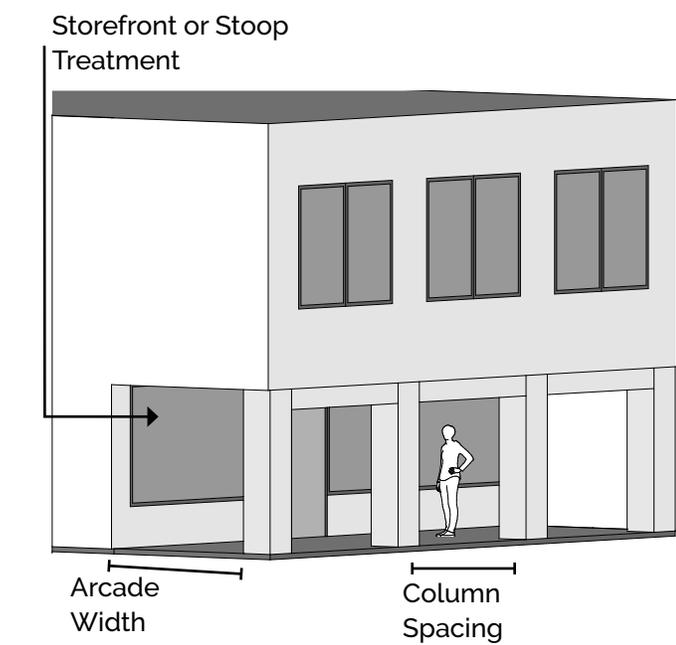


Figure 5.5-4. Arcade

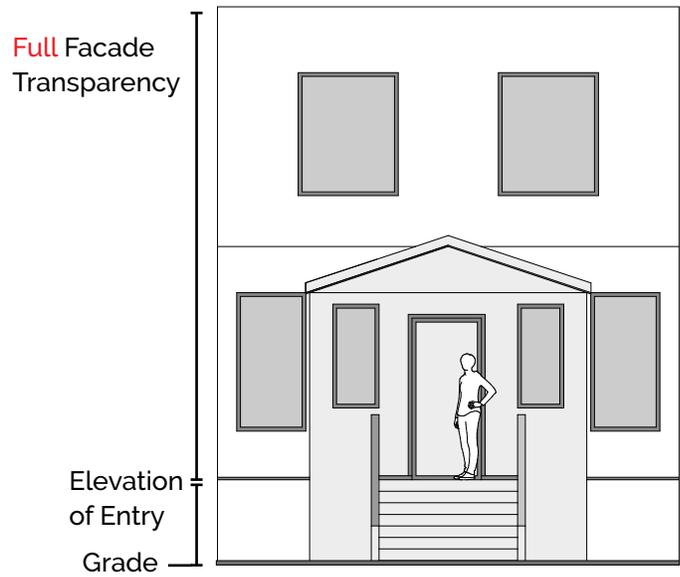


Figure 5.5-5. Porch.

(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.

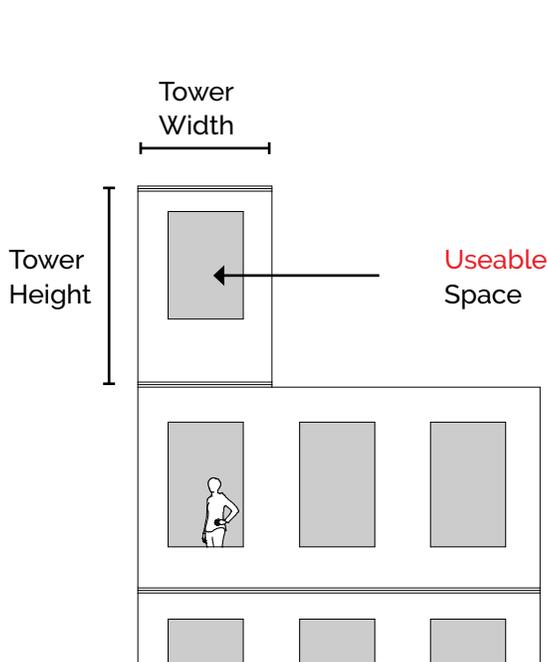


Figure 5.5-6. Tower.

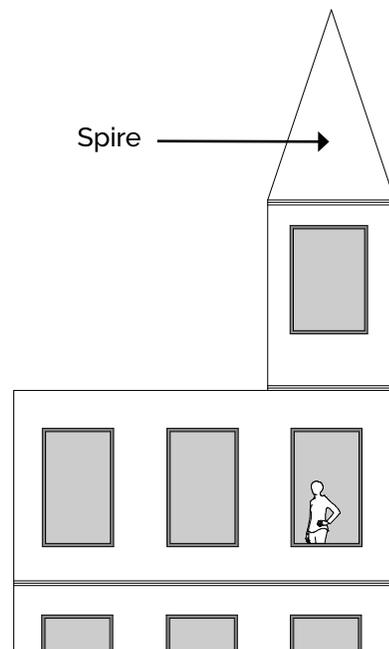


Figure 5.5-7. Spire

(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.

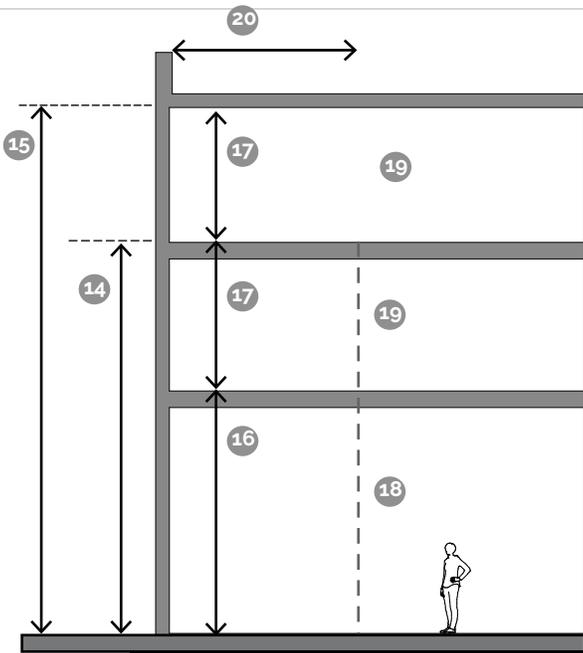
Table 5.6-1 Lot Types by Zoning District

Lot Type	Zoning District			D1	D2	D3
	Node	LW1	LW2			
Commerce	P			P	P	
Flex		P	P		P	P
Cottage Commercial	PD	P	P			P
Civic		P	P		P	P
Warehouse			P			
Yard - Attached		P	P			P
Yard - Detached		P	P			P
Outdoor Market		P	P			P



**(2) Height (Figure 5.6-2)**

Minimum Height	2 stories	14
Maximum Height	<b>NODE: 3 stories or up to height of tallest building within 330'; D1 &amp; D2: no max, height on Priority Streets; 9 stories on Main Streets</b> <small>4.5</small>	15
Ground Floor	14'-24' <sup>6</sup>	16
Upper Floor(s)	9'-14'	17
<b>(3) Uses (Table 4.1-1)</b>		
Ground Floor	All permitted uses per district	18
Upper Floor	All permitted uses per district	19
Occupied Space	Yes <b>on first two floors, except Residential/Lodging is permitted per Table 4.1-1</b>	20
Accessory Uses & Structures	See Table 4.5-1	



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

<b>(a) Transparency (minimum)</b>		
Ground Floor	Per entrance type, see 5.5.B	21
Upper Floor(s)	20% per floor	22
Blank Wall Limitations	Yes	23
<b>(b) Entrance</b>		
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	
<b>(c) Roof Type</b>		
Tower	Permitted	27
Spire	Not Permitted	

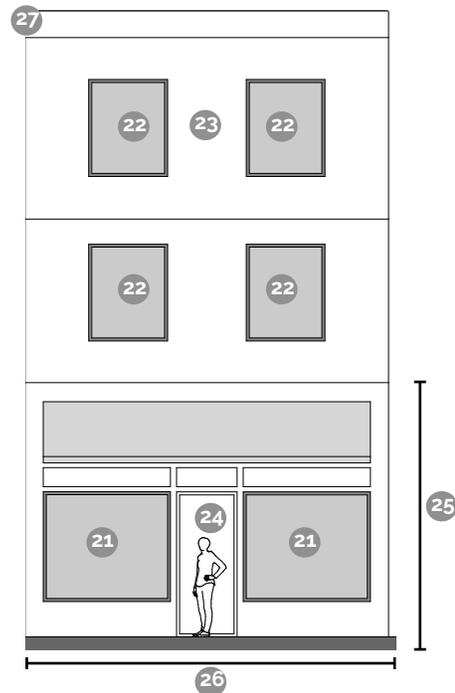


Figure 5.6-2 Height & Use

Notes:

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

<sup>5</sup> 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.

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

Figure 5.6-3 Street Facing Facades.

C. Lot Type: Flex

(1) Building Siting (Figure 5.6-4)

(a) Street Frontage

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

(b) Lot Area

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

(c) Lot Coverage

	75%; 85% in Live	
Impervious Surface (max)	Work 2: 100% in D2	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear Yard	11
Loading & Service Location	Rear, Side, Corner Side	12
Vehicle Entrance Bay	Facades <sup>2</sup>	
Driveway Location	Alley; 1 on Corner Side <sup>3</sup> , 1 on Front if an interior lot <b>not located in D1 or D2</b> <sup>3</sup>	13

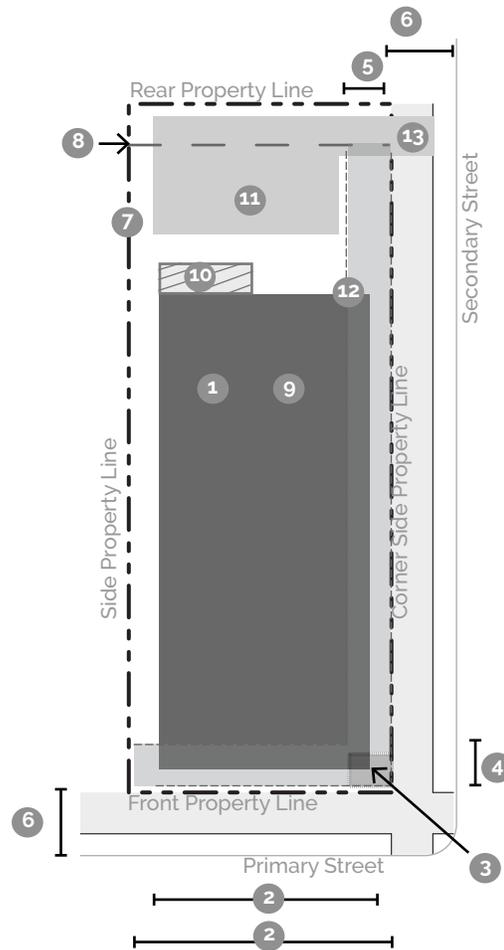


Figure 5.6-4 Building Siting.

Notes:

<sup>1</sup> 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%

<sup>2</sup> Entrance bays for parking and loading purposes not permitted on primary streets.

<sup>3</sup> A 2<sup>nd</sup> 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 Work 2 & on a Connector Street & in D3 up to 5 stories permitted; In D2: no max, height on Priority Streets; and 9 stories on Main Streets; <sup>4</sup>	15
Ground Floor	14'-24' <sup>5</sup>	16
Upper Floor(s)	9'-14'	17

**(3) Uses (Table 4.1-1)**

Ground Floor	All permitted uses per district	18
Upper Floor		
Occupied Space	Yes; except Residential/ Lodging permitted per Table 4.1-1	19
Accessory Uses & Structures	See Table 4.5-1	

**(4) Street Facing Facades (Figure 5.6-6)**

**(a) Transparency (minimum)**

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

**(b) Entrance**

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

**(c) Roof Type**

Tower	Permitted	26
Spire	Not Permitted	

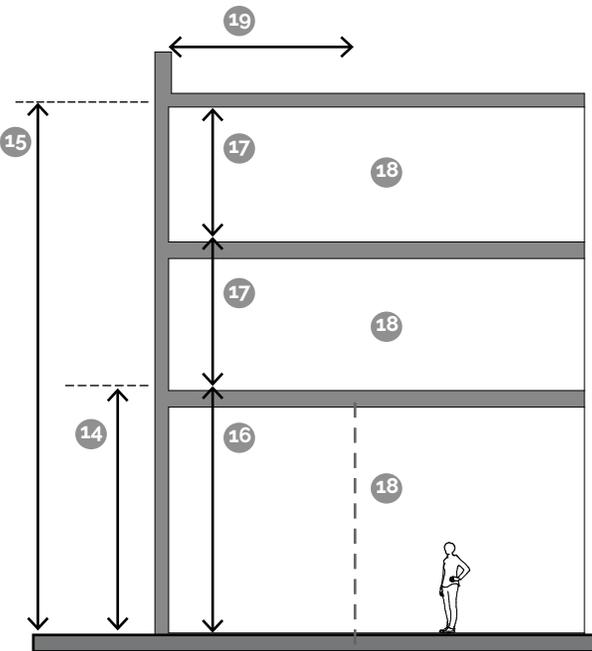


Figure 5.6-5 Height & Use

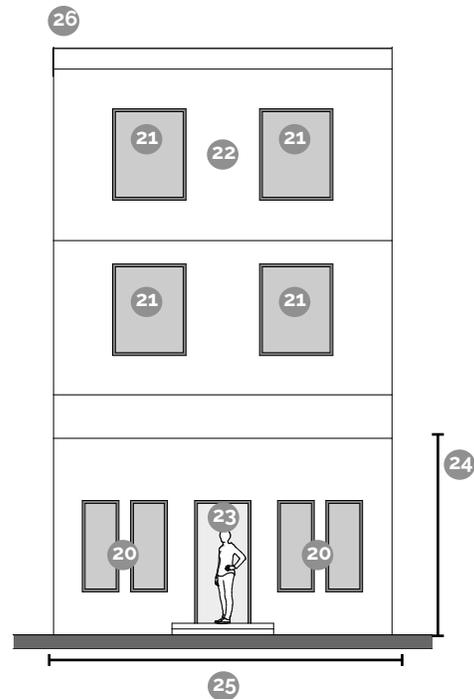


Figure 5.6-6 Street Facing Facades.

Notes:

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

<sup>5</sup> 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 <sup>1</sup>	3
Corner Build-to Zone	5'-20' 5-15' in Nodes <sup>1</sup>	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 <sup>2</sup>	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

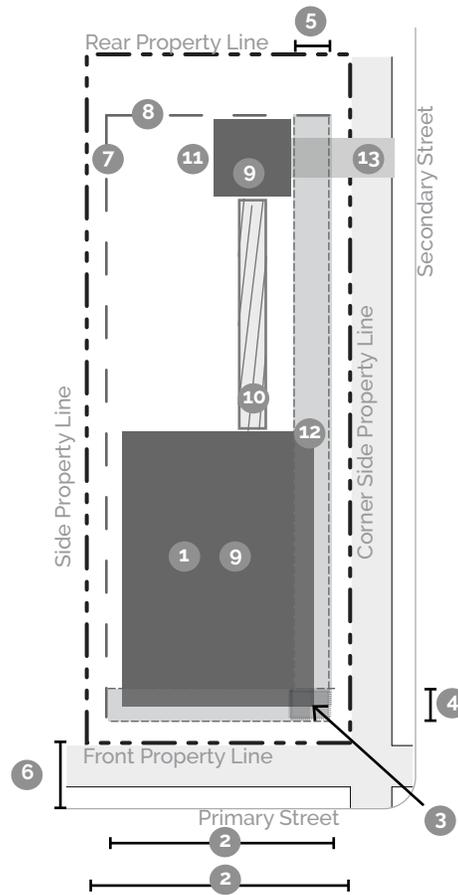


Figure 5.6-7 Building Siting Attached and Detached

Notes:

<sup>1</sup> Stoops and porches may be located in the build-to zone.

<sup>2</sup> 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 <sup>3</sup>	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
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Blank Wall Limitations	No	20
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**(b) Entrance**

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

Tower	Permitted
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Spire	Not Permitted
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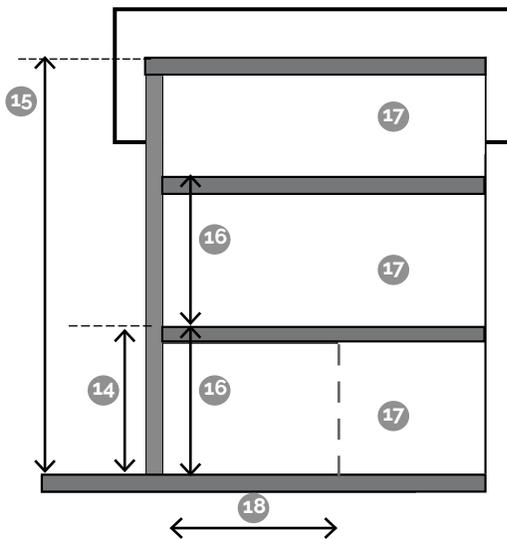


Figure 5.6-8 Height & Use

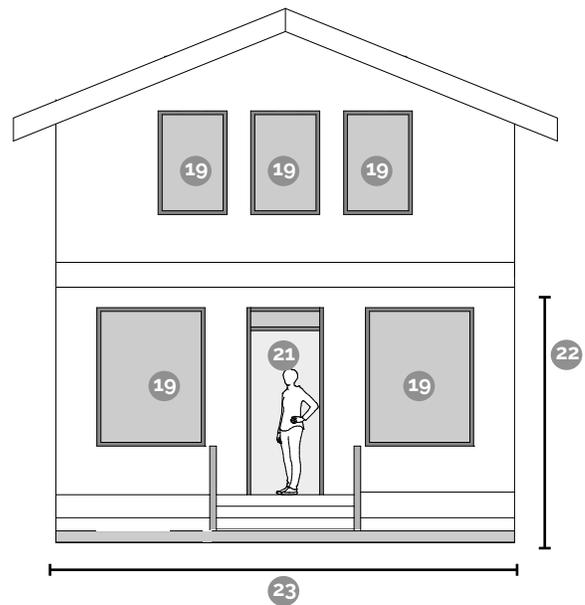


Figure 5.6-9 Street Facing Facades.

<sup>3</sup>A 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'; 0-15' in D2	4
Corner Build-to Zone	0'-15'	5
ROW Encroachment	Yes	6

(b) Lot Area

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

(c) Lot Coverage

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

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side Corner Side Facades <sup>1</sup>	12
Vehicle Entrance Bay		
Driveway Location	Alley, 1 on Corner Side <sup>2</sup> , 1 on Front if an interior lot except in D2	13

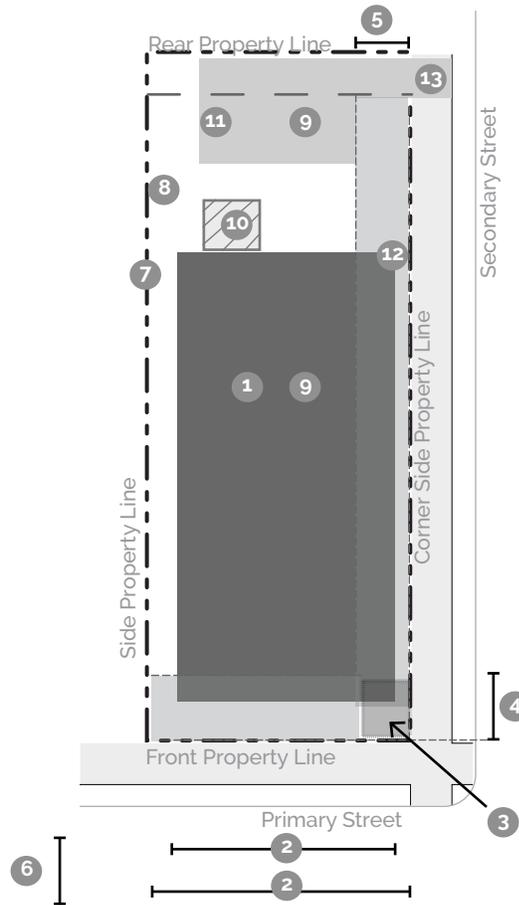


Figure 5.6-10 Building Siting.

Notes:

<sup>1</sup> Entrance bays for parking and loading are not permitted on primary streets

<sup>2</sup> A 2<sup>nd</sup> driveway is permitted on lots wider than 200'

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

**(2) Height (Figure 5.6-11)**

Minimum Height	1 stories	14
Maximum Height	3 stories; 5 stories in D2 & D3 <sup>3</sup>	15 16
Ground Floor	15'-30' <sup>4</sup>	17
Upper Floor	9'-14'	

**(3) Uses (Table 4.1-1)**

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

**(4) Street Facing Facades (Figure 5.6-12)**

(a) Transparency (minimum)		
Facade Transparency (min)	15% per street facing Facade	20
Blank Wall Limitations	No	21
(b) Entrance		
Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop	23
Entrances on Street Facing Facades	1 per 60' of building length	24
Other Facade Entrances	Yes	25
(c) Roof Type		
Tower	Permitted	26
Spire	Permitted	27

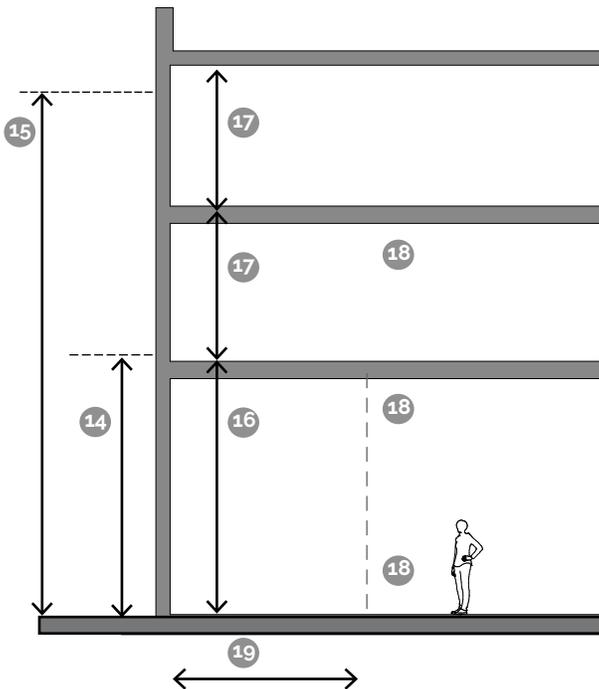


Figure 5.6-11 Height & Use

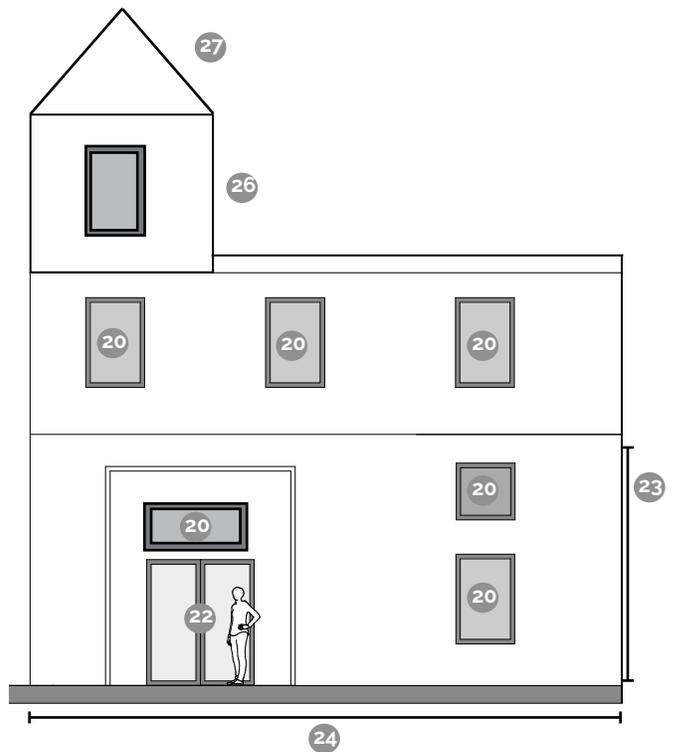


Figure 5.6-12 Street Facing Facades.

Notes:

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

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

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% <sup>1</sup>	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 <sup>2</sup> , & 1 on Front Facade <sup>2</sup>	12
Vehicle Entrance Bay	Alley, 1 on Corner Side, 1 on Front if an interior lot <sup>3</sup>	13
Driveway Location	Alley, 1 on Corner Side, 1 on Front if an interior lot <sup>3</sup>	13

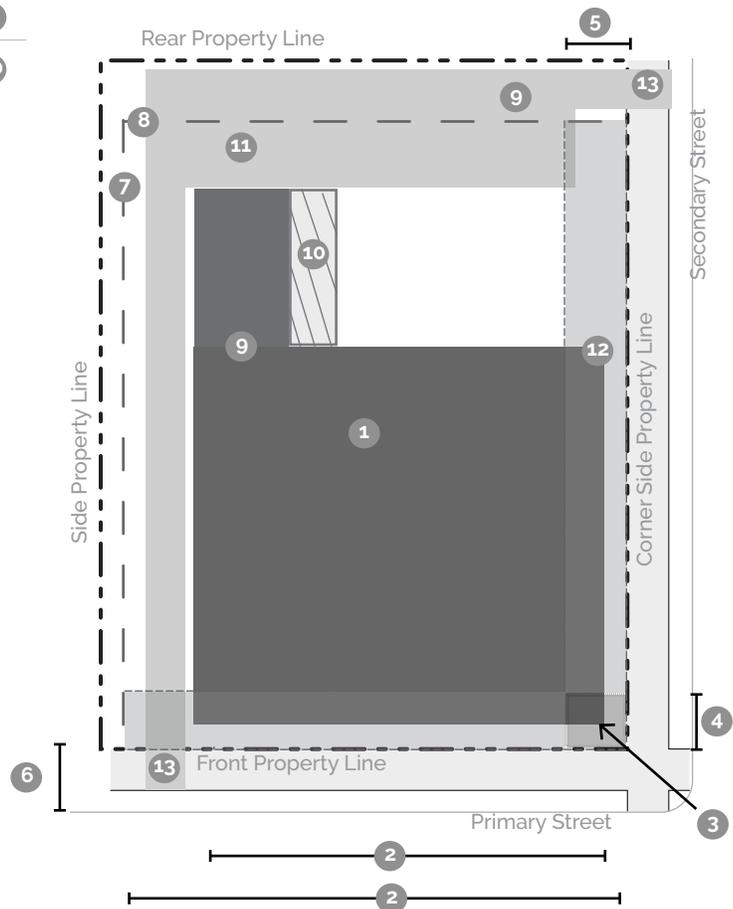


Figure 5.6-13 Building Siting.

Notes:

<sup>1</sup> A courtyard may count toward up to 35% of the minimum coverage.

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

<sup>3</sup> A 2<sup>nd</sup> driveway is permitted on lots wider than 200'.

**(2) Height (Figure 5.6-14)**

Minimum Height	1 stories	
Maximum Height	3 stories <sup>4</sup>	15
Ground Floor	14'-30' <sup>5</sup>	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% <sup>6</sup>	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, <b>Storefront</b>	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	

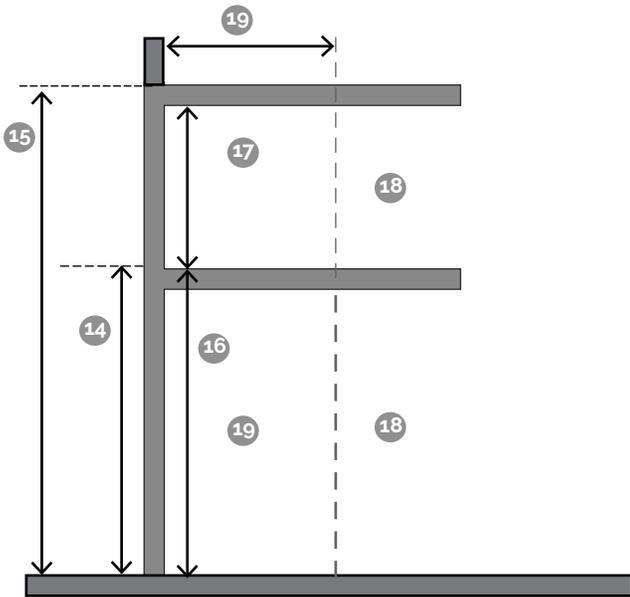


Figure 5.6-14 Height & Use

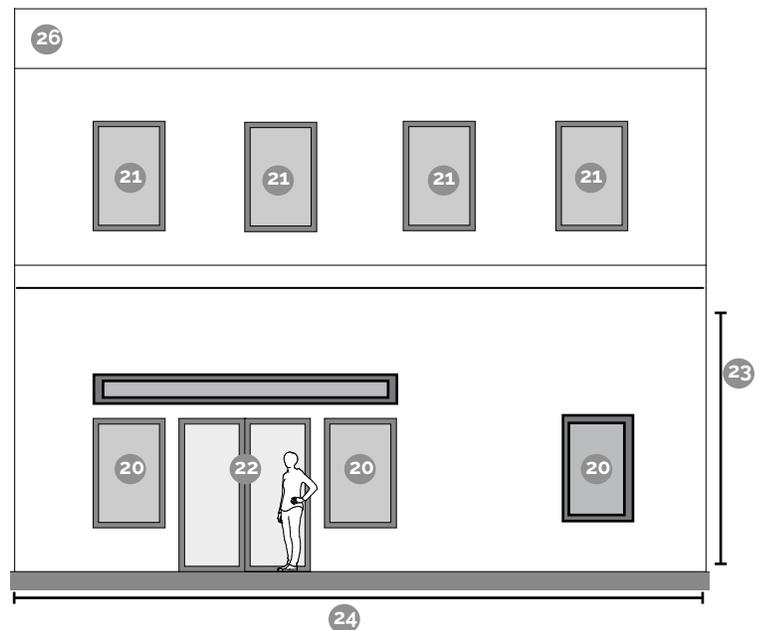


Figure 5.6-15 Street Facing Facades.

Notes:

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

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

<sup>6</sup> 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' <sup>1</sup>	4
Corner Build-to Zone	5'-15' <sup>1</sup>	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5' <sup>2</sup>	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 <sup>3</sup>	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

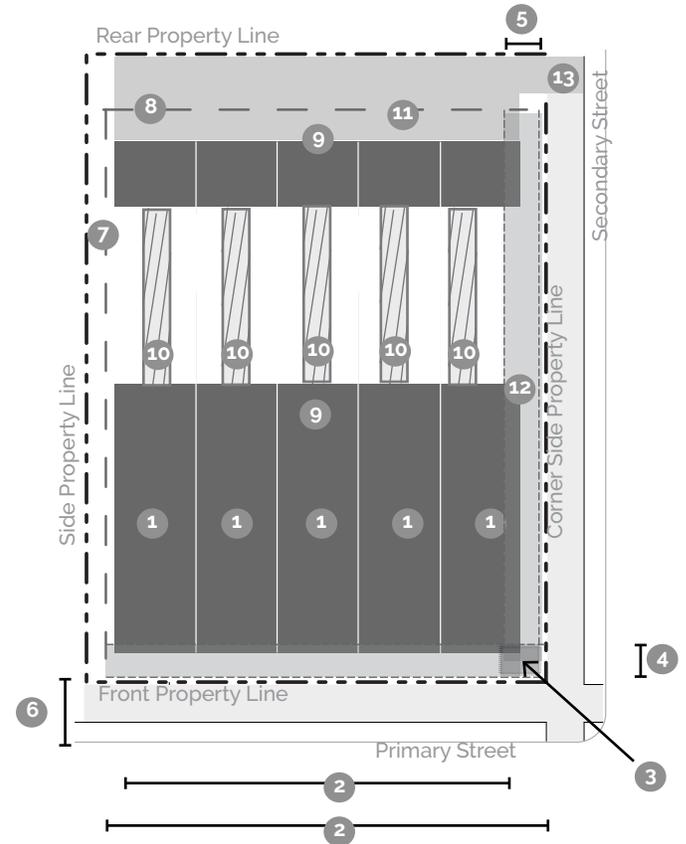


Figure 5.6-16 Building Siting

Notes:

<sup>1</sup> Stoops and unenclosed porches may be located in the build-to zone.

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

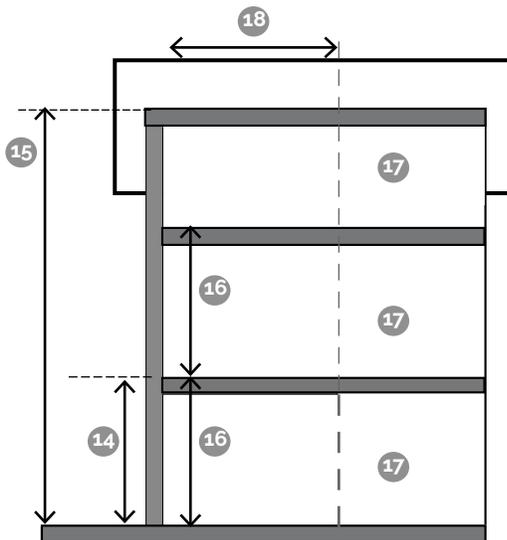
<sup>3</sup> Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

**(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, <b>except for interior parking</b>	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 <sup>4</sup>	23
Other Facade Entrances	Not Required	24

**(c) Roof Type**

Tower	Permitted
Spire	Not Permitted

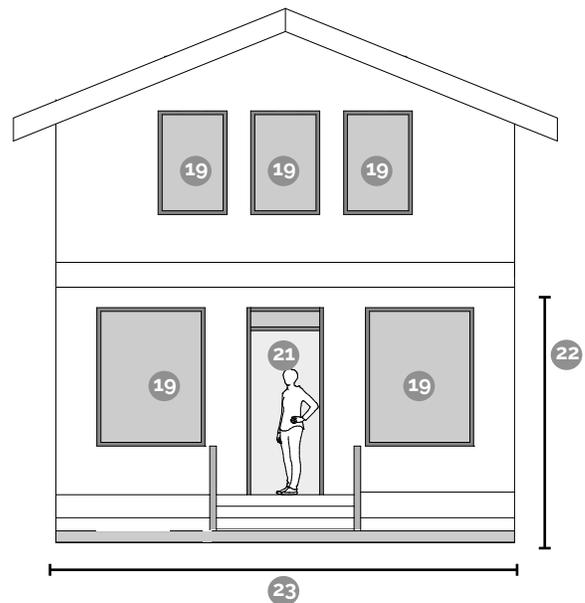


Figure 5.6-17 Height & Use

Figure 5.6-18 Street Facing Facades.

Notes:

<sup>4</sup>When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

H. Lot Type: Yard - Detached

(1) Building Siting (Figure 5.6-19)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	2
Occupation of Corner	Not required	3
Front Build-to Zone	10'-25' <sup>1</sup>	4
Corner Build-to Zone	10'-20' <sup>1</sup>	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% <sup>2</sup>	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 <sup>3</sup>	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

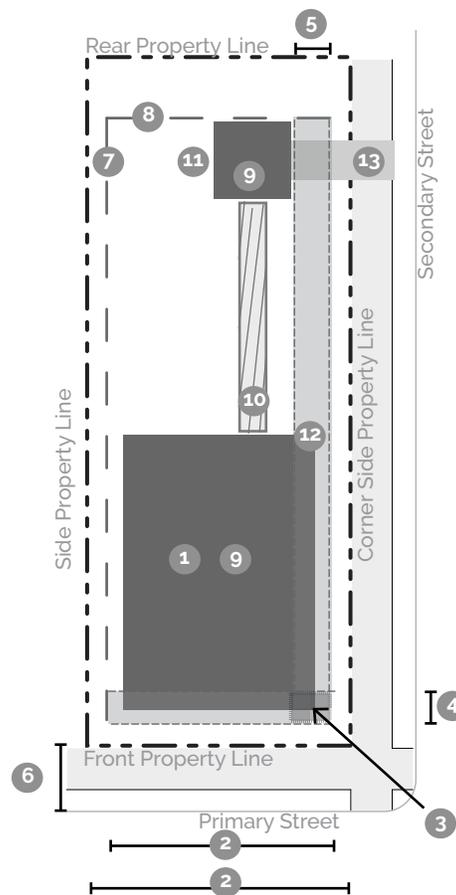


Figure 5.6-19 Building Siting Attached and Detached

Notes:

<sup>1</sup> Stoops and unenclosed porches may be located in the build-to zone.

<sup>2</sup> 60% impervious surface permitted when two or more principal buildings are on a lot.

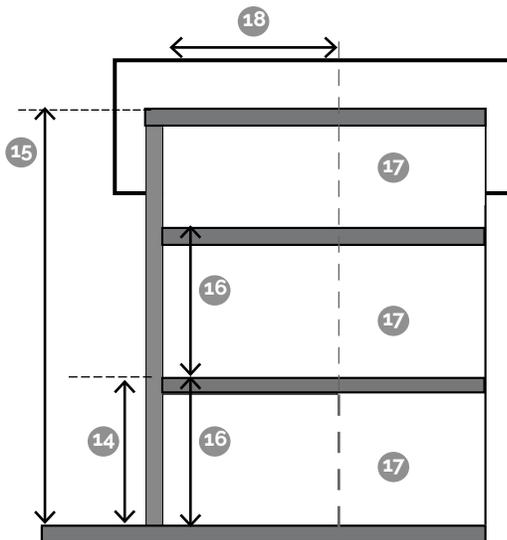
<sup>3</sup> Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

**(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 <sup>4</sup>	23
Other Facade Entrances	Not Required	24

**(c) Roof Type**

Tower	Not Permitted
Spire	Not Permitted

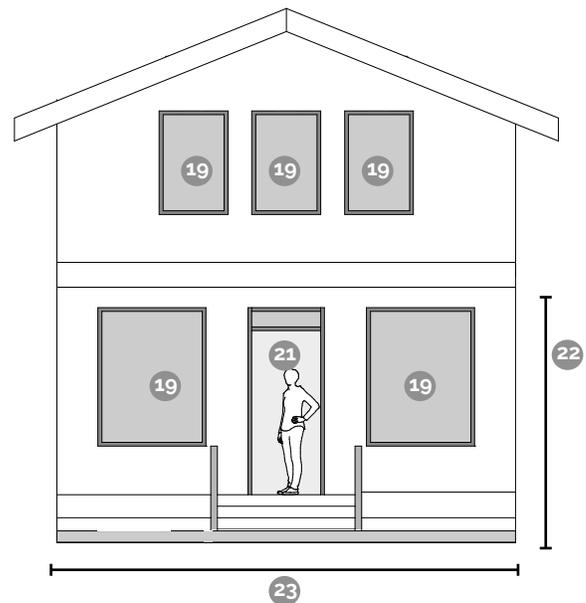


Figure 5.6-20 Height & Use

Figure 5.6-21 Street Facing Facades.

Notes:

<sup>4</sup>When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

I. Lot Type: Outdoor Market

(1) Building Siting (refer to Figure 5.6-22)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage	Not Required	
Occupation of Corner	Not Required	
Front Build-to Zone		
Corner Build-to Zone	Not Required <sup>1</sup>	2
ROW Encroachment	Yes	3

(b) Lot Area

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

(c) Lot Coverage

Impervious Surface (max)	65% <sup>2</sup>	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

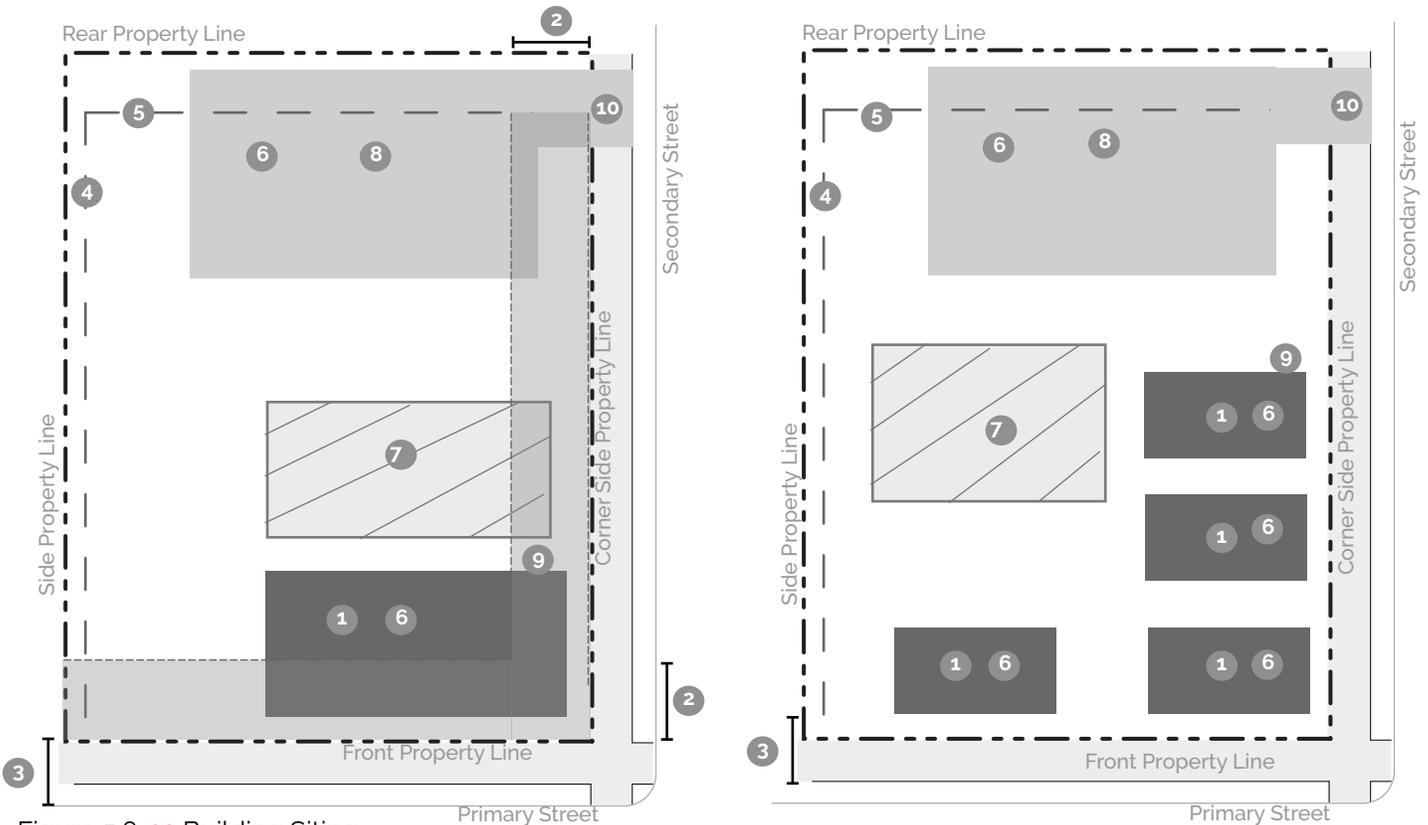


Figure 5.6-22 Building Siting.

**(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 <sup>3</sup>	15
Upper Floor(s)	Not Required	
Blank Wall Limitations	Not Required	

**(b) Entrance/Counter**

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

**(c) Roof Type**

Tower	Not Permitted
Spire	Not Permitted

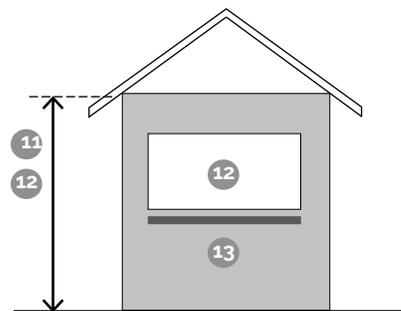


Figure 5.6-23 Street Facing Facades.

Notes:

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

<sup>2</sup> 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.

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

## Article 6. Zoning Standards: Overlay District Standards

### 50-6.1 Overlay District Requirements.

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

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

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

### 50-6.2 Natural Features Protection Overlay Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

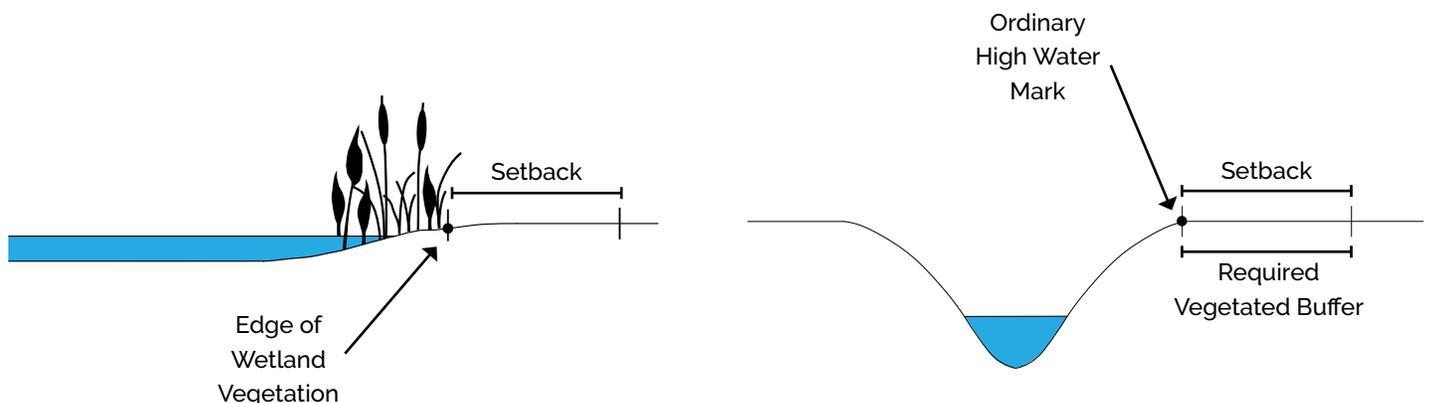


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

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

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

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

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

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

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

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

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

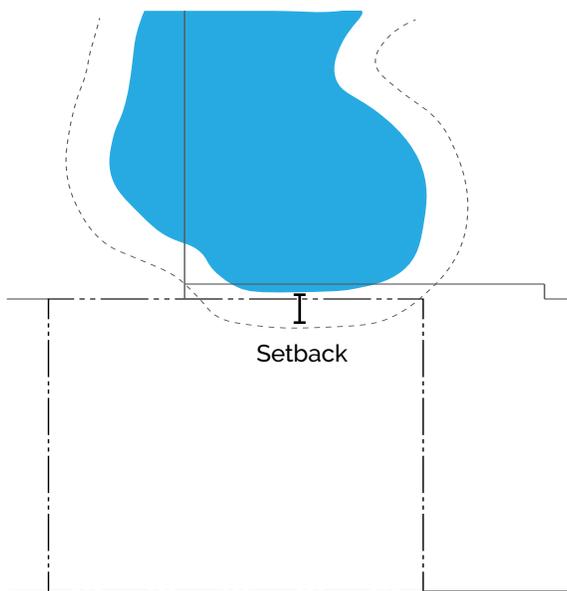


Table 6.2-1 Wetland and Water Resources Setbacks

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

Figure 6.2-2 Setbacks Across Parcel Boundaries

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
Lake Sedge	<i>Carex lacustris</i>	Graminoid
Tussock Sedge	<i>Carex stricta</i>	Graminoid
Bottlebrush Sedge	<i>Carex hystericina</i>	Graminoid
Bebb's Sedge	<i>Carex bebbii</i>	Graminoid
Common Fox Sedge	<i>Carex vulpinoidea</i>	Graminoid
Prairie Cordgrass	<i>Spartina pectinata</i>	Graminoid
Dark-Green Bulrush	<i>Scirpus atrovirens</i>	Graminoid
Cottongrass Bulrush	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
New England American Aster	<i>Symphyotrichum novae-angliae</i>	Forb
Purple-Stem American Aster	<i>Symphyotrichum puniceum</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Common Boneset	<i>Eupatorium perfoliatum</i>	Forb
Swamp Milkweed	<i>Asclepias incarnata</i>	Forb
Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	Forb
Pin Oak	<i>Quercus palustris</i>	Tree
Swamp White Oak	<i>Quercus bicolor</i>	Tree
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Tree
Tamarack, American Larch	<i>Larix laricina</i>	Tree

E. Natural Feature Standards: Floodplains. Reserved.

F. Natural Feature Standards: Trees. Trees that provide special value to the community or ecosystem are protected through the NFP Overlay District.

(1) Tree Criteria. When Trees meet any of the following criteria and are not counted as part of a Woodland, the standards of this Overlay apply.

(a) Trees on the Special Status Tree List in Table 6.2-4.

(b) Any Tree larger than twenty-four (24) inches DBH.

(2) Tree Protection. Trees and their CRZ shall be protected during site development and construction.

(a) Disturbance. No disturbance is allowed within a CRZ, except as follows.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of other Trees or Woodlands with a plan by a qualified professional, such as an International Society of Arboriculture (ISA) Certified Arborist.

(b) Protection During Construction. The CRZ of Trees shall be protected following the standards of 50-6.2K(8) Protection During Construction.

(3) Tree Removal. Trees may be removed in the following circumstances.

(a) Tree is located such that it impedes access to the site or prevents utility connections.

(b) A qualified professional has determined the tree is diseased, dying, or has sustained substantial damage prior to site work.

(c) Location of the Tree presents a threat to the structural integrity of an existing structure or infrastructure.

(4) Replacement. Any Tree meeting the criteria which is removed from the parcel must be replaced as follows.

(a) Except as otherwise permitted by this subsection, the replacement ratio is 1:1, where for every inch of Tree removed in total from the parcel, an equivalent number of inches must be replaced by newly planted Trees as follows.

[1] Inches of Tree removed shall be measured at DBH.

[2] Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context should be taken into consideration when selecting a replacement Tree.

[3] Replacement Trees must be two (2) inch caliper or greater, unless otherwise stated in Table 6.2-5.

(b) A replacement ratio of 3:1 is applicable in the following circumstances (where for every three (3) inches of Tree DBH removed, one (1) inch of new replacement Tree DBH must be planted).

[1] Replacement Tree is four (4) inch caliper or greater.

[2] Replacement Tree has a special value in terms of long-term survival rate, habitat quality, or climate resiliency, as indicated by the ratios in Table 6.2-5 Replacement Tree List.

(c) Location. Replacement Trees shall be located as follows.

- [1] Replacement Trees shall be located on the site from which they are removed.
- [2] The NFP Review Board can approve alternative locations, if on-site replacement is not possible provided that the alternative is within the City of Kalamazoo.
- [3] Replacement Trees cannot be located within a parking lot.

G. Natural Feature Standards: Woodlands. Woodlands provide important ecosystem services and habitat corridors and are protected by the NFP Overlay District.

(1) Woodland Criteria. When trees located on a parcel meet the following criteria, the area shall be considered a Woodland and the standards of this Overlay apply.

- (a) Minimum Area. Trees cover a minimum area of 21,780 square feet or a half (1/2) acre, regardless of parcel boundaries. Refer to Figure 6.2-3 Defining and Delineating a Woodland.
- (b) Tree Count. The area contains the equivalent of at least forty (40) trees per acre of at least two (2) inches DBH and reach or at maturity will reach at least fifty (50) feet in height.
- (c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed.

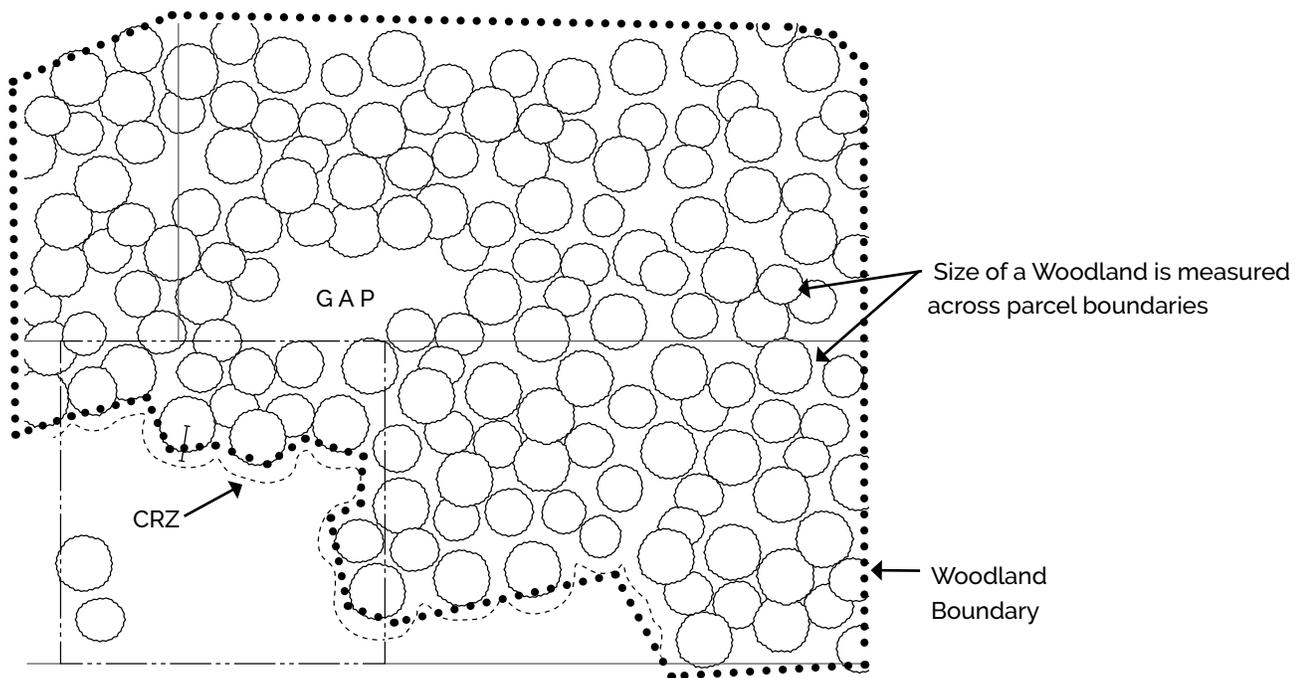


Figure 6.2-3 Defining and Delineating a Woodland

(d) Understory. The area contains a layering of shorter understory trees and/or shrubs and Forbs.

(2) Woodland Delineation and Assessment. Refer to Figure 6.2-3 Defining and Delineating a Woodland. Existing Woodland coverage on the parcel shall be delineated and assessed as follows.

(a) Gaps. Areas without trees or that have sparse trees are common within a Woodland and should be included in area and density measurements except when the gap is larger than 8,000 square feet.

(b) Woodland Assessment Tools. A Woodland must be assessed using a Basal Area, Woodland Ecosystem Assessment, or tree survey conducted by a qualified professional, such as an ISA Certified Arborist.

(3) Woodland Protection. For areas meeting the definition of a Woodland, a portion of the Woodland on the parcel must be preserved as follows.

(a) Woodland Preservation Minimums. Woodlands shall be preserved following the coverage requirements in Table 6.2-3 Woodland Preservation.

(b) Criteria for Woodland Preservation. In determining which areas of a Woodland are to be preserved, the following priorities shall be applied.

[1] Woodlands contiguous to Woodlands on adjacent parcels or areas serving as Habitat Corridors.

[2] Woodlands on or adjacent to another Natural Feature(s), floodplain, or a publicly accessible open space.

[3] Woodlands in the best condition as determined by a qualified professional, such as an ISA Certified Arborist, and based upon the Basal Area score or another Woodland Ecosystem Assessment.

[4] Woodlands with older growth, higher DBH trees, or trees noted in 6.2-4 Special Status Tree List and 6.2-5 Replacement Trees List.

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by the CRZ of trees along its edges, except for the following activities.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of the Woodland vegetation with a plan by a qualified professional, such as an ISA Certified Arborist.

## Table 6.2-3 Woodland Preservation

Woodland Coverage of Parent Parcel	Minimum Required Woodland Coverage to be Preserved
75% to 100%	25%
50% up to 75%	50%
25% up to 50%	75%
Less than 25%	90%

Table 6.2-4 Special Status Tree List

Common Name	Scientific Name	DBH (inches)*
Ash	<i>Fraxinus spp. (not cultivars)</i>	18"
Basswood, Linden	<i>Tilia americana</i>	18"
Beech	<i>Fagus spp.</i>	18"
Buckeye (Horsechestnut)	<i>Aesculus spp.</i>	18"
Cherry, Black	<i>Prunus serotina</i>	18"
Elm, American	<i>Ulmus americana</i>	18"
Elm, Slippery	<i>Ulmus rubra</i>	18"
Elm, Winged	<i>Ulmus alata</i>	18"
Fir	<i>Abies spp.</i>	18"
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple, Red	<i>Acer rubrum</i>	18"
Maple, Silver	<i>Acer saccharinum</i>	18"
Maple, Sugar	<i>Acer saccharum</i>	18"
Pine, Red	<i>Pinus resinosa</i>	18"
Pine, White	<i>Pinus strobus</i>	18"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American	<i>Plantanus occidentalis</i>	18"
Tuliptree	<i>Liriodendron tuliperifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	18"
Honey Locust	<i>Gleditsia triacanthos</i>	16"
Oak, Black	<i>Quercus velutina</i>	16"
Oak, Bur	<i>Quercus macrocarpa</i>	16"
Oak, Northern Red	<i>Quercus rubra</i>	16"
Oak, White	<i>Quercus alba</i>	16"
Arbor-vitae, Eastern White Cedar	<i>Thuja occidentalis</i>	12"
Birch	<i>Betula spp.</i>	12"
Birch, River	<i>Betula nigra</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple	<i>Malus spp.</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	12"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Ginkgo	<i>Ginkgo biloba</i>	12"

Common Name	Scientific Name	DBH (inches)*
Hickory, Bitternut	<i>Carya cordiformis</i>	12"
Hickory, Pignut	<i>Carya glabra</i>	12"
Hickory, Shagbark	<i>Carya ovata</i>	12"
Hickory, Shellbark	<i>Carya 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.

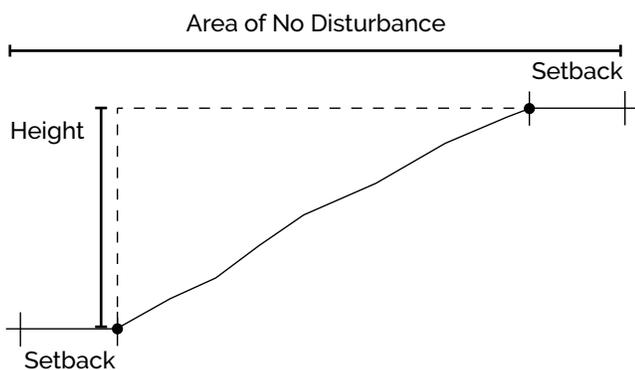


Figure 6.2-4 Protected Slope Setbacks

(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
<b>Trees</b>	
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>
<b>Shrubs</b>	
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>
<b>Vines</b>	
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>
<b>Grasses</b>	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>

Common Name	Scientific Name
<b>Herbs</b>	
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.

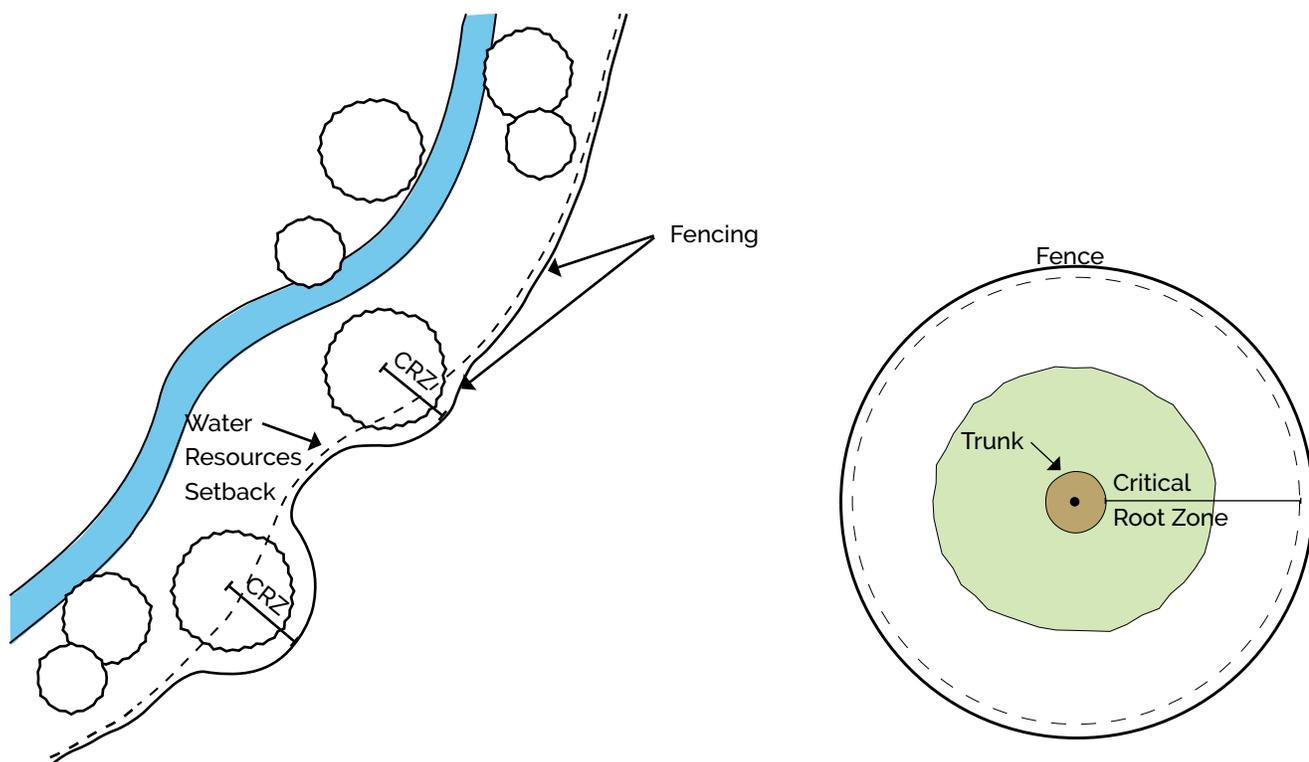


Figure 6.2-5 Placement of Construction Fencing

(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.

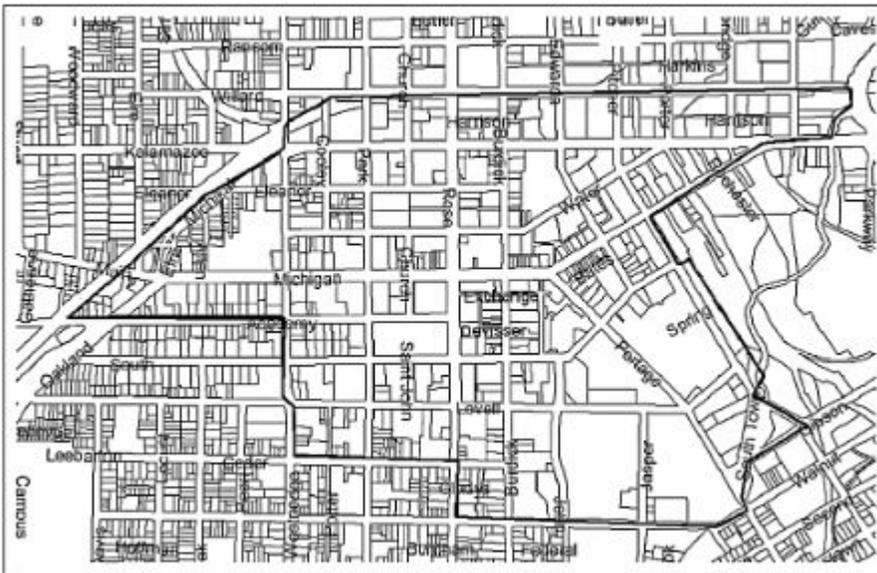


Figure 7.1-1 Downtown Exempt Parking Map

(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
<b>Residential/Lodging</b>	
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
<b>Civic/Institutional Uses</b>	
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
<b>Commercial</b>	
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
<b>Industrial</b>	
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
<b>Residential/Lodging</b>	
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
<b>Civic/Institutional Uses</b>	
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
<b>Commercial &amp; Industrial</b>	
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'

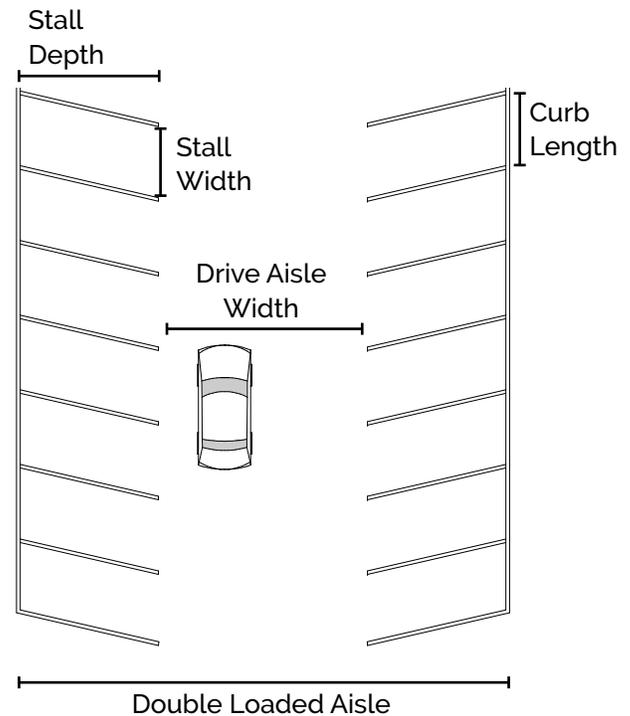


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

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.