



# Chapter 50: Zoning Ordinance Winter '23

THE CITY OF KALAMAZOO



imagine  
kalamazoo  
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## How to Use These Regulations

This Zoning Code provides a variety of zoning districts to support development and redevelopment and the alignment of land use with our transportation network in Kalamazoo. Follow the steps on the adjacent page to determine what zoning standards apply to your property.

In addition to traditional zoning districts, this Code also includes districts that apply form-based regulations. The Live Work 1, Live Work 2, Neighborhood Node, Downtown 1, Downtown 2, and Downtown 3 zoning districts set development standards that focus not only on the use of the building, but also the building's form and impact on the block and adjacent street. These regulations go beyond basic setback lines and maximum height to consider such elements as building entrance, minimum amount of transparent windows, and both minimum and maximum heights. The intent of each zoning district can be found in 50-3 Zoning Districts and Maps. Information on the development standards for each district is found in 50-5 Zoning Standards.

This Zoning Code also considers the street network when setting standards for where uses may be located and building, access, and parking locations. In order to create active and inviting public places and support economic vitality at a variety of scales and locations, buildings and uses on lots and the adjacent streets must work together, rather than be in conflict. To this end, the City has created a Street Design Manual to guide its work in designing City streets and to support development that impacts the City's rights-of-way. A street type map is included with the Zoning Map.

The Planning Division is always available to answer questions at 269-337-8044.

### 1 Zoning District & Street Type

What zoning district is your property located?  
On what street type is your property located?

Locate your property on the Zoning Map (refer to Figure 1.2-1) and the City's Online GIS system available from [www.cityofkalamazoo.org/maps](http://www.cityofkalamazoo.org/maps).

Locate the street type(s) adjacent to your property (refer to **Figure 1.2-2**) and the Street Design Manual for additional background at [www.imaginekalamazoo.com/projects/streetdesignmanual](http://www.imaginekalamazoo.com/projects/streetdesignmanual)

*Maps may be also obtained from the Planning Division.*

### 2 Permitted Use.

What is your desired use? Is it permitted in this location?

Refer to the **4.1-1 Use Table** to review what uses are permitted in each Zoning District. Many uses have specific design standards by district, these are described in **50-4.4 Use Definitions and Standards**

### 3 Zoning Standards.

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

Go to **50-5 Zoning Standards**. The standards for each district are noted in one of two tables:

#### 1. Table 5.1-1 Permitted Lot Types by District

- these are the standards for the form-based districts
- in most districts, more than one Lot Type is permitted; Lot Type descriptions are found in **50.5-6 Lot Types**
- each Lot Type has its own standards specific to that Lot Type, including detailed illustrations.

Select the lot type for your project and use these standards to design your project

#### 2. Table 5.1-2 Dimension Standards by District

- standards for these districts are listed in this table

All the zoning standards, regardless of which zoning district applies to your property are defined in **50.5-2 to 5**.

When rehabbing an existing building refer to section **50-1.4**

**Nonconformances** to determine what activities would result in meeting the requirements of Chapter 50.

## Article 50-1. General Requirements.

### 50-1.1 Purpose.

A. The intent of these requirements is to:

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

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

### 50-1.2 General Provisions.

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

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

C. Existing Structures. *The standards in this document apply to both new and existing buildings, as detailed in each Article.* The form-based zoning districts are intended to allow existing structures to remain while integrating new development through the use of the form-based standards.

*insert NEW zoning map here*

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

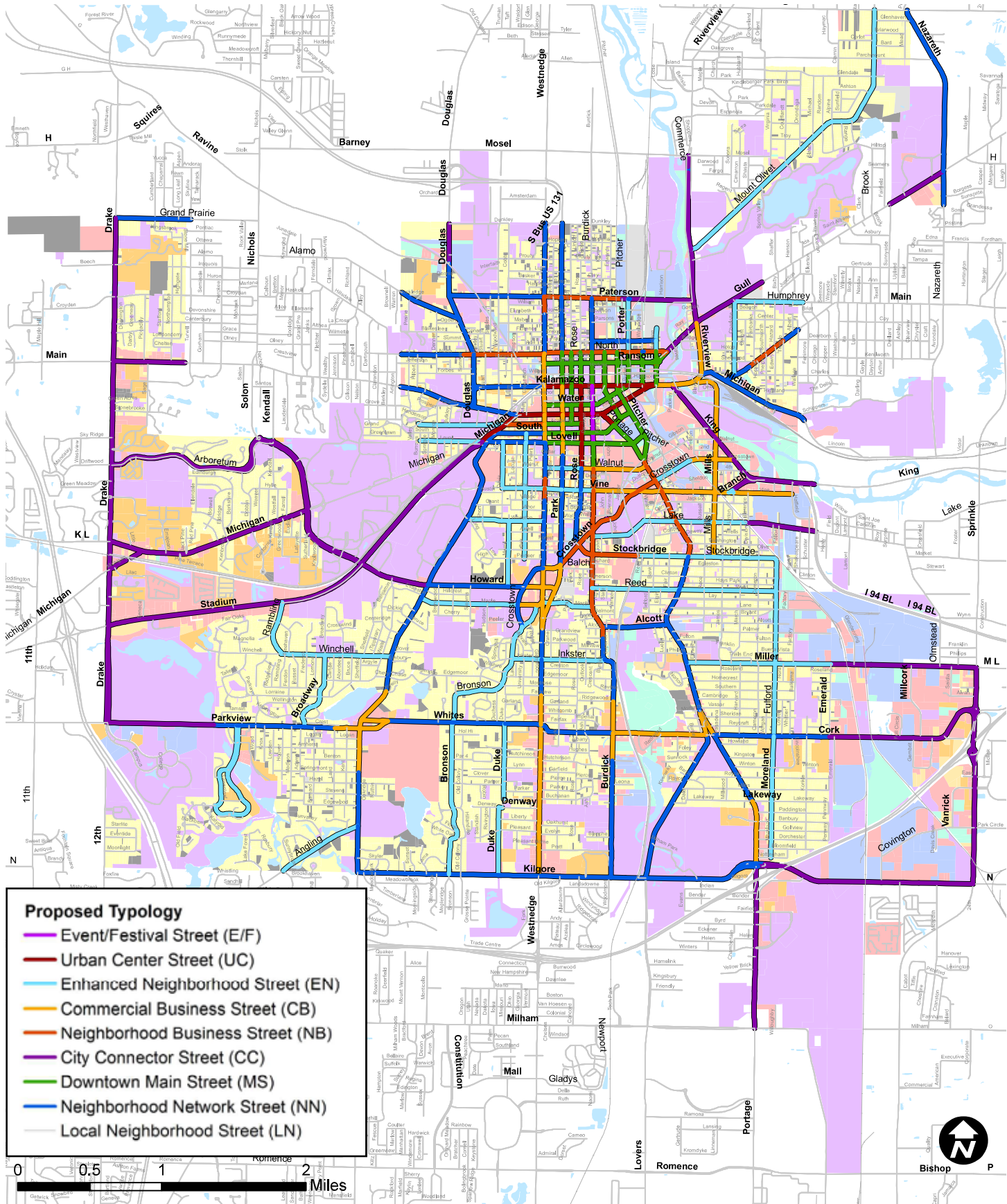


Figure 1.2-2 Street Type Map.



**Definitions will be renumber edited**

**50-1.3 Definitions.**

- A. *Agriculture*. Growing of food crops indoor or outside for personal use, donation, or sale; ~~this excludes~~ *excluding* the growth of marihuana plants for medicinal or recreational purposes.
- 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 *generally* accepted or prescribed *industry standards* as being correct or most effective.
- E. *Build-to Zone*. The designated area on a lot that the front or corner side façade of a building must be located. The zone dictates the minimum and maximum distances a building may be placed from the front or corner side lot line.

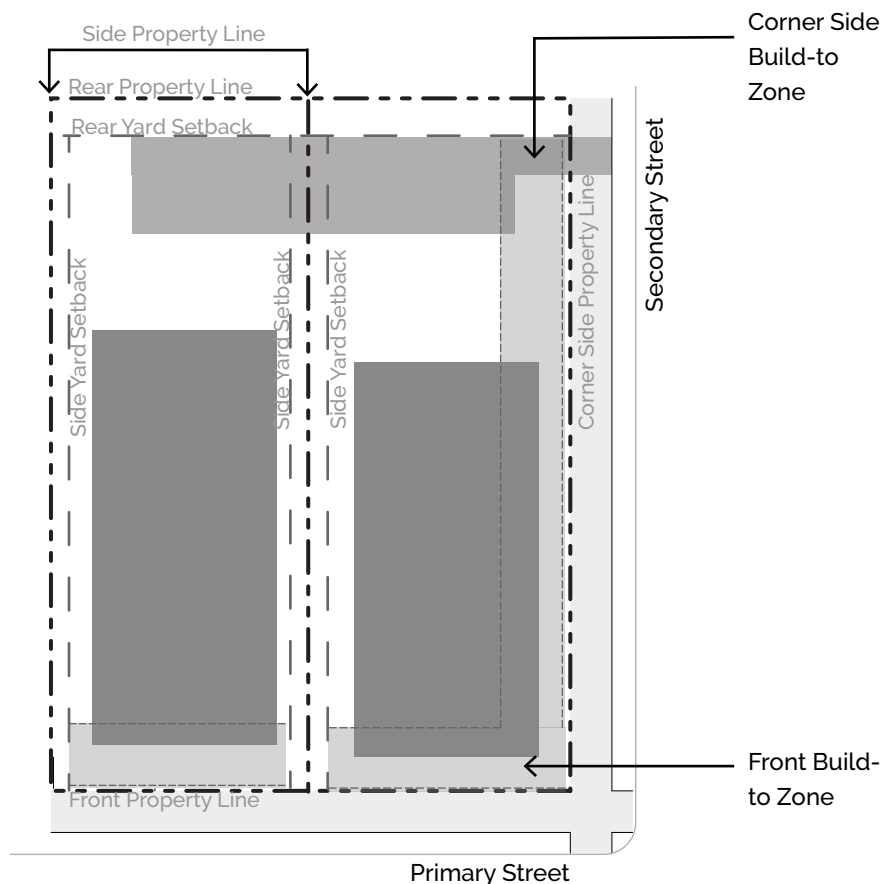


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

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

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

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

L. *Disturbance*. Includes any of the following: 1) placement of impervious surface or structure; 2) exposure or movement of soil, including removal or addition of soil or other natural or manufactured materials; or 3) clearing, cutting, or removing of vegetation except when any of these activities are done in order to maintain or improve ecosystem health, mitigate or prevent erosion and sedimentation, or mitigate harm, such as by removal of invasive or diseased vegetation, to the natural feature.

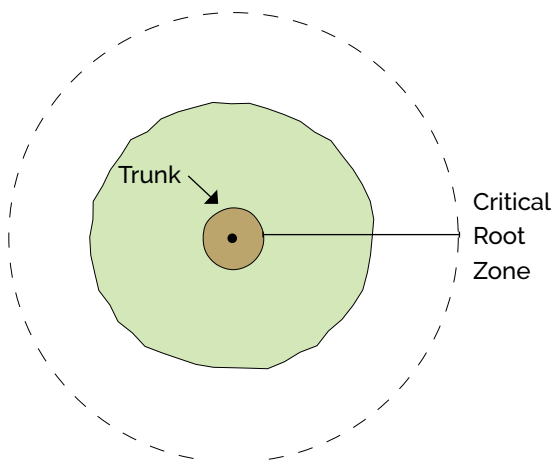


Figure 1.3-2 Measuring Critical Root Zone

Figure 1.3-3 Measuring Diameter at Breast Height

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

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

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

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

Q. *Equivalent License, Marihuana Establishment*. Any of the following when held by a single licensee:

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

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

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

T. *Graminoids*. Grasses, sedges, and rushes.

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

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

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

W. *Industrial Hemp*. *As defined in Section 3 of the MRTMA MCL 33327953*. Any part of the plant, whether growing or not, ~~Cannabis sativa L or the genus cannabis with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marijuana-infused product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant regardless of moisture content. Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.~~

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

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

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

*Marihuana*. *As defined in Section 3 of the MRTMA MCL 33327953*. All parts of the plant ~~Cannabis sativa L, or of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this ordinance, marijuana does not include the following:~~

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

AA. *Marihuana Establishment, Adult Use*. An adult use marijuana commercial business operation licensed pursuant to

the MRTMA and permitted to operate by City ordinance.

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

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

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

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

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

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

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

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

JJ. *Natural Features*. Features defined in the Natural Feature Protection Overlay *in 50.6.1* specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*BBB. Sign, Abandoned. A sign that no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity or service.*

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

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

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

*(1) Dissolve. A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.*

(2) *Fade.* A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(3) *Flash.* A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.

(4) *Scroll.* A mode of message transition on an electronically changeable copy sign accomplished by the movement of a message.

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

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

*GGG. Sign, Off-Premises.* A sign other than an on-premises sign.

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

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

*JJJ. Sign, Roof.* A sign erected upon, against or directly above a roof, or on top of or above the parapet of a building. Roof signs are not a permitted sign type.

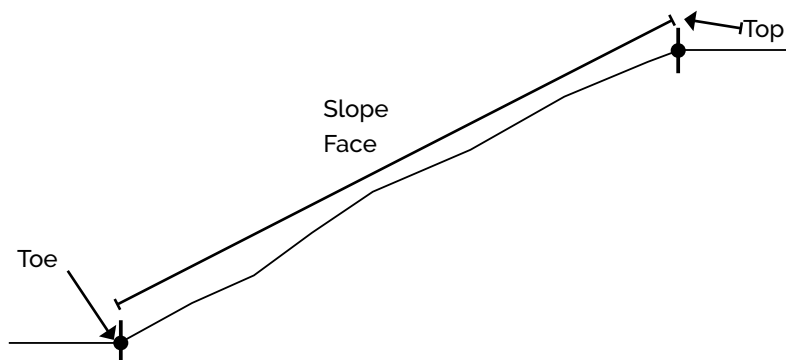


Figure 1.3-43 Parts of a Slope



*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.*

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

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

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

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

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

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

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

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

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

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

*Street Type, Commercial Business. Commercial Business Street Types are located on significant transportation corridors, often passing through commercial nodes that are more suburban or auto-oriented (compared to Neighborhood Business Street Types and Neighborhood Nodes). Refer to the Street Design Manual for design standards.*

*Street Type, Enhanced Neighborhood. Enhanced Neighborhood Street Types traverse through the interior of neighborhoods, often serving as an internal spine for neighborhood connections. Enhanced Neighborhood Streets provide access to and through neighborhoods and often have higher traffic volumes than the local neighborhood streets. Refer to the Street Design Manual for design standards.*

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

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

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

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

*Street Type, Neighborhood Network. Neighborhood Network Street Types are primary transportation corridors that provide connectivity throughout the city but traverse through predominately residential areas. Refer to the Street Design Manual for design standards.*

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

~~KKK. Street, Connector. Links neighborhoods and institutions together. Transit, on-street bicycle facilities such as protected lanes or paint-designated lanes, and on-street parking may all be present. Sidewalks and upgraded~~

crossings at key intersections provide for pedestrians along this often busy, very mixed-use street. Driveways for vehicular access to properties are expected, but limited through key neighborhood commercial nodes and corridors. A center turn lane may be required. This street type balances all travel modes. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

**LLL. Street, Main.** Typically found Downtown surrounding Priority Streets, it serves intensive, active mixed-use blocks. A street type with slow vehicular traffic, regular pedestrian crossings and wide sidewalks. Sidewalks are improved with streetscape, lighting, and wayfinding signage to support pedestrian movements. On-street parking and on-street bicycle facilities are both common. Driveway access to adjacent properties should be limited to prevent pedestrian-vehicle conflicts. The priority user is the pedestrian. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

**MMM. Street, Neighborhood.** This street type typically has slow vehicular traffic, limited to no transit service, and bicycle facilities that are incorporated into the roadway with signed routes or sharrows. Regular driveway access is expected on this street type. On-street parking serves the adjacent land uses which can range from industrial to commercial to residential. In residential blocks, landscaped curb lawns and street trees are common; there may not be sidewalk on both sides of the street in this setting. For additional information refer to the Connected City Chapter of the 2025 Master Plan.

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

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

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

**QQQ. Street, Suburban.** Multiple vehicle lanes with higher speeds, this street type often has a center turn lane and no on-street parking. Transit serve this street type and the adjacent uses, which lean toward more intensive

~~commercial or mixed-use projects. Pedestrian and bicyclists move in off-street facilities separated from the vehicular travel lanes. The priority user is the vehicle. For additional information refer to the Connected City Chapter of the 2025 Master Plan.~~

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

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

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

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

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

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

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

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

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

~~CCC. AAA. Turf Grass.~~ Any variety of commercial grasses grown and maintained to form turf.

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

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

~~FFFF. ECCC. 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.

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

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

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

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

~~KKKK. HHHH. Youth Center.~~ Any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities."

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

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

#### **50-1.4 Nonconformances.**

*A. General Requirements. This section establishes rules governing uses, structures, signs, and lots that were legally established before the creation of this Ordinance but that do not conform to one or more requirements of this Ordinance.*

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

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

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

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

*(5) The rRegulations of Chapter 50 shall be met in the following circumstances:*

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

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

*B. Nonconforming Uses. Nonconforming uses are those uses that were legally established but no longer comply with the use regulations of the zone district in which they are located. The following rules apply to nonconforming uses:*

*(1) Expansion. A nonconforming use may be enlarged within the same structure provided that the structure is not increased in size to accommodate the use and that it is in compliance with the standards in this section.*

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

*(3) Loss of Nonconforming Status.*

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

*(b) Damage and Restoration of Structure Containing a Nonconforming Use. If a conforming structure containing a*

*nonconforming use is damaged by more than fifty (50) percent of its actual cash value at the time damage occurs as determined by the City Assessor, the nonconforming use shall not be reestablished unless in compliance with the standards of this Ordinance.*

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

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

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

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

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

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

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

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

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

*[e] The use has been discontinued, vacant or inactive for a continuous period of at least one year, regardless of ownership.*

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

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

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

*[c] All applicable licenses have been maintained.*

*[d] Tax documents have all been filled.*

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

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

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

*(3) Loss of Nonconforming Status.*

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

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

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

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

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

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

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

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

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

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

*F. Nonconforming Site Characteristics. Site characteristics 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.

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

(1) Installation of new entrance or change in location of entrance on a street facing façade.

(2) Change in window location or size on a street facing façade by thirty (30) percent or more.

(3) Change or replacement of more than thirty (30) percent of façade materials on a street facing façade with a different material.

## Article 50-2. Review Bodies.

### Reserved

## Article 50-3. Zoning Districts.

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

A. Neighborhood Node District. Neighborhood 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. Neighborhood Nodes allow a wide range of commercial uses on the ground floor with commercial and residential uses allowed on upper floors. Neighborhood Node locations can be found in the Master Plan, Future Land Development Map.

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 *core 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.

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

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

*H. Community Commercial District. Community Commercial district supports medium to large-scale commercial and mixed-use development with a city-wide or regional market focus. This district is typically found on major corridors, such as *city community* connectors, and often near highway access. A wide range of retail, service, and office uses are permitted. Residential uses are permitted with design standards.*

**50-3.2 Overlay Zone Districts.** Refer to Figure 3.2-1 Zoning Overlay District Map of the following overlay districts *and refer to 50-6 for the standards associated with these districts.*

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

*B. Institutional Campus (IC). Institutional Campus Overlay District supports the development and continued growth and evolution of institutions or businesses in a campus setting, such as a college or university, institutional uses such as hospitals or large religious assemblies, and large office and/or industrial campuses. This overlay district requires the approval of a campus master plan that establishes a framework for growth and development and standards that may differ from the base zoning over which it is applied. Refer to 50-6.3.*

*C. Planned United Development (PUD). Planned United Development Overlay District is an overlay district that be used for any type of project, residential, commercial, public, or industrial or a mix of uses, to support unique projects that do not align with anyone base zoning district. This overlay district requires the review and approval of a PUD Plan that outlines how the development will differ from the base district over which it is applied. Refer to 50-6.4.*

## Article 50-4. Uses.

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

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

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

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

**50-4.2 Organization.** The uses listed in the Table 4.1-1 are grouped into general categories and *Uses not listed in Table 4.1-1* shall be interpreted as follows:

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

Table 4.1-1 Use Table

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

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

#### 4.1-1 Use Table Key

P Permitted      S Special Use

PD Permitted - Development Standards Required

Blank cell means the use is not permitted

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. The owner or operator must live on the same lot or a lot directly adjacent to the lot containing the bed and breakfast.

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

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

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

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

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

(a) In Nodes, ~~and~~ Downtown 1 (D1) *Districts*, residential units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Live Work 2 (LW2) and Downtown 3 (D3), Yard - Detached Lot Type is permitted only when ~~it~~ *the building(s)* contains two (2) or more units.

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

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

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

*[3] Residential uses in the CC District are only permitted in conjunction with commercial uses, creating a mix of uses on the site.*

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

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

(a) Multi-Family Units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), *Multi-Family residential is permitted as follows:*

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

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

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

(6) Rooming House. A type of group living use in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. In the districts where a rooming house is Permitted with Development Standards ("PD"), the following standards apply:

(a) Rooming House units are not permitted in a building's ground floor occupied space (refer to 50.1-3.MM Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Community Commercial (CC), *a rooming house is permitted as follows:*

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

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

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

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

*[1] Transitional Residence units are not permitted in the ground floor occupied space that directly fronts the front*

property line.

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

## B. Civic/Institutional Uses

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

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

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

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

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

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

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

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

(6) Parks and Open 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) Adult Regulated Uses. ~~Adult Regulated Uses.~~

##### (a) Purpose.

[1] In the development and execution of this ordinance, it is recognized that there are some uses, commonly known as adult uses or sexually oriented businesses, which, because of their very nature, have serious objectionable operational characteristics. The impacts of these objectionable characteristics are exacerbated when several adult uses are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential use or zone, religious assembly, school, park, playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to prevent these adverse effects and to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls contained within this ordinance are for the purpose of preventing the negative secondary effects associated with adult uses and to prevent a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood.

[2] It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

##### (b) Findings.

[1] This Ordinance is based on evidence of the adverse secondary effects of adult uses that are within the common knowledge of municipalities and is widely reported in judicial opinions, media reports, land use studies, and crime impact reports made available to the City Commission, several of which are set forth in this

Ordinance. Additionally, the City Commission relies on repeated judicial findings of municipalities' reasonable reliance on this body of secondary effects evidence to support time, place, and manner regulations of sexually oriented businesses. The City Commission relies upon and incorporates the findings of secondary effects discussed in the following nonexhaustive list of cases from the U.S. Supreme Court: *Pap's A.M. v City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v Alameda Books, Inc.*, 122 S. Ct 1728 (2002); *City of Renton v Playtime Theatres, Inc.* 475 U.S. 41 (1986); *Young v American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v City of Dallas*, 493 U.S. 215 (1990); *California v LaRue*, 409 U.S. 109 (1972).

[2] The City Commission also relies on relevant decisions of federal appellate and trial courts: *DLS, Inc. v City of Chattanooga*, 107 F 3d 403 (6th Cir. 1997); *Currence v City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v Nichols*, 137 F 3d 435 (6th Cir. 1998); *DejaVu v Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v City of Dayton*, 7923 F 2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v City of Akron*, 40 F 3d 129 (6th Cir. 1994); *O'Connor v City and County of Denver*, 894 F 2d 1210 (10th Cir. 1990); *DejaVu of Nashville, Inc., et al v Metropolitan Government of Nashville and Davidson County*, 274 F 3d 377 (6th Cir. 2001); *ZJ. Gifts D-2, LLC v City of Aurora*, 136 F 3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v City of Rochester*, 225 F 3d 1413 (Eighth Cir. 1994); *World Wide Video of Spokane, Inc. v City of Spokane*, 227 F 3d 1143 (E.D. Wash. 2002); *Threesome Entertainment v Strittmother*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Kentucky Restaurant Concepts, Inc v City of Louisville and Jefferson County*, 209 F. Supp. 2d 672 (W.D. Ky. 2002).

[3] Additionally, the City Commission expressly relies upon Michigan cases relating to adult businesses, municipal regulatory authority, and public nuisances including, but not limited to, the following cases: *Rental Property Owners Association of Kent County v City of Grand Rapids*, 455 Mich 246, 566 NW2d 514 (1996); *Michigan ex rel Wayne County Prosecutor v Dizzy Duck*, 449 Mich 353, 535 NW2d 178 (1995); *City of Warren v Executive Art Studio*, 1998 Mich App LEXIS 2258 (1998); *Tally v City of Detroit*, 54 Mich App 328 (1974); *Jatt, Inc v Clinton Township*, 224 Mich App 513 (1997).

[4] The City Commission notes that media reports document the harms associated with adult businesses as well: See, e.g., *Muskegon Man Convicted in Beating Death of Adult Bookstore Manager*, Associated Press State & Local Wire, Sept. 9, 1999; *Katie Merx, X-Rated Inkster Theater Razed: Officials, Cops, Residents Cheer Demolition of Melody, An Embarrassment for 22 Years*, The Detroit News, August 19, 1999, at D3 (discussing documented sexual activity in and around adult business); *Craig Garrett, Suburbs Declare War on Smut Shops*, The Detroit News, June 30, 1999, at A1 (describing how adult theater patrons would solicit young people in the area for sex); *Justin Hyde, Warren Leaders Want to Pursue Product Liability Against Porn Shop*, Associated Press State & Local Wire, Feb. 4, 1999 (child rapist arrested in peep show establishment).

[5] The City Commission further relies on reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona — 1984; Minneapolis, Minnesota-1980; Houston, Texas — 1997; Indianapolis, Indiana — 1984; Amarillo, Texas — 1977; Garden Grove, California — 1991;

Los Angeles, California — 1977; Whittier, California — 1978; Austin, Texas — 1986; Seattle, Washington — 1989; Oklahoma City, Oklahoma — 1986; Cleveland, Ohio — 1977; Dallas, Texas — 1997; McCleary Report, Alliance, Ohio — 2002; Tucson, Arizona — 1990; Testimony, Warner-Robins, Georgia — 2000; St. Croix County, Wisconsin — 1993; Bellevue, Washington — 1998; Newport News, Virginia — 1996; St. Cloud, Minnesota — 1994;; New York Times Square Study — 1994; Phoenix, Arizona — 1995-1998; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence" by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View" by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota). Based on the cases and reports documenting the adverse impact of adult businesses, the City Commission finds:

- [a] Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.
- [b] Sexual acts, including masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, especially those that provide private or semi-private booths, rooms, or cubicles for viewing films, videos, or live sexually explicit shows.
- [c] Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in preventing and/or abating.

(c) Applicability. The following adult regulated uses are subject to these controls:

- [1] Adult arcade or mini-motion-picture theaters;
- [2] Adult bookstores, adult novelty stores, or adult video stores;
- [3] Adult booths;
- [4] Adult cabarets;
- [5] Adult motels;
- [6] Adult motion-picture theaters;
- [7] Adult outdoor motion-picture theaters;
- [8] Adult model studios;
- [9] Adult physical culture businesses;
- [10] Adult theaters; and
- [11] Adult personal service businesses.

(d) Conditions. All adult regulated uses shall comply with all of the following conditions:

[1] No person or entity shall operate or maintain or cause to be operated or maintained an adult regulated use within 750 feet of:

[a] A religious assembly;

[b] A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

[c] Family day care homes or group day care homes;

[d] An entertainment use that has as its principal use children or family entertainment as demonstrated by business activity that caters predominantly to on-site patronage by minors and is open for such business at least 25 hours per week;

[e] A lot or parcel of land in any zone primarily devoted to a residential use;

[f] Any other adult regulated use as defined in this chapter.

[g] A public park or recreational area that has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis court, wilderness areas, or other similar public land within the City that is under the control, operation, or management of the City or other unit of government;

[h] A zoning district boundary of a residential district as defined in the City Zoning Ordinance.

[1] For purposes of the uses listed in Subsections 4.a.(1) through (6) above, the distance limitations above shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult regulated use to the nearest point of the lot occupied by any of the uses so listed in Subsection 4.a.(1) through (6).

[2] For purposes of Subsections 4.a.(7) and (8), the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the property line of the lot occupied by the adult regulated use to the nearest point of the property line occupied by the public park or other recreational areas so listed in Subsection 4.a.(7) or the zoning district boundary of the residential district as provided in Subsection 4.a.(8).

[3] No building, premises, structure, or other facility that contains any adult regulated use shall contain any other kind of adult regulated use. The Zoning Board of Appeals may grant permission for more than one adult regulated use to operate in a single building, provided that an equal or greater number of adult regulated uses are removed from elsewhere in the City. The location where an adult regulated use is removed pursuant to this section shall not be reused for any adult regulated use in the future. If the Zoning Board of Appeals grants permission for more than one adult regulated use to operate in a single building, it shall not be construed to be a violation of Subsection 4.a.(6).

[4] Adult regulated uses shall comply with all sign requirements in § 4.2.B: Adult Regulated Uses, and in Chapter 7: Signs.

[5] No advertisement, display of product or entertainment on the premises, signs or other exhibits that display "specified sexual activities" and/or "specified anatomical areas" shall be displayed in window areas or other area where the same can be viewed by pedestrians and motorists on any street, sidewalk, or other public place.

[6] No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.

[7] No person operating an adult regulated use shall knowingly permit any person under the age of 18 to be on the premises of said business, either as an employee or as a customer.

[8] No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult regulated use without the express written permission of the owner of the property for such use and appropriate approvals from the City of Kalamazoo.

[9] The building and site, including building openings, entries, exits and windows, shall be designed, constructed, and maintained so that material, entertainment, and/or performances that display "specified sexual activities" and/or "specified anatomical areas" cannot be observed by pedestrians and motorists on any street, sidewalk, or public right-of-way, or from an adjacent land use.

[10] The adult regulated use shall satisfy all requirements for a full site plan and all landscaping requirements of the City Zoning Ordinance. The adult regulated use shall also demonstrate that the site meets all of the traffic and access management standards of the City of Kalamazoo. The site plan shall include a diagram that shows all land use zoning districts and any of the uses described in Subsection 4.a above which are located within 750 feet of the proposed adult regulated use.

[11] No adult regulated use shall operate until it has satisfied all provisions of this chapter, all other applicable provisions of the Zoning Ordinance, and any other federal, state or local regulations.

(e) Change of Use by Lessee or Sublessee. No lessees or sublessee of any property shall convert that property from any other use to an adult regulated use unless the location of the property conforms to the standards in Subsection 4 above.

(f) Certain Uses Exempt. The following uses are exempt from the provisions of the terms and conditions of this chapter and are subject to the other provisions of the City Zoning Ordinance, and the following uses shall not be construed to be included in any of the definitions of this chapter:

[1] Accredited hospitals, nursing homes, sanitariums or other licensed health care facilities, physicians, surgeons, chiropractors, osteopaths, physical therapists, registered nurses, and other establishments or professionals duly licensed under the laws of the state while engaged in the activities for which they are so licensed.

[2] Barbers, beauticians, barber shops, and beauty parlors licensed under the laws of the state that also offer massages, provided that massages involved are limited to the head, shoulders, scalp, neck, hands, and feet. Such establishments that also provide activities that fall under the definition of "adult personal service business" in this chapter shall, however, be governed by the provisions, terms, and conditions of this chapter.

- [3] Public and parochial school and college or professional athletic coaches and trainers while acting within the scope of their school employment; and
- [4] Professional massage therapy enterprises, where each massage therapist has met the following criteria:
  - [a] Proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards, consisting of at least 500 classroom hours of instruction and practical training that include 300 hours of theory and practice of massage therapy, 100 hours of anatomy and physiology, and 100 hours of elective subjects; or proof of completion of a comprehensive course of study in a massage training program at an American community college or university that requires at a minimum the training and curriculum above; and
  - [b] Proof of current professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification, including liability insurance and testing.
- [5] Nonprofit organizations operating a community center, swimming pool, tennis court, or other educational,

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

cultural, recreational, or athletic facilities that are used primarily for the welfare of the residents of the area.

[6] Unlawful Activities. Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities that are unlawful under state law or City ordinance.

(2) Agriculture. Growing of food crops indoor or outdoors for personal use, donation, or sale (on or off site); this excludes the growth of marihuana plants for medicinal or recreational purposes (*Refer to 4.5.E and F for Marihuana regulations*). In the districts where Agriculture is Permitted with Development Standards ("PD"), the following standards apply:

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

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

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

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

(3) Day Care *Center*. A use providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for periods of less than twenty-four (24) hours. 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 on-site 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 *on-site* play area must be enclosed on all sides by building or fencing.

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

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

(4) Entertainment and Sports. An establishment that provides 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") or Permitted with Development Standards ("PD"), outdoor facilities must follow the Outdoor Market Lot Type standards.*

(5) General Retail. A category of uses involving the sale of goods and merchandise. General Retail includes such uses as those listed in table 4.4-1.

(6) General Services. A category of uses that provides patrons services and often retail products related to those services. General Services includes such uses as those listed in table 4.4-1.

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

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

(b) Accessory Use. In *Live Work 1 (LW1)*, *Community Commercial 2 (CC2)* and Downtown 3 (D3), kennels are only permitted as an accessory use to a pet store, pet adoption center, veterinary service, or similar use.

(8) Office. A category of uses that involve the transactional affairs of a profession service, industry, or government. Patrons of these uses typically have set appointment or meeting times; these businesses do not typically rely on walk-in customers.

(9) Outdoor Sales and Storage. A use that involves the sale, rental, and minor repair of items where the majority of the goods are stored or displayed outdoors. This includes such uses as sale and rental of vehicles with less than 10,000 pounds gross cargo weight, motor homes, and boats and the sale of building or landscape materials such as plants, gravel, or rocks. In the districts where outdoor sales and storage is Permitted with Special Use Permit ("S") or *Permitted with Development Standards ("PD")*, the following standard applies.

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

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

*(c) Loose items. The following standards apply to the storage of loose items, such as rocks, dirt, and other landscape materials and scrap or recycling materials.*

*[1] Outdoor storage of loose items is not permitted in Live Work 1 (LW1) or Community Commercial 2 (CC2).*

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

*(d) Outdoor sales lots of vehicles are only permitted in Live Work 1 (LW1) or Community Commercial 2 (CC2) on lots larger than half an acre.*

(c) Structure Location. *Except in Community Commercial (CC) District, the Outdoor Market Lot Type standards must be followed and* the front facade of the building shall be located within ten (10) feet of the front property line.

Refer to 5.6.G Outdoor Market Lot Type.

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



(a) A minimum distance of 2,460 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.

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

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

(b) Corner Lot. In Live Work 1 (LW1), Live Work 2 (LW2), *Community Commercial 2 (CC2)*, Downtown 2 (D2), and Downtown 3 (D3), a parking lot is not permitted on a corner lot.

(c) *Street Type Limitations*.

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

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

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

*(d) Landscape and Screening*. *Landscape and screening are required, refer to 50-8.4. Fences, Walls, and Screening.* ~~Fencing up to forty-two (42) inches in height is permitted in the landscape buffer along a street. Refer to Appendix A-6.3 Screens & Fencing for more information on fences.~~

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

(a) Use Limitations.

[1] 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(10).

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

[2] Car Wash.

*[a] A car wash requires a special use permit, except in Community Commercial (CC).*

~~[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 *only*.

[2] *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.*

[3] Washing areas are not permitted outside.

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

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

(d) Screening. Perimeter landscaping or fencing is required along side and rear yards. *Refer to 50-8.4. Fences, Walls, and Screening.*

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

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

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

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 (LW1), Node *districts, Community Commercial 2 (CC2)*, Downtown 1 (D1), and Downtown 2 (D2) districts.

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 and Community Commercial (CC) with Craftsman Industrial uses provided the area used for storage is less than or equal to five (5) percent of the site's lot area. Refer to 4.5.C(9) for additional requirements.

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

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

(b) Outdoor Activities.

[1] Fuel pumps are not permitted.

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

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

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

(a) Size Requirements. Maximum facility size is 20,000 square feet.

(b) Outdoor Activity. Fuel pumps and outdoor storage are permitted as follows.

[1] Must be located in the rear yard.

[2] Must be screened from all adjacent uses. *Refer to 50-8.4. Fences, Walls, and Screening.* according to 6.2 Landscaping and Open Spaces in Appendix A.

[3] Outdoor Storage shall follow the standards in 4.5.C(9).

(c) Vehicle Entrance Bays. Entrance bays are not permitted on facades facing primary streets *in the Live Work 2 (LW2) District.*

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

(1) General Provisions. The following apply to all adult use marihuana establishments, unless otherwise noted.

## (a) General Requirements.

[1] All location criteria and required separation distances apply to both new marihuana establishments and to any proposed change in the location of an existing marihuana establishment.

[2] All location criteria and required separation distances apply to both marihuana establishments and similar protected uses located in adjacent governmental jurisdictions.

[3] A marihuana establishment is prohibited from operating in any residential zoning district or in a residential unit.

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

[5] Co-Location. Where permitted, marihuana establishments may operate from a location shared with an equivalent licensed marihuana establishment. The following are required for this co-location.

[a] Entrances to each establishment shall be physically separated.

[b] Each establishment must have distinct and identifiable areas designated within the structure.

[c] Each establishment suite or tenant space must have a separate address

[d] Each establishment must have separate inventory, record keeping, and point of sale operations.

~~[6]~~ [5] A licensee may not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

~~[7]~~ [6]—A licensee must operate the licensed establishment in compliance with all applicable State and City regulations for that type of establishment.

## (b) Location Criteria. All marihuana establishment types must meet the following location criteria, except Safety Compliance Operations:

## [1] Required Distance.

[a] A marihuana establishment must not operate within one thousand (1,000) feet of a pre-existing private or public school, providing education in kindergarten or any grades 1 through 12.

[b] A marihuana establishment must not operate within five hundred (500) feet of a pre-existing State-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the Required Distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana establishment is located.

## (c) Shared Location. Marihuana establishments may operate from a location shared with an equivalent licensed marihuana facility, except where a separation distance is required.

(2) Grower Establishments. Growers are licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. The three (3) grower license types are Class A (authorized to grow up to 100 plants); Class B (authorized to grow up to 500 plants); and Class C authorized to grow up to 2000 plants). An Excess Grower holds five (5) Class C Adult Use Marihuana Grower & at least two (2) Class C Medical Marihuana Grower licenses.

In the zoning districts where a Grower Establishment is Permitted with Development Standards, the following standards apply:

(a) Class A Grower Establishments are permitted as follows:

[1] In Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

[2] In Zone CC, all grow operations must be conducted within an enclosed building.

(b) Class B and Class C Grower Establishments are permitted in Zones Limited Manufacturing (M-1), and General Manufacturing (M-2).

(c) Excess Grower Establishments are permitted in Zone General Manufacturing (M2).

(d) Permitted Outdoor Activities. All Grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions.

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

[3] Marihuana plants cannot grow above the height of the fence or barrier.

[4] The fence is secured and only accessible to authorized persons and emergency personnel.

[5] Area is located at least five hundred (500) feet from a residential zone district.

(3) Processor Establishments. Processors are licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments. In the zoning districts where a Processor Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in Limited Manufacturing (M1), and General Manufacturing (M2).

(b) All processing operations must be conducted within an enclosed building.

(4) Safety Compliance Operations Establishment. Safety Compliance Establishments are licensed to test marihuana, including certification for potency and the presence of contaminants. In the Districts where Safety Compliance Facility is Permitted with Development Standards, the following standards apply:

(a) Permitted in the following zones. Community Commercial (CC), *Community Commercial 2 (CC2)* Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in the occupied space along a Priority *Event/Festival and Urban Center* Street side of a building.

(5) Secure Transporter Establishment. Secure Transporter Establishments are licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. In the zoning districts where Secure Transporter Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in Zones Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted Secure Transporter use.

(6) Retailer Establishment. Retailer Establishments are licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. In the zoning districts where a Retailer Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in the following Zones

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

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when *not* located on an *Enhanced Neighborhood or Local* SubUrban, Connector, or Main Street street type.

[3] Community Commercial (CC).

(b) Permitted in Zones Limited Manufacturing (M-1) and General Manufacturing (M-2) when operated as part of a single establishment engaged in Grower and Processor operations.

(c) All Retailer activities must be conducted within an enclosed building.

(d) A Retailer is not permitted on the same property or parcel or within the same building where any of the following are located:

[1] A package liquor store.

[2] A convenience store that sells alcoholic beverages.

[3] A fueling station that sells alcoholic beverages.

(e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, except when the retailer is co-located with a provisioning center, as provided by state regulations and this ordinance, and except in the following situations.

[1] A separation distance of five hundred (500) feet is permitted when an applicant or a group of applicant-owners with *fifty-one (51) percent* % or more ownership in the Retailer Establishment is one of the following

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three (3) years

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] A location shared with a licensed Provisioning Center

(f) A Retailer is not allowed within six hundred sixty (660) feet of the following intersections: E. Cork St. and S. Burdick St., the intersection of E. Cork St. and Portage St., and the intersection of W. Ransom St. and N. Westnedge Ave.

(g) The consumption of marihuana products is not permitted on the premises of at a retail establishment.

(7) Microbusiness Establishment. *There are two types of Microbusiness licenses. A Microbusiness is licensed to cultivate not more than one hundred and fifty (150) marihuana plants; process and package their own-grown marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments. Class A Microbusinesses are similar, except that they are licenses to cultivate not more than three hundred (300) marihuana plants; process and package either their own plants or marihuana products obtained from other licensed processors.* In the zoning districts where a Microbusiness Establishment is Permitted with Development Standards, the following standards apply:

(a) *Permitted Districts.*

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

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

(b) In Zones *Community Commercial (CC), Community Commercial 2 (CC2), Live Work 2 (LW2)* ~~CC and LW2~~ the following *standards* requirements apply:

[1] All business activities must be conducted within an enclosed building.

[2] The use of any substances with a flashpoint below one hundred (100) degrees Fahrenheit for processing is prohibited.

(c) A separation distance of five hundred (500) feet is required from another Microbusiness Establishment with the following exceptions:

[1] A separation distance of two hundred and fifty (250) feet is permitted when an applicant or a group of applicant-owners with *fifty-one (51) percent-%* or more ownership in the Microbusiness Establishment is one of the following.

[a] A City of Kalamazoo resident living within Census Tracts 1, 2.02, 3, 9, and 10 for the past three (3) years.

[b] A City of Kalamazoo resident with a marihuana conviction that does not involve distribution of a controlled substance to a minor.

[2] No separation distance is required within Zones Limited Manufacturing (M-1) or General Manufacturing (M2).

(8) Designated Consumption Establishment. A designated Consumption Establishment is a commercial space that is licensed for the consumption of marihuana products by persons 21 and older. In the zoning districts where a Designated Consumption Establishment is Permitted with Development Standards, the following standards apply:

(a) Permitted in the following Zones

[1] Community Commercial (CC)

[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when *not* located on an *Enhanced*

*Neighborhood or Local* SubUrban, Connector, or Main Street street type.

(b) Indoor Activities. Consumption of marihuana products must occur indoors.

(d) A Consumption Establishment is not permitted on the same property or parcel or within the same building where any of the following uses are located:

- [1] A package liquor store.
- [2] A convenience store that sells alcoholic beverages.
- [3] A fueling station that sells alcoholic beverages.

F. Medical Marihuana. A category of uses permitting medical marihuana facilities licensed to operate pursuant to the MMFLA and Chapter 20B of the City ordinances.

(1) General Provisions. The following apply to all medical marihuana facilities, unless otherwise noted.

(a) General Requirements.

[1] All location criteria and required separation distances apply to both new medical marihuana facilities and to any proposed change in the location of an existing medical marihuana facility.

[2] All location criteria and required separation distances apply to both medical marihuana facilities and similar protected uses located in adjacent governmental jurisdictions.

[3] A medical marihuana facility must not operate in any residential zoning district or in a residential unit.

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

[5] Co-Location. Where permitted, marihuana facilities may operate from a location shared with an equivalent licensed marihuana facility. The following are required for this co-location.

[a] Entrances to each facility shall be physically separated.

[b] Each facility must have distinct and identifiable areas designated within the structure.

[c] Each facility suite or tenant space must have a separate address

[d] Each facility must have separate inventory, record keeping, and point of sale operations.

[6] A licensee may not operate a marihuana facility at any place in the City other than the address provided in the application on file with the City Clerk.

[7] A licensee must operate the licensed facility in compliance with all applicable state and City regulations for that type of facility.

(b) Location Criteria. All marihuana facility types must meet the following location criteria from protected uses, except Safety Compliance Facilities:

[1] Required Distance.

[a] A marihuana facility must not operate within 1,000 feet of a preexisting private or public school, providing



education in kindergarten or any grades 1 through 12.

[b] A marihuana facility must not operate within 500 feet of a preexisting state-licensed childcare center, public playground, public pool, or youth center.

[2] Measuring the Required Distance. The required distance is measured in a straight line from the nearest property line of a protected use to the nearest portion of the building or unit in which the marihuana facility is located.

(c) Shared Location. Marihuana establishments may operate from a location shared with an equivalent licensed marihuana facility, except where a separation distance is required.

(2) Grower Facility. A licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marihuana for sale to a processor or provisioning center. The three (3) grower license types are Class A (authorized to grow up to 500 plants); Class B (authorized to grow up to 1,000 plants); and Class C authorized to grow up to 1,500 plants). In the Districts where Grower Facility is Permitted with Development Standards, the following standards apply:

(a) Grower Facilities are permitted in Limited Manufacturing (M1) and General Manufacturing (M2).

(b) Permitted Outdoor Activities. All Grower facilities and operations must be within an enclosed building, except cultivation may occur in an outdoor area under the following conditions:

[1] Area is contiguous with the facility building.

[2] Area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.

[3] Marihuana plants cannot grow above the height of the fence or barrier.

[4] The fence is secured and only accessible to authorized persons and emergency personnel.

[5] Area is located at least five hundred (500) feet from a residential zone district.

(c) Multiple Facilities on a Lot. The following applies for multiple facilities on one lot.

[1] Except as permitted by State regulatory rules for Class C growers, only one (1) Medical Marihuana Grower facility license is allowed per parcel or lot.

[2] Licensees may occupy the same premises if holding separate Grower and Processor licenses for the premises.

(3) Processor Facility. A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center. In the Districts where Processor Facility is Permitted with Development Standards, the following standards apply:

(a) Processor Facility is permitted in Limited Manufacturing (M1) and General Manufacturing (M2)

(b) Only one Medical Marihuana Processor facility license permitted per parcel or lot

(c) All Processing operations must be conducted within an enclosed building

(d) Licensees may occupy the same premises if holding a separate Grower and Processor licenses for the premises.

(4) Secure Transporter Facilities. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. In the Districts where Secure Transporter Facility is Permitted with Development Standards, the following standards apply:

(a) Secure Transporter Facility is permitted in Community Commercial (CC), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) In Zone CC, warehousing activity is only permitted as an accessory use to the principal permitted Secure Transporter use.

(5) Safety Compliance Facility. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. In the Districts where Safety Compliance Facility is Permitted with Development Standards, the following standards apply.

(a) Permitted in the following zones. Community Commercial (CC), *Community Commercial 2 (CC2)*, Live Work 1 (LW1), Live Work 2 (LW2), Downtown 3 (D3), Business Technology, and Research (BTR), Limited Manufacturing (M1), and General Manufacturing (M2).

(b) Street Type Limitations. In Downtown 2 (D2), a safety compliance facility cannot be located in a building's occupied space fronting a *Event/Festival or Urban Center* Priority Street.

(6) Provisioning center. A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL § 333.26421 et seq., is not a provisioning center for purposes of this article. In the districts where provisioning center facility is permitted with development standards, the following standards apply:

(a) Permitted in the following zones:

*[1] Community Commercial (CC), Live Work 1 (LW1) and Community Commercial 2 (CC2) districts.*

*[a] Live Work 1 (LW1) and Community Commercial 2 (CC2) when not located on an Enhanced Neighborhood or Local Street street type.*

*[2] Downtown 1 (D1), Downtown 2 (D2), Downtown 3 (D3). In D3, only when not located on an Enhanced Neighborhood or Local SubUrban, Connector, or Main Street street type.*

(b) Only one provisioning center license is permitted per parcel or lot.

- (c) All provision center activities must be conducted within an enclosed building.
- (d) A provisioning center is not allowed within 660 feet of the following intersections: East Cork Street and South Burdick Street, the intersection of East Cork Street and Portage Street, and the intersection of West Ransom Street and North Westnedge Avenue.
- (e) A separation distance of 1,000 feet is required from any other provisioning center or retailer, except when the provisioning center is co-located with a retailer as provided by state regulations and this ordinance.
- (f) A provisioning center is not permitted on the same property or parcel or within the same building where any of the following are located:
  - [1] A package liquor store.
  - [2] A convenience store that sells alcoholic beverages.
  - [3] A fueling station that sells alcoholic beverages.
- (g) The consumption of marijuana products is not permitted on the premises of retail facility.

#### **50-4.5 Accessory Uses and Structures.**

*A. General Provisions. Accessory Uses and Structures listed in Table 4.5-1 are permitted in the following ways:*

- (1) Permitted. Uses in the table noted with "P" are permitted by right in the zoning district(s) in which they are listed.*
- (2) Permitted, Development Standards Required. Uses in the table noted with "PD" are permitted by right in the zoning district(s) in which they are listed provided they are developed with the listed development standards. The development standards listed for a use are intended to manage any potential impacts associated with it, making it appropriate in a location where it might otherwise have not been allowed.*
- (3) Special Use. Uses in the table noted with "S" are permitted with the approval of a special use permit from the Planning Commission in the zoning district(s) in which they are listed.*

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

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

Table 4.5-1 outlines the permitted accessory uses and structures by district. Accessory Uses and Structures are permitted in the following ways:

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

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

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

**CB. 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 *shall be setback fifteen (15) feet from a corner side property line, unless otherwise stated in this Article.* cannot be located closer to the corner-side property line than a principal structure.

Table 4.5-1 Accessory Uses & Structures

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

**Key**

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

- (3) Setback. Accessory structures shall be setback three (3) feet from side and rear property lines.
- (4) Height. Accessory structures shall not exceed the height of the principal structure *unless otherwise stated in this Article.*
- (5) Lot Coverage. Accessory structures count toward a lot's impervious coverage. Placement of an accessory structure cannot make a lot exceed its impervious coverage requirement.

*DE*. Use Definition and Standards. The following details the accessory uses and structures listed in Table 4.5-1 and detail any development standards necessary.

- (1) Accessory Dwelling Unit. Secondary dwelling unit(s) on a lot; may be located in a secondary building *and* or interior to the principal building.
  - (a) Units in secondary buildings.
    - {1} Quantity. One (1) accessory dwelling unit in a secondary structure is permitted per lot.
    - {2} Maximum Unit Size. Maximum unit size is 950 square feet.
  - (b) Interior Units. An interior accessory dwelling unit is *located in the primary dwelling structure with* defined as one with a separate exterior entrance. ~~When located interior to the principal structure the following are required.~~
    - {1} Quantity. One (1) accessory dwelling unit interior to a principal building is permitted.
    - {2} Maximum Unit Size. Maximum unit size is less than or equal to thirty (30) percent of the square footage of the primary residential unit or 600 square feet, whichever is larger.
  - (c) Parking. Space for 1 car per accessory dwelling unit is required. On-street parking, if available overnight, can meet this requirement if located within 660 feet.
- (2) Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes as an accessory use on the lot. In the districts where agriculture is Permitted with Development Standards ("PD"), the following standards apply,
  - (a) Agriculture as an accessory use shall not prevent a lot from meeting its lot type or dimensional requirements, refer to Article 5 Zoning Standards.
  - (b) Agriculture as an accessory use is permitted in all yards.
  - (c) Agriculture as an accessory use is permitted within a building, provided that it is not in the occupied space of a building; it is permitted on a 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 *Neighborhood Network and Neighborhood Business Streets* Priority or Main street, a drive through is also permitted in the side yard, and in Community Commercial (CC) it is also allowed in the corner yard.

(b) Landscape Screening. *Screening is required, refer to 50-8.4.* Adjacent to the drive through along the rear and/or side property lines shall be screened by a landscaping as defined by Appendix A 6.2 Landscaping and Open Spaces.

(c) Stacking Space. A minimum of three (3) stacking spaces are required, measured from the drive-through 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. *Permitted permanently with or without a primary structure.* The Outdoor Market Lot

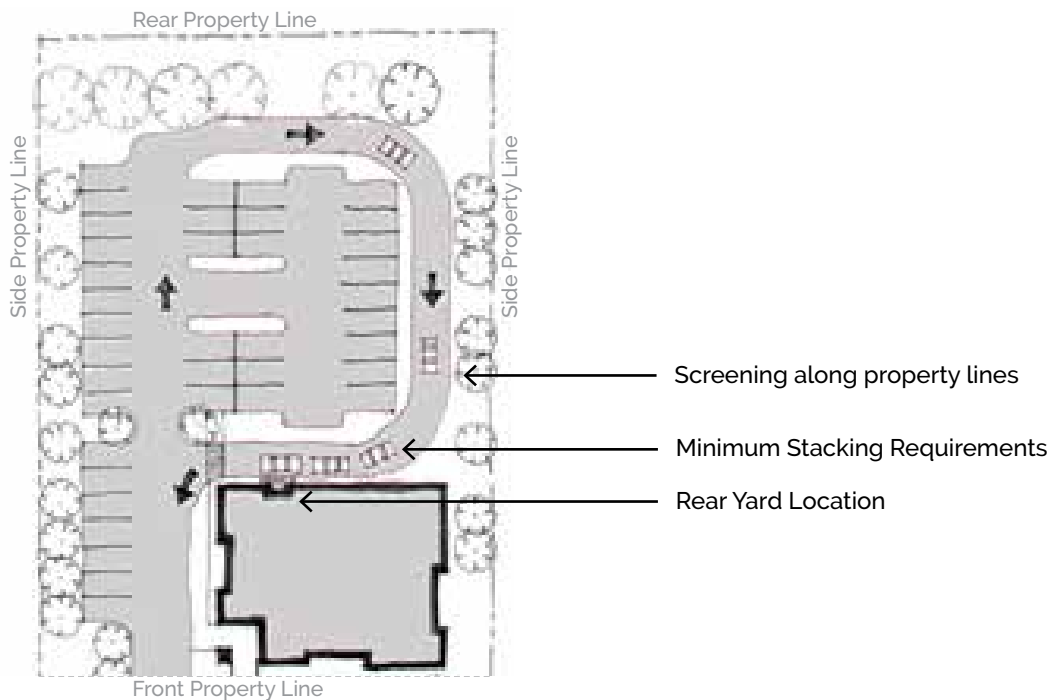


Figure 4.5-1. Drive Through Design

Type standards shall be followed. Refer to 5.6.G Outdoor Market Lot Type.

(5) Home Occupation. Types of work that can be conducted in a residence with little to no impact on the surrounding lots. Home occupations are secondary to the primary use of the lot, residential.

(a) Prohibited Uses. Prohibited uses include animal boarding, dispatch center, restaurants, sale or storage of firearms, outdoor storage, vehicle or large equipment storage and repair, and all uses listed under High Hazard Group H Uses in Building Code.

(b) Resident-Operator. The operator of the home occupation must be a full time resident of the lot in which the business is associated.

(c) Employees. A maximum of two (2) nonresident employees are permitted on premises at one time.

(d) Signs. No more than one nameplate sign permitted with a maximum size of one (1) square foot. It may not be internally illuminated.

(e) Secondary Building. Home occupation may be located in a secondary building.

(f) Exterior Building Appearance. No exterior building changes are permitted; there must be no visible evidence of the existence of a home occupation beyond the permitted signage, including outdoor storage of materials related to the use.

(g) Operational Impacts. No home occupation or equipment used with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage measured at the lot line.

(h) Customers. Customers or clients are permitted at the home occupation during the hours of 8:00 AM to 8:00 PM.

[1] No more than two (2) customers or clients are permitted at a given time, except in the case of a classes, such as art, music, cooking, or fitness classes, where up to four (4) clients are permitted at one time.

[2] A Special Use Permit is required for a home occupation providing classes with five (5) or more clients at a time.

(i) Customer Parking. Customer parking may occur off-street or on-street, where permitted.

(j) Deliveries. Deliveries are permitted during the hours of 8:00 AM to 8:00 PM and are permitted through the common residential delivery services.

*(k) In-Home Day Care Facilities. In-Home Day Care Facility is a permitted home occupation when serving up to six (6) participants.*

*[1] In-home day care facility serving seven or more participants requires a special use permit.*

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

*(l) Group Day Care.*

*(m) Medical Marihuana. Medical Marihuana is a permitted home occupation when a primary caregiver who has agreed and is registered with the State of Michigan to assist with a qualifying patient's use of medical marihuana.*

In the districts where medical marihuana is permitted *or* is Permitted with Development Standards (*PD*), the following standards apply:

- [1] Michigan Medical Marihuana Act Compliance. The medical use of marihuana and marihuana-infused products shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, 2008 Initiated Law #1, MCL 333.26421 et seq. ("Act") and the Administrative Rules promulgated by the State of Michigan ("Administrative Rules") pursuant to the Act, as they may be amended from time to time.
- [2] Location Criteria. Medical Marihuana as a home occupation must comply with the following location criteria.
  - [a] A primary caregiver must be located 1000' from an existing public or private elementary, vocational, or secondary school; public or private college, junior college, or university; playground; housing facility owned by a public housing authority; or public library or private library open to the public.
  - [b] A primary caregiver must be 100' from an existing public or private youth center, public swimming pool, or video arcade facility to ensure community compliance with State and Federal "Drug-Free School Zone" requirements.
- [3] Number of Caregivers. One primary caregiver is permitted within a dwelling unit to service qualifying patients, who do not reside with the primary caregiver.
- [4] Number of Patients Permitted. A primary caregiver is permitted up to five qualifying patients.
- [5] Consent of the Property Owner. If the primary caregiver is not the owner of the property in which they live and operate from, written consent must be obtained from the property owner to ensure the owner's knowledge of the use of the premises as permitted and the primary caregiver shall maintain written proof that the use of the property as a home occupation under this section is not prohibited by the property owner.
- [6] Growing. All medical marihuana plants shall be secured in one of the following ways.
  - [a] Contained within a structure that is an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
  - [b] Plants cultivated outdoors must be fully enclosed by fences or barriers that blocks the plants from public view, with no plants visibly growing above the fence or barrier, and the fence or barrier is locked or otherwise secured to limit access only to the primary caregiver or qualifying patient engaged in cultivating the plants.
- [7] Processing. The separation of plant resin from a marihuana plant using any substances with a flashpoint below one hundred (100) degrees Fahrenheit for processing is prohibited.
- [8] Lighting. If a room with windows is utilized as a marihuana-growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties
- [9] Required Permits. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring lighting, and/or watering devices are located,



installed or modified that support the cultivation, growing or harvesting of marihuana.

[10] Nothing in this subsection, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

(6) Kiosk. *Semi*-permanent structure that permits a variety of general retail and service uses, may be associated with the use of shipping containers or pop up shops and sheds. *May also be referred to as vendor pods.* In the districts where a kiosk is Permitted with Development Standards ("PD"), the following is required.

(a) Site Plan. An approved Site Plan is required when two (2) or more kiosks are being located on a lot for a period of more than ~~four (4)~~ two (2) weeks. ~~or when a kiosk is used with the Outdoor Market Lot Type, refer to 5.6.G~~  
Outdoor Market Lot Type.

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

(7) Outdoor Storage. Storage of goods for sale or items related to the use(s) on the lot located outside of a structure. In the districts where a outdoor storage is Permitted with Development Standards ("PD"), the following is ~~required~~ *standards apply:*

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

~~(b)~~ *(a) Maximum Size.* Outdoor storage is permitted in an area no greater than ten (10) percent of the total lot area; in Live Work 1 (LW1) no greater than five (5) percent is permitted..

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

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

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

*(a) Location. Coop or pen must be located in the side or rear yards and setback ten (10) feet from all property lines.*

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

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

*(9) Secondary Building.* Secondary buildings include such structures as detached garages, sheds, accessory dwellings, green houses, and hoop houses. In the districts where secondary Buildings are Permitted with Development Standards ("PD"), the following standards apply.

(a) Height. Secondary buildings can be up to two (2) stories in height. Refer to 5.3-1 Measuring Height.

(b) Agricultural Uses. A secondary building associated with a principal agriculture use, such as a green house, hoop house, or shed, shall set back at least ten (10) feet from the Front and Corner *Side* Property Lines.

*(c) Garage. Secondary buildings serving as garages or car ports are permitted in Corner Side Yards with a setback of five (5) feet from the Corner Side Property Line.*

~~(e)~~ (10) Sidewalk Cafe. Outdoor eating areas permitted within the right-of-way and on the property in question. In the districts where a sidewalk cafe is Permitted with Development Standards ("PD"), the following standards apply,

(a) Clear Pedestrian Pathway. A minimum pedestrian pathway width of five (5) feet must be maintained free of all obstacles. This clear pedestrian pathway shall be located adjacent to the building facade unless otherwise approved through the City Planner.

(b) Permit. If located in the *public* right-of-way, a Right-of-Way Permit is required from the City of Kalamazoo.



## Article 5. Zoning Standards

### 50-5.1 General Requirements.

A. Applicability. The following shall apply to all new construction and renovation of existing structures in the Zoning District in alignment with the parameters in 50-1.4 Nonconformances.

B. General Standards. The following standards apply in all Zoning Districts.

- (1) Uses. Refer to Table 4.1-1 Use Table for permitted uses per district.
- (2) Right-of-way Improvements. Projects must follow the City' Street Design Manual *and Chapter 42 Tree Ordinance* when developing adjacent to a public street.
  - (a) Sidewalk. Installation of new sidewalk is required for all development and redevelopment projects. Repair of existing sidewalk to meet American Disability Association (ADA) City requirements is also required for all projects requiring Site Plan Review.
  - (b) *Street Trees. Installation of street trees is required for all projects requiring site plan and with the construction of any new single family or duplex unit.*

C. Development Standards. Development and redevelopment in zoning districts shall follow the standards in this section.

- (1) Standards Defined. The standards that regulate development are generally defined in sections 50-5.2-5.5, which

## Table 5.1-1 Permitted Lot Types By District (Refer to 50-5.6 Lot Type Standards for details)

Lot Type	Zoning District					
	<i>Nhood Node</i>	<i>LW1</i>	<i>LW2</i>	<i>D1</i>	<i>D2</i>	<i>D3</i>
<i>Commerce</i>	<i>P</i>			<i>P</i>	<i>P</i>	
<i>Flex</i>		<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>
<i>Cottage Commercial</i>	<i>PD</i>	<i>P</i>	<i>P</i>			<i>P</i>
<i>Civic</i>		<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>
<i>Warehouse</i>			<i>P</i>			
<i>Yard-Attached</i>		<i>P</i>	<i>P</i>			<i>P</i>
<i>Yard-Detached</i>		<i>P</i>	<i>PD</i>			<i>PD</i>
<i>Outdoor Market<sup>1</sup></i>		<i>P</i>	<i>P</i>			<i>P</i>

### Key

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

*<sup>1</sup> Outdoor Market lot type may be required in other districts per the development standards outlined in 50.4-4 Use Definitions and Standards*

Table 5.1-2 Dimension Standards by District

Dimension	Zoning District		
	Com Node	CC2	CC
Lot Area			
Min. Lot Area for Rezoning	-		1 acre
Max. Lot Area for Rezoning	-	1 acre	-
Min. Lot Area	-	-	-
<i>Setbacks &amp; Build-to Zone</i>			
Front	5'-15'	10'-20'	-
Corner Side	0-15'	5'-15'	-
Side	0', 5' next to R District	0', 5' next to R District	0', 25' next to R District & Park/ Open Space/Preserve
Rear	0', 10' next to R District	0', 10' next to R District & Park/ Open Space/Preserve	0', 25' next to R District & Park/ Open Space/Preserve
Max. Lot Coverage	85%, add'l 10% semi-pervious	80%, add'l 10% semi-pervious	80%, add'l 10% semi-pervious
Multiple Principal Buildings Allowed	Yes	Yes	Yes
Max. Height	5 stories	3 stories	6 stories
Facade			
Vehicle Entrance Bays (Facades)	Side & Rear	Corner Side, Side & Rear	-
Parking Location		Not permitted between structure(s) & the front & corner side property lines.	
Entrance Type & Transparency	Storefront, Stoop, or Arcade on street facing facades within 15' of front & corner side property lines; in CC 25' of front & corner side property lines; Min. transparency per entrance type.		
Access			
Driveway Quantity	1/street frontage less than 100' in width; permitted for every add'l 75' of frontage	1/street frontage; Drive aisles not permitted between structure(s) and the front & corner side property lines.	1/street frontage less than 100' in width; additional permitted for every add'l 75' of frontage
Driveway Location	Shared access across parcels & shared driveways are encouraged.		

include Building Siting, Height, Use, *and* Street Facing Facades.

(2) Districts with Lot Type Standards (refer to Table 5.1-1 Permitted Lot Type by District) follow the standards for the selected lot type, as outlined beginning with 50-5.6 Lot Type Standards.

(3) Districts with Dimension Standards follow the standards listed in Table 5.1-2 Dimension Standards by District.

**50-5.2 Building Siting.**

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

(1) Multiple Principal Buildings. The allowance for more than one (1) principal structure on a lot.

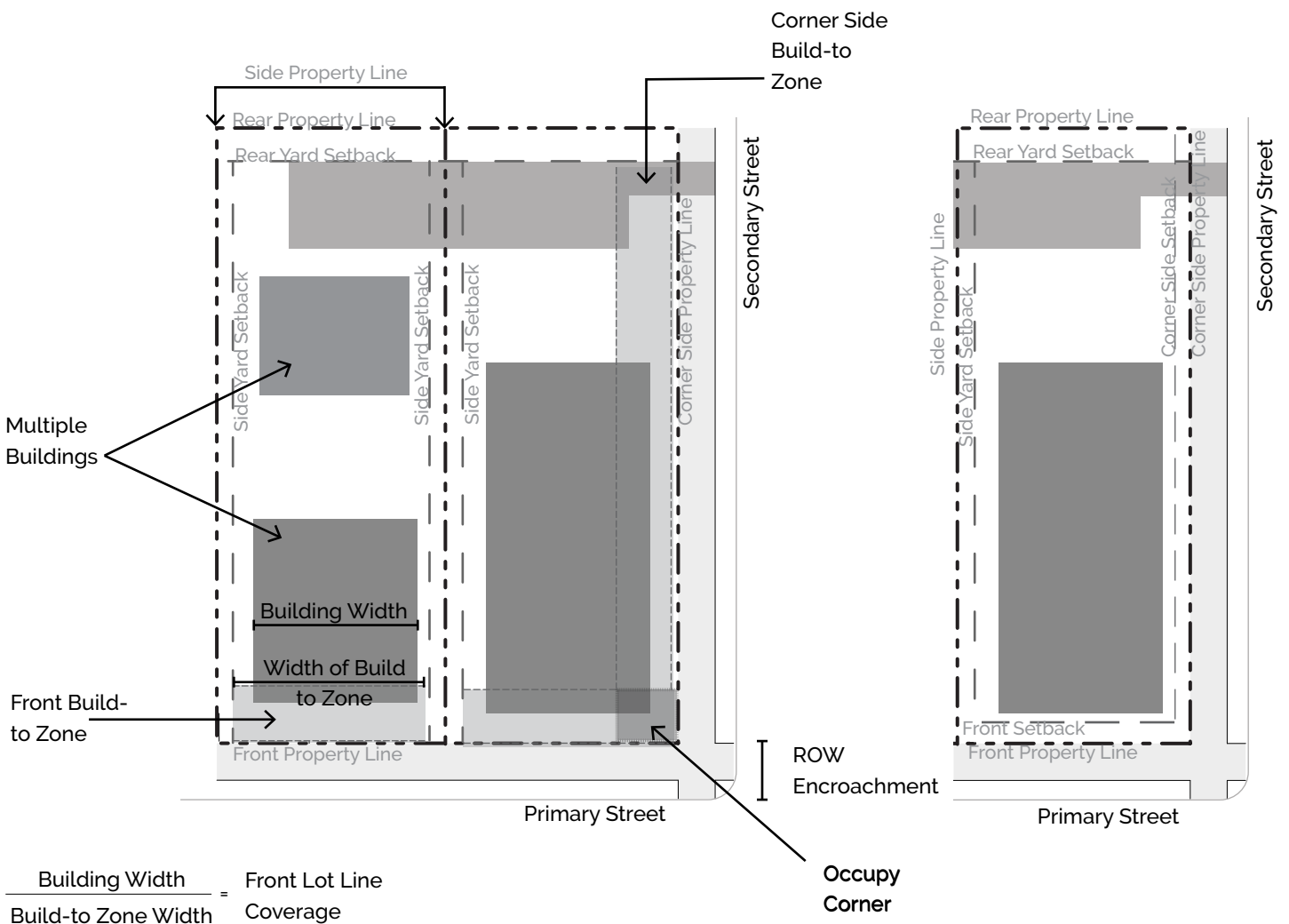


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

- (2) Front Lot Line Coverage. The minimum percentage of building façade required along the front property line.
- (a) Measurement. The standard is calculated by taking the width of the principal structure, measured in the build-to zone, divided by the total width of the lot's build-to zone.
- (b) Multiple Buildings. Multiple principal buildings can be located on the lot. The minimum front lot line coverage must be met.
- (3) Occupation of the Corner. Occupying the corner, the area where the front and corner build-to zones meet, with a principal structure/or building entrance.
- (4) Front Build-to Zone. The build-to zone located parallel to the front property line.
- (a) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.
- (b) Vehicular parking is not permitted in the front build-to zone unless otherwise noted.
- (5) Corner Build-to Zone. The build-to zone located parallel to the corner side property line.
- (a) Building facades must be located in the Corner Build-to Zone for the first twenty (20) feet, measured from a lot's corner(s).
- (b) If not occupied by a structure, this area will contain public or private outdoor space or public sidewalk.
- (c) Vehicular parking is not permitted unless otherwise noted.
- (6) Encroachment. Certain building elements, such as balconies, awnings, or signage may be permitted to encroach into the right-of-way.
- (a) Where permitted, an encroachment agreement with the City is required.
- (b) Encroachments shall not extend closer than two (2) feet from the back of the curb line.
- (c) A minimum height clearance of eight (8) feet must be maintained.
- (7) Setback. The minimum distance a structure can be located from the front or corner side property line.*

B. Lot Area. *The following standards relate to lot area:*

- (1) Side Yard Setback. *The minimum distance a structure can be located from the* The minimum required setback along a side property line.
- (a) ~~Driveways are permitted in the side yard setback.~~
- (2) Rear Yard Setback. *The minimum distance a structure can be located from the* The minimum required setback along a rear property line.
- (a) ~~Driveways are permitted in the rear yard setback.~~
- (3) Minimum Lot Area for Rezoning. Measured in square feet, it is the minimum size a lot can be to be zoned this district.

(4) Maximum Lot Area for Rezoning. Measured in square feet, it is the maximum size a lot can be to be zoned this district.

(5) Minimum Lot Size. Measured in square feet, it is the smallest square footage allowed for the creation of a new lot in a zoning district.

C. Lot Coverage. The maximum percentage of a lot permitted to be covered with not pervious surfaces and the additional amount of semi-pervious surface permitted. Refer to Figure 5.2-2 Lot Coverage.

D. Parking, Loading, and Site Access. *The following standards relate to parking loading and access on a lot:*

(1) Parking Location. The yard in which a parking area and associated drive are permitted.

(2) Service and Loading Locations. The façade on which access is permitted for servicing, loading, and unloading activities related to that building's use.

(3) Vehicle Entrance Bay. The façade of the building on which an entrance bay to interior parking or other use is permitted.

(4) Driveway Location. The permitted locations for vehicular access.

(a) If an alley is available, driveway access shall be located from the alley.

(b) If an alley is not available, driveway location is noted by Lot Type (refer to 5.6 Lot Types) or District (refer to Table 5.5-2 Dimension Standards).

(c) Driveways on corner lots must be at least twenty (20) feet from the crosswalk; if no crosswalk is present, the distance is measured from the stop bar.-

### 50-5.3 Height.

A. Height. Building height is measured as follows. Refer to Figure 5.3-1 Measuring Height

(1) Minimum and Maximum Height. The minimum and maximum overall height of a structure.

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

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

[2] This measurement does not include rooftop mechanicals.

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

(b) Half stories. Half stories can be found either completely within the roof structure with street-facing windows or



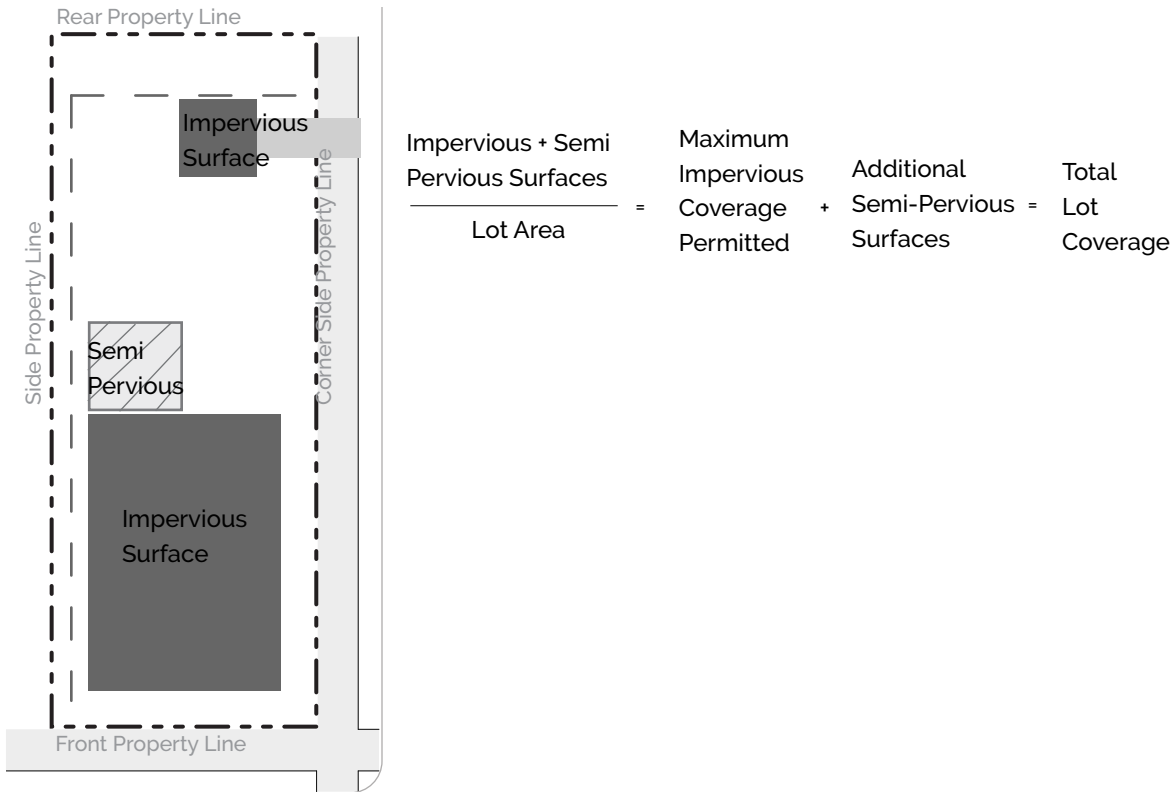


Figure 5.2-2 Lot Coverage

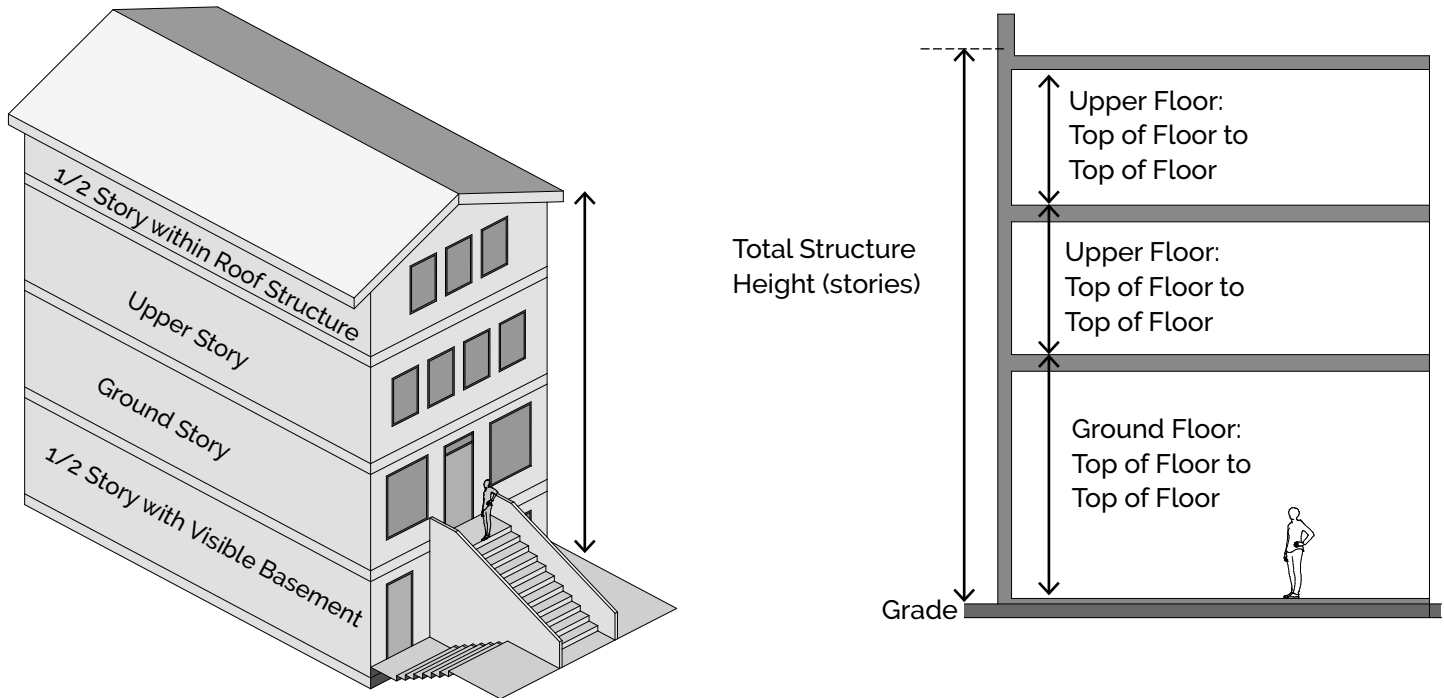


Figure 5.3-1. Measuring Height

in a visible basement exposed up to ½ story above grade.

(2) Floor Height. Each Lot Type permits a range of height expressed in feet for each story.

(a) Floor to Floor. The height of a story is measured between floors; top of floor to top of floor. If the building is one (1) story, use the floor of the story to the tallest point of the ceiling.

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

#### 50-5.4 Use.

A. Uses. Permitted uses are outline in Table 4.1-1 Use Table. Refer to the Lot Type Standards (50-5.6) for specific requirements by Lot Type. See Figure 5.4-1 Permitted Uses per Floor.

(1) Ground and Upper Floor. The permitted uses may vary between ground and upper floors.

(2) Occupied Space. The restriction of internal parking, residential units, storage areas, and utility areas in the occupied space of a building's ground and/or upper floors in the following locations unless otherwise stated in the Lot Types. Refer to 50.1-3.DD Occupied Space for additional information on occupied space.

(a) Front façades,

(b) Corner-side facades when fronting an *Event/Festival, Urban Center, and Downtown Main* Priority or Main Street *street type*.

(c) Corner-side facades on other street types for at least the minimum required building placement for the corner façade (refer to 50-5.2A(5)(a))

#### 50-5.5 Street Facing Facades.

A. Street Facing Façade. The following are requirements *apply to* on street facing building facades:

(1) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a building of at least four (4) feet. It is expressed as a percentage windows to total facade area. Refer to Figure 5.5-1 Measuring Transparency.

(a) Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted.

(b) Upper Floor. Transparency is noted by Lot Type.

(c) Full Façade. Transparency measured using the entire front façade rather than only one (1) story of the building.

(2) Blank Wall Limitations. The maximum area on a façade permitted to be windowless.

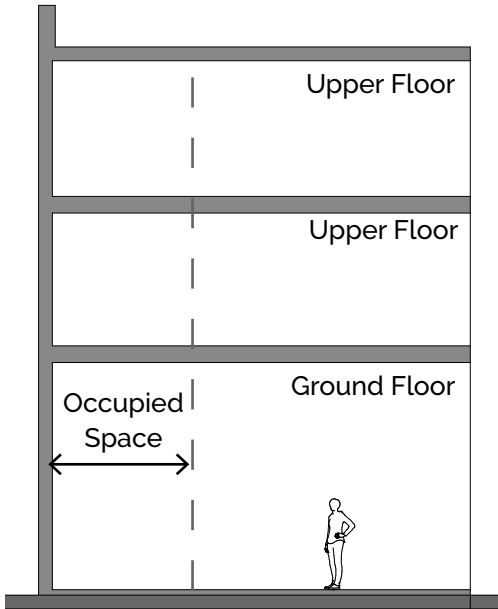


Figure 5.4-1 Permitted Uses Per Floor

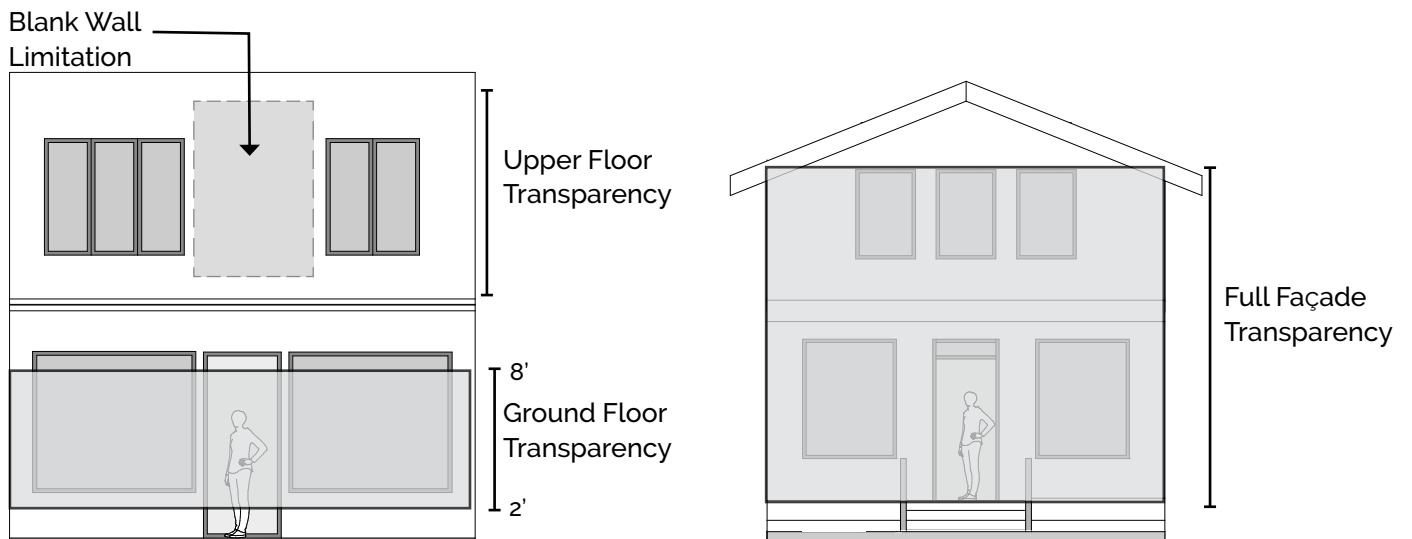


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

B. Entrance. *Required* *The following standards relate to* entrance locations and treatments:

(1) Location. Location of the primary, functioning, public entrance of the principal building, noted by façade.

(2) Entrance Treatment. The entrance treatments required on street facing facades. Entrance treatment standards apply to the entire ground story of all front facades, and corner side facades.

(a) Storefront. Storefronts are a highly transparent ground story treatments typically used as display areas for retail and other commercial uses. Refer to Figure 5.5-2 Storefront Entrance Type.

[1] Transparency. Minimum transparency is seventy (70) percent, measured between two (2) and eight (8) feet above the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.

[2] Elevation. Storefronts shall be located no more than one (1) foot above the sidewalk.

[3] Recess. Entrances may be recessed up to eight (8) feet.

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

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

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

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

[2] Elevation. Stoops shall 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 or District; unless the porch is fully enclosed in which case a minimum of forty (40) percent is applied. Refer to Figure 5.5-1. Measuring Transparency.



Figure 5.5-2. Storefront.

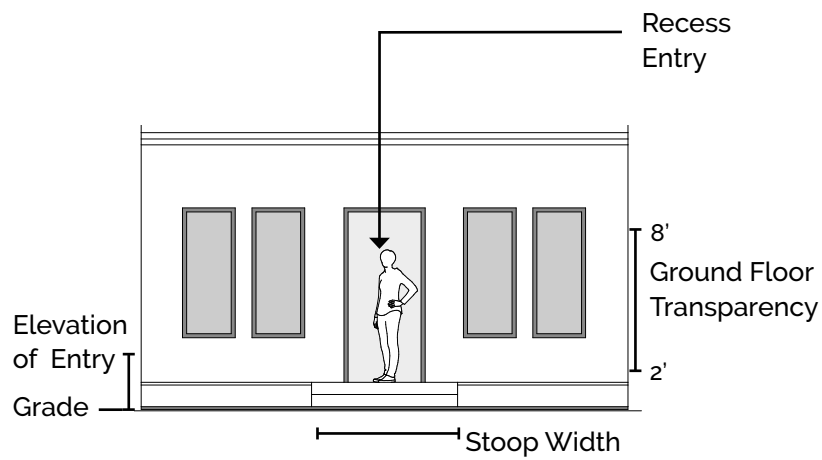


Figure 5.5-3. Stoop.

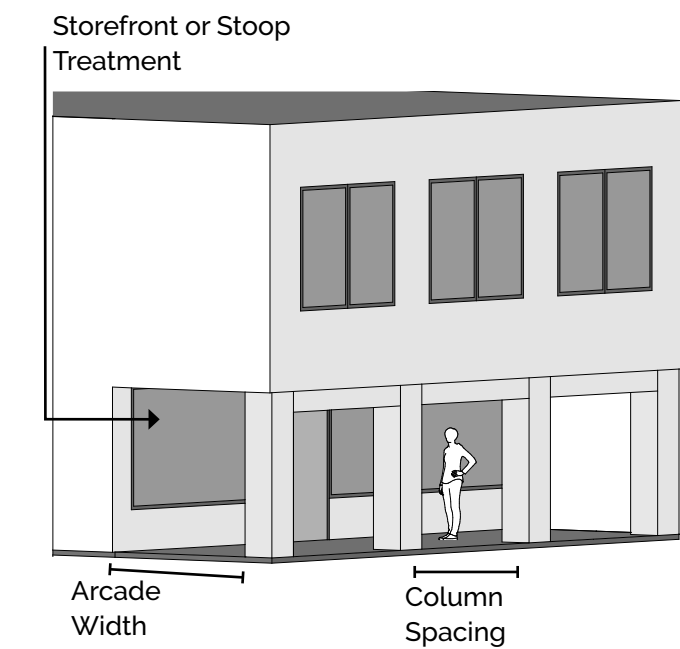


Figure 5.5-4. Arcade

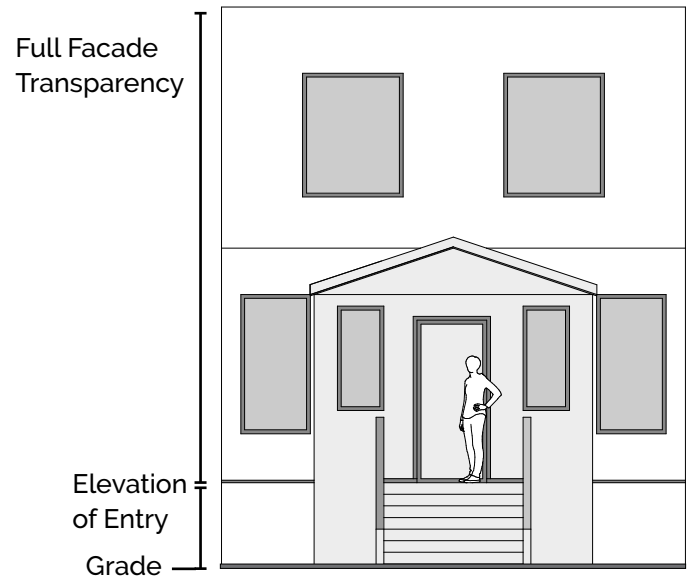


Figure 5.5-5. Porch.

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

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

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

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

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

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

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

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

(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.

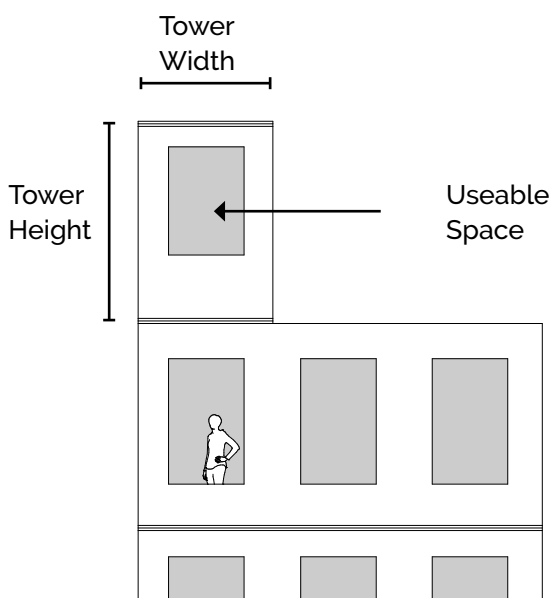


Figure 5.5-6. Tower.

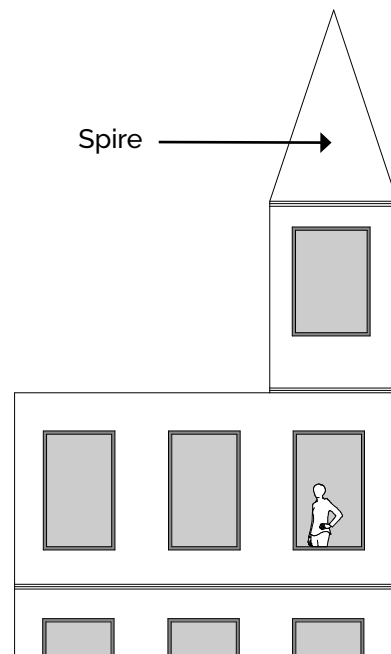


Figure 5.5-7. Spire

(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 5.5-1 Permitted Lot Types by Zoning District.

(1) Commercial Lot Type. A Lot Type with a high level of transparency on the ground floor that is located at or near the front property line of a lot. This type is ideal for active ground floor uses such as retail or a community center and a mix of uses including residential and commercial on upper stories.

(2) Flex Lot Type. A Lot Type that promotes buildings constructed in a narrow front build-to zone with a range of entrance treatments that can support a wide variety of uses including commercial, industrial, and residential.

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

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

(5) Warehouse Lot Type. A Lot Type that maintains the urban character of an area while considering the needs of commercial and industrial uses.

(5) Yard - Attached Lot Type. A Lot Type that supports the development of buildings that are slightly set back from the front property line and typically contains residential uses. In the Districts where the Yard-Attached Lot Type is Permitted with Development Standards ("PD"), the lot type is only permitted when it contains two or more units. Refer to 50-4.4A(4).

(6) Yard - Detached Lot Type. A residential Lot Type that allows for detached buildings that are set back from the street. Typically it supports residential uses.

(7) Outdoor Market Type. A Lot Type that focuses on the use of outdoor spaces on a lot for such uses as gardening, seating, dining, gathering, and retail. *This Lot Type 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.

B. Lot Type: Commerce

(1) Building Siting (Figure 5.6-1)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	80% <sup>1</sup>	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-5'; 0-10' if for public space, such as wider sidewalks, on-street parking, or cafes <sup>2</sup>	4
Corner Build-to Zone		
ROW Encroachment	Yes	5

(b) Lot Area

Side Yard Setback	0'	6
Rear Yard Setback	0', 0' off alley 10' next to R district	7

(c) Lot Coverage

Impervious Surface (max)	100%	8
Semi-Impervious Surface	n/a	9

(d) Parking, Loading, & Access

Parking Location	Rear Yard	10
Loading & Service Location	Rear, Side, Corner Side Facades <sup>3</sup>	11
Vehicle Entrance Bay		
Driveway Location	Alley; 1 on Corner Side <sup>3,4</sup> , or 1 on Front if an interior lot not located in D1 <sup>3,4</sup>	12

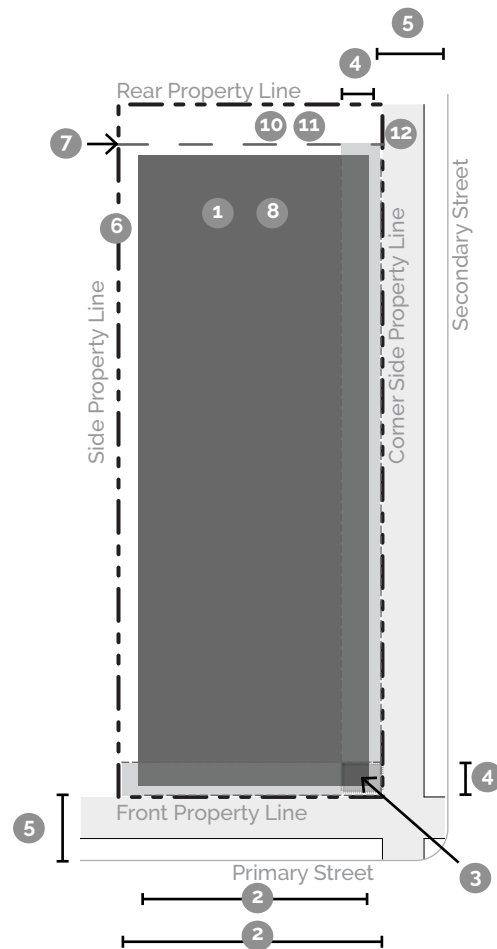


Figure 5.6-1 Building Siting.

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> Larger BTZ requires review and approval through the site plan review process. Larger BTZ is not permitted in D1.

<sup>3</sup> Entrance bays for parking and loading not permitted on primary streets. Entrance bays and driveways are not permitted on a

Priority *Event/Festival and Urban Center* Street.

<sup>4</sup> A 2<sup>nd</sup> driveway is permitted on lots wider than 200'.



### (2) Height (Figure 5.6-2)

Minimum Height	2 stories	14
Maximum Height <sup>5</sup>	Node: 3 stories or up to height of tallest building within 330' <sup>6</sup> ; D1 & D2: no max. height;	15
Ground Floor	14'-24'	16
Upper Floor(s)	9'-14'	17

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

Ground Floor	All uses permitted per district	18
Upper Floor	All uses permitted per district	19
Occupied Space Restrictions	Yes, first two floors, except Residential/Lodging is permitted per Table 4.1-1	20
Accessory Uses & Structures	See Table 4.5-1	

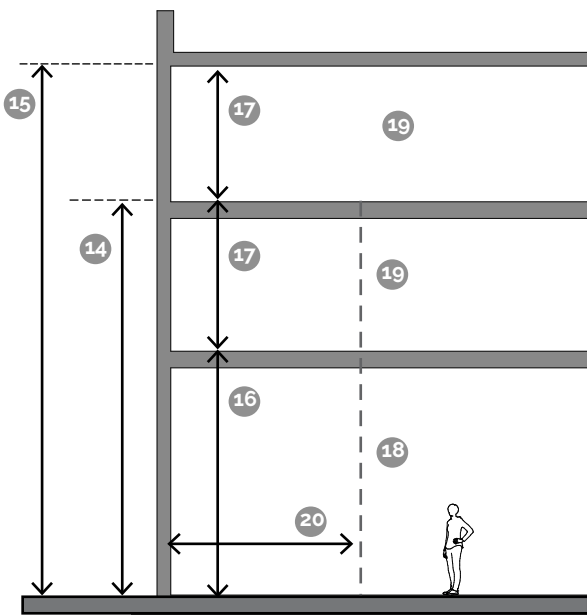


Figure 5.6-2 Height & Use

Notes:

<sup>5</sup> Tower is allowed to be one (1) story taller than the overall building height.

<sup>6</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.

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

#### (a) Transparency (minimum)

Ground Floor	Per entrance type, see 5.5.B	21
Upper Floor(s)	20% per floor	22
Blank Wall Limitations	Yes	23

#### (b) Entrance

Location	Front Facade, Building Corner	24
Entrance Treatment (see 5.5.B)	Storefront; Stoop permitted on corner or other facades	25
Entrances on Street Facing Facades	1 per 50' of building length	26
Entrances on Other Facades	Yes	

#### (c) Roof Type

Tower	Permitted	27
Spire	Not Permitted	

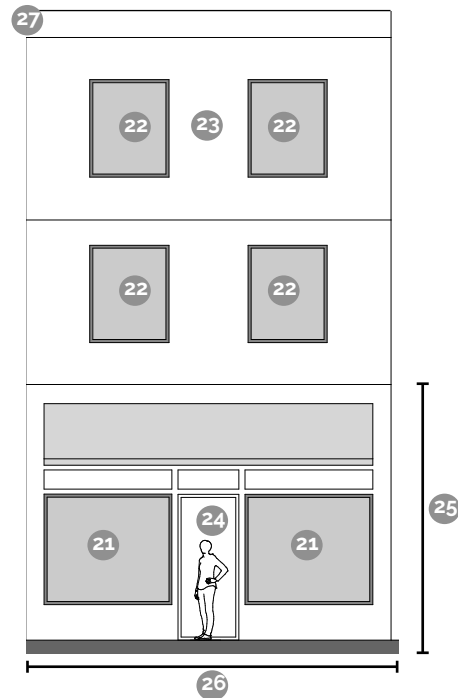


Figure 5.6-3 Street Facing Facades.

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 & D3	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

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

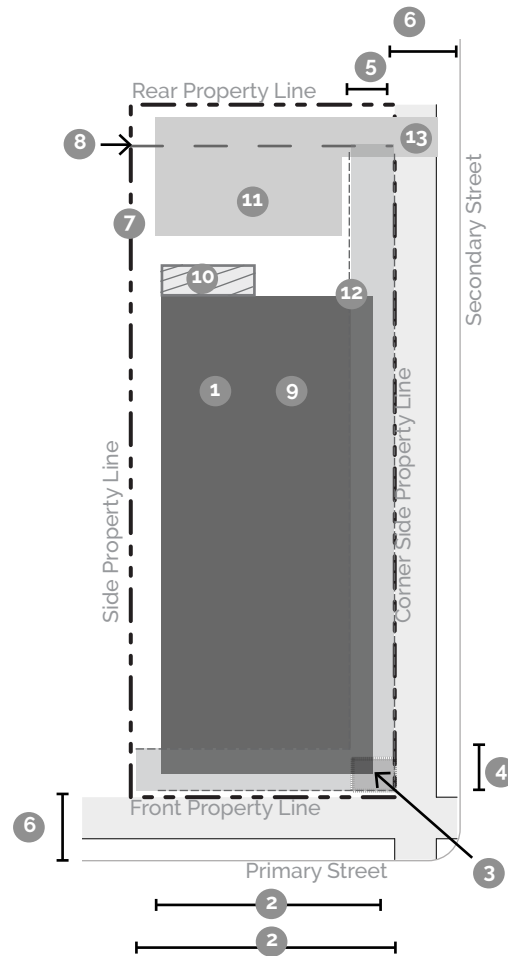


Figure 5.6-4 Building Siting.

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. Entrance bays and driveways are not permitted on a Priority *an Event/Festival and Urban Center* Street.

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

### (2) Height (Figure 5.6-5)

Min. Height	1 story; 2 story min in D2 & D3	14
Max. Height <sup>4</sup>	3 stories; LW-2 on a Connector & D3: up to 5 stories D1 & D2: no max. height	15
Ground Floor	12'-24'	16
Upper Floors	9'-14'	17

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

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

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

#### (a) Transparency (minimum)

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

#### (b) Entrance

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

#### (c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

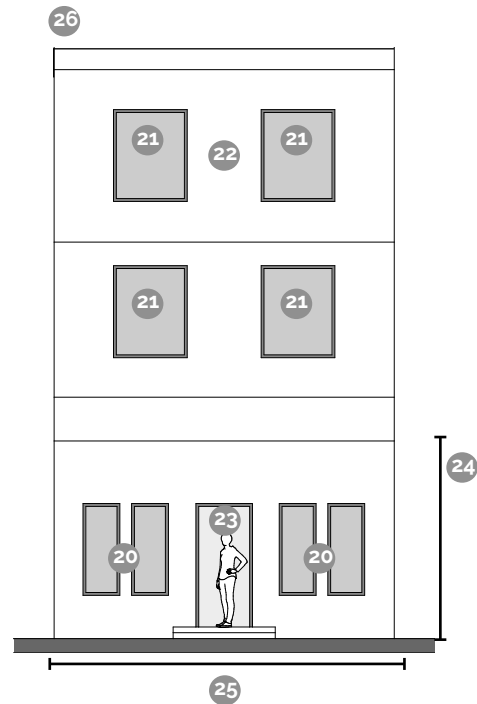
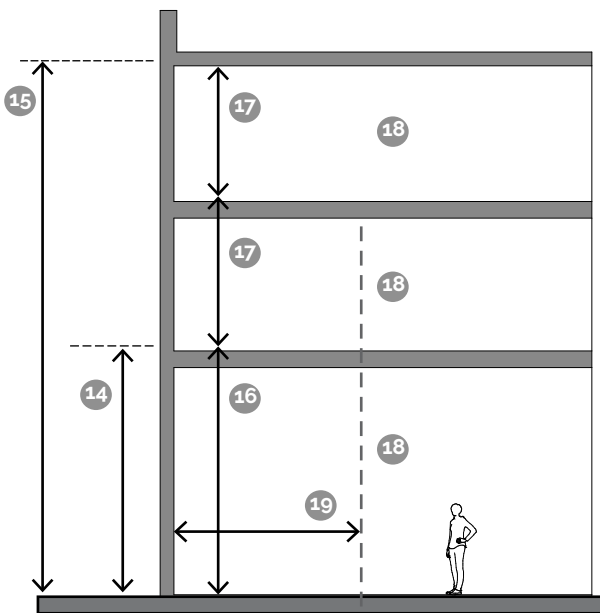


Figure 5.6-5 Height & Use

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.

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

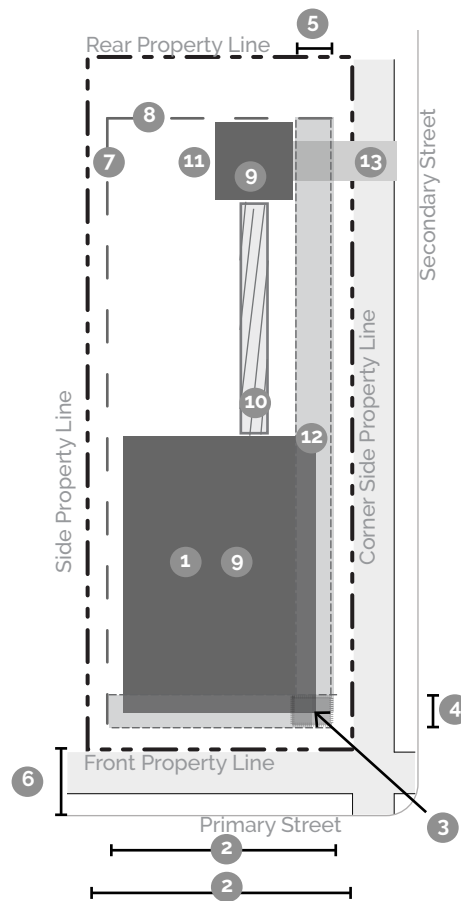


Figure 5.6-7 Building Siting Attached and Detached

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

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

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

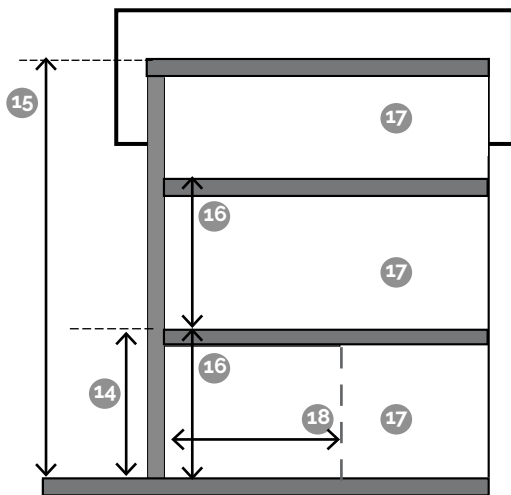


Figure 5.6-8 Height & Use

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

**(a) Transparency (minimum)**

Facade Transparency (min)	40% for Stoops and Porches; Storefronts per 5.5.B(2)(a)	19
Blank Wall Limitations	No	20

**(b) Entrance**

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

**(c) Roof Type**

Tower	Permitted
Spire	Not Permitted

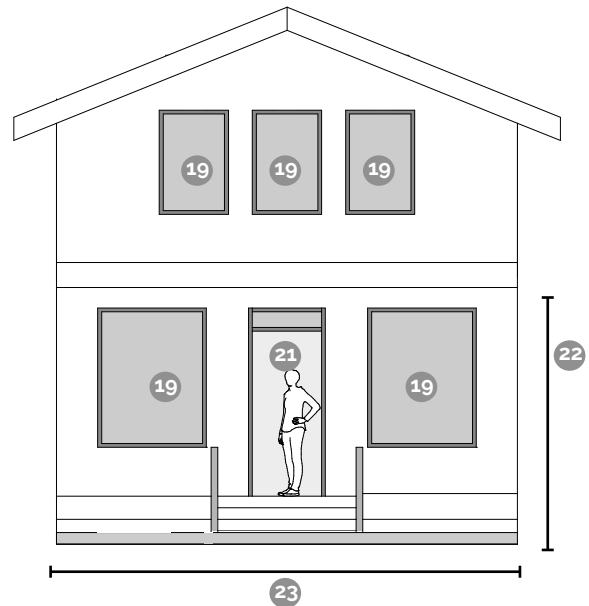


Figure 5.6-9 Street Facing Facades.

E. Lot Type: Civic

(1) Building Siting (Figure 5.6-10)

(a) Street Frontage

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

(b) Lot Area

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

(c) Lot Coverage

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

(d) Parking, Loading, & Access

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

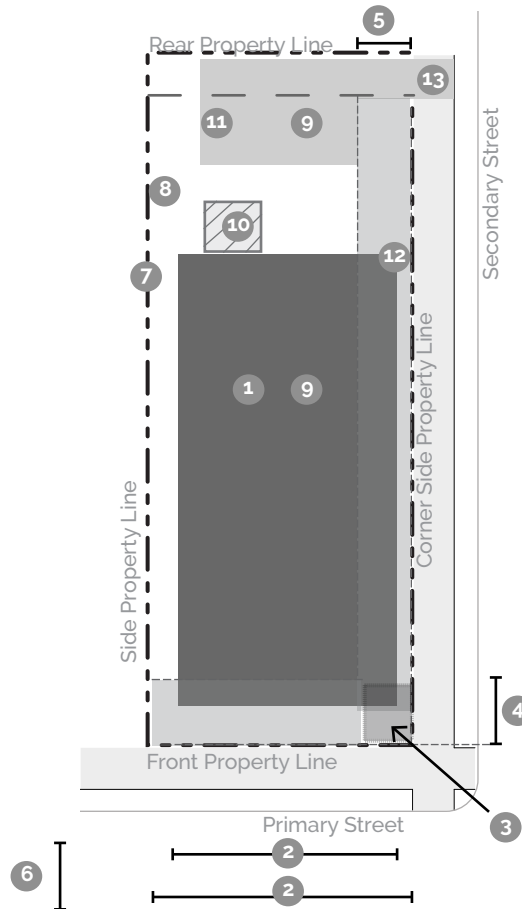


Figure 5.6-10 Building Siting.

Notes:

<sup>1</sup> Entrance bays for parking and loading are not permitted on primary streets. Entrance bays and driveways are not permitted on a Priority an Event/Festival and Urban Center Street.

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

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

All Floors	Civic/ Institutional <sup>4</sup>	18
Occupied Space Restrictions	Yes <sup>4</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

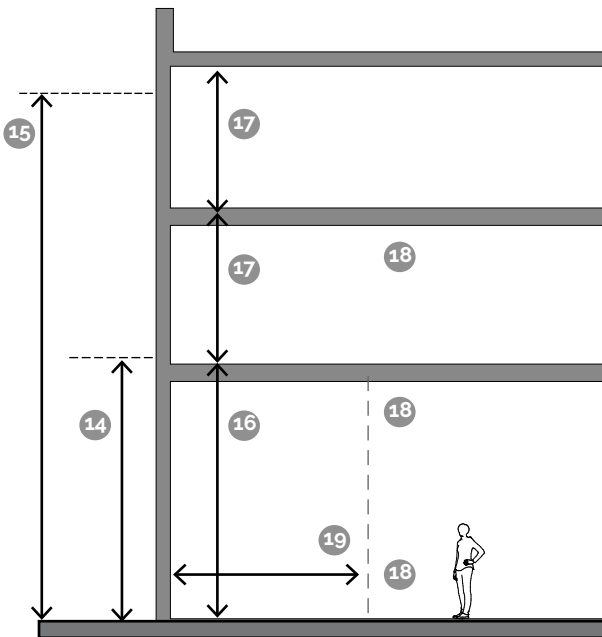


Figure 5.6-11 Height & Use

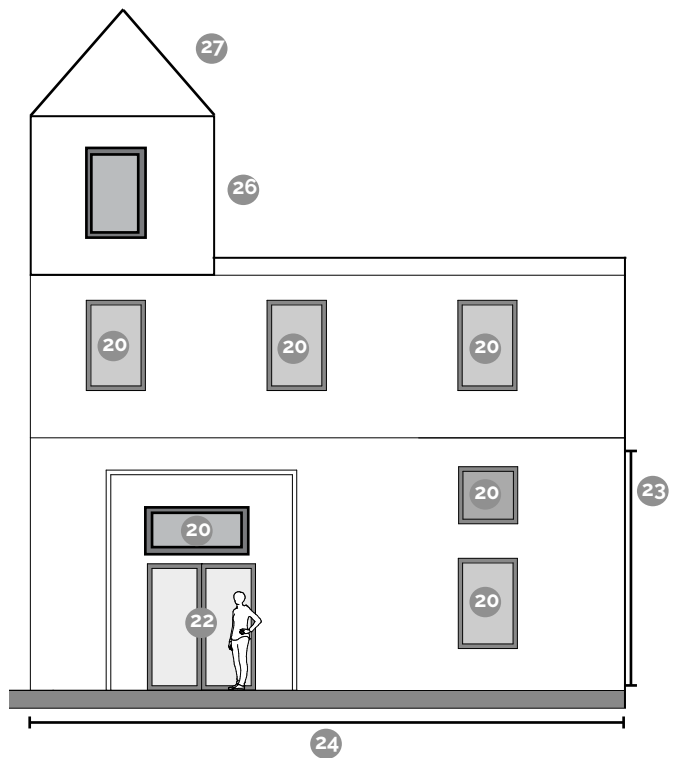


Figure 5.6-12 Street Facing Facades.

Notes:

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

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% <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

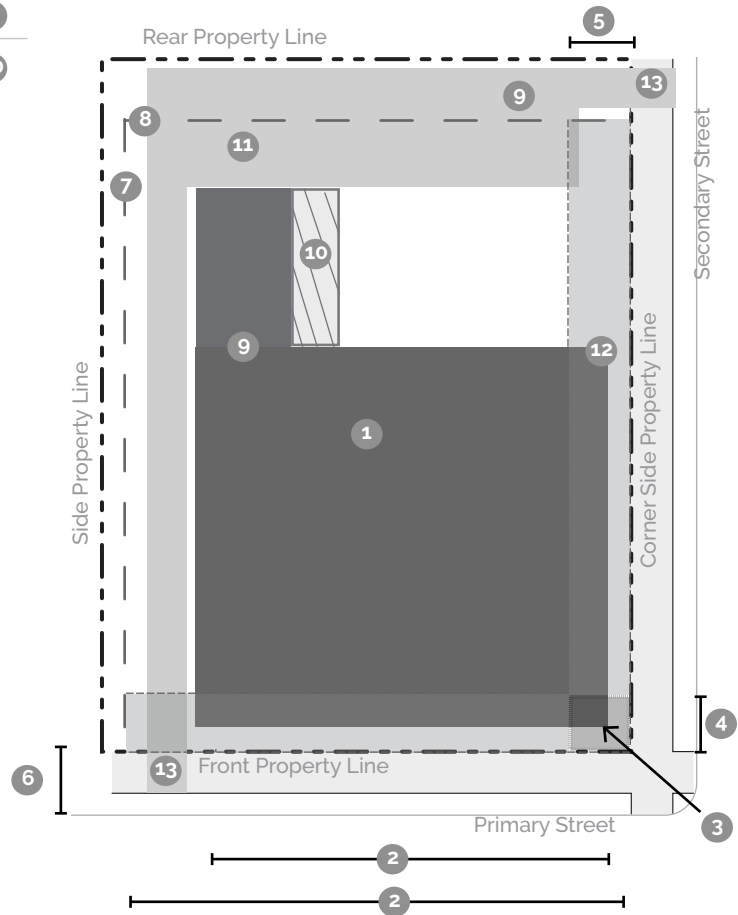


Figure 5.6-13 Building Siting.

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 <sup>4</sup>	3 stories	15
Ground Floor	12'-30'	16
Upper Floor	9'-15'	17

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

All Floors	Industrial	18
	Not Required,	
	except Craftsman	19
Occupied Space Restrictions	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>5</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, Storefront	23
Entrances on Street Facing Facades	1 per 75' of building length	24

Other Facade Entrances	Yes	25
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**(c) Roof Type**

Tower	Permitted	26
Spire	Not Permitted	

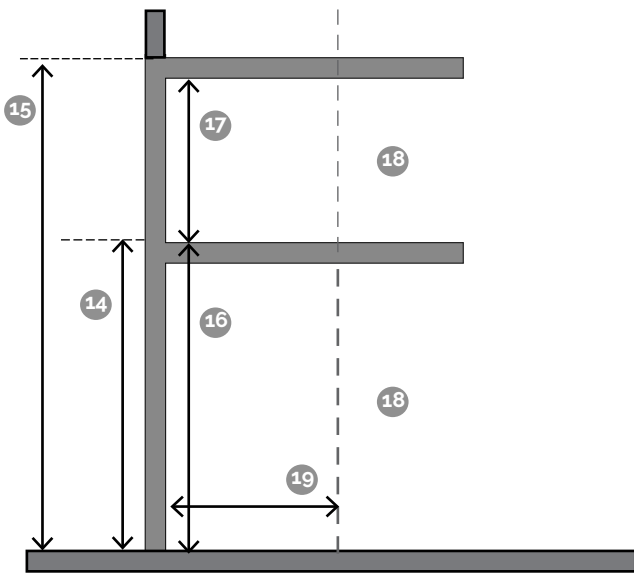


Figure 5.6-14 Height & Use

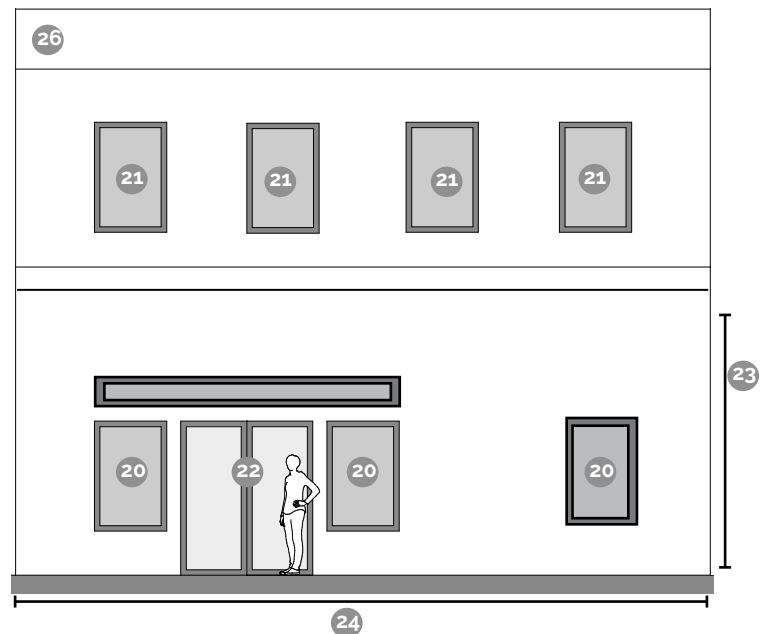


Figure 5.6-15 Street Facing Facades.

Notes:

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

<sup>5</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

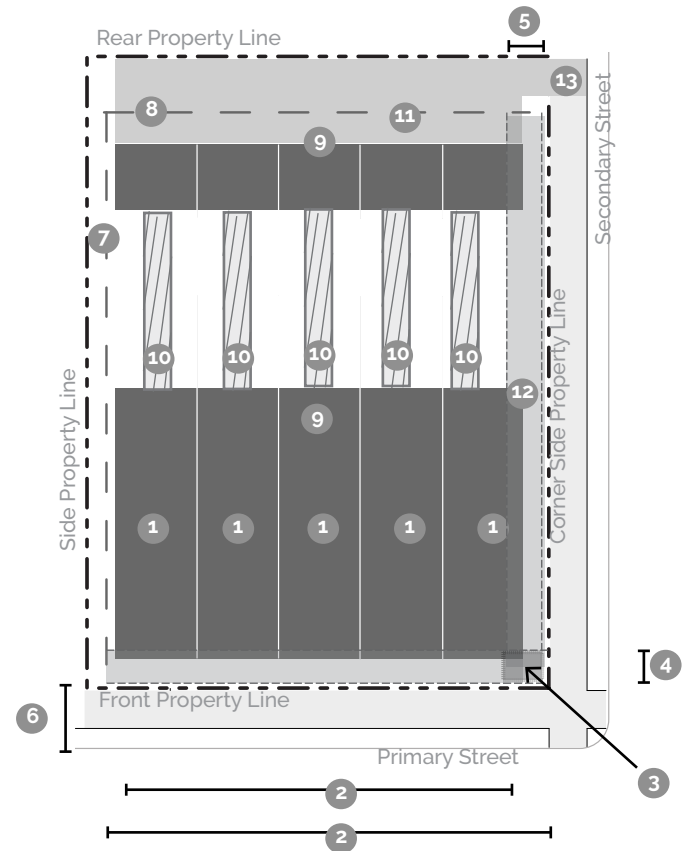


Figure 5.6-16 Building Siting

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.

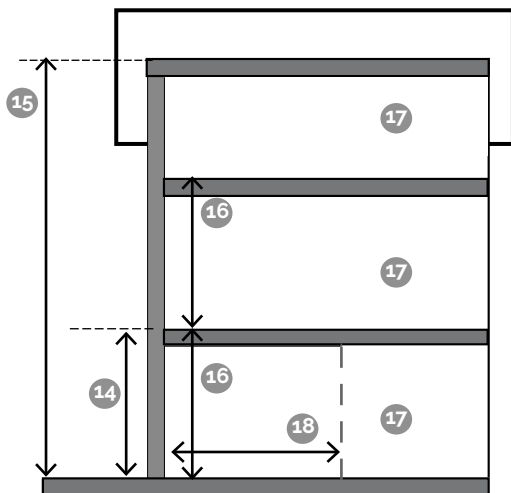
<sup>3</sup> Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

**(2) Height (Figure 5.6-17)**

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

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

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



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

**(a) Transparency (minimum)**

Facade Transparency (min)	30%	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

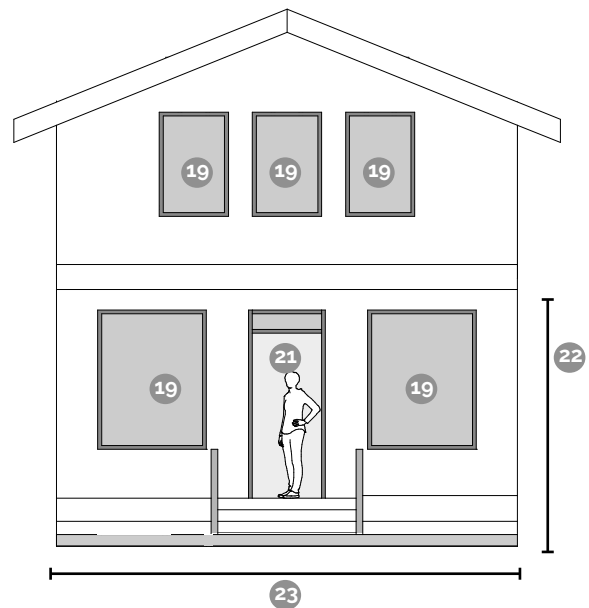


Figure 5.6-17 Height & Use

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

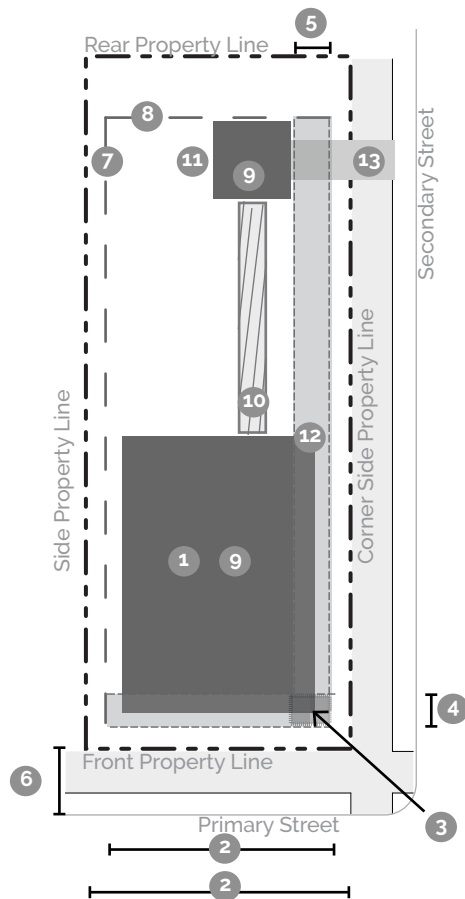


Figure 5.6-19 Building Siting Attached and Detached

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

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

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

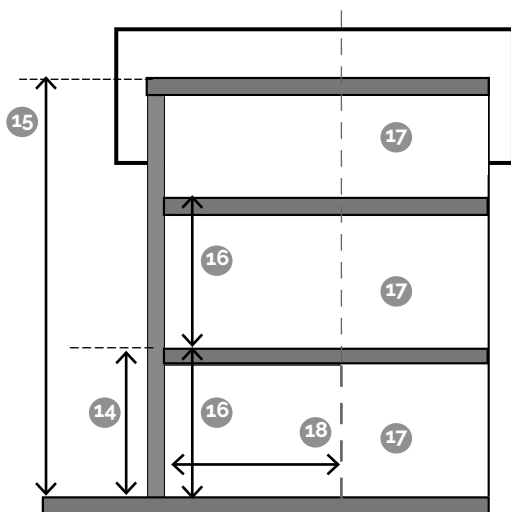


Figure 5.6-20 Height & Use

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

**(a) Transparency (minimum)**

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

**(b) Entrance**

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

**(c) Roof Type**

Tower	Not Permitted
Spire	Not Permitted

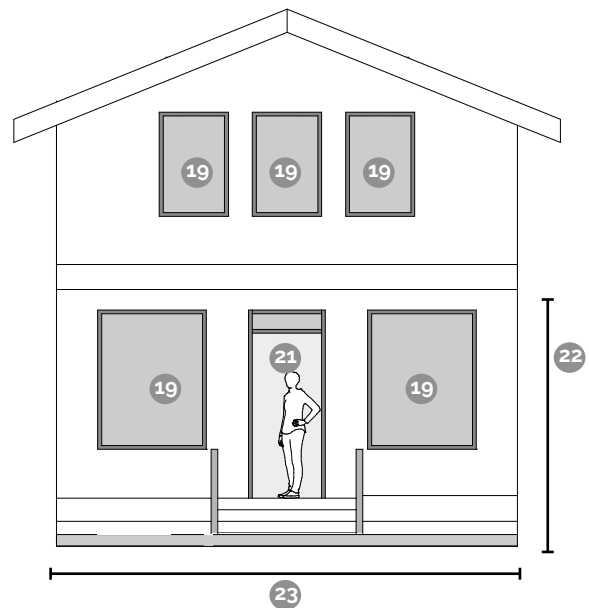


Figure 5.6-21 Street Facing Facades.

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>	
ROW Encroachment	Yes	2

(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; 1 on Front if an interior lot	10

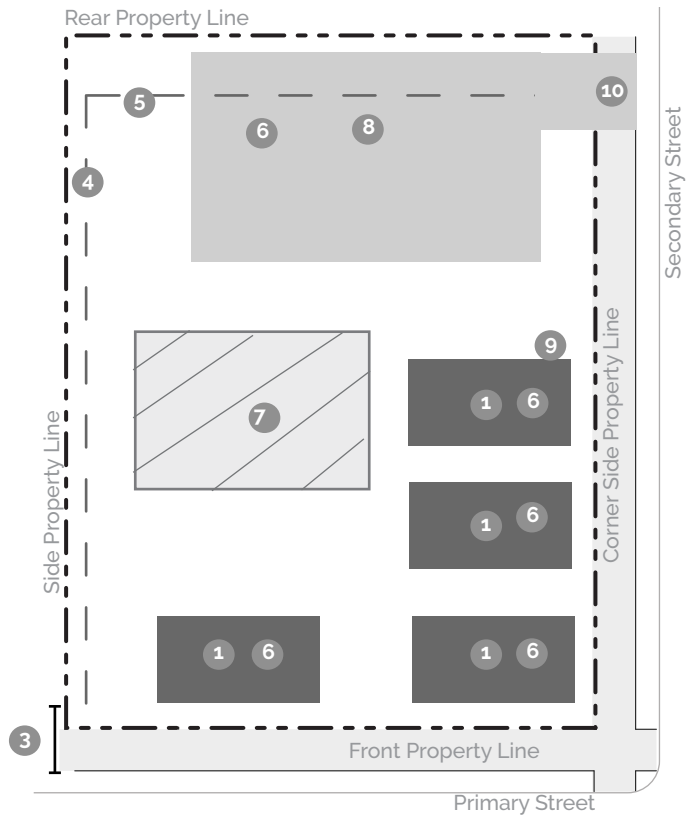
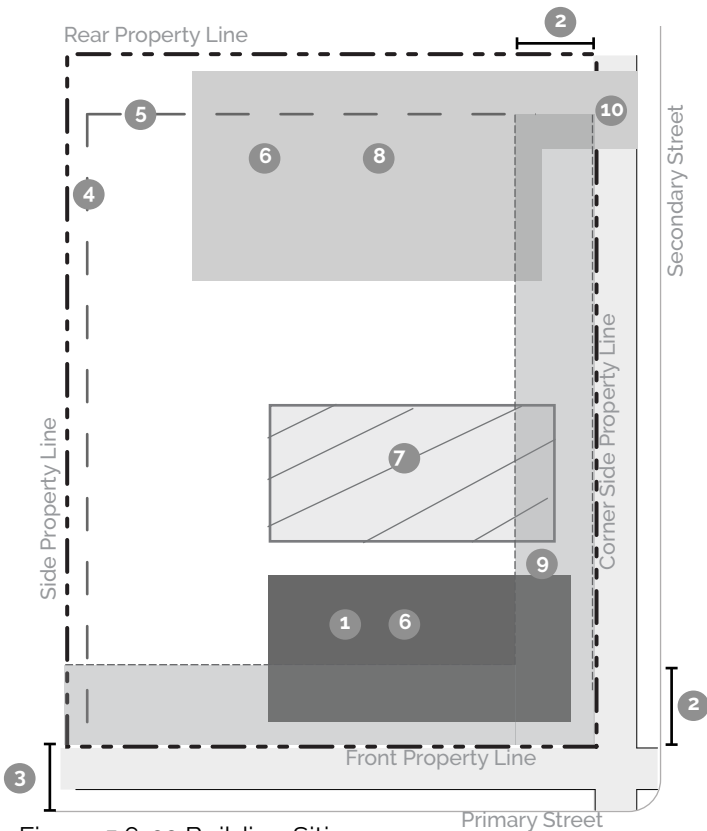


Figure 5.6-22 Building Siting.

**(2) Height (Figure 5.6-23)**

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

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

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

**(4) Street Facing Facades (Figure 5.6-23)**

**(a) Transparency (minimum)**

Ground Floor	Not Required <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

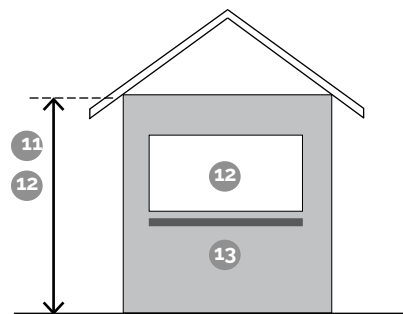


Figure 5.6-23 Street Facing Facades.

Notes:

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

<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 *support development while protecting* Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors. *The standards in this overlay district are not intended to prevent development from occurring, but to guide site development to balance growth and redevelopment with the protection of our existing natural features.*

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.

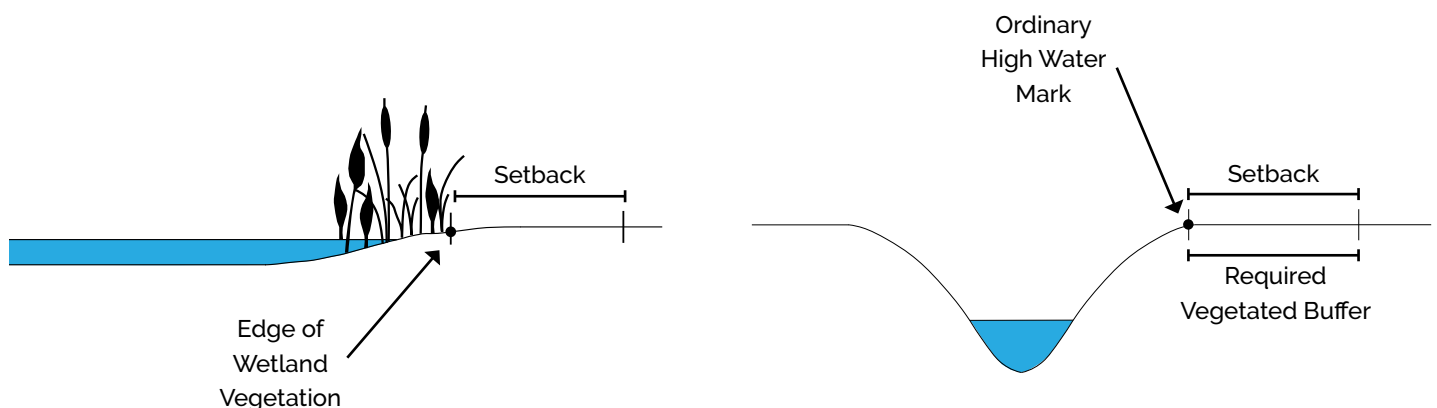


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

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

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

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

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

(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.

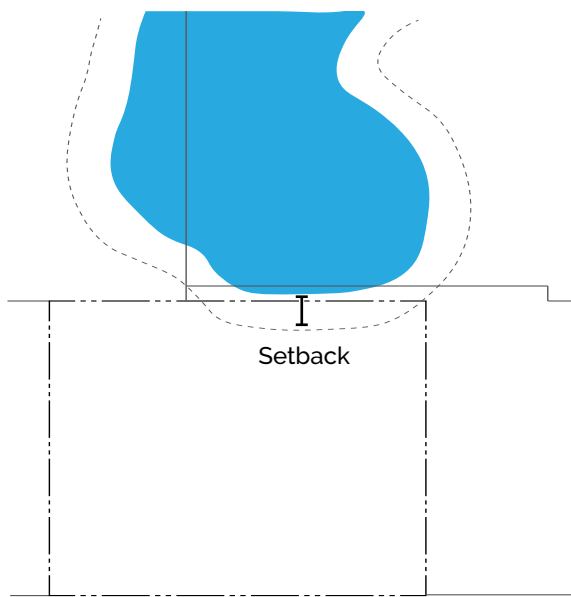


Table 6.2-1 Wetland and Water Resources Setbacks

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] New Stormwater BMPs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

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
Gray Dogwood	<i>Cornus foemina, syn. C racemosa</i>	Shrub
Steeplebush/Meadowsweet	<i>Spiraea alba</i>	Shrub
Hardback/Steeplebush	<i>Spiraea tomentosa</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/Wool Grass	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Wood Reedgrass	<i>Cinna arundineacea</i>	Graminoid
Fowl Mannagrass	<i>Clyceria striata</i>	Graminoid
New England American Aster	<i>Symphyotrichum novae-angliae</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Tall Sunflower	<i>Helianthus giganteus</i>	Forb
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
Canada Anemone	<i>Anemone canadensis</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

the Kalamazoo City Code.

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

E. Natural Feature Standards: Floodplains. Reserved.

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

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

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

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

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

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

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

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

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

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

(a) Protected Tree is located such that it impedes access to the site, prevents utility connections, or prevents the use of a property for its zoned purpose.

(b) There is clear evidence a Protected Tree is diseased, dying, or has sustained substantial damage prior to site work.

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

(4) Replacement. Any Protected Tree which is removed from a parcel as part of a development project that requires site plan review must be replaced at a ratio of 1:1, where for every Protected Tree removed a Replacement Tree must be planted as follows:

(a) Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context and site condition should be taken into consideration when selecting a Replacement Tree.

(b) Replacement Trees shall be located as follows.

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

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

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

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

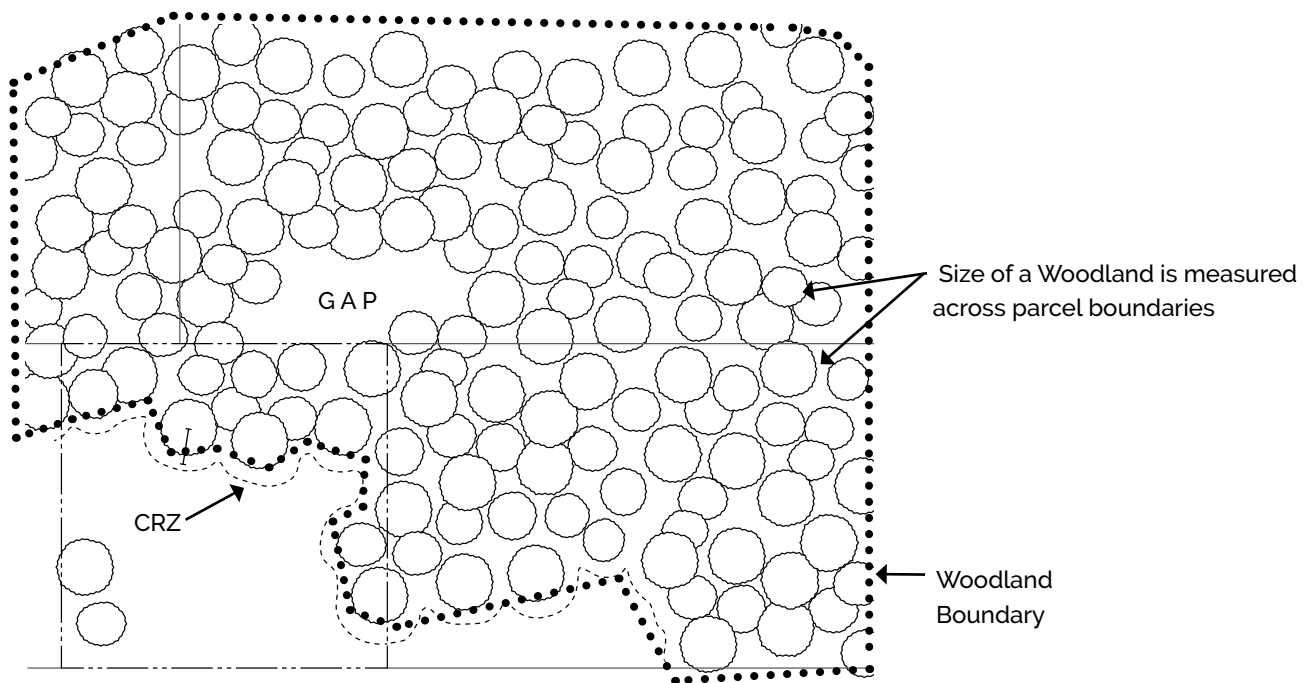


Figure 6.2-3 Defining and Delineating a Woodland

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

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

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

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

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

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

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

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

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

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

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by 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 Protected 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"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
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"



Common Name	Scientific Name	DBH (inches)*
Oak, Chinkapin	<i>Quercus muehlenbergii</i>	12"
Oak, Northern Pin	<i>Quercus ellipsoidalis</i>	12"
Oak, Swamp White	<i>Quercus bicolor</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	<i>Salix spp.</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"
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"
Pagoda Dogwood	<i>Cornus alternifolia</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.

Table 6.2-5 Replacement Tree List

Common Name	Scientific Name	Condition Code
Basswood, Linden	<i>Tilia americana</i>	Cs
American Chestnut	<i>Castanea dentata (hybrid)</i>	Cr, F, Cul
American Hophornbeam	<i>Ostrya virginiana</i>	P, Cr
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	Cr, P
Arborvitae, Eastern White Cedar	<i>Thuja occidentalis</i>	Cv, Cs
Birch	<i>Betula spp.</i>	Cv
Birch, River	<i>Betula nigra</i>	P, Ri
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Cr, Ri
Cedar, Eastern Red	<i>Juniperus virginiana</i>	Cr, P
Cherry, Wild Black	<i>Prunus serotina</i>	
Cherry, Flowering	<i>Prunus spp.</i>	
Dogwood, Flowering	<i>Cornus florida (native only)</i>	Cr
Eastern Redbud	<i>Cercis canadensis</i>	Cr, P
Elm, American	<i>Ulmus americana (resistant variety)</i>	Cul, Cs
Elm, Slippery	<i>Ulmus rubra</i>	
Hackberry	<i>Celtis occidentalis</i>	Cr
Hickory, Bitternut	<i>Carya cordiformis</i>	Cr, F, Ri, Cs
Hickory, Pignut	<i>Carya glabra</i>	Cr, F, Cs
Hickory, Shagbark	<i>Carya ovata</i>	Cr, F, Cs
Hickory, Shellbark	<i>Carya laciniosa</i>	F, Ri, Sc
Honey Locust	<i>Gleditsia triacanthos</i>	Cr
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Cr
Larch/Tamarack	<i>Larix laricina</i>	Ri, Cs
Maple, Red	<i>Acer rubrum</i>	Cv, Cs
Maple, Sugar	<i>Acer saccharum</i>	Cv, Cul
Oak, Black	<i>Quercus velutina</i>	Cr, Cs
Oak, Bur	<i>Quercus macrocarpa</i>	Cr, Cul, Cs
Oak, Chinquapin	<i>Quercus muehlenbergii</i>	Cr, Cs
Oak, Pin	<i>Quercus palustris</i>	Cr, Ri, Cs
Oak, Northern Red	<i>Quercus rubra</i>	Cr, Sc
Oak, Swamp White	<i>Quercus bicolor</i>	Cr, Ri, Cs
Oak, White	<i>Quercus alba</i>	Cr, Cul, Cs
Pawpaw	<i>Asimina triloba</i>	Cr, F
Persimmon	<i>Diospyros virginiana</i>	Cr, F

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

## Condition Codes:

Cr = Climate Resilient

Cs = Carbon sequestration

Cul = Culturally significant

F = Food source

P = Suitable for parking lots and roadways

Ri = Suitable for riparian/wet plantings

Cv = Climate vulnerable

(b) Stormwater. No new Stormwater BMPs within the CRZ.

(5) Permitted Activities. Operation and maintenance of public utilities is permitted within the CRZ. Directional boring shall be used whenever possible.

(6) Construction Protection. Woodlands trees and their CRZ shall be protected during site construction following the standards of 50-6.2K(8) Protection During Construction.

H. Natural Feature Standards: Slopes. Slopes associated with Water Resources and other Natural Features are protected by the NFP Overlay District.

(1) Slope Criteria. Slopes protected by the NFP Overlay District are those with a grade of twenty (20) percent or greater and meet at least one (1) of the following.

(a) Slope Face contains a Woodland, refer to 50-6.2G.

(b) Slope Face contains Natural Heritage Area, refer to 50-6.2I.

(c) Any portion of the Slope Face is within ~~five hundred~~ **five hundred** (500) feet of a Wetland or Water Resource, refer to 50-6.2C and 50-6.2D.

(d) Any portion of the Slope Face extends onto adjacent parcels.

(2) Slope Determination. If any area on a parcel appears to meet the Slope Criteria, one (1) of the following is required.

(a) A Slope Analysis by a professional is not completed and the area is assumed to meet the slope criteria; the 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.

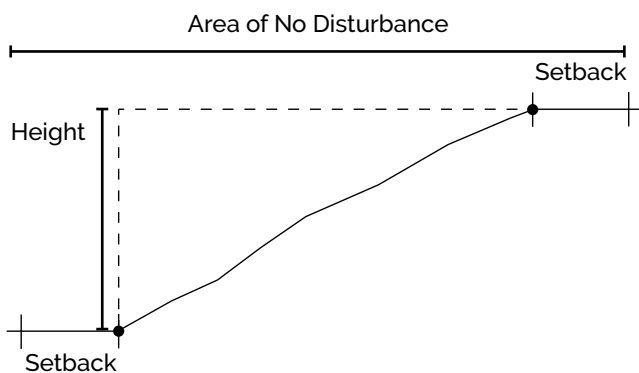


Figure 6.2-4 Protected Slope Setbacks

(3) Slope Protection. Slopes shall be maintained and protected as follows.

(a) Setbacks. A setback is required from the Top of Slope and the Toe of Slope equal to half (1/2) the height of the Slope, regardless of whether or not the entire Slope is contained within the parcel, or ten (10) feet, whichever is greater. Refer to Figure 6.2-4 Slope Setbacks.

(b) Permitted Activities in the Setbacks. Setback areas from the Top or Toe of Slope shall remain undisturbed except as follows.

[1] Any work necessary to maintain the stability of the Slope.

[2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.

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

[4] Normal maintenance that does not disturb existing terrain.

[5] Maintenance of existing impervious surfaces and structures.

[6] In addition to the requirements in 50-6.2B(4), existing structures located in the setback may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion does not disturb the Slope Face.

[b] Ground disturbance is the minimum needed for the expansion.

(c) Permitted Activities in the Slope Face. The Slope Face shall remain undisturbed except as follows.

[1] Any work necessary to maintain the stability of the Slope Face, including the Top and Toe of Slope.

[2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.

[3] Normal maintenance that does not disturb existing terrain.

[4] Maintenance of existing impervious surfaces and structures.

[5] In addition to the requirements in 50-6.2B(4), existing structures where a portion of the structure is in the Slope Face may be expanded up to twenty-five (25) percent of the existing building footprint as follows.

[a] The expansion can only occur on Slopes with a grade of thirty (30) percent or less.

[b] Expansion in the Slope Face is limited to no more than fifteen (15) percent of the existing building footprint.

[c] Ground disturbance is the minimum needed for expansion.

(d) Prohibited Activities. The following activities are prohibited.

[1] Surface water shall not be directed toward any Slope regulated by this Overlay.

[2] Stormwater BMPs are not permitted within the Slope Face or the setbacks, including storm sewer outlets.

[3] No new underground utilities may be placed within the Slope Face or setbacks.

(e) Construction Protection. The Slope Face and setbacks shall be protected during site development and construction following the standards of 50-6.2K(8) Protection During Construction.

I. Natural Feature Standards: Natural Heritage Areas. Rare species and remnants of historically and culturally significant ecosystems are protected by the NFP Overlay District.

- (1) Natural Heritage Area Criteria. A Natural Heritage Area is defined by the presence of either of the following.
  - (a) Any species considered to be rare, threatened, or endangered by the State of Michigan, Federal government, or listed on the Michigan Natural Features Inventory (MNFI) Database.
  - (b) Any remnant of a Natural Community listed on the MNFI Michigan's Natural Communities List.
- (2) Determination of Natural Heritage Area. The MNFI Natural Heritage Database shall be used to determine if any rare species have been located within a two (2) mile radius of the parcel.
- (3) On-Site Survey. When a database search indicates a rare species has been identified within two (2) miles of the parcel, an on-site survey shall be conducted. The survey must be conducted by a consultant with a Michigan Endangered Species Permit or another qualified professional approved by the City Planner.
- (4) Natural Heritage Area Protection. If the on-site survey confirms that a Natural Heritage Area exists on the parcel, all State and Federal protections and/or mitigation activities must be followed. A copy of any required permit obtained from a State or Federal agency must be submitted to the City.

J. Site Development Standards. The following standards apply to all properties within the NFP Overlay District.

- (1) Building Setbacks. When a conflict exists between meeting the 50-6.2C-J NFP Standards and the required placement of structures, the setbacks or built-to zones or lines may be adjusted to eliminate or reduce the conflict provided that the adjustment is the minimum required to meet the NFP standards.
- (2) Use. ~~In addition to the uses permitted in the Base Zoning District, the following apply:-~~
  - ~~(a) Appendix A 3.5 Wellhead Protection Overlay 10-year use restrictions.-~~
  - ~~(b) Outdoor storage of loose materials is prohibited within five hundred (500) feet of a Water Resource or Wetland.~~
  - ~~(c) Appendix A 3.5 Wellhead Protection Overlay 1-year use restrictions apply within five hundred (500) feet of a Water Resource or Wetland.~~

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

  - (a) Ten-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within 300 feet of a wetland or water resource.*
  - (b) One-year time-of-travel use restrictions in Chapter 39 Wellhead Protection apply within 500 of a wetland or water resource.*
- (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 required under Appendix A. Section 6.2, Landscaping and Open Space, or required elsewhere in Chapter 50. When additional landscaping is proposed on the site plan beyond the minimum requirements of Chapter 50, the NFP Review Board may allow the use of non-native, non-invasive species which have been determined not to cause adverse environmental impacts. Plants in Table 6.2-6 Prohibited Planting List or species recognized by the Midwest Invasive Species Network as non-native invasive shall not be planted on any portion of a parcel.

(c) Existing Vegetation. When a parcel's existing vegetation is being preserved and utilized to meet landscaping

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>
Princess Tree	<i>Paulownia tomentosa</i>
Black Alder	<i>Alnus glutinosa</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>
Mile-A-Minute Weed	<i>Persicaria perfoliate</i>
Kudzu	<i>Pueraria montana</i>
<b>Grasses</b>	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>
Japanese Stiltgrass	<i>Microstegium vimineum</i>

Miscanthus	<i>Micanthus, spp.</i>
Wintercreeper	<i>Euonymus fortunei</i>
European or Common Spindle	<i>Euonymus europeus</i>
Burning Bush	<i>Euonymus alata</i>
Common Name	Scientific Name
<b>Herbs</b>	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knapweed	<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>
Baby's Breath	<i>Gypsophila paniculate</i>
Goutweed	<i>Aegopodium podagraria</i>
Lesser Celandine	<i>Ficaria verna</i>
Moneyplant	<i>Lunaria annua</i>
Sweet Woodruff	<i>Galium odoratum</i>
Sweet Clovers	<i>Melilotus, spp.</i>



requirements in Appendix A 6.2 Landscaping and Open Space the following applies.

[1] Existing nonnative plants must be contained within the planting areas.

[2] Existing invasive plants must be removed. Refer to [Midwest Invasive Species Network Meeting the Challenge of Invasive Plants](#) by MNFI or Table 6.2-6 Prohibited Planting List.

(5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a Preserve.

(6) Stormwater Management Criteria. Refer to the City of Kalamazoo Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones for additional information and definitions.

(a) Channel Protection Performance Standard. Parcels half (1/2) acre or greater shall maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the ten (10) year, twenty-four (24) hour event.

(b) Water Quality Treatment Runoff Volume Standard. The first one (1) inch of runoff generated from the entire parcel must be treated using one of the following.

[1] Multiple Methods. Two or more BMPs shall be utilized with at least twenty-five (25) percent of the required runoff volume treated by BMPs from the Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table from "Runoff Volume/Infiltration" and "Runoff Volume/Non-infiltration" categories.

[2] Underground Methods. All required runoff shall be treated by underground detention or infiltration BMPs.

[3] Non-Infiltration Methods. Sites requiring non-infiltration BMPs, such as those with contamination or within A3.5 Wellhead Protection Overlay, use BMPs from Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table, "Runoff Quality/Non-infiltration" category.

(c) Maintenance Agreement. A Stormwater Operation and Maintenance Agreement is required by and between the City of Kalamazoo and the owner of the property when Stormwater BMPs are used.

(d) Exceptions. Development or redevelopment of a ~~single-family~~ *detached unit* home or duplex is exempt from these Stormwater standards.

(7) Fill Materials. Use of fill material containing regulated substances above any State and/or Federal cleanup criteria for soils is prohibited. Fill material shall be sourced as follows.

(a) Fill material shall not be sourced from industrial or commercial sites where hazardous materials were used, handled, or stored or from unpaved parking areas.

(b) Fill material shall not be sourced from sites that contain species that are legally designated by the State of Michigan as prohibited or restricted.

(8) Protection During Construction. A temporary construction fence is required to protect Natural Features and not-to-be disturbed areas, such as those designated to meet pervious lot coverage requirements, during the duration of any site work or construction,

(a) Fence Construction. Construction fences shall be erected as follows.

- [1] Fencing must be built using posts six (6) feet in height, spaced no more than eight (8) feet apart on center and buried at least two (2) feet below grade.
- [2] Fence must have two (2) cross beams placed approximately at two (2) and six (6) feet above grade.
- [3] Plastic mesh barrier fence shall be affixed to the front of the posts.

(b) Fence Placement. Refer to Figure 6.2-5 Placement of Construction Fencing. Fencing shall be located no closer than the required setback or edge of a not-to-be disturbed area.

- [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

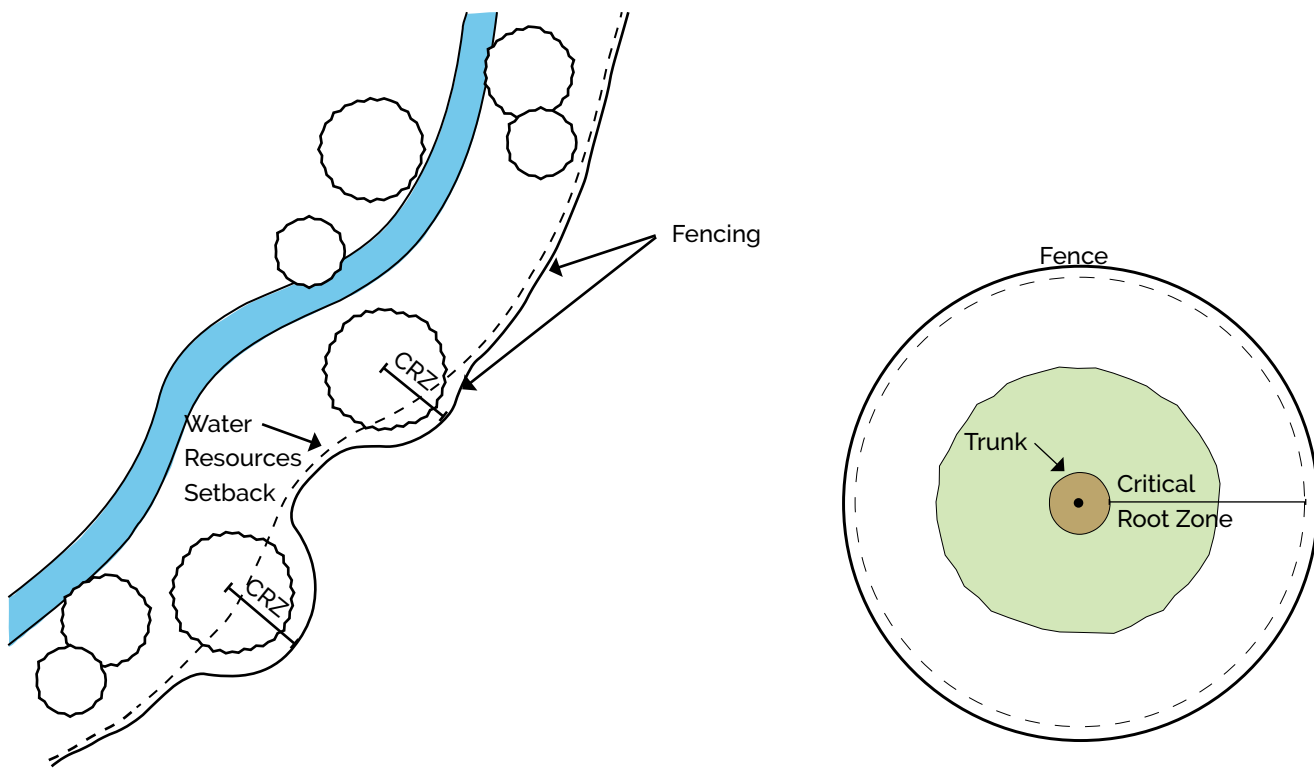


Figure 6.2-5 Placement of Construction Fencing

permanent basis.

K. NFP Review Bodies and Processes. Projects located in the NFP Overlay District require special review.

(1) Project Review. Review of projects in the NFP Overlay District shall occur as follows:

(a) Where Site Plan is not required. Administrative review of the site development or construction permit request shall be completed by the City Planner or designee.

(b) Where Site Plan is required. The NFP Review Board shall review the NFP Plan in conjunction with the Site Plan Review process. NFP Review Board approval is required for a project to achieve Site Plan approval.

(c) Where Site Plan is required and a zoning review and/or variance from the Planning Commission and/or Zoning Board of Appeals is requested or the site is located adjacent to land publicly used for open space or recreation, the following shall occur prior to review by the NFP Review Board.

[1] Owner or developer shall send notice by first class postage paid of a project in the NFP Overlay District to all property owners and occupants within three hundred (300) feet of the parcel and the neighborhood association or contact.

[2] Notice shall at a minimum include information on the proposed project, a location (physical or digital) where plans can be reviewed, instructions on how to provide comments, and a timeline for project review and construction.

[3] Notice shall be postmarked a minimum of fourteen (14) days before application is made for review by the NFP Review Board.

(2) NFP Review Board. A board will be formed to review projects in the NFP Overlay District.

(a) Intent. The NFP Review Board will review projects to ensure the standards of the NFP Overlay District are met and assist the City with regular review of the NFP standards, map, outreach, and City-wide education.

(b) NFP Review Board Members.

[1] Board will be comprised of seven (7) members.

[2] Members will be those who live or work in the greater Kalamazoo community.

[3] At a minimum, the Board must have at least one (1) member with education or experience in each of the following features in this Chapter: 1) water resources/wetlands, 2) plants/trees, 3) slopes, and 4) site development/building construction.

[4] Board members are to be appointed by the Mayor and approved by the City Commission.

[5] A City staff will be appointed by the City Planner to be the Board's liaison.

(c) The NFP Review Board is subject to the Open Meetings Act, MCL 15.261 et seq. and shall establish its own by-laws and meeting procedures.

(3) Relief from NFP Overlay District Standards. Relief from the NFP Overlay District Standards may be sought from the Zoning Board of Appeals.

(a) Criteria. Relief from the NFP Overlay District Standards in 50-6.2 may be granted when all the following conditions are met.

[1] The parcel cannot be reasonably utilized for its zoned use without the requested relief.

[2] The extent of relief requested is the minimum needed to permit reasonable utilization of the site.

[3] It is demonstrated that the relief *requested* can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the NFP Overlay District.

[4] The requested relief is balanced by the use of conservation and/or green development tools and actions, such as utilizing Stormwater BMPs from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a Natural Feature on the site, or use of Wild-type native plants or desired trees as detailed in Table 6.2-5 Replacement Trees.

(b) Process. The following process shall be followed when relief is sought from 50.6-2 NFP Overlay District.

[1] NFP Review Board shall review the request using the NFP Site Plan documentation and make a recommendation on the requested relief to the Zoning Board of Appeals.

[2] Application for relief from the Zoning Board of Appeals must include the NFP Review Board's recommendation.

#### L. Bonding of Projects.

(1) Intent. To ensure the protection of Natural Features, a financial assurance will be required when seeking site development permits for a lot or structure from the City of Kalamazoo.

(2) Applicability. During the review and approval of all NFP site *plans* ~~plans~~ the NFP Review Board will determine whether a bond or lien is required for NFP projects based on:

(a) Whether Natural Features are present on the site such that the cost of replacement or restoration if damaged or destroyed during construction would place an undue burden on the City if not remediated in a reasonable timeframe.

(b) The activities proposed on the site present a reasonable threat of damaging or destroying Natural Features.

(3) Financial Assurance Amount. The amount of the assurance shall be in an amount satisfactory to the City to restore and/or stabilize a Natural Features that has been disturbed, not properly managed during site work or construction, or has been abandoned for more than six (6) months.

(4) Release of Financial Assurance. The assurance shall be released when a Certificate of Occupancy is granted. Except when a project includes a vegetated buffer or required tree planting where the assurance may be reduced

by sixty (60) percent at the time of the Certificate of Occupancy is granted with the remaining percentage released no sooner than three (3) years after the granting of the Certificate of Occupancy.

M. 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.

### **50-6.3 Institutional Campus Overlay Standards**

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

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

*(1) Institutional Campus Master Plan. Properties designated with the Institutional Campus Overlay follow the development standards outlined in an Institutional Campus Master Plan, which has the following intents:*

- (a) Establish a framework for the use, growth, and development of the campus.*
- (b) Set standards that consider the campus' location in the neighborhood or adjacent street network.*
- (c) Create public expectations for an evolving campus and location of structures and uses.*
- (d) Set development standards that may differ from the underlying or adjacent zoning district or other regulations,*

*such as parking and stormwater management.*

*(2) Development projects within the Institutional Campus District are subject to Site Plan Review, unless otherwise stated in the approved campus master plan.*

*C. Approval Process. Establishing an Institutional Campus District and renewing a Campus Master Plan are reviewed and approved as follows:*

*(1) Mapping the Institutional Campus District. Applying the Institutional Campus Master Plan is reviewed and approved through the Rezoning process by the Planning Commission and City Commission.*

*(2) Approval of the Institutional Campus Master Plan. The Campus Master Plan is reviewed and approved by the Planning Commission and the City Commission through a parallel process.*

*(3) Renewal of the Institutional Campus Master Plan. The Campus Master Plan must be reviewed and re-approved*

*D. Campus Master Plan Requirements. The following is included in the campus master plan unless otherwise noted by the City Planner.*

*(1) Master Planning Area. The master plan must include all properties designated with the Institutional Campus District and an area extending out at least three (300) feet from the boundary of the district.*

*(2) Life of a Master Plan. Unless otherwise determine through the review and approval process, the Campus Master Plan is to be reviewed and approved every ten (10) years.*

*(3) Outreach and Engagement. The institution is responsible for following the City's Public Participation Policy to create an engagement plan which will be reviewed and approved by the City Planner prior kicking off the master plan process.*

*(4) Plan Elements.*

*(a) Organizational Mission Statement.*

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

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

*(d) Location and description of campus buildings and uses, including the following details:*

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

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

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

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

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

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

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

*(g) Open space and stormwater facilities.*

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

*(i) Relationship with adjacent institutions and public facilities.*

#### **50-6.4 Planned Unit Development (PUD) Overlay.**

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

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

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

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

*(4) Preservation of environmental and historic resources;*

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

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

*C. Planned Unit Development Overlay District Considerations. A Planned Unit Development Overlay District may be*

considered when the following criteria are met:

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

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

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

(2) *Unified Ownership or Control.*

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

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

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

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

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

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

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

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





## Article 7. Parking & Loading Regulations

### 50-7.1 General Requirements.

A. Applicability. Unless otherwise stated, parking and loading shall be provided as is outlined in this *Article* Chapter.

B. General Provisions.

(1) Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state and federal building or accessibility requirements, including quantity, size, location, and accessibility.

*(2) This Article establishes the maximum number of vehicular parking spaces that can be provided for each use; there are no minimum number of parking spaces, except as noted. This article also establishes minimum requirements for bicycle parking and design of all parking and loading areas.*

(3) 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 & Neighborhood Nodes. Lots located in the Downtown Exempt Parking Area (refer to Figure 7.1-1) and

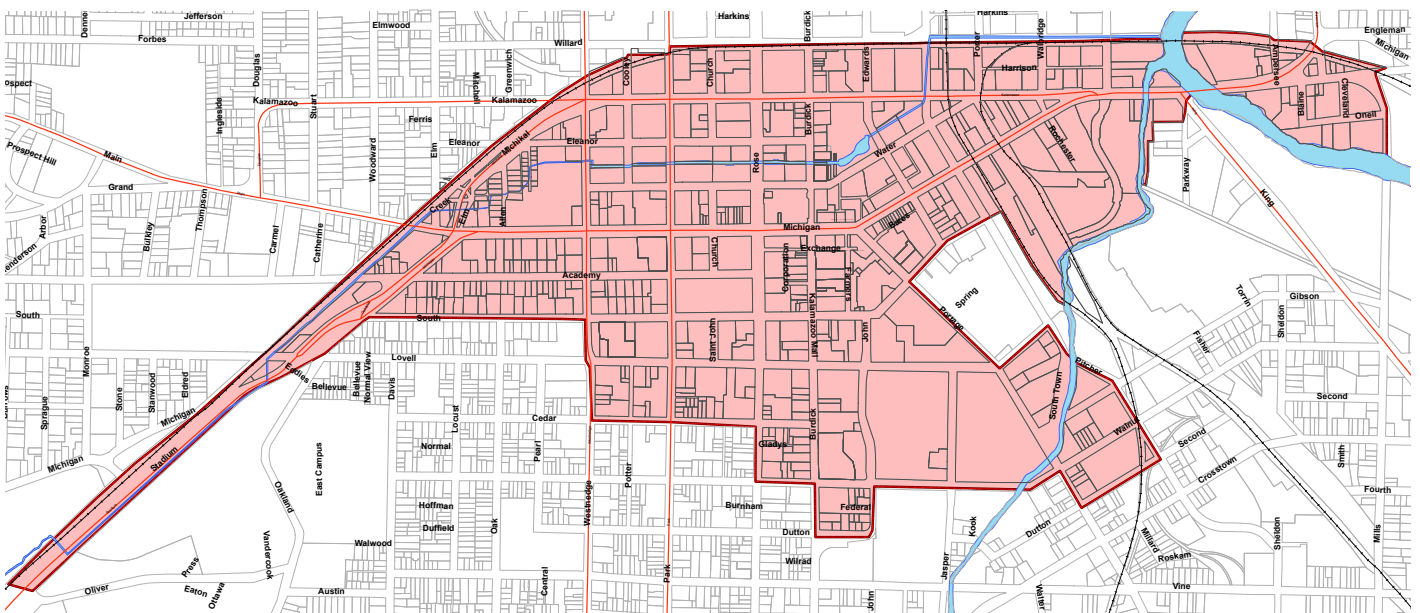


Figure 7.1-1 Downtown Exempt Parking Map

zoned Neighborhood Node 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) Commercial Nodes. Lots in the Commercial Node District are permitted a twenty-five (25) percent reduction of the required off-street parking. Spaces that are provided must adhere to all applicable requirements, including quantity, design, layout and landscaping.

(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, not located in the Community Commercial (CC) 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 **maximum** off-street parking spaces **per use**. Total required vehicular parking spaces should be determined using the following parameters in addition to Table 7.2-1.

(1) Fractions. In determining the number of spaces required, any fraction of spaces required under 1/2 shall be disregarded; a fraction equal to or greater than 1/2 shall be rounded up to count as one (1) space.

*(2) Usable Floor Area. Parking requirements by square foot or maximum occupancy shall be calculated with the usable floor area, which is exclusive of areas dedicated for storage, mechanical equipment, unfinished attics, enclosed porches, public corridors and stairwells, utilities, or restrooms.*

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

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

*(a) Up to twenty (20) percent over the amounts in Table 7.2-1 permitted when the property is located on a City Connector Street.*

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

*[1] Availability of on-street and shared parking opportunities as detailed in 50-7.2B to meet desired parking count.*

*[2] Location within a parking exempt area.*

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

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

Table 7.2-1 Maximum 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 <sup>1</sup>
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

<sup>1</sup> For detached and attached dwelling units, up to 2 spaces per unit are permitted.

Use	Required Spaces
<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 max. occupancy
Office	1 space/300 square feet
Outdoor Sales & Storage	1 space/employee at largest shift, 1 space/2,500 square feet outdoor sales area
Self Storage/Mini Storage	1 space/employee on largest shift, 1 space/75 storage units
Vehicle Service	1 space/200 square feet floor area; in addition vehicle repair 2 spaces/repair bay or area
Vehicle Service: Car Wash	1 space/employee on largest shift
<b>Industrial</b>	
Craftsman Industrial	1 space/employees on largest production shift, 1 space/500 square feet retail
Industrial	1 space/1 employee on largest shift (includes shift, office, and maintenance staff)

*[4] Presence of the Natural Features Protection (NFP) Overlay, as detailed 50-6, to on the property in question or adjacent properties.*

*B. On-Street Parking Credits. Credit for on-street and shared parking is calculated as follows:*

- (1) 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 feet of the site.
- (2) 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:~~
  - (3) Off-Site Location. Spaces in off-site parking facilities within 660' can be applied to the parking requirements for a lot.
  - (4) Multiple Uses Credit. When multiple uses share parking facilities, the quantity of spaces provided should be calculated as follows.
    - ~~(a) 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.
    - ~~(b) 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.
      - ~~[1] Determine the required number of spaces per use, following Table 7.2-1 Required Parking Table.~~
      - ~~[2] Applying the percentages in Table 7.2.2, determine the number of spaces needed per use in each of the six (6) time periods.~~

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%

Table 7.2-3 Parking Space &amp; Aisle Dimensions

Angle of Parking	Stall Dimensions			Drive Aisle Width	
	Curb Length	Stall Width	Stall Depth	One-Way	Two-Way
0 Degrees (Parallel)	18'	8'	18'	12'	20'
45 Degrees	12'	8.5'	18'	12'	20'
60 Degrees	10'	8.5'	18'	18'	20'
90 Degrees	8.5'	8.5'	18'	20'	20'

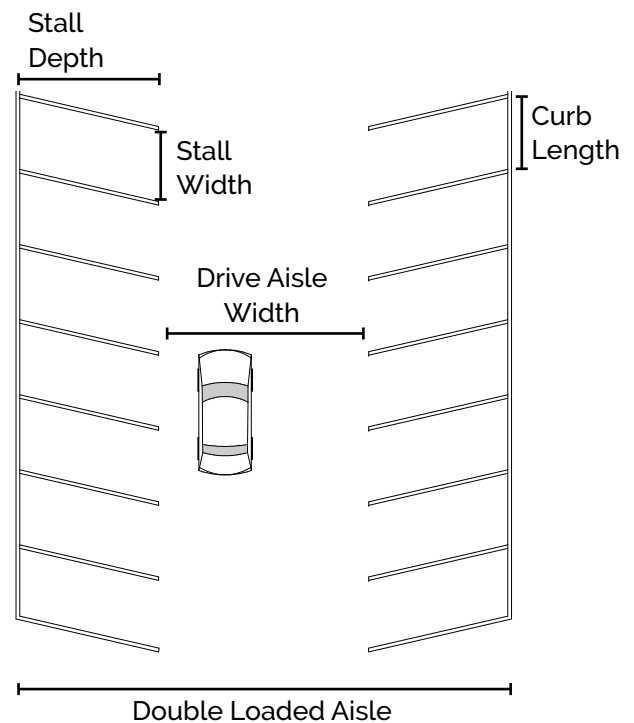


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

[3] ~~f~~ 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.

[4] ~~f~~ The time period with the highest total of parking spaces, is the number of spaces required for the site.

(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.

C. Vehicular Parking Design and Location. Vehicular parking facilities shall be provided using the following standards.

(1) Design, Vehicular parking shall be designed as *follows*:

(a) Space Dimension. Parking space design shall follow the dimensions in Table 7.2-3 Parking Space and Aisle Dimensions and Figure 7.2-1 Parking Space and Drive Aisle Dimensions

(b) Wheel Stops, Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to site or in public right-of-way.

Table 7.3-1 Required **Minimum** 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

(c) Tandem Spaces. Tandem spaces are permitted as *follows*:

- [1] Two (2) spaces may be placed in tandem provided one (1) space is accessible by an aisle, driveway, or alley.
- [2] Tandem spaces are permitted for use by residential units only and must be utilized by the occupants of the same dwelling unit.

(d) Slope. All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.

(e) Materials. Parking areas may be designed with impervious or semi-pervious materials, such as concrete, asphalt, macadam, brick, and stone.

- [1] Gravel and crushed stone are permitted for parking lots for residential parking areas up to ten (10) spaces and for all parks and open space uses. Additional application of these types of material may be permitted with



approval of the City Planner.

(f) Landscape Areas.

[1] Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.

[2] The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines following *Article 8 Landscape Screening* Appendix A-6.2 Landscaping and Open Spaces

(g) Lighting. Parking areas with fifty (50) or more spaces must be lit *per Article 10 Lighting*, per Appendix A-6.4 Lighting.

(h) Pedestrian Access. Parking lots with more than two (2) double-loaded aisles will provide internal pedestrian access both through the lot, and if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s) *entrance*.

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

[2] Location. The pathway(s) shall be centrally located.

[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 on a* drive aisle, driveway, or right-of-way, providing direct access the parking space.

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

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

[1] Recreational Vehicles may be stored on a driveway in the front or corner yard between May 1 and October 15 and in the side and rear yards without restrictions.

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

[3] A maximum of two (2) recreational vehicles can be stored out of doors on a lot at a time; there is no limit as it relates to vehicles within fully enclosed structures.

### 50-7.3 Required *Minimum* Bicycle Parking.

A. Required Bicycle Parking Table. Table 7.3-1 outlines the required *minimum number of* spaces for bicycle parking. Total required bicycle parking spaces should be determined using the following parameters in addition to Table 7.3-1.

(1) Calculation. At least one (1) space is required. Beyond the first space, in determining the number of spaces required, any fraction of spaces required under  $1/2$  shall be disregarded; a fraction greater than  $1/2$  shall be rounded up to count as one (1) space.

(2) Public Bicycle Parking Spaces. Parking facilities within public spaces, such as street rights-of-way, can count toward the requirement for non-residential uses. All facilities located within a public right-of-way, require review and approval of an encroachment agreement with the City.

B. Bicycle Parking Design and Location. Bicycle parking facilities shall be provided using the following standards.

(1) Design. Bicycle parking shall be designed as *follows*:

(a) Space Size. Each bicycle parking space must be at least six (6) feet long and two (2) feet wide with a five (5) foot access aisle.

(b) Bicycle Racks. Bicycle racks must be designed as *follows*:

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Provide at least two (2) points of contact to allow locking of frame and at least one (1) wheel.

[3] Be constructed of materials that resist cutting, rusting, bending, or deformation.

(c) Lockers. Lockers must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Be secured by means of a lockable door or configured internally to allow locking of the frame and at least one (1) wheel.

(2) Location. Bicycle parking shall be located as *follows*:

(a) Visible Location. If not visible from the street or public entrance, a directional sign must be posted indicating location. Adherence to the Manual On Uniform Traffic Control Devices for signage is recommended.

(b) Structured Parking. If more than fifty (50) percent of a site's vehicular parking is in a covered area or structure, the required spaces shall also be located in the covered area or structure or otherwise protected from the weather.

#### **50-7.4 Off-Street Loading Requirements.**

A. Off-Street Loading. Construction of new buildings that are expected to have deliveries by vehicles rated as heavy duty must provide off-street loading facilities as *follows*:

(1) Design. Each loading space shall be a minimum of ten (10 feet) in width, twenty-five (25) feet in length, and

fourteen (14) feet in height.

(2) Location. Loading areas shall be located as *follows*:

- (a) All off-street loading areas. Regardless of truck type, loading areas shall not be located in the front build-to zone and may not occupy any part of a required front or corner yard.
- (b) Loading areas shall not be located closer than fifty (50) from a residentially zoned lot unless it is wholly enclosed within the building or by walls.
- (c) Loading areas must be separate from pedestrian facilities and pathways.

### **50- 7.5 Driveway Access Design.**

A. Driveways. Driveways will be designed as *follows*:

(1) Driveway Width. Driveway width is measured at the front property line and shall adhere to the following.

- (a) Single-lane Driveways. Single-lane driveways shall be between eight (8) feet and twelve (12) feet.
- (b) Double-lane Driveway. Double-lane driveways shall be between twenty (20) feet and twenty-four (24) feet, unless the driveway serves the off-street loading area, where a larger driveway may be required based on site plan review.

(2) Double Track Driveways. Double-track, wheel strip, or ribbon driveways are permitted as *follows*:

- (a) The first two (2) feet of the entire driveway width, measured from the property line, must paved or covered with a permitted material.
- (b) Wheel strip shall be at least eighteen (18) inches in width
- (c) Area between the wheel strips must be landscaped with living ground cover.

(3) Materials. Driveways may be designed with impervious or semi-pervious materials. such as concrete, asphalt, macadam, brick, and stone.

- (a) Gravel and crushed stone are permitted for residential driveways accessing parking areas up to ten (10) spaces. Additional application of these types of material may be permitted with approval of the City Planner.

(4) Maximum Coverage of Front Yard. Driveways cannot account for more than thirty (30) percent of the front yard of a lot.

## Article 8. Landscape & Screening

### 50-8.1 Intent.

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

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

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

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

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

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

### 50-8.2 Applicability.

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

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

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

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

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

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

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

### 50-8.3 General Provisions.

*The following general provisions for landscaping and screening apply.*

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

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

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

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

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

*(1) Maximum Percentage of One (1) Species. Except for plantings used for screening, no one (1) species of tree or shrub may make up more than fifty (50) percent of the total amount of landscape plantings.*

*(2) Plant Materials. The use of vegetation native to the area and Southwest Michigan and the use of a mixture of vegetation from the same species association is encouraged. At a minimum, all required plant material shall be hardy to the area, free of disease and insect infestation, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.*

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

*(4) Minimum Sizes. The minimum size of plant materials is detailed in Table 8.3-1 Plant Material Size.*

*(5) Plant Material Spacing. Trees and shrubs used together shall meet the spacing requirements in Table 8.3-2 Plant Material Spacing and Table 8.3-3 On-Center Spacing. Refer to Chapter 42 Tree Ordinance for spacing of right-of-way plantings.*

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

*(1) Sight Visibility. Trees and vegetation shall ensure adequate sight visibility for motorists and clearance for pedestrians, cyclists, and vehicles.*

*(2) Around Hydrants. Vegetation planted within ten (10) feet of a fire hydrant shall be no taller than six (6) inches at maturity.*

*(3) Proximity to Property Line. Trees and large shrubs shall not be placed closer than three (3) feet from the fence line or property line unless otherwise noted in 50-8.4 Required Landscaping.*

## Table 8.3-1 Plant Material Size

under staff review.

## Table 8.3-2 Plant Material Spacing

<i>Plant Material Type</i>	<i>Evergreen</i>	<i>Narrow Evergreen Tree</i>	<i>Large Deciduous Tree</i>	<i>Small Deciduous Tree</i>	<i>Large Shrub</i>	<i>Small Shrub</i>
<i>Evergreen</i>	<i>10' - 20'</i>	<i>Min. 12'</i>	<i>Min 20'</i>	<i>Min 12'</i>	<i>Min. 6'</i>	<i>Min. 5'</i>
<i>Narrow Evergreen Tree</i>	<i>Min. 12'</i>	<i>5' to 10'</i>	<i>Min. 15'</i>	<i>Min 10'</i>	<i>Min. 5'</i>	<i>Min 4'</i>
<i>Large Deciduous Tree</i>	<i>Min. 20'</i>	<i>Min. 15'</i>	<i>20' - 30'</i>	<i>Min. 15'</i>	<i>Min. 5'</i>	<i>Min. 3'</i>
<i>Small Deciduous Tree</i>	<i>Min. 12'</i>	<i>Min. 10'</i>	<i>Min. 15'</i>	<i>8' - 15'</i>	<i>Min 6'</i>	<i>Min. 3'</i>
<i>Large Shrub</i>	<i>Min. 6'</i>	<i>Min. 5'</i>	<i>Min. 5'</i>	<i>Min. 6'</i>	<i>4' - 6'</i>	<i>Min. 5'</i>
<i>Small Shrub</i>	<i>Min 5'</i>	<i>Min 4'</i>	<i>Min. 3'</i>	<i>Min 3'</i>	<i>Min. 5'</i>	<i>3' - 4'</i>

## Table 8.3-3 On-Center Spacing

under staff review.

## Table 8.3-4 Tree Preservation Credits

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

(3) *Right-of-Way Landscaping.* All planting and removal of trees in the City right-of-way shall be in accordance with Chapter 42 Tree Ordinance.

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

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

(2) *Preservation of Existing Trees During Construction.* The preservation of quality, mature trees can earn credits toward the required landscaping requirements for a site.

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

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

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

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

[3] *Trees cannot be listed in the [Midwest Invasive Species Network \(NISIN\)](#).*

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

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

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

*F. Naturalized Landscaping.* Naturalized landscaping is permitted in accordance with Chapter 21.

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

(1) *If any plant material required by this chapter dies or becomes diseased, it shall be replaced by the property owner.*

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

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

#### 50-8.4 Required Landscaping

A. *Incorporating Existing Vegetation and Trees.* Existing tree and vegetation in good condition and located in a required setbacks or in areas outside of the development areas should be used as part of any required landscaping required by 50-8.4.

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

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

(2) For all other uses, a minimum of one (1) tree shall be installed for sites totally one (1) acre and an additional tree per acre or fraction thereof beyond the first acre.

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

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

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

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

(1) Directly adjoining or facing a public and private streets; pedestrian-only passages and spaces; bicycle facilities; and trail

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

(b) Fencing. Fencing up to forty-two (42) inches in height is permitted in the landscape buffer along a street. Refer 50-8.5 Fences, Walls, and Screening for more info on fences.

(c) Tree Requirement. One (1) tree is required for every thirty-five (35) feet of frontage.

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



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

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

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

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

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

*(a) Open soil landscape islands.*

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

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

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

Figures 8.4-1 Parking & Loading Area Required Landscaping.

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

*[2] Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree.*

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

*[1] Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree.*

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

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

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

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

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

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

*(a) When located adjacent to residential uses, open space, park, or preserve, the following shall provide a landscape screen on their property:*

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

*[2] Commercial and Mixed use.*

*[3] Civic and Institutional use.*

*[4] Industrial use.*

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

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

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

*(3) Screening Requirements.*

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

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

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

*(b) Existing Vegetation. The preservation of existing, high quality trees and vegetation is strongly encouraged and may be considered as a screening option.*

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

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

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

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

## *50-8-5 Fences, Walls, & Screening*

### *A. General Provisions.*

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

*(2) Fence Construction.*

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

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

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

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

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

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

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

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

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

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

*(1) In a front yards the maximum permitted height is four (4) feet.*

*(2) In a corner side yard fence height is permitted as follows.*

*(a) When located in the build-to zone or within the required setback the maximum permitted height is four (4) feet. except that in no case shall the four (4) foot maximum height requirement apply more than twenty (20) feet from the corner side property line.*

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

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

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

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

*(1) Height. Fence height is as follows.*

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

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

*(2) Fences in the front and corner side yards must be located at least ten (10) feet from front and corner side property lines.*

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

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

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

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

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

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

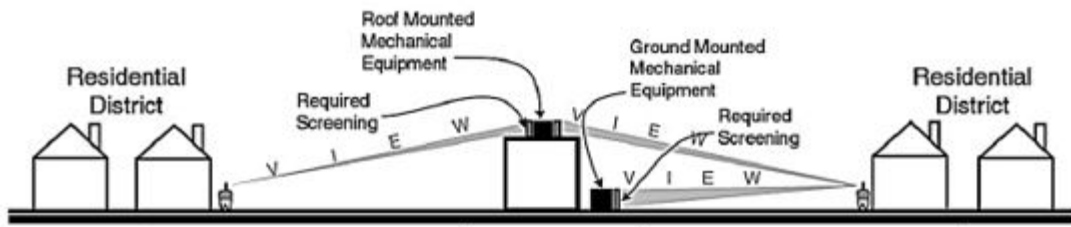
*[1] Ground mounted equipment is not permitted in front and corner side yards.*

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

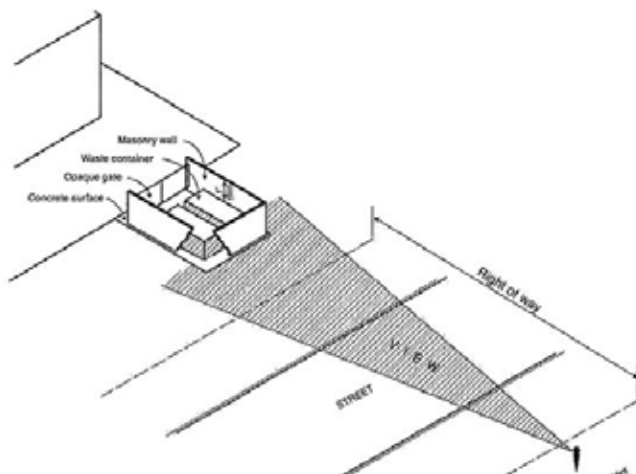
*(3) All waste receptacles larger than two (2) cubic yards, and all waste receptacles for nonresidential uses shall be located and screened as follows.*

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

*(b) Screening enclosures are not required on the receptacle face fronting a right-of-way used as an alley.*



*Figure 8.5-1 Screening of Mechanical Equipment*



*Figure 8.5-2 Screening of Waste Receptacles*

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

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



## Article 9. Signs

### *50-9.1 Intent.*

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

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

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

*C. Preserve, protect, and promote public safety.*

*D. Establish regulations that take context, character, and street type into consideration.*

### **50-9.2 Applicability.**

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

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

*B. Alteration of an existing sign's structure.*

### **50-9.3 General Provisions.**

*A. Permits Required. A permit are required as follows.*

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

*(2) Temporary Encroachment Permit. A temporary encroachment permit is required for those signs that may be in or projecting over the public right-of-way or other public property.*

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

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



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

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

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

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

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

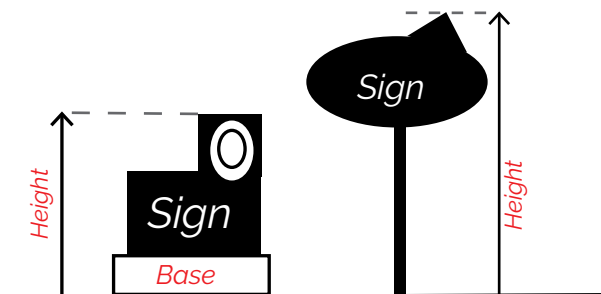
*(3) Lot & Building Frontage. Refer to Figure 9.1-3.*

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

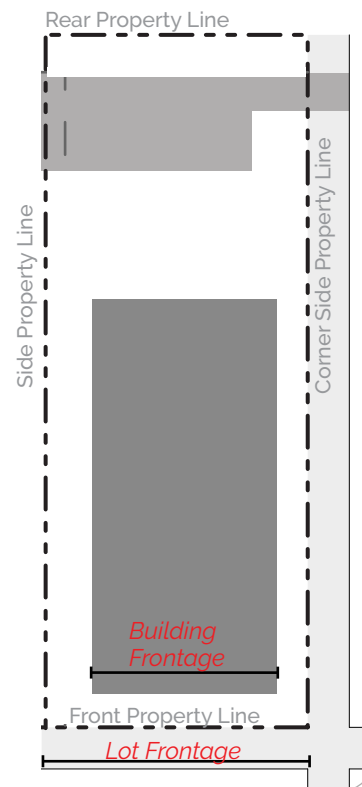
*(b) Building frontage width is measured along the front and corner side facing facades.*



*Figure 9.1-1 Calculating Sign Face Area.*



*Figure 9.1-2 Calculating Sign Height.*



*Figure 9.1-3 Calculating Lot and Building Frontage.*

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

*(1) Exempt Signs are signs that are:*

- (a) Permitted in all districts.*
- (b) Do not require a sign permit.*
- (c) Not counted in the calculation of the total sign allowance for a lot, building, or use.*

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

- (a) Name plates, street numbers, street name. Unless otherwise required in the City of Kalamazoo Fire Code, these may not exceed two (2) square feet in area.*
- (b) Hours of Operation not exceeding two (2) square feet in area.*
- (c) Signs on facades not fronting a public right-of-way, such as those on a rear entrance, that do not exceed four (4) square feet in area, are not included in the overall sign allowance.*
- (d) Signs not legible beyond the property line and that do not exceed two (2) square feet in area that are for the information of employees, staff, residents, or visitors to the property.*
- (e) Signs directing vehicles entering and exiting off street driveways, drive through lanes, and off-street parking provided the following:*
  - [1] One (1) per parking area, driveway, and/or drive-through allowed.*
  - [2] Signs may be no larger than six (6) square feet.*
  - [3] Signs may be no taller than four (4) feet in height.*
  - [4] Setback a minimum of two (2) feet from property lines.*
  - [5] May be internally or externally illuminated.*
- (f) Historical markers, memorial signs or tablets including name of building and date of construction.*
- (g) Neighborhood identification signs, including a neighborhood commercial corridor, when located on public property or right-of-way. An encroachment agreement is required.*
- (h) A single sign for a home occupation (refer to 50-4.5C(5)) that does not exceed one (1) square foot and is not internally illuminated.*
- (i) Class A Temporary Signs, refer to 50-9.4A.*

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

- (1) Signs may be illuminated internally or externally.*

*(2) Externally Illuminated Signs.*

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

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

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

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

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

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

*(a) Beacon and Strobe Lights.*

*(b) Colored Lights.* No colored lights that could be confused with or construed as traffic-control devices are not permitted.

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

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

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

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

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

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

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

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

*(b) Permitted transition between images or messages include fading in and out of content and horizontal scrolling.*

*Any other type of scrolling, transition, or movement of images or text is prohibited.*

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

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

*I. IC and PUD District Signs. The decision making body responsible for approval of the site plan, Institutional Campus Master Plan, or PUD Plan may approve a sign allowance to increase the number of signs, the total sign area, or the height of any sign by up to twenty-five (25) percent of the standards in this Article.*

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

*50-9.4 Temporary signs.*

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

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

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

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

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

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

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

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

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

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

*(1) Permit. A sign permit is required.*

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

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

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

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

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

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

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

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

[1] *Flashing, colored, flaring, and fluttering lights will not be permitted.*

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

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

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

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

[3] *Illumination.* Internal or external illumination is permitted.

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

#### 50-9.5 On-Premises Signs.

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

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

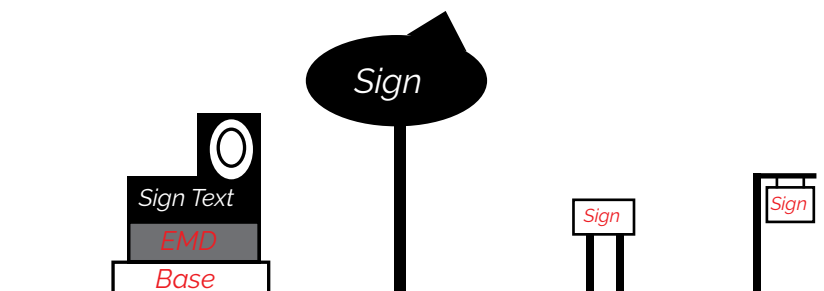


Figure 9.5-1 Freestanding Sign examples.

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

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

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

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

(2) *Other types of Wall Signs.*

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

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

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

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

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

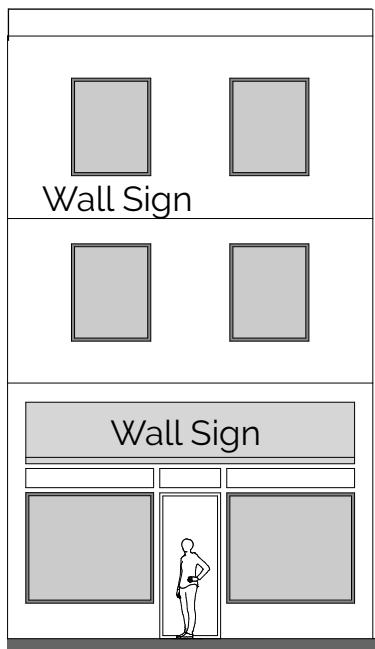


Figure 9.5-2 Wall Sign.

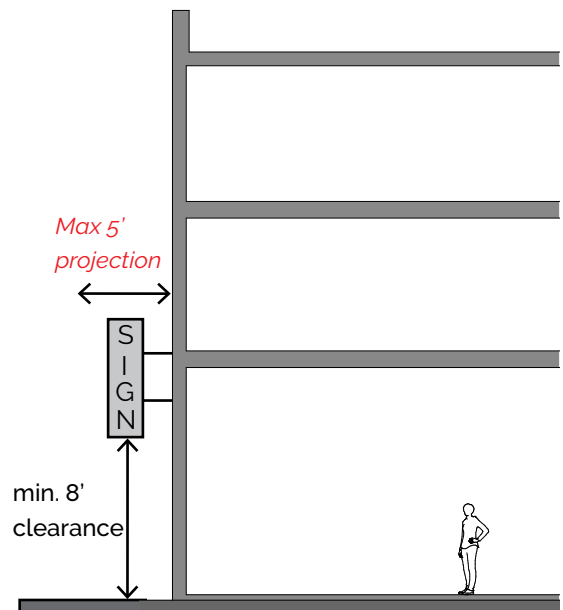


Figure 9.5-3 Projecting Sign.

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

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

*(a) Maximum projection over a public right-of-way is up to twelve (12) inches from the back of the curb, based on the adjacent street curb and requires approval of a temporary encroachment permit.*

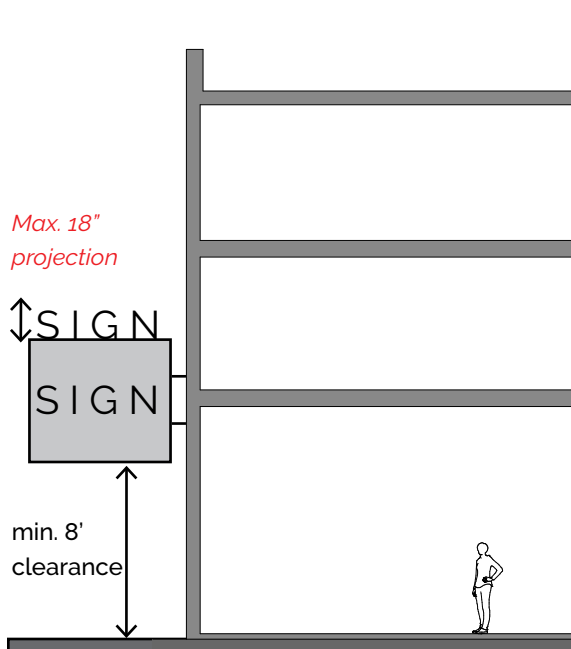
*(b) Maximum projection of up to six (6) feet is permitted where the sign does not project over a public pedestrian pathway.*

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

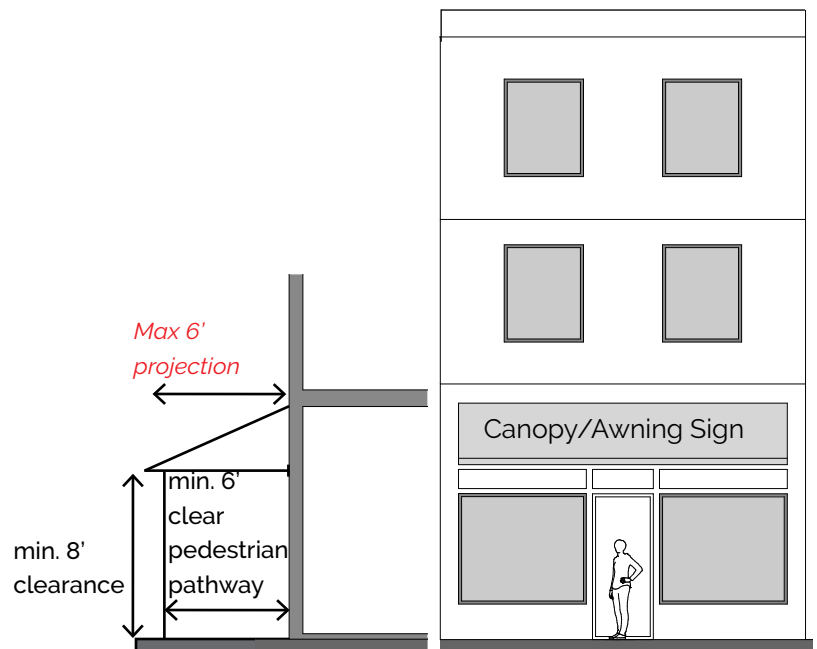
*(3) Vertical Projection. Individual channel letters, numbers, or symbols are permitted to project or stand atop a Marquee Sign up to eighteen (18) inches.*

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

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



*Figure 9.5-4 Marquee Sign.*



*Figure 9.5-5 Canopy & Awning Sign.*

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

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

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

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

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

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

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

(3) *Location.* Window signs are permitted in both ground floor and upper floor windows.

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

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

(b) *Upper Floor.* Window signs may cover up to thirty (30) percent of one (1) upper floor window.

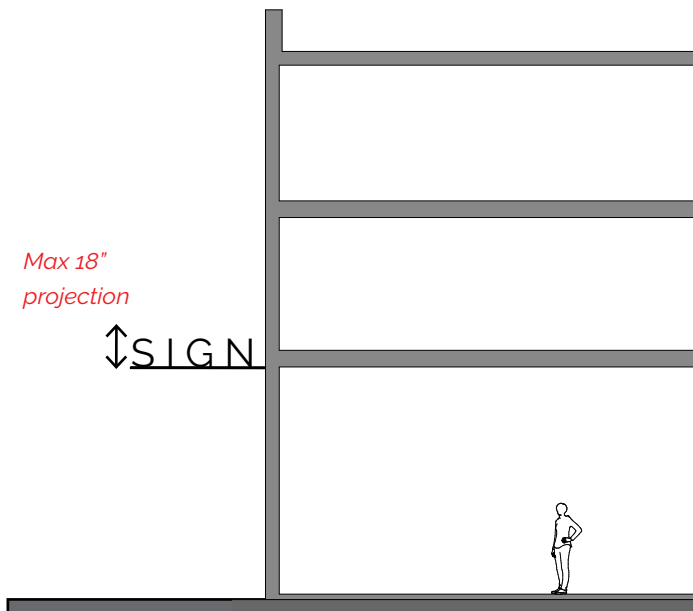


Figure 9.5-6 Ledge Sign.

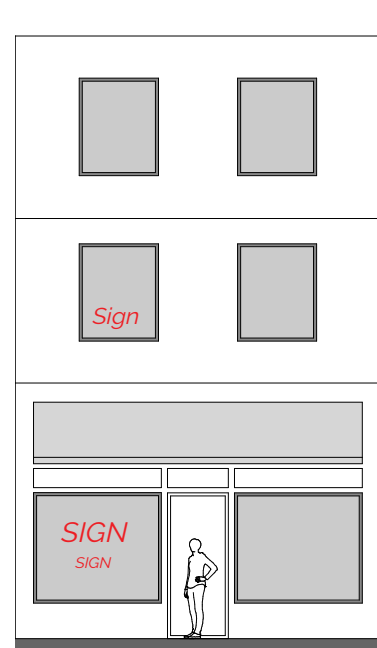


Figure 9.5-7 Window Sign.



(3) *Upper Floor Window Signs.* Each business exclusively located on an upper floor is permitted one (1) window sign per street facing facade.

(4) *Permits.* A sign permit is not required.

*H. Sandwich Board Sign.* A moveable sign that is not secured or attached to the ground or building, often in an A-frame shape or a chalk board, intended to be placed in a sidewalk or pedestrian way. Refer to Figure 5.9-8.

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

(2) *Placement.*

(a) *Must be located directly in front of the building containing the use associated with the sign.*

(b) *Must be located to preserve at least six (6) feet of a clear pedestrian pathway measured from the front of the building façade toward to back of curb or edge of walkway.*

(3) *Size.* Maximum size is eight (8) square feet.

(4) *Overall Sign Allowance.* Sandwich board signs do not count against a lot or building's overall sign allowance.

(5) *Display.* Signs shall only be displayed during business hours of the use it is representing.

(6) *Permits.* A sign permit is not required. However, if the sign is to be located on a public sidewalk or pedestrian pathway, an encroachment permit/agreement is required from the City.

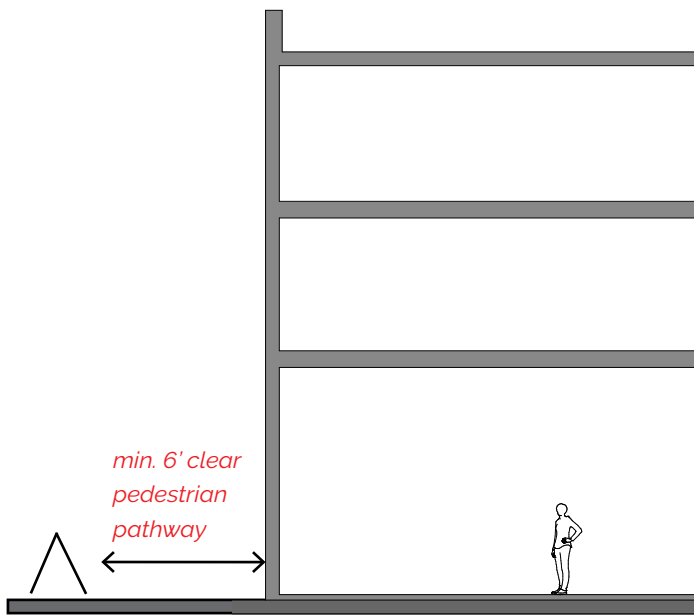


Figure 9.5-8 Sandwich Board Sign.

Table 9.5-1 Sign Types & Allowance by Zoning District

Districts	Sign Type	# of Signs	Sign Area	Setback	Max. Height	Add'l Requirements
R, PUD, & IC Districts	Freestanding	1/lot frontage	Up to 36 sqft	5'	6'; up to 8' on City Connector Streets	In R and PUD Districts signs are not permitted for a structure containing three or less (3) dwelling units)
	Wall, Canopy & Awning, Projecting, Ledge		Up to 24 sqft			
D1, D2, & D3 Districts	Freestanding	Not permitted in D1; 1/lot in D2-D3	1 sqft/1' lot frontage	2'	12'	Max sign size is 200 sqft
	Wall, Canopy & Awning, Projecting, Ledge		2 sqft/1' building frontage per user max.; Buildings 5stories & taller are permitted additional signage in an amount equal to 5% of the total area of the bldg frontages			
	Marquee	1/building				
All C, LW1, LW2, Nodes, M1, M2, BTR	Freestanding	1/lot frontage; 2nd permitted with lot frontage greater than 300'	1 sqft/ 1' lot frontage	2'	18'; 25' in CC; 10' in N'hood Node	Max. sign size is 150 sqft; Freeway Sign. Permitted in M & BTR Districts & CC with a special use permit; 1 freeway sign allowed on lots within 200' of highway ROW; Max sign area 150 sqft; Max height: 80'; Setback 10'; Must be oriented to highway vehicle traffic
	Wall, Canopy & Awning, Projecting, Ledge		1 sqft/1' bldg frontage per user; CC: 2 sqft/1' bldg frontage per user			
	Marquee	1/building				

*I. Mural. A design or representation that is painted, drawn, or applied directly to a building façade or is produced off-site and affixed to a building façade and is intended as a piece of expressive public art.*

*(1) Districts Permitted. Murals are permitted in all Zoning Districts.*

*(2) Size of Murals. Maximum mural size is 1,000 square feet, except in Nodes, D1, D2, D3, M1, and M2 Districts where there is not a maximum size.*

*(3) Murals Produced Off-Site and Affixed to a Building.*

*(a) Windows, doors, or other architectural features of the building façade cannot be obstructed by the mural.*

*(b) A sign permit is required when the mural is larger than 200 square feet.*

*(4) Overall Sign Allowance. Murals do not count against a lot or building's overall sign allowance.*

*(5) Permission of Owner. Permission of the building owner is required.*

50-9.6 Off-Premises Signs.

The following regulates off-premises signs in Kalamazoo. Refer to Table 9.6-1.

A. City-Wide Limitation on the Number of Off-Premises Sign Structures. No new off-premises sign structure shall be erected when there are 99 or more off-premises sign structures in the City.

(1) This limitation is based on the number of potential sign locations and the existing number of conforming sign structures as of the date of the original enactment of this section, September 21, 1987.

(2) As of INSERT DATE OF ORD APPROVAL, there are more than ninety-nine (99) off-premises sign structures in the City, no new off-premises signs may be erected.

(3) All replacements of existing off-premises signs shall comply with all applicable provisions of this Article.

Table 9.6-1 Off-Premise Sign Types & Allowance by District

Districts	Max. Area	Min. Distance Btwn Signs <sup>1</sup>	Double-Faced Signs	Side by Side Signs	Max. Height
CC District	300 sqft	1,000' when on same side of the street; 500' when on opposite sides of the street	Permitted	Not Permitted	30'
M1 District	380 sqft; 672 if along I-94	1,000' when on same side of the street; 500' when on opposite sides of the street	Permitted	Permitted along I-94 (not BL-94); Max size per sign face is 300 sqft	35'
M2 District	672	1,000' when on same side of the street; 500' when on opposite sides of the street	Permitted	Permitted, but only when located on the opposite side and parallel to a single 672 sqft sign face; Max size per sign face is 300 sqft	40'

<sup>1</sup> Distance shall be measured from the closest edge of each off-premises sign.

*B. Off-Premises Signs by District. Refer to Table 9.6-1 Off-Premises Signs by Zoning District for the Off-Premises Sign standards.*

*(1) Downtown. Off-premises signs that comply with the standards in 50-9.6A shall be permitted in the Downtown District.*

*(2) Local Historic Districts. Off-premises signs shall not be permitted in established and designated local and federal historic districts and buildings.*

*C. Intersections. Off-premises signs shall not be permitted within a one-hundred (100) foot radius of public street intersections as measured from the center point of the intersection of each street to the closest edge of the sign. A distance of five hundred (500) feet shall be maintained between all signs at an intersection.*

*D. Setback Requirements. Off-premises signs shall comply with the setback standards in the Zoning Districts in which they are allowed.*

*E. Placement Requirements. Off-premises signs may be located as follows.*

*(1) Buildings. Off-premises signs shall not be located on the roofs of buildings or be attached to or painted on the walls of buildings.*

*(2) No Stacking. Off-premises signs shall not be stacked on top of each other.*

*F. Radius Requirements. Off-premises signs shall not be permitted within a three-hundred foot radius of residential districts, cemeteries, and dedicated parks.*

*G. Sign Protrusions. No part of the advertising copy for a sign shall protrude beyond the sign frame.*

### **50-9.7 Internally Illuminated Automatic Changeable Copy Signs.**

*The following regulations governing internally illuminated automatic changeable copy off-premises signs within the City.*

*A. Permitted Off-Premises Signs. To achieve and further these purposes, any internally illuminated, automatic changeable copy signs, such as, but not limited to, signs using LED technology, are permitted as a lawful conforming off-premises*

*sign in compliance with the following requirements:*

*(1) Location. Such signs shall only be located in D1, D2, D3, CC, M-1, and M-2 zoning districts when the following are met.*

*(a) Located on sites where an off-premises sign that is two-hundred (200) square feet or more existed as of July 1, 2013, that is adjacent to state or federally controlled roads.*

*(b) More than three hundred (300) feet away from a residential zoning district, except on West Main Street from Northampton Road west to the City limits, if more than 100 feet away from a preexisting residential use.*

*(c) Whose sign face area does not exceed that of the static sign face or faces being replaced; and is not less than 2,500 feet from another off-premises internally illuminated automatic changeable copy sign.*

*(2) Sign Support Structure Elimination Credits.*

*(a) The erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic changeable copy sign shall require the elimination of existing nonconforming off-premises signs within the City. The installation, erection or upgrade of any existing sign to an internally illuminated automatic changeable copy sign shall require the sign owner to secure six (6) sign support structure elimination credits.*

*(b) The elimination of an off-premises sign support structure in all Zoning Districts except CC, M1, and M2 Districts shall count for two credits; elimination of an off-premises sign support structure in Cc, M1, and M2 shall count as one (1) credit.*

*(c) Only whole numbers shall be applied to credits used to erect, install or upgrade an off-premises automatic changeable copy sign, and any credits more than the amount required to qualify for the erection of, installation of, or upgrade of a static display or manual changeable copy sign to an off-premises internally illuminated automatic changeable copy sign shall not be available for future use.*

*(d) In order to qualify for an elimination credit, the off-premises sign support structure shall be completely removed and the property site returned to as good or better condition as existed before the sign support structure was installed.*

*C. General Requirements. Except as otherwise provided in this section, the requirements set forth in § 7.4 are applicable to internally illuminated off-premises signs.*

*(1) Sign face images shall not change more often than once every 10 seconds. As used in this section, change shall preclude any method of message transition, involving the use of animation, dissolving, or fading, flashing techniques. In the event of a mechanical failure, the sign image shall default to a static display.*

*(2) Sign faces permitted by this subsection may be placed back to back, but shall not be placed side by side or stacked.*

*(3) The luminance of an internally illuminated off-premises automatic changeable copy sign shall utilize dimming capabilities so that the maximum luminescence of the sign shall not exceed 0.2 footcandles over ambient light conditions when measured at a height of five feet facing the sign face at a distance of two-hundred (200) feet.*

*(4) Signs permitted by this subsection shall not be equipped to transmit sound or other forms of broadcast signals.*

*D. After July 1, 2013, no more than eight (8) additional internally illuminated off-premises automatic changeable copy sign structures shall be permitted in the City.*

#### **50-9.8 Illumination of Off-Premises Signs.**

*Illumination of Off-Premise signs will occur as follows.*

*A. External Lighting Directed Inward and Shielded from Adjacent Residential Districts and Rights-of-Way. Any external lighting intended for the illumination of the face of a sign shall be directed inward and shielded from any adjacent residential districts and public right-of-way, and shall not adversely affect driver visibility or adjacent public thoroughfares. No external light source intended to illuminate the face of a sign shall be directly visible from any adjacent property located within a residential zone district and public right-of way.*

*B. No Beacon or Strobe Lights. Beacon lights and strobe lights are not permitted.*

*C. Colored Lights. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.*

*D. No Traffic Hazard. Neither the direct nor reflected light from light sources shall create a traffic hazard to operators of motor vehicles on public rights-of-way.*

## Article 10. Lighting

### 50-10.1 General Requirements.

*A. Intent. All site lighting should be designed and installed to align with the following:*

- (1) Maintain adequate site lighting.*
- (2) Provide security for people and property.*
- (3) Prevent unintentional dispersing of light to adjacent properties.*
- (4) Align with the Community Sustainability Plan.*

*B. Applicability. These standards apply to all development or redevelopment, except that involving a residential structure containing up to four (4) residential units.*

*C. Design Standards. Design and installation of lighting shall adhere to the following:*

*(1) Wall-Mounted Lights. Wall-mounted lights shall be fully shielded to direct all light downward. Unshielded wall-pack lights are prohibited.*

*(2) Height.*

*(a) Light fixtures shall be no more than twenty (20) feet high whether mounted on poles or walls or by other means.*

*(b) Illumination of seating areas, building entrances, and walkways shall be accomplished by use of bollard-style fixtures or other low, ground-mounted fixtures not over four (4) feet in height.*

*(c) Lighting height above twenty (20) feet is permitted for entertainment and sports-outdoor, schools, and college and university uses with a special use permit or by right provided that all other standards in this Article are met.*

*(3) Direction of Lighting.*

*a) No light source shall be directly visible from any adjacent property located in a residential zone district.*

*b) No light sources shall be directed outward toward property boundaries or adjacent rights-of-way.*

*c) Upward-directed lighting shall not be used to illuminate building facades, except for low-voltage architectural lighting. Lighting may not be visible from adjacent residential zone districts.*

*d) Architectural, landscape, and decorative lighting used to illuminate flags, statues, or any other objects shall use a narrowly directed light whose light source is not visible from adjacent residential properties or public streets.*

*(4) Shielding.*

*a) Exterior. Light fixtures in excess of sixty (60) watts or one hundred (100) lumens shall use full cut-off lenses or*



hoods.

b) Interior. No interior light source shall emit light directly onto adjacent residential property.

c) Canopies. No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

(5) Hue. Approved lighting sources shall be color-correct types such as halogen or metal halide. Lighting types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited.

(6) Maximum Initial Lamp Wattage. Maximum initial lamp wattage in parking areas shall not exceed the following:

a) Residential. Sixty (60) watts for five (5) or fewer parking spaces. One hundred (100) watts for six (6) or more spaces.

b) Nonresidential. Two hundred fifty (250) watts for five (5) or fewer parking spaces. Four hundred (400) watts for six (6) or more spaces.

(7) Illumination Levels.

Figure XXX Shielding Examples

*a) Parking Areas. Pavement level lighting in parking lots shall be at least 0.1 footcandle of light.*

*[1] Potentially hazardous locations may be individually illuminated with at least 0.3 footcandle of light at the pavement level, if approved through Site Plan Review.*

*(b) Business Hours. Lights for commercial or industrial users within one hundred (100) feet of a residential property line shall be reduced to no more than 0.05 footcandle of light after business hours.*

*(c) Spillover Light. Lighting for commercial or industrial users shall not create greater than 0.05 footcandle of spillover light at the border with any single-family zone district.*

*(87) Uniformity Ratios. The ratio of maximum to minimum lighting on a given property, measured at ground level, shall not exceed the following:*

*(a) 15:1 in residential zone district*

*(b) 10:1 in non residential zone districts*

*(g) Canopy Lighting.*

*(a) Light fixtures mounted on gasoline and fuel sales and other canopies shall be recessed so that the lens cover is flush with the bottom surface of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85° or less from horizontal.*

*(b) As an alternative to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy and is not visible from any residential use adjacent to or across a street or alley from the subject property, or from any public right-of-way.*

*(c) Lights shall not be mounted on the top or sides (fascias) of the canopy. Signing that is in compliance with sign regulations may be placed on these surfaces.*

