



Agenda: Battle Creek City Commission

Meeting Date: July 7, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for LGBTQIA+ Pride Month

Proclamation for National Day of Summer Learning 2026

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

PETITIONS COMMUNICATIONS REPORTS

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

INTRODUCTION OF ORDINANCES

#14-2026 - A Proposed Ordinance, 14-2026, to amend Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

#15-2026 - A Proposed Ordinance, 15-2026 to rezone 84 parcels located along the Beckley Road Corridor from B-2 Regional Commercial District to T-6 Lakeview Business District.

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Minutes

Minutes for the June 16, 2026 City Commission Regular Meeting

Minutes for the June 16, 2026 City Commission Closed Session

Minutes for the June 25, 2026 City Commission Goal Setting Workshop

Petitions, Communications, Reports

City Manager's Report for July 7, 2026

Resolutions

421 - A Resolution seeking authorization for the sale of city-owned vacant, tax-reverted properties, Parcels #3870-00-245-0 and 9070-00-012-0.

422 - A Resolution authorizing the Sale of Parcel #54-080-049-21.

423 - A Resolution seeking authorization for the City Manager to enter into two 2027 Emergency Commercial and Industrial Demand Response Renewal Agreements for use of the generators at City Hall, 10 N. Division Street, and ten City-owned lift stations, both with Consumers Energy.

424 - A Resolution accepting the proposal of best value for a Multi-Factor Authentication (MFA) Solution with Professional Services from SHI International Corp., in an estimated first year amount of \$60,497.99 with unit prices prevailing.

425 - A Resolution seeking authorization of a contract with Azteca Systems, LLC for an Enterprise License Agreement (ELA) for Cityworks Asset Management System (AMS) in a not-to-exceed one year amount of \$54,348.00.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

COMMISSION COMMENTS

ADJOURNMENT

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public business meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, but only when the law requires a separate period of public comment, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, or a resolution not on the consent agenda, each speaker may address the Commission once, regarding anything on the meeting agenda, for a total not to exceed four minutes regardless of how many agenda items the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(d) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(e) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in subsection 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise their hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the

meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

- (a) Becomes repetitive or speaks longer than the allotted time;
- (b) Attempts to yield any unused portion of time to other speakers;
- (c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;
- (d) Uses obscene or profane language;
- (e) Engages in slanderous or defamatory speech;
- (f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
- (g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this subsection will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.

Proclamation

- WHEREAS,** the City of Battle Creek is a welcoming community that recognizes the importance of equality and freedom, and is committed to expanding the visibility, dignity and equity for all people in our city; and
- WHEREAS,** our nation was founded upon and is guided by a set of principles that includes that every person has been created equal, that each has rights to their life, liberty and the pursuit of happiness, and that each shall be accorded the full recognition and protection under the law; and
- WHEREAS,** our society continues to take steps to prevent hate crimes, discrimination in housing, employment and services, and the denial of American liberties and basic human rights, and the City of Battle Creek has committed to upholding these protections by enforcing the 2013 non-discrimination ordinance making it the law of the City; and
- WHEREAS,** Battle Creek has a vibrant LGBTQIA+ community comprised of thousands of individuals, families, and supporters who are an integral part of the fabric of our city, and who contribute throughout the year to its economy and quality of life as elected and appointed officials, public, and private enterprises, business owners, educators, clergy and church administrators, parents, students, homeowners, charitable contributors, volunteers, and more; and
- WHEREAS,** while progress has been made, there remains significant opposition with respect to the equitable treatment of LGBTQIA+ people in their communities, and it is therefore important for cities like Battle Creek and counties like Calhoun County to demonstrate support for such residents; and
- WHEREAS,** June has become a symbolic month around the world for LGBTQIA+ people and allies to come together in various celebrations of acceptance, equality, and pride, as they have since the 1969 “Stonewall Uprising” which served as the catalyst for the modern day LGBTQIA+ civil rights movement; and
- WHEREAS,** President Joseph R. Biden Jr., by virtue of the authority vested in him by the Constitution and the laws of the United States, proclaimed June 2023 as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month in the United States, and has called upon its people to recognize the achievements of the LGBTQIA+ community, to celebrate the great diversity of the American people, and to wave their pride flags high; and
- WHEREAS,** the rainbow flag, also known as the Pride flag, has been used since 1978 as a symbol of LGBTQIA+ social and civil rights movements, and flying the rainbow flag at City Hall during the month of July symbolizes the nationwide celebration of diversity, inclusion, and support for our Lesbian, Gay, Bisexual, Transgender, Queer and Questioning residents; and
- WHEREAS,** Battle Creek has adopted July as a symbolic month in which LGBTQIA+ people of all sexual orientations, gender identities, gender expressions, and their supporters and allies come together in celebration, and we celebrate that Pride during the Month of July;
- NOW, THEREFORE,** I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim the month of July 2026 as

“LGBTQIA+ Pride Month”



in the City of Battle Creek and invite each of our neighbors to reflect upon the ways in which we live and work together with a commitment to mutual respect and understanding for all people and further recognize Pride Month throughout the month of July.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo of the City of Battle Creek, Michigan to be affixed this 7th day of July 2026.

A handwritten signature in black ink that reads "Mark A. Behnke".

Mark A. Behnke, Mayor

Proclamation

WHEREAS, The National Day of Summer Learning recognizes the vital role of inclusive, high-quality summer programs in supporting young people to thrive; and

WHEREAS, these programs support youth to build positive identities, experience belonging, and exercise agency, nurturing lifelong social and emotional learning skills; and

WHEREAS, these programs provide youth with real-world skills, mentorship, and meaningful opportunities to shape their futures and contribute to their communities; and

WHEREAS, community partners—including schools, nonprofits, libraries, businesses, and youth themselves—are innovating to ensure all young people can access enriching, affirming, and culturally responsive summer experiences; and

WHEREAS, the demand for these programs far exceeds the availability. We must create sustainable funding models and remove barriers to access, including transportation and cost;

NOW, THEREFORE, I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim *July 17, 2026*, as

“NATIONAL DAY OF SUMMER LEARNING”

in the Battle Creek area and commend this observance to all neighbors and encourage all Battle Creek youth to seek summer learning and enrichment opportunities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo of the City of Battle Creek, Michigan to be affixed this 7th day of July 2026.

A handwritten signature in black ink, reading "Mark A. Behnke".

Mark A. Behnke, Mayor



Ordinance No: 14-2026

#14-2026 - A Proposed Ordinance, 14-2026, to amend Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Battle Creek City Commission
Action Summary

Staff Member: Darcy Schmitt, Planning Supervisor

Department: Planning

Summary

ORDINANCE NO. 14-2026

The City of Battle Creek Ordains:

That the following sections are introduced:

Section 1. A Proposed Ordinance, 210-2026, to amend Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the Ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect seven (7) days from the date of its publication, in accordance with the provisions of Section 401 of the Michigan Zoning Enabling Act.

Budgetary Considerations

The proposed text changes will allow additional land uses in the Lakeview District, including a variety of housing types to encourage housing development in areas such as the mall and big box parking lots that are underutilized. New development will generate additional property taxes and provide housing for those working and living in Battle Creek.

History, Background and Discussion

The Lakeview District and its Beckley Road commercial corridor is a significant economic hub of the City of Battle Creek and the surrounding region. Historically, the corridor existed as an arterial roadway servicing the Lakeview Square Mall. Over time, the area developed into a multifaceted district of the city, extending beyond the immediate highway activity and traditional retail.

In coordination with the Lakeview Downtown Development Authority and other key stakeholders, the City of Battle Creek staff embarked on a series of public engagements dating back to 2023 with the intention of developing strategies to enhance the economic vibrancy of the Beckley Road Commercial Corridor. The resulting efforts produced the Lakeview District Subplan, a document that informs and supplements the city master plan. The plan focuses on three main thematic objectives of placemaking, green infrastructure, and reducing automobile dependence.

To achieve these objectives, consultants from the Progressive planning firm determined a new zoning designation is appropriate to accommodate and encourage the desired scale and land use communicated by stakeholders. There is a desire to foster a wider range of housing types, recreational amenities, restaurant options, and hospitality investment. Greater flexibility is needed in regard to both land use and dimensional limits in order to absorb potential development that fits the character outlined in the plan. Therefore, a new form-based code zoning designation is recommended to achieve the aforementioned objectives.

The establishment of the T-6 Lakeview Business District will help accommodate existing commercial uses and buildings within the subject area by reducing the number of nonconforming uses, while also providing additional commercial and residential options for vacant properties and parking spaces in an effort to stimulate economic investment in the area. Staff anticipates that the proposed rezoning would not create any new dimensional or use-related nonconformities, while also permitting a wider range of housing types by right.

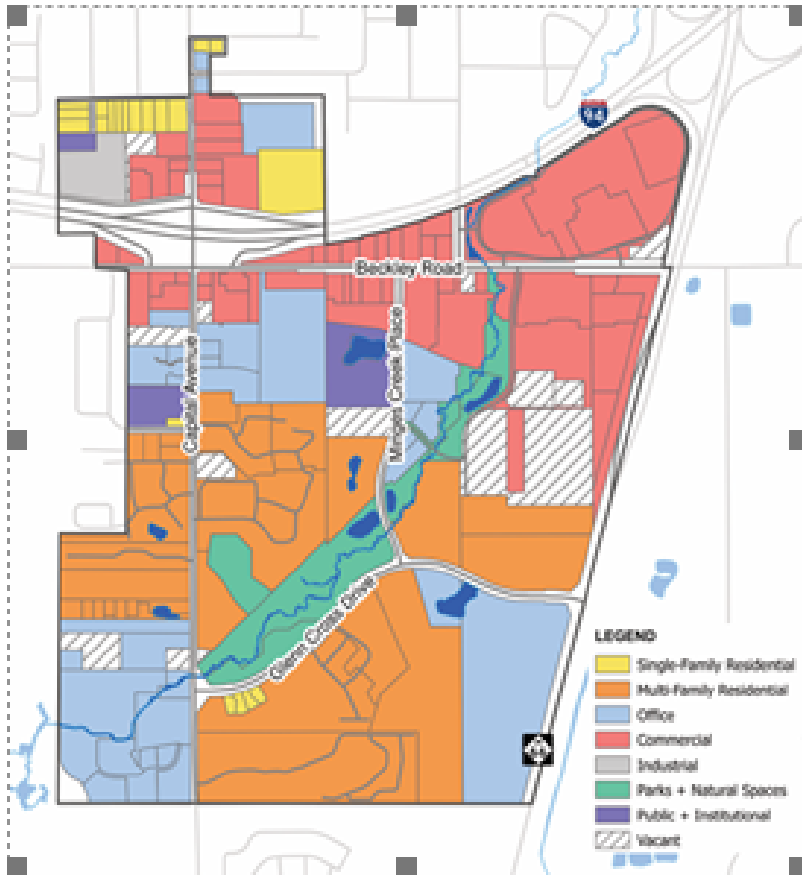


Figure 1 above indicates the current zoning of the subject parcels and the surrounding area.

No.	Address	Parcel Number	Current Zoning
1	110 Knapp Dr	0076-00-820-0	B-2 Regional Commercial District
2	2 Heritage Oak Ln Unit 1	4010-00-001-0	B-2 Regional Commercial District
3	2 Heritage Oak Ln Unit 2	4010-00-002-1	B-2 Regional Commercial District
4	2 Heritage Oak Ln Unit 3	4010-00-003-1	B-2 Regional Commercial District
5	2 Heritage Oak Ln Unit 4	4010-00-004-1	B-2 Regional Commercial District
6	2 Heritage Oak Ln Unit 5	4010-00-005-1	B-2 Regional Commercial District
7	21 Minges Creek Pl	5515-00-040-0	B-2 Regional Commercial District
8	2545 SW Capital Ave	0075-00-340-0	B-2 Regional Commercial

9	2550 SW Capital Ave	6180-10-893-0	District B-2 Regional District	Commercial
10	2565 SW Capital Ave	0075-00-400-0	B-2 Regional District	Commercial
11	2580 SW Capital Ave	0076-00-855-0	B-2 Regional District	Commercial
12	2587 SW Capital Ave	0075-00-410-0	B-2 Regional District	Commercial
13	2588 SW Capital Ave	0076-00-858-0	B-2 Regional District	Commercial
14	2589 SW Capital Ave	0075-00-470-0	B-2 Regional District	Commercial
15	2590 SW Capital Ave	0076-00-850-0	B-2 Regional District	Commercial
16	2591 SW Capital Ave	0075-00-420-0	B-2 Regional District	Commercial
17	2593 SW Capital Ave	0075-00-430-0	B-2 Regional District	Commercial
18	2594 SW Capital Ave	0076-00-860-0	B-2 Regional District	Commercial
19	2595 SW Capital Ave	0075-00-450-0	B-2 Regional District	Commercial
20	2597 SW Capital Ave	0075-00-440-0	B-2 Regional District	Commercial
21	2802 SW Capital Ave	0085-00-010-0	B-2 Regional District	Commercial
22	2807 SW Capital Ave	0086-00-920-0	B-2 Regional District	Commercial
23	2810 SW Capital Ave	0635-24-100-1	B-2 Regional District	Commercial
24	2811 SW Capital Ave	0086-00-930-0	B-2 Regional District	Commercial
25	2822 SW Capital Ave	0635-24-100-2	B-2 Regional District	Commercial
26	2825 SW Capital Ave	0086-00-980-0	B-2 Regional District	Commercial
27	2838 SW Capital Ave	0085-00-060-0	B-2 Regional District	Commercial
28	3 Heritage Oak Ln	5515-00-045-0	B-2 Regional District	Commercial
29	3035 SW Capital Ave	0636-11-489-0	B-2 Regional District	Commercial
30	36 Minges Creek Pl	5515-00-050-0	B-2 Regional District	Commercial
31	4765 Beckley Rd	0076-00-770-0	B-2 Regional	Commercial

32	4775 Beckley Rd	0076-00-790-0	District B-2 Regional District	Commercial
33	4785 Beckley Rd	0076-00-800-0	B-2 Regional District	Commercial
34	4786 Beckley Rd	0085-00-080-0	B-2 Regional District	Commercial
35	4840 Beckley Rd	0085-00-030-0	B-2 Regional District	Commercial
36	50 Knapp Dr	0076-00-870-0	B-2 Regional District	Commercial
37	5050 Beckley Rd	0086-00-910-1	B-2 Regional District	Commercial
38	5074 Beckley Rd	0086-00-905-0	B-2 Regional District	Commercial
39	5090 Beckley Rd	0086-00-900-0	B-2 Regional District	Commercial
40	5195 Beckley Rd	0075-00-490-0	B-2 Regional District	Commercial
41	5225 Beckley Rd	0075-00-500-0	B-2 Regional District	Commercial
42	5230 Beckley Rd	0086-00-830-0	B-2 Regional District	Commercial
43	5275 Beckley Rd	0075-00-540-0	B-2 Regional District	Commercial
44	5276 Beckley Rd	5515-00-100-0	B-2 Regional District	Commercial
45	5280 Beckley Rd	5515-00-095-0	B-2 Regional District	Commercial
46	5285 Beckley Rd	0075-00-550-0	B-2 Regional District	Commercial
47	5335 Beckley Rd	0075-00-560-0	B-2 Regional District	Commercial
48	5340 Beckley Rd	5515-00-091-0	B-2 Regional District	Commercial
49	5350 Beckley Rd	5515-00-085-0	B-2 Regional District	Commercial
50	5352 Beckley Rd	5515-00-080-0	B-2 Regional District	Commercial
51	5395 Beckley Rd	0075-00-570-0	B-2 Regional District	Commercial
52	5401 Beckley Rd	0075-00-535-0	B-2 Regional District	Commercial
53	5420 Beckley Rd	5515-00-035-0	B-2 Regional District	Commercial
54	5421 Beckley Rd	0075-00-530-0	B-2 Regional	Commercial

55	5445 Beckley Rd	0075-00-515-0	District B-2 Regional District	Commercial
56	5466 Beckley Rd	5515-00-005-0	B-2 Regional District	Commercial
57	5475 Beckley Rd	0075-00-510-0	B-2 Regional District	Commercial
58	5500 Beckley Rd	0086-00-380-0	B-2 Regional District	Commercial
59	5560 Beckley Rd	0086-00-365-0	B-2 Regional District	Commercial
60	5568 Beckley Rd	0086-00-360-0	B-2 Regional District	Commercial
61	5575 Beckley Rd	0075-00-700-0	B-2 Regional District	Commercial
62	5700 Beckley Rd	0086-00-270-0	B-2 Regional District	Commercial
63	5700 Beckley Rd	0086-00-250-0	B-2 Regional District	Commercial
64	5700 Beckley Rd	0086-00-275-0	B-2 Regional District	Commercial
65	5700 Beckley Rd F	0086-00-260-0	B-2 Regional District	Commercial
66	5719 Beckley Rd	0625-47-400-0	B-2 Regional District	Commercial
67	5725 Beckley Rd	0625-48-500-1	B-2 Regional District	Commercial
68	5727 Beckley Rd	0625-49-000-2	B-2 Regional District	Commercial
69	5735 Beckley Rd	0625-48-600-0	B-2 Regional District	Commercial
70	5736 Beckley Rd	0095-00-050-0	B-2 Regional District	Commercial
71	5738 Beckley Rd	0095-00-060-0	B-2 Regional District	Commercial
72	5740 Beckley Rd	0095-00-080-0	B-2 Regional District	Commercial
73	5775 Beckley Rd	0625-46-525-0	B-2 Regional District	Commercial
74	5800 Beckley Rd	0095-00-070-0	B-2 Regional District	Commercial
75	5801 Beckley Rd	0075-00-730-0	B-2 Regional District	Commercial
76	5805 Beckley Rd	0625-49-819-1	B-2 Regional District	Commercial
77	7 Heritage Oak Ln	0086-00-780-0	B-2 Regional	Commercial

78	75 Minges Creek Pl	0086-00-750-1	District B-2 Regional Commercial District
79	8 Minges Creek Pl	5515-00-071-0	B-2 Regional Commercial District
80	Beckley Rd	0086-00-265-0	B-2 Regional Commercial District
81	Beckley Rd	0086-00-375-0	B-2 Regional Commercial District
82	Beckley Rd	0095-00-090-0	B-2 Regional Commercial District
85	Beckley Rd Rear	0086-00-280-0	B-2 Regional Commercial District
92	SW Capital Ave	0076-00-845-0	B-2 Regional Commercial District

Table 1 above provides the address (if available), parcel number, and current zoning of each parcel included within the proposed area of rezoning.

Proposed Changes

The development of the proposed T-6 district necessitated amendments to Chapters 1240, 1241, and 1250. The following is a description of the proposed amendments to each Chapter.

Chapter 1240 Zoning Districts and Map includes the following proposed amendments:

- The Table of Permitted Uses under 1240.02 was amended to reflect the uses that are proposed for the T-6 district.
- Medical or Dental Clinic<5,000 s. f. was added to the chart as it was not listed in the chart and is one of the uses that will be allowed in this district.
- The T-6 Lakeview District was added under 1240.16 to include the uses and the dimensional requirements under the proposed amendment.

A comparison of the uses allowed under the B-2 Regional Commercial District that currently regulates the subject properties and the proposed T-6 Lakeview District below provides a quick comparison of the proposed use changes.

B-2 District	Proposed T- 6 District	
<i>Permitted Uses</i>	<i>Permitted Uses</i>	<i>Notes</i>
Arena/Theater	No	This does not include movie theaters, only large arenas and theaters for live entertainment.
Artisan/Maker Space	Yes	
Assisted Senior Living	No	

Automobile Establishment	Car Wash	No, a new car wash would not be allowed.	An existing car wash would be placed under the “Existing Use” ^[1] category.
Automobile Dealership	or Vehicle	No	
Automobile Repair		No	An existing business would be listed under the “Existing Use” category
Automobile Service Station		Yes	
Banquet and Meeting Hall		Yes	
Bar, Tavern, or Saloon		Yes	
Bookstore		Yes	
Brewpub		Yes	
Catering Businesses		Yes	
Child Care Centers		Yes	
Convalescent Home, Nursing Home, or Home for the Aged		No	
Distillery, Winery-w/ or w/o food		Yes	
Drive-Thru Business		Yes	
Essential Services		Yes	
Event Center		No	
Financial Institutions		Yes	
Funeral Homes, Mortuaries, and Crematoriums		Yes	
Government/Public Uses		Yes	
Greenhouse/Nursery (Principal Use)		Yes	
Hospital >20,000		No	An existing business would be listed under the “Existing Use” category
Hotel		Yes	
Indoor Recreation		Yes	Includes movie theaters
Institutions of Education	of Higher	Yes	
Kennels/Veterinarian		No	
Marihuana: Marihuana Microbusiness	Adult-Use	No, a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.

[1] Existing Use means a use of a particular parcel established lawfully prior to adoption of such provisions which subsequently prohibit said use. The term “Existing Use” is distinct from “Nonconforming Use” in that an existing use may continue in perpetuity until such time that a permitted use is established on the parcel in its place.

Chapter 1241 Schedule of Regulations includes the following proposed amendments:

- The proposed T-6 district dimensional requirements were added to the schedule of regulations.
- Footnotes to the schedule of regulations were amended to add reference to the T-6 district.

Chapter 1250 Supplemental Zoning District Standards include the following proposed amendments:

- References to the T-6 Lakeview District were added to the “Statement of Purpose” and the “Waiver Requirements”.
- References to the T-6 Lakeview District were added to the “Architectural Standards for New Construction and Adaptive Reuse”.
- Language was added to specify primary and secondary materials that can be used in the T-6 district. Any of these standards can be considered to be waived by the Planning and Zoning Administrator on a case-by-case request.
- Overly cumbersome design standards along with the associated graphics were removed from the code.

Positions

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. This request was scheduled for the June 24, 2026 Planning Commission meeting, with notice of the hearing published in the June 4, 2026 edition of the Battle Creek Shopper.

Neighborhood Outreach

Neighborhood outreach occurred through the planning process related to the development of the Lakeview District Subplan. Engagement with stakeholders and community members included online surveys, informal virtual forums, focus group sessions, three open house events and a walking audit of the existing pedestrian facilities. The Lakeview District Subplan was adopted by the Planning Commission on April 23, 2025.

Planning Commission

At their June 24, 2026 meeting, the Planning Commission voted unanimously to recommend the City Commission approve the text amendment.

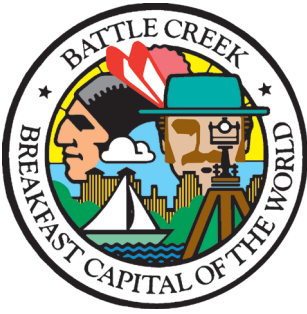
Staff Recommendation

Staff finds that the proposed amendments to the zoning ordinance are needed to complete the zoning implementation step for the Lakeview District Subplan. Staff recommends the City Commission approve the proposed text amendments **based upon findings detailed in this staff**

report and in the attached documents.

Attachments

- 1. 1. Staff Report 1. Staff Report.pdf
- 2. 06.24.2026 Planning Commission Meeting Minutes 06.24.2026 Planning Commission Meeting Minutes.pdf
- 3. 2. Chapter 1240 Zoning Districts and Map-Mark Up 2. Chapter 1240 Zoning Districts and Map-Mark Up.pdf
- 4. 3. Chapter 1240 Zoning Districts and Map-Clean Copy 3. Chapter 1240 Zoning Districts and Map-Clean Copy.pdf
- 5. 4. Chapter 1241 Schedule of Regulations-Mark Up 4. Chapter 1241 Schedule of Regulations-Mark Up.pdf
- 6. 5. Chapter 1241 Schedule of Regulations-Clean Copy 5. Chapter 1241 Schedule of Regulations-Clean Copy.pdf
- 7. 5. Chapter 1250 Supplemental Zoning District Standards-Mark Up 5. Chapter 1250 Supplemental Zoning District Standards-Mark Up.pdf
- 8. 6. Chapter 1250 Supplemental Zoning District Standards Clean Copy 6. Chapter 1250 Supplemental Zoning District Standards Clean Copy.pdf



Battle Creek City Planning Commission

Staff report for the July 24, 2026 meeting

To: Planning Commissioners

From: Adam Jenks, Planner

Subject: Text Amendment A26-03, Lakeview District Plan Zoning Requirements

Summary

Planning and Zoning staff recommends that the Planning Commission consider an amendment to Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Background Information

The Lakeview District and its Beckley Road commercial corridor is a significant economic hub of the City of Battle Creek and the surrounding region. Historically, the corridor existed as an arterial roadway servicing the Lakeview Square Mall. Over time, the area developed into a multifaceted district of the city, extending beyond the immediate highway activity and traditional retail.

In coordination with the Lakeview Downtown Development Authority and other key stakeholders, the City of Battle Creek staff embarked on a series of public engagements dating back to 2023 with the intention of developing strategies to enhance the economic vibrancy of the Beckley Road Commercial Corridor. The resulting efforts produced the Lakeview District Subplan, a document that informs and supplements the city master plan. The plan focuses on three main thematic objectives of placemaking, green infrastructure, and reducing automobile dependence.

To achieve these objectives, consultants from the Progressive planning firm determined a new zoning designation is appropriate to accommodate and encourage the desired scale and land use communicated by stakeholders. There is a desire to foster a wider range of housing types, recreational amenities, restaurant options, and hospitality investment. Greater flexibility is needed in regard to both land use and dimensional limits in order to absorb potential development that fits the character outlined in the plan. Therefore, a new form-based code zoning designation is recommended to achieve the aforementioned objectives.

The establishment of the T-6 Lakeview Business District will help accommodate existing commercial uses and buildings within the subject area by reducing the number of nonconforming uses, while also providing additional commercial and residential options for vacant properties and parking spaces in an effort to stimulate economic investment in the area. Staff anticipates that the proposed rezoning would not create any new dimensional or use-related nonconformities, while also permitting a wider range of housing types by right.

Figure 1 below indicates the current zoning of the subject parcels and the surrounding area. Table 1 provides the address (if available), parcel number, and current zoning of each parcel included within the proposed area of rezoning.

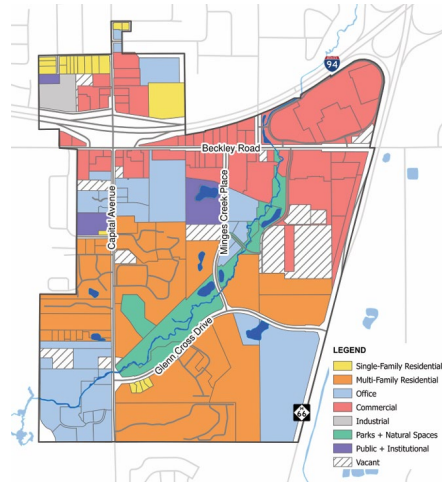


Figure 1 shows the area proposed to be covered by the text amendment.

Proposed Changes

The development of the proposed T-6 district necessitated amendments to Chapters 1240, 1241, and 1250. The following is a description of the proposed amendments to each Chapter.

Chapter 1240 Zoning Districts and Map includes the following proposed amendments:

- The Table of Permitted Uses under 1240.02 was amended to reflect the uses that are proposed for the T-6 district.
- Medical or Dental Clinic<5,000 s. f. was added to the chart as it was not listed in the chart and is one of the uses that will be allowed in this district.
- The T-6 Lakeview District was added under 1240.16 to include the uses and the dimensional requirements under the proposed amendment.

A comparison of the uses allowed under the B-2 Regional Commercial District that currently regulates the subject properties and the proposed T-6 Lakeview District below provides a quick comparison of the proposed use changes.

B-2 District	Proposed T- 6 District	
<i>Permitted Uses</i>	<i>Permitted Uses</i>	<i>Notes</i>
Arena/Theater	No	This does not include movie theaters only large arena and

		theaters for live entertainment.
Artisan/Maker Space	Yes	
Assisted Senior Living	No	
Automobile Car Wash Establishment	No, a new car wash would not be allowed.	An existing car wash would be placed under the “Existing Use” ¹ category.
Automobile or Vehicle Dealership	No	
Automobile Repair	No	An existing business would be listed under the “Existing Use” category
Automobile Service Station	Yes	
Banquet and Meeting Hall	Yes	
Bar, Tavern, or Saloon	Yes	
Bookstore	Yes	
Brewpub	Yes	
Catering Businesses	Yes	
Child Care Centers	Yes	
Convalescent Home, Nursing Home, or Home for the Aged	No	
Distillery, Winery-w/ or w/o food	Yes	
Drive-Thru Business	Yes	
Essential Services	Yes	
Event Center	No	
Financial Institutions	Yes	
Funeral Homes, Mortuaries, and Crematoriums	Yes	
Government/Public Uses	Yes	
Greenhouse/Nursery (Principal Use)	Yes	
Hospital >20,000	No	An existing business would be listed under the “Existing Use” category
Hotel	Yes	
Indoor Recreation	Yes	Includes movie theaters
Institutions of Higher Education	Yes	
Kennels/Veterinarian	No	
Marihuana: Adult-Use Marihuana Microbusiness	No, a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.

¹ Existing Use means a use of a particular parcel established lawfully prior to adoption of such provisions which subsequently prohibit said use. The term “Existing Use” is distinct from “Nonconforming Use” in that an existing use may continue in perpetuity until such time that a permitted use is established on the parcel in its place.

Marihuana: Adult-Use Marihuana Retailers	No , a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.
Marihuana: Medical Marihuana Provisioning Center	No , a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.
Marihuana: Medical and Adult Use Marihuana Safety Compliance Facility	No	
Marihuana: Medical and Adult Use Marihuana Secure Transporter	No	
Medical or Dental Clinic	Yes, only if less than 20,000 sq. ft.	An existing business would be listed under the “Existing Use” category.
Microbrewery	Yes	
Motel	Yes	
Nightclub	No	
Office	Yes, if less than 17, 000 sq. ft.	An existing business would be listed under the “Existing Use” category.
Outdoor Recreation/ Private	Yes	
Outdoor Recreation/ Public	Yes	
Pawn Broker	No	
Personal Service Establishment	Yes	
Private Club	Yes	
Private K-12 Schools	No	
Public K-12 Schools	Yes	
Religious Institutions	Yes	
Research and Development	No	
Restaurant <ul style="list-style-type: none"> • Carry-Out • Drive-In • Drive Thru • Full Service • Limited Service 	Yes	
Retail Sales > 17,000 sq. ft.	Yes	
Self-Storage Facilities	No	An existing business would be listed under the “Existing Use” category.
Vehicle Repair, Major	No	An existing business would be listed under the “Existing Use” category.
<i>Special Use Permits</i>	<i>Special Use Permits</i>	
Adaptive Reuse	Yes	
Cemetery	No	An existing business would be listed under the “Existing Use” category.

		category.
Parking as a Principal Use	Yes	
Transportation and Logistics	No	
Automobile Repair (Section 1251.05)	No	An existing business would be listed under the “Existing Use” category.
Warehouse	No	
Wholesale	No	
<i>Additional Uses Allowed in the Proposed T-6 district not Allowed in the B-2 district</i>	<i>Additional Uses Allowed in the Proposed T-6 district not Allowed in the B-2 district</i>	
No	Multiple Family Dwelling Unit	
No	Single Family Dwelling Unit Attached	
No	Transitional and Supportive Home, more than 1-6	
No	Transitional and Supportive Home, more than 6	

Chapter 1241 Schedule of Regulations includes the following proposed amendments:

- The proposed T-6 district dimensional requirements were added to the schedule of regulations.
- Footnotes to the schedule of regulations were amended to add reference to the T-6 district.

Chapter 1250 Supplemental Zoning District Standards include the following proposed amendments:

- References to the T-6 Lakeview District were added to the “Statement of Purpose” and the “Waiver Requirements”.
- References to the T-6 Lakeview District were added to the “Architectural Standards for New Construction and Adaptive Reuse”.
- Language was added to specify primary and secondary materials that can be used in the T-6 district. Any of these standards can be considered to be waived by the Planning and Zoning Administrator on a case-by-case request.
- Overly cumbersome design standards along with the associated graphic were removed from the code.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. This request has been scheduled for the, June 24, 2026 Planning Commission meeting, with notice of the hearing published in the June 4, 2026 edition of the Battle Creek Shopper.

Neighborhood Outreach

Neighborhood outreach occurred through the planning process related to the development of the Lakeview Business District Subplan. Engagement with stakeholders and community members included online surveys, informal virtual forums, focus group sessions, three open house events and a walking audit of the existing pedestrian facilities. The Lakeview District Subplan was adopted by city council on April 23, 2025.

Staff Recommendation

Staff finds that the proposed amendments to the zoning ordinance are needed to complete the zoning implementation step for the Lakeview District Subplan.

Should the Planning Commission have no concerns with the proposed text amendments, staff recommends that the Planning Commission recommend to the City Commission approval of the proposed text amendments **based upon findings detailed in this staff report and in the attached documents.**

Support Material

Chapter 1240 proposed text amendment markup

Chapter 1240 proposed text amendment clean copy

Chapter 1241 proposed text amendment markup

Chapter 1241 proposed text amendment clean copy

Chapter 1250 proposed text amendment markup

Chapter 1250 proposed text amendment clean copy

**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for June 24, 2026**

MEETING CALLED TO ORDER: By Chairman Hughes at 4:00 p.m.

ATTENDANCE: Roll call was taken.

Chairperson Hughes, present
Vice Chairperson O'Donnell, present
Commissioner Morris, present
Commissioner Gray, present
Commissioner Furmato, present

Commissioner Denison, present
Commissioner Moton, absent
Mayor Behnke, present
Commissioner White, present

Staff Present: Darcy Schmitt, Planning Supervisor, Adam Jenks, Planner, Melody Carlsen, Administrative Assistant, Patrick Batterson, Assistant City Attorney.

APPROVAL OF MINUTES: May 27, 2026.

MOTION MADE BY MAYOR BEHNKE TO APPROVE THE MAY 27, 2026 MEETING MINUTES. MOTION SECONDED BY COMMISSIONER GRAY.

ROLL VOTE: Chairperson Hughes asked everyone in favor to signify by saying "aye".

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS: None.

OLD BUSINESS:

A. ZONING ORDINANCE TEXT AMENDMENT #A26-03:

Petition from the City of Battle Creek to consider an amendment to Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District specifically those properties that are currently zoned B-2. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Staff Presentation: Adam Jenks gave the staff report for #A26-03.

MOTION MADE BY COMMISSIONER MORRIS TO APPROVE ITEM #A26-03. SECONDED BY COMMISSIONER WHITE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

B. ZONING MAP AMENDMENT #PRZ26-0002

Petition from the City of Battle Creek to rezone properties along Beckley Road and Capital Avenue, currently zoned “B-2 Reginal Commercial District” to “T-6 Lakeview District” pursuant to Sections 1281.01 and 1240.16 of the zoning code.

Staff Presentation: Adam Jenks gave the staff report for #PRZ26-0002.

**MOTION MADE BY COMMISSIONER MORRIS TO APPROVE ITEM #PRZ26-0002.
SECONDED BY COMMISSIONER MAYOR BEHNKE.**

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMENTS BY THE PUBLIC:

Brad Miller, 200 Wahwahtaysee Way was present to speak regarding Zoning Ordinance Text Amendment #A25-01. Mr. Miller was not pleased that this item was denied and permanently tabled and expressed his concerns.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Morris responded to Mr. Miller’s comments and would like to speak with him further.

Mayor Behnke mentioned the June 25th meeting with the City Manager and invited the Planning Commissioners.

Commissioner Gray reminded everyone of the Housing Strategy meeting being held on June 25th at the Department of Public works building.

Commissioner Furmato responded to Mr. Millers comments regarding item A25-01.

ADJOURNMENT: Chairman Hughes adjourned the meeting at 4:29.

Submitted by: Melody Carlsen, Administrative Assistant, Planning & Zoning Division.

Chapter 1240
Zoning Districts and Maps

1240.01 DISTRICTS ESTABLISHED.

In order to classify, regulate and restrict the location of trades, industries, and buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courtyards and other open spaces within and surrounding such buildings, the City is hereby divided into districts, as follows:

- G Green District
- AG Agricultural District
- R-1R Single Family Residential District
- R-1A Single-Family Residential District
- R-1B Single-Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple Family Residential District
- MFR High Density Multiple Family Residential District
- B-1 Corridor Commercial District
- B-2 Regional Commercial District
- T-3 Neighborhood Commercial District
- T-4 Downtown Commercial
- T-5 Core Downtown Commercial District
- T-6 Lakeview District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S Spark District

1240.02 TABLE OF PERMITTED USES.

The following table lists the permitted uses and special land uses in each zoning district. When a use is classified by square footage, the square footage listed refers to the gross square footage of a building and not the square footage of an individual tenant unit. A use classified by capacity, refers to the capacity established by the City Fire Inspector. Whenever a specific development standard is included for a particular use in the table below, any development must comply with the requirement of the referenced section in addition to all of the other applicable requirements of this Code. All development standards for specific uses are listed in Section 1251 and in other areas of this Code. Additionally, any use that is a special land use must also comply with the standards of Section 1281.05.

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
A	Accessory Use																	
A ^s	Accessory Use Requiring SLU Approval																	
E	Existing Use																	
P	Permitted Use																	
S	Special Use																	

Residential Uses

<i>Accessory Dwelling Unit</i>				A ^s	A ^s	A ^s	A	A			A	A	A				A	
<i>Bed and Breakfast</i>	P	P	P	P	P	P	P	P			P							1251.09
<i>Home Occupation</i>	A	A	A	A	A	A	A							<u>A</u>				1251.18
<i>Multi-Family Dwelling Units</i>							P	P			P	P	P	<u>P</u>			P	1251.33
<i>Personal-Scale Wind Energy Facility</i>	A	A	A	A	<u>A^s</u> <u>A</u>	<u>A^s</u> <u>A</u>					A						A	1251.39
<i>Rooming and Boarding Houses</i>						P	P											1251.43

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
Single Family Dwelling Unit Attached							P	P			P	P	E				P	
Single Family Dwelling Unit Detached	P	P	P	P	P	P	P	P	E	E	P	E	E	<u>P</u>	E	E	P	
State Licensed Child Care Family Home, 1-7 Children	A	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	1251.45
State Licensed Child Care Group Home, 8-14 Children	A	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	1251.46
State Licensed Child Care Center	P							P	P	P	P	P	P	<u>P</u>	P	P	P	
State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons	P	P	P	P	P	P	P	P			P	P						1251.47
State Licensed Residential Facility Adult Foster Care Small Group Home, 7-12 Persons	S	S	S	S	S	S	S	S			<u>A</u>							1251.48
State Licensed Residential Facility Adult Foster Care Large Group Home 13-20 Persons	S	S	S	S	S	S	S	S										
Transitional and Supportive Home, 1-6 Persons			P	P	P	P	P	P			P	P		<u>P</u>				1251.49

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
<i>Transitional and Supportive Home, <u>m</u>More than 6 Persons</i>			S	S	S	S	S	S			P	P		<u>P</u>				1251.50
<i>Community Residential Facility and Group Homes</i>						S	S	S										1251.48
<i>Two-Family Dwelling Units</i>						P	P	P			P	P	P	<u>P</u>			P	
Commercial Uses																		
<i>Adult Business</i>									S						S	S		1251.02
<i>Agri-Tourism</i>		S																
<i>Arena/Theater</i>									P	<u>P</u>							P	
<i>Artisan/Maker Space</i>									P	P	S	P	P	<u>P</u>	P	P	P	
<i>Assisted Senior Living</i>							P	P	P	<u>PS</u>	P	P					P	1251.03
<i>Automobile Car Wash Establishment</i>									P	P				<u>E</u>	S	S		1251.04
<i>Automobile Repair</i>									P	P				<u>E</u>	P	P		1251.05
<i>Automobile Service Station</i>									S	P				<u>E</u>	P	P		1251.06

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
Automobile or Vehicle Dealership									P	<u>P</u>					P			1251.07
Banquet and Meeting Hall < 100 cap.	S						S	S	P	P	P	P	P				P	1251.08
Banquet and Meeting Hall > 100 cap.	S						S	S	P	P		P	P				P	1251.08
Bar, Tavern, or Saloon									S	P	S	P	P	<u>P</u>	S	S	P	
Bookstore									P	P	P	P	P	<u>P</u>			P	
Brewpub									P	P	S	P	P	<u>P</u>	P	P	P	
Catering Business									P	P	P	P	P	<u>P</u>				
Convalescent Home, Nursing Home, or Home for the Aged							P	P	P	P	P	P	S				S	1251.13
Distillery, Winery – w/ or w/o Food	P	P	S						P	P	S	P	P	<u>P</u>	P	P	P	
<u>Drive-Thru Business</u>									<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1251.14</u>
Event Center									P	P		P	P					
Farm Equip. and Heavy Machinery Sales															P	P		

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
Financial Institutions									P	P	P	P	P	<u>P</u>	P	P	P	
Funeral Homes, Mortuaries, and Crematoriums (No Crematoriums B-1, T-3,4)									P*	P	S*	S*			S			
Hospital > 20,000 s.f.								S	S	S		S	S	<u>E</u>	S	S		1251.19
Hotel										P	S	P	P	<u>P</u>			P	1251.20
Independent Senior Living with Services							P	P	P		P	P	P	<u>P</u>			P	1251.21
Indoor Recreation	P								P	P	P	P	P	<u>P</u>			P	
Kennels/Veterinarian	S	S	S						P	P					S	<u>P</u>	<u>S</u>	1251.23
Marihuana: Adult-Use Marihuana Microbusiness									P	P	S			<u>E</u>	P	P		1251.24 1251.26 1251.27
Marihuana: Adult-Use Marihuana Retailers									P	P	S	P	P	<u>E</u>	P	P		1251.24 1251.25 1251.27
Marihuana: Medical Marihuana Provisioning Center									P	P	S	P	P	<u>E</u>	P	P		1251.24 1251.30

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
																		1251.27
<u>Medical or Dental Clinic < 5,000 s. f.</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>				
Medical or Dental Clinic <20,000 s.f.								P	P	P	S	P	P	<u>E</u>	<u>P</u>		P	
Motel										P	S	P	P	<u>P</u>			P	1251.34
Microbrewery									P	P	S	P	P	<u>P</u>	P	P	P	1251.35
Nightclub									S	P	S	P	P		S	S	P	
Office < 5,000 s.f.									P	P	P	P	P		A	A	P	
Office 5,000 – 17,000 s.f.									P	P	P	P	P	<u>P</u>	A	A	P	
Office > 17,000 s.f.									P	P	S	P	P	<u>E</u>	A	A	P	
Outdoor Recreation/Private	P	P							P	P				<u>P</u>				1251.36
Outdoor Recreation/Public	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	1251.36
Outdoor Storage									A	A				<u>A</u>	A	A		1251.37
Pawn Broker									P	P	S							

Uses	G	AG	R1 -R	R1- A	R1- -B	R- 2	R- 3	MFR	B- 1	B-2	T- 3	T- 4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standar d
<i>Personal Service Establishment</i>									P	P	P	P	P	<u>P</u>			P	1251.40
<i>Private Club</i>									P	P	P	P	P	<u>P</u>				
Restaurant																		
<i>Carry-Out Restaurant</i>									P	P	P	P	P	<u>P</u>	P	P	P	
<i>Drive-In Restaurant</i>									P	P	P	S		<u>P</u>	P	P	P	
<i>Drive-Thru Restaurant</i>									P	P	S	S		<u>P</u>	P	P		1251.14
<i>Full-Service Restaurant</i>									P	P	P	P	P	<u>P</u>	P	P	P	
<i>Limited-Service Restaurant</i>									P	P	P	P	P	<u>P</u>	P	P	P	
<i>Retail Sales < 5,000 s.f.</i>									P	P	P	P	P	<u>P</u>	S	S	P	
<i>Retail Sales 5,000 – 17,000 s.f.</i>									P	P	P	P	P	<u>P</u>	S	S	P	
<i>Retail Sales > 17,000 s.f.</i>									P	P	S	P	P	<u>P</u>	S	S	P	
<i>Tree Farm</i>	P	P																
<i>Vehicle Repair, Major</i>									S	S				<u>E</u>	P	P		1251.54

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
Vehicle Repair, Minor									P	P				<u>E</u>	P	P		
Industrial Uses																		
Junk and Salvage Yard															S	S		1251.22
Manufacturing															P	P		
Marihuana: Medical and Adult Use Marihuana Grow Operation															P	P		1251.24 1251.27 1251.28
															P	P		1251.24 1251.27 1251.29
															P	P		1251.24 1251.27 1251.31
Marihuana: Medical and Adult Use Marihuana Processing Facility									P	P					P	P		1251.24 1251.27 1251.32
									P	P					P	P		1251.24 1251.27 1251.32
									P	P					P	P	P	1251.24 1251.27 1251.32
Research and Development									S	P		S			P	P	P	
Self-Storage Facilities									P	P								1251.44

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
<i>Transportation and Logistics</i>									S	S					P	P	P	
<i>Utility-Scale Solar Energy Facility</i>		S	S						A	A					P	P		1251.52
<i>Utility-Scale Wind Energy Facility</i>		S	S													S		1251.53
<i>Warehouse</i>									S	S					P	P	P	
<i>Wholesale</i>									S	S					P	P	P	
Other Uses																		
<i>Accessory Buildings</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	1260.01
<i>Adaptive Reuse</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>	S	S	P	1251.01
<i>Campground</i>	S	S	S	S	S	S												1251.09
<i>Cemetery</i>		S	S	S	S	S	S	S	S	S	S			<u>E</u>	S	S	S	1251.10
<i>Community Garden</i>	P	P	P	P	P	P	P	P			P						P	1251.11
<i>Essential Services</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	1240.21(b)
<i>Farmer's Market</i>	A/S	A/S									A/S	A	A				A	1251.15

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standard
Food Truck									A	A	A	A	A	<u>A</u>	A	A	A	
General and Specialized farms, including crops and the raising and keeping for profit of cattle, hogs, horses, ponies, sheep and similar livestock		P																1251.17
Government/Public Uses									P	P	P	P	P	<u>P</u>	P		P	1251.16
Greenhouse/Nursery (Principal Use)	P	P	P							P				<u>P</u>	P		P	
Institutions of Higher Education	S	S	S	S	S	S	S	P	P	P	S	P	P	<u>P</u>	P	P	P	
Marinas	S										S						S	
Parking as a Principal Use										S		S	S	<u>S</u>	S	S	S	
Private K-12 Schools			S	S	S	S	S	S	P	P	S	S	P				S	
Private Garden	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	1251.41
Public K-12 Schools			P	P	P	P	P	P	P	P	P	P	P	<u>P</u>			P	

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MFR	B- 1	B-2	T- 3	T- 4	T-5	<u>T-6</u>	I-1	I-2	S	Use Standar d
<i>Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources</i>	P	P																
<i>Religious Institutions</i>	S	S	S	S	S	S	S	S	P	P	P	P	P	<u>P</u>	P	P	P	1251.42
<i>Telecommunications</i>	Refer to Section 1251.49 to see where telecommunication towers are permitted.																1251.49	
<i>Mobile Home Park Overlay District</i>	Refer to Section 1250.05 for Mobile Home Park requirements.																1250.05	

1240.03 G GREEN DISTRICT.

<p>(a) Purpose</p> <p>It is the purposes of this district to:</p> <ol style="list-style-type: none"> 1. Preserve and protect natural and man-made water areas, flood plains, marshes, and wetlands from development other than open spaces or recreational uses 2. Preserve and protect agricultural districts and/or wildlife habitats 3. Limit residential and commercial development and encourage design that preserves natural environments 4. Retain natural drainage patterns 5. Preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas 	
<p>(b) Permitted Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Greenhouse/Nursery (Principal Use) • Indoor Recreation • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Banquet and Meeting Hall (Section 1251.08) • Campground (Section 1251.10) • Farmers Market (Section 1251.15) • Institutions of Higher Education • Kennels (Section 1251.23) • Marinas • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Farmers Market (Section 1251.15) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) • Private Gardens (Section 1251.41) 	

<ul style="list-style-type: none"> • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	G
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setbacks Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.04 AG AGRICULTURAL DISTRICT.

(a) Purpose	
<p>It is the purposes of this district to provide rural areas used predominantly for general farming operations. Although urban development is occurring at a substantial rate in the City, agriculture remains an important economic activity, and in the proper interest of the welfare of present and future residents, it is considered necessary to conserve an effective environment for stable, productive agricultural operations.</p> <p>The regulations of this chapter, therefore, are designed to:</p> <ol style="list-style-type: none"> 1. Protect and stabilize the essential characteristics of these areas 2. Minimize conflicting land uses detrimental to farm enterprises 3. Exclude development which requires highway, drainage, and other public utilities and facilities in excess of those required by agricultural uses 	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Distillery, Winery – w/ or w/o food 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Agri-Tourism • Campground (Section 1251.10)

<ul style="list-style-type: none"> • Essential Services • General and specialized farms, including crops and the raising and keeping of livestock (Section 1251.17) • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<ul style="list-style-type: none"> • Cemetery (Section 1251.11) • Farmers Market (Section 1251) • Institutions of Higher Education • Kennels/Veterinarian (Section 1251.23) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Farmers Market (Section 1251.15)
- Home Occupation (Section 1251.18)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.39)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	AG
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	.33
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	(c)
Rear Yard Setback (ft.)	(c)
Side Yard Setback (ft.)	(c)

Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.05 R-1R SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish residential properties of a semi-rural character that includes areas of the City presently without water and sewerage services and likely to remain without such services, in whole or in part, indefinitely. The R-1R Single-Family Rural Residential District includes existing low-density one-family properties, as well as areas within which such developments appear both likely and desirable.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Public (Section 1251.35) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Distillery, Winery – w/ and w/o food • Institutions of Higher Education • Private K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Religious Institution (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) 	

<ul style="list-style-type: none"> • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1R
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1.45
Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.06 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish areas of primarily single-family detached residential properties of a semi-suburban to suburban, low-density character, usually served by City water and sewer.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42)

<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.49) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, <u>m</u>More than 6 Persons (Section 1251.50)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Accessory Dwelling Unit attached to the primary dwelling, with SLU approval
- Home Occupation (Section 1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	R-1A
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	5.80
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	30
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	8
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations

above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.07 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish primarily single-family detached residential properties of a suburban, medium-density character. This district includes those areas, which are serviced by City water and sewer.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, <u>m</u>More than 6 Persons (section 1251.50)
Refer to Section 1230.06 for definitions for uses and refer to Chapter 1251 for development standards for specific uses.	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling, with SLU approval • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1B
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.7
Minimum Lot Width (ft.)	50

Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	30
Side Yard Setback (ft.)	6
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.08 R-2 TWO FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish a mix of single- and two-family residential properties of an urban, medium-density character. Limited commercial uses, which tend to complement residential areas should be expected. This district includes street and utility elements expected in an urban setting. Further, this district provides a buffer between single-family and multifamily neighborhoods.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, not to Exceed 4 Boarders (Section 1251.43) • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Religious Institutions (Section 1251.42) • Private K-12 Schools • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-20 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)

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|---|---|
| <ul style="list-style-type: none"> • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) | <ul style="list-style-type: none"> • Transitional and Supportive Home, <u>m</u>More than 6 Persons (Section 1251.50) |
|---|---|

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Building (Section 1260.01)
- Accessory Dwelling Unit attached to the primary dwelling unit, with SLU approval
- Home Occupation (Section 1251.18)
- Personal-Scale Wind Energy Facility, with SLU approval (Section 1251.39)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	R-2
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.70
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25
Side Yard Setback (ft.)	5
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.09 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish high-density multi-family developments located in suburban and urban areas, and commercial development with relatively low intensities that often complement residential neighborhoods. Further, this district supports housing styles of mid- and high-level buildings consisting of garden apartments, and townhome condominiums. The high density of this district is intended to support nearby commercial districts, and provide a transition between commercial and mid-density districts.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, <u>u</u>Up to 10 Boarders (Section 1251.43) • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall < 100 capacity (Section 1251.08) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, <u>m</u>More than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling. • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.39) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	

(e) Dimension Regulations	
Lot Standards	R-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	15
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (f)
Side Yard Setback (ft.)	5 (f)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setback Requirements	
Detached Accessory Dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.10 MFR HIGH DENSITY MULTIPLE FAMILY DISTRICT.

(a) Purpose
It is the purpose of this district to accommodate new types of diversified residential developments of high densities, usually requiring a large tract of unplatted land. The types of residential structures include garden apartments, terrace apartments and row housing units

and those special types of housing structures similar in character and density to multiple family housing.

(b) Permitted Uses		(c) Special Land Uses	
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Institutions of Higher Education • Medical or Dental Clinic <20,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 		<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall (Section 1251.08) • Cemetery (Section 1251.11) • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, <u>m</u>More than 6 Persons (Section 1251.50) 	
Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.			
(d) Accessory Uses			
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 			
(e) Dimension Regulations			
Lot Standards		MFR	
Minimum Lot Area (sq. ft.)		See Section 1241.03(e)	
Maximum Residential Units Per Acre		20(d)(e)	

Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setbacks	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.11 B-1 CORRIDOR COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> Arena/Theater 	<ul style="list-style-type: none"> Adaptive Reuse (Section 1251.01)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Banquet and Meeting Hall (Section 1251.08) • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries • Government/Public Uses (Section 1251.16) • Indoor Recreation • Institutions of Higher Education • Pawn Broker • Private Club • Private K-12 Schools • Public K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) | <ul style="list-style-type: none"> • Adult Business (Section 1251.01) • Automobile Service Station (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sf. (Section 1251.19) • Nightclub • Research and Development • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale |
|---|--|

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Outdoor Storage (Section 1251.37)
- Personal Service Establishment (Section 1251.40)
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Retail Sales
- Self-Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Prohibited Uses

- Sale, rental, or display of motor vehicles, trailers, or boats
- Manufacturing and processing establishments not selling their entire output at retail on the site

(g) Dimension Regulations	
Lot Standards	B-1
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	20
Rear Yard Setback (ft.)	15 (h)
Side Yard Setback (ft.)	15 (g)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.12 B-2 REGIONAL COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded.</p>	
(b) Permitted Use	(c) Special Land Uses
<ul style="list-style-type: none"> • Arena/Theater • Artisan/Maker Space • Assisted Senior Living • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (section 1251.06) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries, and Crematoriums • Government/Public Uses (Section 1251.16) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Cemetery (Section 1251.11) • Parking as a Principal Use • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale

- Greenhouse/Nursery (Principal Use)
- Hospital > 20,000 sq._ft. (Section 1251.19)
- Hotel (Section 1251.20)
- Indoor Recreation
- Institutions of Higher Education
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31)
- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 sq._ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Nightclub
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Pawn Broker
- Personal Service Establishment (Section 1251.39)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Full Service ○ Limited Service ● Retail Sales > 17,000 sq. ft. ● Self Storage Facilities (Section 1251.44) ● Vehicle Repair, Major 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> ● Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.01) ● Food Truck ● Outdoor Storage (Section 1251.37) ● Private Gardens (Section 1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) ● Utility-Scale Solar Energy Facility (Section 1251.52) 	
<p>(f) Dimension Regulations</p>	
Lot Standards	B-2
Minimum Lot Area (sq. ft.)	25,000
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Maximum Building Height	60 ft.
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>	

1240.13 T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall < 100 Capacity (Section 1251.08) • Bed and Breakfast (Section 1251.09) • Bookstore • Catering Businesses • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.14) • Indoor Recreation • Independent Senior Living with Services (Section 1251.21) • Medical or Dental Clinic < 5,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq. ft. • Outdoor Recreation/Public (Section 1251.36) • Personal-Scale Wind Energy Facility (Section 1251.39) • Personal Service Establishments (Section 1251.40) • Private Club • Public K-12 Schools • Religious Institutions (Section 1251.42) • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Full Service 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Artisan/Maker Space • Bar, Tavern, or Saloon • Brewpub • Cemetery (Section 1251.11) • Distillery, Winery – w/ or w/o food • Drive Thru Business (Section 1251.14) • Farmers’ Market (Section 1251.15) • Funeral Homes, Mortuaries • Hotel (Section 1251.20) • Institutions of Higher Education • Pawn Broker • Private K-12 Schools • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marinas • Medical or Dental Clinic 5,000 to < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.20) • Nightclub • Office >= 17,000 sq. ft. • Retail Sales >= 17,000 sq. ft. • Restaurant <ul style="list-style-type: none"> ○ Drive-Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales < 17,000 sq. ft. ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Two-Family Dwelling Units ● State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) ● Transitional and Supportive Home, 1-6 Persons (Section 1251.49) ● Transitional and Supportive Home, <u>m</u>More than 6 Persons (Section 1251.50) 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, and T-5, <u>and T6</u> Districts for additional development requirements.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.02) ● Food Truck ● Accessory Dwelling Unit attached or detached from the primary dwelling ● Farmers Market (Sections 1251.15) ● Private Gardens (1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
<p style="text-align: center;">Lot Standard</p>	<p style="text-align: center;">T-3</p>
<p style="text-align: center;">Minimum Lot Area (sq. ft.)</p>	<p style="text-align: center;">Not Required</p>
<p style="text-align: center;">Maximum Residential Units Per Acre</p>	<p style="text-align: center;">20(d)</p>
<p style="text-align: center;">Minimum Lot Width (ft.)</p>	<p style="text-align: center;">30</p>
<p style="text-align: center;">Minimum Lot Depth (ft.)</p>	<p style="text-align: center;">100 (Section 1240(a)(7))</p>
<p style="text-align: center;">Maximum Percent of Building Coverage</p>	<p style="text-align: center;">40</p>
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements</p>	
<p style="text-align: center;">Front Yard Setback (ft.)</p>	<p style="text-align: center;">See Section 1250.04(d)(1)A</p>
<p style="text-align: center;">Rear Yard Setback (ft.)</p>	<p style="text-align: center;">20 (h)</p>
<p style="text-align: center;">Side Yard Setback (ft.)</p>	<p style="text-align: center;">10 (g)</p>
<p>Primary Dwelling Height Requirement</p>	

Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	36 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.14 T-4 DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to encourage the development, redevelopment and use of properties in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Farmers Market (Section 1251.15) • Financial Institutions 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Drive-Thru Business (Section 1251.14) • Funeral Homes, Mortuaries • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Parking as a Principal Use • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Drive-In ○ Drive-Thru (Section 1251.14)

- Government/Public Uses (Section 1251.16)
- Hotel (Section 1251.20)
- Independent Senior Living with Services (Section 1251.21)
- Indoor Recreation
- Institutions of Higher Education
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic < 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.36)
- Personal Service Establishments (Section 1251.40)
- Private Club
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Retail Sales
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
- Single Family Dwelling Unit Attached
- State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.48)
- Transitional and Supportive Home, 1-6 Persons (Section 1251.49)
- Transitional and Supportive Home, **m**More than 6 Persons (Sections 1251.50)
- Two-Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, ~~and~~ T-5 and T-6 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 7-12 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-4
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20 (d)
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling height	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8

Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.15 T-5 CORE DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition. Further, to promote uses that support a walkable downtown environment, mix of uses within a single building, and uses that create activity throughout the day and week.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Financial Institutions • Government/Public Uses (Section 1251.16) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Hospital > 20,000 sq. ft. (Section 1251.19) • Parking as a Principal Use

- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic <= 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.35)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Full Service
 - Limited Service
- Retail Sales
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-~~4~~5, and T-5, and T-6 Districts for additional development requirements.

(d) Existing Uses

- **Single Family Dwelling Unit Attached**
- **Single Family Dwelling Unit Detached**

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)

- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-5
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20 (d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.16 T-6 LAKEVIEW DISTRICT.

(a) Purpose

It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded. Further, it is intended to promote uses that support a walkable environment, mix of uses within a single building, and uses that create activity throughout the day and week.

(b) Permitted Uses

- Artisan/Maker Space
- Automobile Service Station
- Banquet and Meeting Hall (Section 1251.08)
- Bar, Tavern, or Saloon
- Bookstore
- Brewpub
- Catering Businesses
- Child Care Centers
- Distillery, Winery – w/ or w/o food
- Drive-Thru Business
- Essential Services
- Financial Institutions
- Green house/Nursery (Principal Use)
- Government/Public Uses (Section 1251.16)
- Hotel (Section 1251.20)
- Independent Senior Living with Services (Section 1251.21)
- Indoor Recreation
- Institutions of Higher Education
- **Medical or Dental Clinic < 20,000 sq. ft.**
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Office < 17,000 sq. ft.
- Outdoor Recreation/Private (1251.36)

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Parking as a Principal Use

- Outdoor Recreation/Public (1251.36)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Public K-12 School
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
 - Drive-In
 - Drive-Thru
- Retail Sales
- Single Family Dwelling Unit Attached
- Transitional and Supportive Home, 1-6 (1251.49)
- Transitional and Supportive Home, more than 6 (1251.50)
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, t-4, T-5, and T-6 Districts for additional development requirements.

(e) Existing Use

- Automobile Car Wash Establishment
- Automobile Repair (Section 1251.05)
- Cemetery

- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30)
- Medical or Dental Clinic > 20,000 sq. ft.
- Office > 17,000
- Vehicle Repair, Major (1251.54)

(f) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Food Truck
- Home Occupation (1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

<u>(g) Dimension Regulations</u>	
<u>Residential Lot Standards</u>	<u>T-6</u>
<u>Minimum Lot Area (sq. ft.)</u>	<u>3,000</u>
<u>Maximum Residential Units Per Acre</u>	<u>(d)</u>
<u>Minimum Lot Width (ft.)</u>	<u>30</u>
<u>Minimum Lot Depth (ft.)</u>	<u>100 (Section 1240(a)(7))</u>
<u>Maximum Percent of Building Coverage</u>	<u>Not Required</u>
<u>Setback Requirements</u>	
<u>Front Yard Setback (ft.)</u>	<u>See Section 1250.04(d)(1)A</u>
<u>Rear Yard Setback (ft.)</u>	<u>30 ft.</u>
<u>Side Yard Setback (ft.)</u>	<u>10 ft.</u>
<u>Height Requirement</u>	
<u>Maximum Building Height</u>	<u>60 ft.</u>
<u>Commercial/Mixed Use Lot Standards</u>	
<u>Minimum Lot Area (sq. ft.)</u>	<u>Not Required</u>
<u>Minimum Lot Width (ft.)</u>	<u>30 ft.</u>
<u>Minimum Lot Depth (ft.)</u>	<u>100 (Section 1240(a)(7))</u>
<u>Maximum Percent of Building Coverage</u>	
<u>Setback Requirements</u>	
<u>Front Yard Setback (ft)</u>	<u>See Section 1250.04(d)(1)A</u>
<u>Rear Yard Setback (ft.)</u>	<u>20 ft.</u>
<u>Side Yard Setback (ft.)</u>	<u>20 ft.</u>
<u>Height Requirement</u>	
<u>Maximum Building Height</u>	<u>60 ft.</u>
<u>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</u>	

1240.176 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Purpose

The I-1 Light Industrial District is intended to accommodate those industrial uses that generate noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District, commercial

establishments not engaging in retail sales and service establishments which, if doing retail business, are of the type not generally requiring the customer to call at the place of business.

(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Center • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Institutions of Higher Education • Limited Service Restaurant • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28) • Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29) • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.02) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Funeral Homes, Mortuaries, and Crematoriums • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Kennels (Section 1251.23) • Nightclub • Parking as a Principal Use • Retail Sales

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Microbrewery (Section 1251.34)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.53)
- Vehicle Repair, Minor ([Section 1251.05](#))
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Office
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standard	I-1
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))

Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	50 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.187 I-2 HEAVY INDUSTRIAL DISTRICT.

(a) Purpose

The purpose of this district is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.

(b) Permitted Uses

- Artisan/Maker Space
- Automobile Repair (Section 1251.05)
- Automobile Service Station (Section 1251.06)
- Brewpub
- Child Care Centers
- Distillery, Winery – w/ or w/o food
- Drive-Thru Business (Section 1251.14)
- Essential Services
- Farm Implements and Heavy Machinery Sales
- Financial Institutions
- Institutions of Higher Education
- Kennels (Section 1251.23)
- Manufacturing
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor)

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Adult Business (Section 1251.01)
- Automobile Car Wash Establishment (Section 1251.04)
- Bar, Tavern, or Saloon
- Cemetery (Section 1251.11)
- Hospital > 20,000 sq. ft. (Section 1251.19)
- Junk or Salvage Yard (Section 1251.22)
- Nightclub
- Parking as a Principal Use
- Retail Sales
- Utility-Scale Wind Energy Facility (Section 1251.53)

- Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28)
- Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor)
- Marihuana Medical and Adult-Use Marihuana Safety Compliance Facility (Section 1251.24, 1251.31)
- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24, 1251.32)
- Microbrewery (Section 1251.35)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.54)
- Vehicle Repair, Minor
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Carry-Out Restaurant

- Outdoor Storage (Section 1251.37)
- Office
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children
- State Licensed Child Care Group Home, 8-14 Children

(f) Dimension Regulations

Lot Standards	I-2
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Chapter 1241 wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for dimensional regulations for specific uses.

1240.198 S SPARK DISTRICT.

(a) Purpose

It is the purpose of this district to encourage and facilitate redevelopment by implementing the following mixed-use policies:

1. **Mix of Land Compatible Land Uses:** Permit a range of compatible land uses, such as residential (from single-family to multi-family), public, institutional, office, retail, personal services use, and appropriate general business uses.
2. **Walkability:** Create a walkable, pedestrian-oriented development that does not conflict with motorized traffic.
3. **Building Location and Site Design:** Ensure that buildings have a strong relationship to the street by requiring development to be human-scale through appropriate building location and site design, including developing areas that include civic spaces and pedestrian amenities and requiring on-street parking along interior streets.
4. **Use of Buildings:** Allow compatible mixed uses to be located in a single building.

(b) Permitted Uses

- Adaptive Reuse (Section 1251.01)
- Arena/Theater
- Artisan/Maker Space

(c) Special Land Uses

- Cemetery (Section 1251.11)
- Convalescent Homes, Nursing Homes, or Homes for the Aged (Section 1251.13)

- | | |
|--|--|
| <ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Child Care Centers • Community Garden (Section 1251.10) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education • Medical or Dental Clinic < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.34) • Multi-Family Dwelling Units (Section 1251.33) • Nightclub • Office • Outdoor Recreation/Public (Section 1251.36) • Outdoor Recreation/Private (Section 1251.36) • Personal Service Establishments (Section 1251.40) • Public K-12 Schools • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) ○ Full Service | <ul style="list-style-type: none"> • Private K-12 Schools • Kennels (Section 1251.23) • Marinas • Parking as a Principal Use |
|--|--|

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Transportation and Logistics ● Two-Family Dwelling Units ● Warehouse ● Wholesale 	
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.45)

(e) Dimension Regulations

Lot Standards	S
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	Not Required
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required

Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.04 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule these dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses. All development in the S Spark District is eligible for administrative approval subject to the discretion of the Zoning Administrator.	

1240.2019 OFFICIAL ZONING MAP AND INTERPRETATION.

The boundaries of the districts are shown upon the map, which is made a part of this Zoning Code, which map is designated as the “Official Zoning Map.” Such map and all the notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if they were fully set forth or described herein.

Where, due to the scale, illegibility or detail of the map, there is uncertainty, contradiction or conflict as to the location of a district boundary, the interpretation of the exact location of such boundary shall be determined by the Zoning Board of Appeals.

1240.219 DISTRICT BOUNDARY UNCERTAINTIES.

Where uncertainty exists or arises with respect to the boundaries of the various districts as shown on the zoning district map accompanying and made a part of this zoning ordinance in its original form, the following rules apply:

(a) The district boundaries are either streets, alleys, rights of way or watercourses, unless otherwise shown. Where such districts are bounded approximately by streets, alleys, rights of way or watercourses, the same shall be construed to be the boundaries of the districts unless such boundaries are fixed by dimensions as shown on the map.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where such districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts, unless the boundaries are fixed by dimensions as shown on the map.

(c) In any determined by the use of the scale appearing on the map, unless the same are indicated by dimensions as shown on the map.

1240.224 ZONING DISTRICTS.

(a) Conformity with District Regulations Required. Except as hereinafter provided:

(1) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.

(4) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located, except for as otherwise allowed in Chapter 1270.

(5) No building or structure shall be enlarged or altered and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed in Chapter 1270.

(6) The minimum yards, parking spaces and other open spaces, including the lot area per family, required by this Zoning Code for each and every building existing at the time of passage of this Zoning Code (November 24, 2020) or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.

(7) Every building hereinafter erected or structurally altered shall be on a lot, provided that a lot may be subdivided or a series of lots may be increased in number and decreased in size, so long as each new lot is not less than 100 feet in depth and in conformity with the width requirements of Chapter 1240. In no case shall there be more than one main building on one lot unless otherwise provided in this Zoning Code.

(b) Essential Services. Essential services shall be permitted as authorized and regulated by law and ordinances of the City. It is the intention of this Zoning Code to exempt such essential services from the application of this Zoning Code.

(c) Land Under Water; Streets. All areas within the City which are under water or a public right-of-way and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water or right-of-way area. If the water or right-of-way area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water or right-of-way area in a straight line until they meet the other district.

(d) Annexed Land.

(1) Whenever any areas are annexed to the City, one of the following conditions shall prevail:

A. All lots, tracts or land which may hereafter be annexed to the City shall be classified as being in whichever district as most clearly conforms to the zoning that existed in the annexed area. Such classifications shall be recommended by the Planning Commission to the City Commission and the City Commission shall approve the same by resolution.

B. If any lot, tract or land is not subject to zoning at the time of annexation, it shall be classified as R-1A Single-Family whenever the land is vacant and otherwise shall be classified into whatever district of this Zoning Code most closely conforms to the existing use of the annexed area. Such classification shall be approved in the same manner as described for property that is zoned when annexed.

(2) In all cases, there shall be a public hearing, within a reasonable time after annexation, on the question of a permanent zoning classification. The hearing before the Planning

Commission and the subsequent action by the City Commission shall follow the procedure to establish amendments in accordance with Section 1281.01(c).

(e) Vacation of Streets. Whenever any street, alley or other public way is vacated by official action of the City Commission or by the courts, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(f) Uses Not Specifically Mentioned. The City Zoning Administrator or their designee shall have the power to classify a use, which is not specifically mentioned in this Zoning Code, along with a comparable permitted or prohibited use for the purpose of the use regulations in any district. The City Planning and Zoning Administrator or their designee may refer these appeals to the Zoning Board of Appeals.

Chapter 1240
Zoning Districts and Maps

1240.01 DISTRICTS ESTABLISHED.

In order to classify, regulate and restrict the location of trades, industries, and buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courtyards and other open spaces within and surrounding such buildings, the City is hereby divided into districts, as follows:

- G Green District
- AG Agricultural District
- R-1R Single Family Residential District
- R-1A Single-Family Residential District
- R-1B Single-Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple Family Residential District
- MFR High Density Multiple Family Residential District
- B-1 Corridor Commercial District
- B-2 Regional Commercial District
- T-3 Neighborhood Commercial District
- T-4 Downtown Commercial
- T-5 Core Downtown Commercial District
- T-6 Lakeview District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S Spark District

1240.02 TABLE OF PERMITTED USES.

The following table lists the permitted uses and special land uses in each zoning district. When a use is classified by square footage, the square footage listed refers to the gross square footage of a building and not the square footage of an individual tenant unit. A use classified by capacity, refers to the capacity established by the City Fire Inspector. Whenever a specific development standard is included for a particular use in the table below, any development must comply with the requirement of the referenced section in addition to all of the other applicable requirements of this Code. All development standards for specific uses are listed in Section 1251 and in other areas of this Code. Additionally, any use that is a special land use must also comply with the standards of Section 1281.05.

		G	AG	R1-R	R1-A	R1-B	R-2	R-3	MF-R	B-1	B-2	T-3	T-4	T-5	T-6	I-1	I-2	S	Use Standard	
A	Accessory Use																			
A ^s	Accessory Use Requiring SLU Approval																			
E	Existing Use																			
P	Permitted Use																			
S	Special Use																			

Residential Uses

<i>Accessory Dwelling Unit</i>				A ^s	A ^s	A ^s	A	A				A	A	A					A	
<i>Bed and Breakfast</i>	P	P	P	P	P	P	P	P				P								1251.09
<i>Home Occupation</i>	A	A	A	A	A	A	A								A					1251.18
<i>Multi-Family Dwelling Units</i>								P	P			P	P	P	P				P	1251.33
<i>Personal-Scale Wind Energy Facility</i>	A	A	A	A	A ^s	A ^s						A							A	1251.39
<i>Rooming and Boarding Houses</i>							P	P												1251.43

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Single Family Dwelling Unit Attached</i>							P	P			P	P	E				P	
<i>Single Family Dwelling Unit Detached</i>	P	P	P	P	P	P	P	P	E	E	P	E	E	P	E	E	P	
<i>State Licensed Child Care Family Home, 1-7 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.45
<i>State Licensed Child Care Group Home, 8-14 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.46
<i>State Licensed Child Care Center</i>	P							P	P	P	P	P	P	P	P	P	P	
<i>State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons</i>	P	P	P	P	P	P	P	P			P	P						1251.47
<i>State Licensed Residential Facility Adult Foster Care Small Group Home, 7-12 Persons</i>	S	S	S	S	S	S	S	S										1251.48
<i>State Licensed Residential Facility Adult Foster Care Large Group Home 13-20 Persons</i>	S	S	S	S	S	S	S	S										
<i>Transitional and Supportive Home, 1-6 Persons</i>			P	P	P	P	P	P			P	P		P				1251.49

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Transitional and Supportive Home, more than 6 Persons</i>			S	S	S	S	S	S			P	P		P				1251.50
<i>Community Residential Facility and Group Homes</i>						S	S	S										1251.48
<i>Two-Family Dwelling Units</i>						P	P	P			P	P	P	P			P	
Commercial Uses																		
<i>Adult Business</i>									S						S	S		1251.02
<i>Agri-Tourism</i>		S																
<i>Arena/Theater</i>									P	P							P	
<i>Artisan/Maker Space</i>									P	P	S	P	P	P	P	P	P	
<i>Assisted Senior Living</i>							P	P	P	P	P	P					P	1251.03
<i>Automobile Car Wash Establishment</i>									P	P				E	S	S		1251.04
<i>Automobile Repair</i>									P	P				E	P	P		1251.05
<i>Automobile Service Station</i>									S	P				E	P	P		1251.06

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Automobile or Vehicle Dealership</i>									P	P					P			1251.07
<i>Banquet and Meeting Hall < 100 cap.</i>	S						S	S	P	P	P	P	P				P	1251.08
<i>Banquet and Meeting Hall > 100 cap.</i>	S						S	S	P	P		P	P				P	1251.08
<i>Bar, Tavern, or Saloon</i>									S	P	S	P	P	P	S	S	P	
<i>Bookstore</i>									P	P	P	P	P	P			P	
<i>Brewpub</i>									P	P	S	P	P	P	P	P	P	
<i>Catering Business</i>									P	P	P	P	P	P				
<i>Convalescent Home, Nursing Home, or Home for the Aged</i>							P	P	P	P	P	P	S				S	1251.13
<i>Distillery, Winery – w/ or w/o Food</i>	P	P	S						P	P	S	P	P	P	P	P	P	
<i>Drive-Thru Business</i>									P	P				P	P	P	P	1251.14
<i>Event Center</i>									P	P		P	P					
<i>Farm Equip. and Heavy Machinery Sales</i>															P	P		

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MF R	B-1	B-2	T-3	T-4	T-5	T-6	I-1	I-2	S	Use Standard
<i>Financial Institutions</i>									P	P	P	P	P	P	P	P	P	
<i>Funeral Homes, Mortuaries, and Crematoriums (No Crematoriums B-1, T-3,4)</i>									P*	P	S*	S*			S			
<i>Hospital > 20,000 s.f.</i>								S	S	S		S	S	E	S	S		1251.19
<i>Hotel</i>										P	S	P	P	P			P	1251.20
<i>Independent Senior Living with Services</i>							P	P	P		P	P	P	P			P	1251.21
<i>Indoor Recreation</i>	P								P	P	P	P	P	P			P	
<i>Kennels/Veterinarian</i>	S	S	S						P	P					S	P	S	1251.23
<i>Marihuana: Adult-Use Marihuana Microbusiness</i>									P	P	S			E	P	P		1251.24 1251.26 1251.27
<i>Marihuana: Adult-Use Marihuana Retailers</i>									P	P	S	P	P	E	P	P		1251.24 1251.25 1251.27
<i>Marihuana: Medical Marihuana Provisioning Center</i>									P	P	S	P	P	E	P	P		1251.24 1251.30

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MF R	B-1	B-2	T-3	T-4	T-5	T-6	I-1	I-2	S	Use Standard
																		1251.27
<u>Medical or Dental Clinic < 5,000 s. f.</u>									P	P	P	P	P	P				
Medical or Dental Clinic <20,000 s.f.								P	P	P	S	P	P	E	P		P	
Motel										P	S	P	P	P			P	1251.34
Microbrewery									P	P	S	P	P	P	P	P	P	1251.35
Nightclub									S	P	S	P	P		S	S	P	
Office < 5,000 s.f.									P	P	P	P	P		A	A	P	
Office 5,000 – 17,000 s.f.									P	P	P	P	P	P	A	A	P	
Office > 17,000 s.f.									P	P	S	P	P	E	A	A	P	
Outdoor Recreation/Private	P	P							P	P				P				1251.36
Outdoor Recreation/Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1251.36
Outdoor Storage									A	A				A	A	A		1251.37
Pawn Broker									P	P	S							

Uses	G	AG	R1 -R	R1- A	R1- -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Personal Service Establishment</i>									P	P	P	P	P	P			P	1251.40
<i>Private Club</i>									P	P	P	P	P	P				
Restaurant																		
<i>Carry-Out Restaurant</i>									P	P	P	P	P	P	P	P	P	
<i>Drive-In Restaurant</i>									P	P	P	S		P	P	P	P	
<i>Drive-Thru Restaurant</i>									P	P	S	S		P	P	P		1251.14
<i>Full-Service Restaurant</i>									P	P	P	P	P	P	P	P	P	
<i>Limited-Service Restaurant</i>									P	P	P	P	P	P	P	P	P	
<i>Retail Sales < 5,000 s.f.</i>									P	P	P	P	P	P	S	S	P	
<i>Retail Sales 5,000 – 17,000 s.f.</i>									P	P	P	P	P	P	S	S	P	
<i>Retail Sales > 17,000 s.f.</i>									P	P	S	P	P	P	S	S	P	
<i>Tree Farm</i>	P	P																
<i>Vehicle Repair, Major</i>									S	S				E	P	P		1251.54

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MF-R	B-1	B-2	T-3	T-4	T-5	T-6	I-1	I-2	S	Use Standard
<i>Vehicle Repair, Minor</i>									P	P				E	P	P		
Industrial Uses																		
<i>Junk and Salvage Yard</i>															S	S		1251.22
<i>Manufacturing</i>															P	P		
<i>Marihuana: Medical and Adult Use Marihuana Grow Operation</i>															P	P		1251.24
																		1251.27
																		1251.28
<i>Marihuana: Medical and Adult Use Marihuana Processing Facility</i>															P	P		1251.24
																		1251.27
																		1251.29
<i>Marihuana: Medical and Adult Use Marihuana Safety Compliance Facility</i>									P	P					P	P		1251.24
																		1251.27
																		1251.31
<i>Marihuana: Medical and Adult Use Marihuana Secure Transporter</i>									P	P					P	P		1251.24
																		1251.27
																		1251.32
<i>Research and Development</i>								S	P		S			P	P	P		
<i>Self-Storage Facilities</i>									P	P								1251.44

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MF R	B-1	B-2	T-3	T-4	T-5	T-6	I-1	I-2	S	Use Standard
<i>Transportation and Logistics</i>									S	S					P	P	P	
<i>Utility-Scale Solar Energy Facility</i>		S	S						A	A					P	P		1251.52
<i>Utility-Scale Wind Energy Facility</i>		S	S													S		1251.53
<i>Warehouse</i>									S	S					P	P	P	
<i>Wholesale</i>									S	S					P	P	P	
Other Uses																		
<i>Accessory Buildings</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1260.01
<i>Adaptive Reuse</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	1251.01
<i>Campground</i>	S	S	S	S	S	S												1251.09
<i>Cemetery</i>		S	S	S	S	S	S	S	S	S	S			E	S	S	S	1251.10
<i>Community Garden</i>	P	P	P	P	P	P	P	P			P						P	1251.11
<i>Essential Services</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1240.21(b)
<i>Farmer's Market</i>	A/S	A/S									A/S	A	A				A	1251.15

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Food Truck</i>									A	A	A	A	A	A	A	A	A	
<i>General and Specialized farms, including crops and the raising and keeping for profit of cattle, hogs, horses, ponies, sheep and similar livestock</i>		P																1251.17
<i>Government/Public Uses</i>									P	P	P	P	P	P	P		P	1251.16
<i>Greenhouse/Nursery (Principal Use)</i>	P	P	P							P				P	P		P	
<i>Institutions of Higher Education</i>	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	P	
<i>Marinas</i>	S										S						S	
<i>Parking as a Principal Use</i>										S		S	S	S	S	S	S	
<i>Private K-12 Schools</i>			S	S	S	S	S	S	P	P	S	S	P				S	
<i>Private Garden</i>	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	1251.41
<i>Public K-12 Schools</i>			P	P	P	P	P	P	P	P	P	P	P	P			P	

Uses	G	AG	R1 -R	R1- A	R1 -B	R- 2	R- 3	MF R	B- 1	B-2	T- 3	T- 4	T-5	T-6	I-1	I-2	S	Use Standar d
<i>Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources</i>	P	P																
<i>Religious Institutions</i>	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	1251.42
<i>Telecommunications</i>	Refer to Section 1251.49 to see where telecommunication towers are permitted.																1251.49	
<i>Mobile Home Park Overlay District</i>	Refer to Section 1250.05 for Mobile Home Park requirements.																1250.05	

1240.03 G GREEN DISTRICT.

<p>(a) Purpose</p> <p>It is the purposes of this district to:</p> <ol style="list-style-type: none"> 1. Preserve and protect natural and man-made water areas, flood plains, marshes, and wetlands from development other than open spaces or recreational uses 2. Preserve and protect agricultural districts and/or wildlife habitats 3. Limit residential and commercial development and encourage design that preserves natural environments 4. Retain natural drainage patterns 5. Preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas 	
<p>(b) Permitted Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Greenhouse/Nursery (Principal Use) • Indoor Recreation • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Banquet and Meeting Hall (Section 1251.08) • Campground (Section 1251.10) • Farmers Market (Section 1251.15) • Institutions of Higher Education • Kennels (Section 1251.23) • Marinas • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Farmers Market (Section 1251.15) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) • Private Gardens (Section 1251.41) 	

<ul style="list-style-type: none"> • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	G
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setbacks Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.04 AG AGRICULTURAL DISTRICT.

(a) Purpose	
<p>It is the purposes of this district to provide rural areas used predominantly for general farming operations. Although urban development is occurring at a substantial rate in the City, agriculture remains an important economic activity, and in the proper interest of the welfare of present and future residents, it is considered necessary to conserve an effective environment for stable, productive agricultural operations.</p> <p>The regulations of this chapter, therefore, are designed to:</p> <ol style="list-style-type: none"> 1. Protect and stabilize the essential characteristics of these areas 2. Minimize conflicting land uses detrimental to farm enterprises 3. Exclude development which requires highway, drainage, and other public utilities and facilities in excess of those required by agricultural uses 	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Distillery, Winery – w/ or w/o food 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Agri-Tourism • Campground (Section 1251.10)

<ul style="list-style-type: none"> • Essential Services • General and specialized farms, including crops and the raising and keeping of livestock (Section 1251.17) • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<ul style="list-style-type: none"> • Cemetery (Section 1251.11) • Farmers Market (Section 1251) • Institutions of Higher Education • Kennels/Veterinarian (Section 1251.23) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Farmers Market (Section 1251.15)
- Home Occupation (Section 1251.18)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.39)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	AG
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	.33
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	(c)
Rear Yard Setback (ft.)	(c)
Side Yard Setback (ft.)	(c)

Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.05 R-1R SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish residential properties of a semi-rural character that includes areas of the City presently without water and sewerage services and likely to remain without such services, in whole or in part, indefinitely. The R-1R Single-Family Rural Residential District includes existing low-density one-family properties, as well as areas within which such developments appear both likely and desirable.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Public (Section 1251.35) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Distillery, Winery – w/ and w/o food • Institutions of Higher Education • Private K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Religious Institution (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, ore than 6 Persons • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) 	

<ul style="list-style-type: none"> • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1R
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1.45
Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.06 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish areas of primarily single-family detached residential properties of a semi-suburban to suburban, low-density character, usually served by City water and sewer.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42)

<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.49) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, more than 6 Persons (Section 1251.50)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Accessory Dwelling Unit attached to the primary dwelling, with SLU approval
- Home Occupation (Section 1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	R-1A
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	5.80
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	30
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	8
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations

above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.07 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish primarily single-family detached residential properties of a suburban, medium-density character. This district includes those areas, which are serviced by City water and sewer.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, more than 6 Persons (section 1251.50)
Refer to Section 1230.06 for definitions for uses and refer to Chapter 1251 for development standards for specific uses.	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling, with SLU approval • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1B
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.7
Minimum Lot Width (ft.)	50

Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	30
Side Yard Setback (ft.)	6
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.08 R-2 TWO FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish a mix of single- and two-family residential properties of an urban, medium-density character. Limited commercial uses, which tend to complement residential areas should be expected. This district includes street and utility elements expected in an urban setting. Further, this district provides a buffer between single-family and multifamily neighborhoods.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, not to Exceed 4 Boarders (Section 1251.43) • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Religious Institutions (Section 1251.42) • Private K-12 Schools • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-20 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)

<ul style="list-style-type: none"> Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> Transitional and Supportive Home, more than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> Accessory Building (Section 1260.01) Accessory Dwelling Unit attached to the primary dwelling unit, with SLU approval Home Occupation (Section 1251.18) Personal-Scale Wind Energy Facility, with SLU approval (Section 1251.39) Private Gardens (Section 1251.41) State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
Lot Standards	R-2
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.70
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements.</p>	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25
Side Yard Setback (ft.)	5
<p>Primary Dwelling Height Requirement</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling height requirements</p>	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.09 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

<p>(a) Purpose</p> <p>It is the purpose of this district to establish high-density multi-family developments located in suburban and urban areas, and commercial development with relatively low intensities that often complement residential neighborhoods. Further, this district supports housing styles of mid- and high-level buildings consisting of garden apartments, and townhome condominiums. The high density of this district is intended to support nearby commercial districts, and provide a transition between commercial and mid-density districts.</p>	
<p>(b) Permitted Uses</p> <ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, up to 10 Boarders (Section 1251.43) • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 persons (Section 1251.49) 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall < 100 capacity (Section 1251.08) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, more than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling. • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.39) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	

(e) Dimension Regulations	
Lot Standards	R-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	15
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (f)
Side Yard Setback (ft.)	5 (f)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setback Requirements	
Detached Accessory Dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.10 MFR HIGH DENSITY MULTIPLE FAMILY DISTRICT.

(a) Purpose
It is the purpose of this district to accommodate new types of diversified residential developments of high densities, usually requiring a large tract of unplatted land. The types of residential structures include garden apartments, terrace apartments and row housing units

and those special types of housing structures similar in character and density to multiple family housing.

(b) Permitted Uses		(c) Special Land Uses	
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Institutions of Higher Education • Medical or Dental Clinic <20,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 		<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall (Section 1251.08) • Cemetery (Section 1251.11) • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, more than 6 Persons (Section 1251.50) 	
Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.			
(d) Accessory Uses			
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 			
(e) Dimension Regulations			
Lot Standards		MFR	
Minimum Lot Area (sq. ft.)		See Section 1241.03(e)	
Maximum Residential Units Per Acre		20(d)(e)	

Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setbacks	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.11 B-1 CORRIDOR COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> Arena/Theater 	<ul style="list-style-type: none"> Adaptive Reuse (Section 1251.01)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Banquet and Meeting Hall (Section 1251.08) • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries • Government/Public Uses (Section 1251.16) • Indoor Recreation • Institutions of Higher Education • Pawn Broker • Private Club • Private K-12 Schools • Public K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) | <ul style="list-style-type: none"> • Adult Business (Section 1251.01) • Automobile Service Station (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sf. (Section 1251.19) • Nightclub • Research and Development • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale |
|---|--|

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Outdoor Storage (Section 1251.37)
- Personal Service Establishment (Section 1251.40)
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Retail Sales
- Self-Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Prohibited Uses

- Sale, rental, or display of motor vehicles, trailers, or boats
- Manufacturing and processing establishments not selling their entire output at retail on the site

(g) Dimension Regulations	
Lot Standards	B-1
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	20
Rear Yard Setback (ft.)	15 (h)
Side Yard Setback (ft.)	15 (g)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.12 B-2 REGIONAL COMMERCIAL DISTRICT.

<p>(a) Purpose</p> <p>It is the purpose of this district to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded.</p>	
<p>(b) Permitted Use</p> <ul style="list-style-type: none"> • Arena/Theater • Artisan/Maker Space • Assisted Senior Living • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (section 1251.06) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries, and Crematoriums • Government/Public Uses (Section 1251.16) 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Cemetery (Section 1251.11) • Parking as a Principal Use • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale

- Greenhouse/Nursery (Principal Use)
- Hospital > 20,000 sq. ft. (Section 1251.19)
- Hotel (Section 1251.20)
- Indoor Recreation
- Institutions of Higher Education
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31)
- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 sq. ft
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Nightclub
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Pawn Broker
- Personal Service Establishment (Section 1251.39)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Full Service ○ Limited Service ● Retail Sales > 17,000 sq. ft. ● Self Storage Facilities (Section 1251.44) ● Vehicle Repair, Major 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> ● Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.01) ● Food Truck ● Outdoor Storage (Section 1251.37) ● Private Gardens (Section 1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) ● Utility-Scale Solar Energy Facility (Section 1251.52) 	
<p>(f) Dimension Regulations</p>	
<p style="text-align: center;">Lot Standards</p>	<p style="text-align: center;">B-2</p>
<p style="text-align: center;">Minimum Lot Area (sq. ft.)</p>	<p style="text-align: center;">25,000</p>
<p style="text-align: center;">Maximum Residential Units Per Acre</p>	<p style="text-align: center;">NA</p>
<p style="text-align: center;">Minimum Lot Width (ft.)</p>	<p style="text-align: center;">150</p>
<p style="text-align: center;">Minimum Lot Depth (ft.)</p>	<p style="text-align: center;">100 (Section 1240(a)(7))</p>
<p style="text-align: center;">Maximum Percent of Building Coverage</p>	<p style="text-align: center;">Not Required</p>
<p style="text-align: center;">Front Yard Setback (ft.)</p>	<p style="text-align: center;">35</p>
<p style="text-align: center;">Rear Yard Setback (ft.)</p>	<p style="text-align: center;">20</p>
<p style="text-align: center;">Side Yard Setback (ft.)</p>	<p style="text-align: center;">20</p>
<p style="text-align: center;">Maximum Building Height</p>	<p style="text-align: center;">60 ft.</p>
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>	

1240.13 T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall < 100 Capacity (Section 1251.08) • Bed and Breakfast (Section 1251.09) • Bookstore • Catering Businesses • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.14) • Indoor Recreation • Independent Senior Living with Services (Section 1251.21) • Medical or Dental Clinic < 5,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq. ft. • Outdoor Recreation/Public (Section 1251.36) • Personal-Scale Wind Energy Facility (Section 1251.39) • Personal Service Establishments (Section 1251.40) • Private Club • Public K-12 Schools • Religious Institutions (Section 1251.42) • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Full Service 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Artisan/Maker Space • Bar, Tavern, or Saloon • Brewpub • Cemetery (Section 1251.11) • Distillery, Winery – w/ or w/o food • Drive Thru Business (Section 1251.14) • Farmers’ Market (Section 1251.15) • Funeral Homes, Mortuaries • Hotel (Section 1251.20) • Institutions of Higher Education • Pawn Broker • Private K-12 Schools • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marinas • Medical or Dental Clinic 5,000 to < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.20) • Nightclub • Office >= 17,000 sq. ft. • Retail Sales >= 17,000 sq. ft. • Restaurant <ul style="list-style-type: none"> ○ Drive-Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales < 17,000 sq. ft. ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Two-Family Dwelling Units ● State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) ● Transitional and Supportive Home, 1-6 Persons (Section 1251.49) ● Transitional and Supportive Home, more than 6 Persons (Section 1251.50) 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, T-5, and T6 Districts for additional development requirements.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.02) ● Food Truck ● Accessory Dwelling Unit attached or detached from the primary dwelling ● Farmers Market (Sections 1251.15) ● Private Gardens (1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
Lot Standard	T-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	40
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements</p>	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	20 (h)
Side Yard Setback (ft.)	10 (g)
<p>Primary Dwelling Height Requirement</p>	

Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	36 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.14 T-4 DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to encourage the development, redevelopment and use of properties in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Farmers Market (Section 1251.15) • Financial Institutions 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Drive-Thru Business (Section 1251.14) • Funeral Homes, Mortuaries • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Parking as a Principal Use • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Drive-In ○ Drive-Thru (Section 1251.14)

- Government/Public Uses (Section 1251.16)
- Hotel (Section 1251.20)
- Independent Senior Living with Services (Section 1251.21)
- Indoor Recreation
- Institutions of Higher Education
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic < 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.36)
- Personal Service Establishments (Section 1251.40)
- Private Club
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Retail Sales
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
- Single Family Dwelling Unit Attached
- State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.48)
- Transitional and Supportive Home, 1-6 Persons (Section 1251.49)
- Transitional and Supportive Home, more than 6 Persons (Sections 1251.50)
- Two-Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, T-5 and T-6 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 7-12 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-4
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	(d)
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling height	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8

Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.15 T-5 CORE DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition. Further, to promote uses that support a walkable downtown environment, mix of uses within a single building, and uses that create activity throughout the day and week.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Financial Institutions • Government/Public Uses (Section 1251.16) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Hospital > 20,000 sq. ft. (Section 1251.19) • Parking as a Principal Use

- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic <= 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.35)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Full Service
 - Limited Service
- Retail Sales
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, T-5, and T-6 Districts for additional development requirements.

(d) Existing Uses

- **Single Family Dwelling Unit Attached**
- **Single Family Dwelling Unit Detached**

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)

- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-5
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories

Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.16 T-6 LAKEVIEW DISTRICT.

<p>(a) Purpose</p>	
<p>It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded. Further, it is intended to promote uses that support a walkable environment, mix of uses within a single building, and uses that create activity throughout the day and week.</p>	
<p>(b) Permitted Uses</p>	<p>(c) Special Land Uses</p>
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile Service Station • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Distillery, Winery – w/ or w/o food • Drive-Thru Business • Essential Services • Financial Institutions • Green house/Nursery (Principal Use) • Government/Public Uses (Section 1251.16) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education • Medical or Dental Clinic < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.34) • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq. ft. • Outdoor Recreation/Private (1251.36) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Parking as a Principal Use

- Outdoor Recreation/Public (1251.36)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Public K-12 School
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
 - Drive-In
 - Drive-Thru
- Retail Sales
- Single Family Dwelling Unit Attached
- Transitional and Supportive Home, 1-6 (1251.49)
- Transitional and Supportive Home, more than 6 (1251.50)
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, t-4, T-5, and T-6 Districts for additional development requirements.

(e) Existing Use

- Automobile Car Wash Establishment
- Automobile Repair (**Section 1251.05**)
- Cemetery

- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30)
- Medical or Dental Clinic > 20,000 sq. ft.
- Office > 17,000
- Vehicle Repair, Major (1251.54)

(f) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Food Truck
- Home Occupation (1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(g) Dimension Regulations	
Residential Lot Standards	T-6
Minimum Lot Area (sq. ft.)	3,000
Maximum Residential Units Per Acre	(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Setback Requirements	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	30 ft.
Side Yard Setback (ft.)	10 ft.
Height Requirement	
Maximum Building Height	60 ft.
Commercial/Mixed Use Lot Standards	
Minimum Lot Area (sq. ft.)	Not Required
Minimum Lot Width (ft.)	30 ft.
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	
Setback Requirements	
Front Yard Setback (ft)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	20 ft.
Side Yard Setback (ft.)	20 ft.
Height Requirement	
Maximum Building Height	60 ft.
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.17 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Purpose

The I-1 Light Industrial District is intended to accommodate those industrial uses that generate noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District, commercial

establishments not engaging in retail sales and service establishments which, if doing retail business, are of the type not generally requiring the customer to call at the place of business.

(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Center • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Institutions of Higher Education • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28) • Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29) • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.02) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Funeral Homes, Mortuaries, and Crematoriums • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Kennels (Section 1251.23) • Nightclub • Parking as a Principal Use • Retail Sales

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Microbrewery (Section 1251.34)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.53)
- Vehicle Repair, Minor (Section 1251.05)
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Office
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standard	I-1
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))

Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	50 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.18 I-2 HEAVY INDUSTRIAL DISTRICT.

(a) Purpose	
The purpose of this district is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Centers • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Institutions of Higher Education • Kennels (Section 1251.23) • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.01) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Nightclub • Parking as a Principal Use • Retail Sales • Utility-Scale Wind Energy Facility (Section 1251.53)

- Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28)
- Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor)
- Marihuana Medical and Adult-Use Marihuana Safety Compliance Facility (Section 1251.24, 1251.31)
- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24, 1251.32)
- Microbrewery (Section 1251.35)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.54)
- Vehicle Repair, Minor
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Carry-Out Restaurant

- Outdoor Storage (Section 1251.37)
- Office
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children
- State Licensed Child Care Group Home, 8-14 Children

(f) Dimension Regulations

Lot Standards	I-2
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Chapter 1241 wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for dimensional regulations for specific uses.

1240.19 S SPARK DISTRICT.

(a) Purpose

It is the purpose of this district to encourage and facilitate redevelopment by implementing the following mixed-use policies:

1. **Mix of Land Compatible Land Uses:** Permit a range of compatible land uses, such as residential (from single-family to multi-family), public, institutional, office, retail, personal services use, and appropriate general business uses.
2. **Walkability:** Create a walkable, pedestrian-oriented development that does not conflict with motorized traffic.
3. **Building Location and Site Design:** Ensure that buildings have a strong relationship to the street by requiring development to be human-scale through appropriate building location and site design, including developing areas that include civic spaces and pedestrian amenities and requiring on-street parking along interior streets.
4. **Use of Buildings:** Allow compatible mixed uses to be located in a single building.

(b) Permitted Uses

- Adaptive Reuse (Section 1251.01)
- Arena/Theater
- Artisan/Maker Space

(c) Special Land Uses

- Cemetery (Section 1251.11)
- Convalescent Homes, Nursing Homes, or Homes for the Aged (Section 1251.13)

- | | |
|--|--|
| <ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Child Care Centers • Community Garden (Section 1251.10) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education • Medical or Dental Clinic < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.34) • Multi-Family Dwelling Units (Section 1251.33) • Nightclub • Office • Outdoor Recreation/Public (Section 1251.36) • Outdoor Recreation/Private (Section 1251.36) • Personal Service Establishments (Section 1251.40) • Public K-12 Schools • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) ○ Full Service | <ul style="list-style-type: none"> • Private K-12 Schools • Kennels (Section 1251.23) • Marinas • Parking as a Principal Use |
|--|--|

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Transportation and Logistics ● Two-Family Dwelling Units ● Warehouse ● Wholesale 	
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.45)

(e) Dimension Regulations

Lot Standards	S
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	Not Required
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required

Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.04 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule these dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses. All development in the S Spark District is eligible for administrative approval subject to the discretion of the Zoning Administrator.</p>	

1240.20 OFFICIAL ZONING MAP AND INTERPRETATION.

The boundaries of the districts are shown upon the map, which is made a part of this Zoning Code, which map is designated as the “Official Zoning Map.” Such map and all the notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if they were fully set forth or described herein.

Where, due to the scale, illegibility or detail of the map, there is uncertainty, contradiction or conflict as to the location of a district boundary, the interpretation of the exact location of such boundary shall be determined by the Zoning Board of Appeals.

1240.21 DISTRICT BOUNDARY UNCERTAINTIES.

Where uncertainty exists or arises with respect to the boundaries of the various districts as shown on the zoning district map accompanying and made a part of this zoning ordinance in its original form, the following rules apply:

(a) The district boundaries are either streets, alleys, rights of way or watercourses, unless otherwise shown. Where such districts are bounded approximately by streets, alleys, rights of way or watercourses, the same shall be construed to be the boundaries of the districts unless such boundaries are fixed by dimensions as shown on the map.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where such districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts, unless the boundaries are fixed by dimensions as shown on the map.

(c) In any determined by the use of the scale appearing on the map, unless the same are indicated by dimensions as shown on the map.

1240.22 ZONING DISTRICTS.

(a) Conformity with District Regulations Required. Except as hereinafter provided:

(1) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.

(4) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located, except for as otherwise allowed in Chapter 1270.

(5) No building or structure shall be enlarged or altered and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed in Chapter 1270.

(6) The minimum yards, parking spaces and other open spaces, including the lot area per family, required by this Zoning Code for each and every building existing at the time of passage of this Zoning Code (November 24, 2020) or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.

(7) Every building hereinafter erected or structurally altered shall be on a lot, provided that a lot may be subdivided or a series of lots may be increased in number and decreased in size, so long as each new lot is not less than 100 feet in depth and in conformity with the width requirements of Chapter 1240. In no case shall there be more than one main building on one lot unless otherwise provided in this Zoning Code.

(b) Essential Services. Essential services shall be permitted as authorized and regulated by law and ordinances of the City. It is the intention of this Zoning Code to exempt such essential services from the application of this Zoning Code.

(c) Land Under Water; Streets. All areas within the City which are under water or a public right-of-way and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water or right-of-way area. If the water or right-of-way area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water or right-of-way area in a straight line until they meet the other district.

(d) Annexed Land.

(1) Whenever any areas are annexed to the City, one of the following conditions shall prevail:

A. All lots, tracts or land which may hereafter be annexed to the City shall be classified as being in whichever district as most clearly conforms to the zoning that existed in the annexed area. Such classifications shall be recommended by the Planning Commission to the City Commission and the City Commission shall approve the same by resolution.

B. If any lot, tract or land is not subject to zoning at the time of annexation, it shall be classified as R-1A Single-Family whenever the land is vacant and otherwise shall be classified into whatever district of this Zoning Code most closely conforms to the existing use of the annexed area. Such classification shall be approved in the same manner as described for property that is zoned when annexed.

(2) In all cases, there shall be a public hearing, within a reasonable time after annexation, on the question of a permanent zoning classification. The hearing before the Planning

Commission and the subsequent action by the City Commission shall follow the procedure to establish amendments in accordance with Section 1281.01(c).

(e) Vacation of Streets. Whenever any street, alley or other public way is vacated by official action of the City Commission or by the courts, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(f) Uses Not Specifically Mentioned. The City Zoning Administrator or their designee shall have the power to classify a use, which is not specifically mentioned in this Zoning Code, along with a comparable permitted or prohibited use for the purpose of the use regulations in any district. The City Planning and Zoning Administrator or their designee may refer these appeals to the Zoning Board of Appeals.

Chapter 1241
Schedule of Regulations

1241.01 STATEMENT OF PURPOSE.

The purpose of this Chapter is to provide area, height, and placement regulations for districts established by this Zoning Code.

1241.02 SCHEDULE OF REGULATIONS.

Schedule of Regulations									
Zoning District		Lot Area, Lot Width, and Building Coverage Requirements (Section 1247.07(a))			Minimum Yard Setbacks			Maximum Building Height	
	Max. Residential Units Per Acre	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. % Building Coverage	Front (ft.) (Section 1247.07 (b))	Side (ft.) (Section 1247.07 (c))	Rear (ft.)	Feet	Stories
G, Green District	1	Not Required	150	Not Required	35	15	35	35	2.5
AG, Agricultural District	.33	Not Required	150	Not Required	(c)	(c)	(c)	35	2.5
R-1R, Single Family Residential District	1.45	Not Required	120	Not Required	35	15	35	35	2.5

R-1A, Single Family Residential District	5.8	Not Required	60	30	30	8	35	35	2.5
R-1B, Single Family Residential District	8.7	Not Required	50	30	25	6	30	35	2.5
R-2, Two Family Residential District	8.7	Not Required	50	25	25	5	25	35	2.5
R-3, Multiple Family District	15	Not Required	40	25	25 (f)	5 (f)	25 (f)	45	4
MFR, High Density Multiple Family District	20	Not Required	120	30	35	20	20	45	4
B-1, Corridor Commercial District	NA	Not Required	60	Not Required	35	20	20	50	3
B-2, Regional Commercial District	NA	25,000	150	Not Required	35	20	20	50	3
T-3, Neighborhood Commercial District (Section	20(d)	Not Required	30	40	See Section 1250.04(d) (1)A 30	10 (g)	20 (h)	36	3

1241.03 (i))									
T-4, Downtown Commercial, Community Services, Community Open Space and Recreation (Section 1241.03(i))	20 (d)	Not Required	40	Not Required	See Section 1250.04(d) (1)A	Not Required	Not Required	Not Required	Not Required
T-5, Downtown Commercial District (Section 1241.03(i))	20 (d)	Not Required	30	Not Required	See Section 1250.04(d) (1)A	Not Required	Not Required	Not Required	Not Required
<u>T-6. Lakeview District (Section 1241.03(i))</u>	<u>(d)</u>	<u>3,000</u>	<u>30</u>	<u>Not Required</u>	<u>See Section 1250.04(d) (1)A</u>	<u>Not Required</u>	<u>Residential 20 ft. Commercial/ Mixed Use 30 ft.</u>	<u>60 ft.</u>	<u>NA</u>
I-1, Light Industrial District	NA	2,900	60	Not Required	25	25 (g)	50 (h)	Not Required	Not Required
I-2, Heavy Industrial District	NA	2,900	60	Not Required	25	25 (g)	50 (h)	Not Required	Not Required
S, Spark District	20	Not Required	60	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required

<p>Footnotes: Refer to Section 1241.03 whenever a lowercase letter is referenced in parentheses. . Additionally, some uses have specification standards that overrule these dimensional regulations. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>									

1241.03 FOOTNOTES TO SCHEDULE OF REGULATIONS.

(a) Whenever a lot has less area or width than required in this chapter, but was a lot of record at the time of the adoption of this Zoning Code (Ordinance 10-2020, adopted on November 24, 2020), such lot may be occupied by any of the uses permitted in the district in which it is located. The use must meet all of the other requirements of this Zoning Code.

(b) In R Districts, where required front yards exceed twenty-five feet, only one front yard in excess of twenty-five feet shall be required, except that south of I-94 on lots fronting on Beckley Road or Capital Avenue, S.W., all such front yards shall be a minimum of fifty feet.

(c) Thirty-five feet to dwelling only.

(d) The maximum residential density allowed in the MFR High Density Multiple Family District and the T-3 Neighborhood Commercial District shall not exceed twenty units per acre. There is no residential density limit in the T-4, ~~and T-5~~, and T-6 Districts. However, all other dimensional regulations in those districts shall apply.

(e) No new multifamily dwelling in the MFR High Density Multiple Family District shall be established having a site area of less than 7,500 sq. ft.

(f) Provided that the front and rear yards are increased by one foot for each foot of building height exceeding thirty-five feet, and that the side yards are increased over the minimum requirement by one foot for each two feet of building height over thirty-five feet.

(g) No side yard shall be required, except that a side yard shall be provided on the side of a lot or tract adjoining a residential use or district. If an alley separates such a lot from a residential use or district, no side yard shall be required.

(h) A rear yard shall be required only upon that portion of a lot or tract abutting on a residential district or adjacent to a residential use. Where a rear yard abuts an alley, the width of one-half of the alley may be considered part of the required yard.

(i) The schedule of regulations is intended to be complementary with the requirements of Section 1250.04, Form-Based Development Standards for the T-3, T-4, ~~and T-5~~ and T-6 Districts; however, in any instance where there is apparent conflict the provisions of Section 1250.04 shall control.

1241.04 HEIGHT REQUIREMENTS.

(a) Exceptions and Modifications.

(1) Chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, solariums, steeples, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, ornamental

towers and spires, wireless, television or radio towers and necessary mechanical appurtenances shall not be included in determining the height or number of stories of a building.

(2) The limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, provided that such buildings do not exceed the height permitted in the district in which they are located.

(b) Airport Height Restrictions. Additional height limitations exist in areas designated on the official zoning map within approach zones at the Battle Creek Executive Airport at Kellogg Field. These restrictions are further delineated in Section 1250.03.

1241.05 LOT AREA AND WIDTH REQUIREMENTS.

(a) Exceptions.

(1) Two or more parcels, lots of record or platted lots, when contiguous and held in common ownership, may be treated as a single lot for purposes of the dimensional requirements of this Zoning Code, provided that such lots are located in the same district. This does not prevent the use of the lots as separate stand-alone parcels.

(2) Where a single lot of record, platted lot or parcel of land is within two or more zoning districts, it may be treated as two or more lots for purposes of this Zoning Code, provided that each portion has the required frontage on a street or place and meets all of the other standards for the district in which it is located.

(3) Where a lot of record on the effective date of this Zoning Code (Ordinance 10-2020, adopted on November 24, 2020) is less than fifty feet in width, the required side yard may be reduced to 10% of the width of the lot, provided that no side yard is less than four feet.

(4) More than one main multiple dwelling or commercial or industrial building may be located upon a lot, provided that such building conforms to all yard requirements for the district in which the lot is located.

(5) For purposes of this Zoning Code, the width of a lot shall be determined to be the width at the required front yard setback line.

(b) Prohibition of Flag Lots. The creation of flag or panhandle lots is prohibited.

1241.06 SINGLE FAMILY RESIDENTIAL SITING REQUIREMENTS.

(a) Purpose and Application. This chapter is necessary in order for the City to more specifically address the special requirements and regulations associated with the on-site placement of manufactured housing to assure favorable comparison with site-built housing. However, it shall apply to all single-family dwellings.

(b) Location. The siting of a single-family dwelling may occur on any lot located in a district that permits such use, provided the dwelling meets the requirements established for that particular district and the requirements of this chapter.

(c) General Requirements.

(1) A single-family dwelling shall have a minimum first floor area of 450 square feet and a minimum width of twenty feet on the shortest side and a minimum internal height of seven and one-half feet.

(2) The building shall be located and constructed so as to meet the minimum off-street parking and loading requirements set forth in Chapter 1261, and conform to the Schedule of Regulations set forth in Chapter 1241, if located in an R District, any accessory buildings and uses shall meet the residential district requirements set forth in Section 1260.01.

(3) Construction of site-built and manufactured houses without mobile chassis shall be in compliance with the latest adopted Building Code of the City. Manufactured houses with mobile chassis, shall meet the requirements of the HUD Code.

(4) The dwelling shall be attached to a permanent foundation as required in the latest adopted Building Code of the City. Manufactured houses shall be supported and anchored as required by the latest adopted Building Code of the City, or as required by the Michigan Mobile Home Commission rules.

(5) When setting on a permanent foundation, wheels shall be removed from manufactured houses so equipped, and the screening of the towing mechanism, undercarriage or chassis shall be done with non-load bearing, fire-resistant skirting materials of similar or the same composition as the home's outside surface. Such screening shall be installed in a manner so as to resist damage under normal weather conditions, shall be vented and shall have an access panel provided for in accordance with the Michigan Mobile Home Commission rules.

(6) The dwelling shall be connected to a public sanitary sewer system if such exists within 200 feet of the structure or, if no public sewer is so available, a private septic tank may be established if it is approved by the County Health Department. The dwelling may be connected to a public water system if such is available, or to a private well approved by the County Health Department.

(7) Additions to dwellings shall be built in conformity with the latest adopted Building Code of the City, and shall be constructed with similar materials, be similar in appearance and be of similar quality of workmanship as in the original structure.

(8) Dwellings must include storage area, either in the basement, in an attic area, in closet areas or in a separate fully enclosed structure. Such storage area shall be at least 5% of the total square footage of interior living area of the dwelling or 525 cubic feet, whichever is less.

(9) Sixty percent of the roof configuration shall be a minimum of 2.5 inches per every twelve inches of run-slope and shall meet or exceed all applicable roof snow load and strength requirements.

(d) Design Standards.

(1) The dwelling shall be aesthetically compatible in design and appearance with adjacent existing residential buildings. Aesthetic compatibility shall not be construed to prohibit innovative design concepts involving, nor limit such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

(2) The aesthetic compatibility of design and appearance shall be determined by the Planning and Zoning Administrator upon review of the plans submitted for a particular dwelling.

(3) Determination of incompatibility of a particular dwelling may be appealed by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days of the receipt of notice of the Planning and Zoning Administrators decision.

(e) Exemption for Mobile Home Parks. The provisions of this chapter shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law.

1241.07 YARD REQUIREMENTS.

(a) Building Projections. Every part of a required yard shall be open to the sky and unobstructed by a building, except for the following may project into required yards:

(1) Accessory buildings as permitted in Section 1260.01.

(2) The ordinary projection of sills, belt courses, cornices, eaves and ornamental features not exceeding twelve inches.

(3) Permanent awnings projecting not more than four feet into a required yard.

(4) Terraces, uncovered porches, wheelchair ramps and ornamental features that do not rise more than four feet above the ground.

(b) Front Yards.

(1) Lots having frontage on a lake, brook, stream, river or other watercourse shall be provided with a required front yard on this water frontage, as well as that, which might be required on any street frontage as specified for the district in which it is situated.

(2) On corner lots, a front yard shall be required along each street.

(3) Interior lots having a frontage on two streets shall be provided with the required front yard on both streets.

(4) Where front yards have been established, or may be required on each of two intersecting streets, there shall be a front yard on each street side of a corner lot, with the following exceptions:

A. In R Districts, where required front yards exceed twenty-five feet, only one front yard in excess of twenty-five feet shall be required, except that south of I-94 on lots fronting on Beckley Road or Capital Avenue, S.W., all such front yards shall be a minimum of fifty feet.

B. The width of the principal building located on a lot of record need not be less than twenty-feet when the owner of record can show that the ownership and control of any adjacent lot or lots of record are by another person.

(5) Where 40% or more of frontages on the same side of a street between intersecting streets are developed with buildings that have a front yard less in depth than otherwise required by this chapter, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings on both sides of the lot to be used, except that this subsection shall not apply south of I-94 to lots fronting Beckley Road or Capital Avenue, S.W.

(6) Where alleys separate lots, the width of the alley shall not be considered in the computation of frontage, nor shall the alley be considered an intersecting street.

(7) No storage or parking of vehicles is permitted on any portion of a required front yard in any R District or T-3 District, except as such parking or storage may intermittently occur on legally authorized driveways and as otherwise may be permitted in this Zoning Code, unless otherwise allowed in this code.

(c) Side Yards.

(1) For the purpose of the side yard regulations, a two-family or multiple dwelling may be considered as one building occupying one lot.

(2) Whenever the wall of any building adjoining a side yard within any Single-Family or Two-Family Residential District exceeds a length of fifty feet, the width of the side yard shall be increased by one foot for each ten feet of wall length in excess of fifty feet.

(d) Exceptions for Commercial and Industrial Districts.

(1) Parking shall be permitted in the required front yard in any B-1, B-2, I-1 or I-2 District.

(2) Whenever a commercial or industrial district adjoins an R District or a residential use, no off-street parking required for the commercial or industrial development shall be located within the required yard within fifty feet from the residential structure or the R District boundary.

(3) Fences of a concealment type, not to include chain link, shall be erected on the common lot line whenever such lot line separates a Commercial or Industrial District from an R District or a residential structure. Such fence shall be installed concurrently with the commercial or industrial use of the land or building. The height of such fence shall conform to the requirements of Section 1260.02 (e).

Chapter 1241
Schedule of Regulations

1241.01 STATEMENT OF PURPOSE.

The purpose of this Chapter is to provide area, height, and placement regulations for districts established by this Zoning Code.

1241.02 SCHEDULE OF REGULATIONS.

Schedule of Regulations									
Zoning District		Lot Area, Lot Width, and Building Coverage Requirements (Section 1247.07(a))			Minimum Yard Setbacks			Maximum Building Height	
	Max. Residential Units Per Acre	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. % Building Coverage	Front (ft.) (Section 1247.07 (b))	Side (ft.) (Section 1247.07 (c))	Rear (ft.)	Feet	Stories
G, Green District	1	Not Required	150	Not Required	35	15	35	35	2.5
AG, Agricultural District	.33	Not Required	150	Not Required	(c)	(c)	(c)	35	2.5
R-1R, Single Family Residential District	1.45	Not Required	120	Not Required	35	15	35	35	2.5

R-1A, Single Family Residential District	5.8	Not Required	60	30	30	8	35	35	2.5
R-1B, Single Family Residential District	8.7	Not Required	50	30	25	6	30	35	2.5
R-2, Two Family Residential District	8.7	Not Required	50	25	25	5	25	35	2.5
R-3, Multiple Family District	15	Not Required	40	25	25 (f)	5 (f)	25 (f)	45	4
MFR, High Density Multiple Family District	20	Not Required	120	30	35	20	20	45	4
B-1, Corridor Commercial District	NA	Not Required	60	Not Required	35	20	20	50	3
B-2, Regional Commercial District	NA	25,000	150	Not Required	35	20	20	50	3
T-3, Neighborhood Commercial District (Section	20(d)	Not Required	30	40	See Section 1250.04(d) (1)A 30	10 (g)	20 (h)	36	3

1241.03 (i))									
T-4, Downtown Commercial, Community Services, Community Open Space and Recreation (Section 1241.03(i))	(d)	Not Required	40	Not Required	See Section 1250.04(d) (1)A	Not Required	Not Required	Not Required	Not Required
T-5, Downtown Commercial District (Section 1241.03(i))	(d)	Not Required	30	Not Required	See Section 1250.04(d) (1)A	Not Required	Not Required	Not Required	Not Required
T-6. Lakeview District (Section 1241.03(i))	(d)	3,000	30	Not Required	See Section 1250.04(d) (1)A	Not Required	Residential 20 ft. Commercial/ Mixed Use 30 ft.	60 ft.	NA
I-1, Light Industrial District	NA	2,900	60	Not Required	25	25 (g)	50 (h)	Not Required	Not Required
I-2, Heavy Industrial District	NA	2,900	60	Not Required	25	25 (g)	50 (h)	Not Required	Not Required
S, Spark District	20	Not Required	60	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required

<p>Footnotes: Refer to Section 1241.03 whenever a lowercase letter is referenced in parentheses. . Additionally, some uses have specification standards that overrule these dimensional regulations. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>									

1241.03 FOOTNOTES TO SCHEDULE OF REGULATIONS.

- (a) Whenever a lot has less area or width than required in this chapter, but was a lot of record at the time of the adoption of this Zoning Code (Ordinance 10-2020, adopted on November 24, 2020), such lot may be occupied by any of the uses permitted in the district in which it is located. The use must meet all of the other requirements of this Zoning Code.
- (b) In R Districts, where required front yards exceed twenty-five feet, only one front yard in excess of twenty-five feet shall be required, except that south of I-94 on lots fronting on Beckley Road or Capital Avenue, S.W., all such front yards shall be a minimum of fifty feet.
- (c) Thirty-five feet to dwelling only.
- (d) The maximum residential density allowed in the MFR High Density Multiple Family District and the T-3 Neighborhood Commercial District shall not exceed twenty units per acre. There is no residential density limit in the T-4, T-5, and T-6 Districts. However, all other dimensional regulations in those districts shall apply.
- (e) No new multifamily dwelling in the MFR High Density Multiple Family District shall be established having a site area of less than 7,500 sq. ft.
- (f) Provided that the front and rear yards are increased by one foot for each foot of building height exceeding thirty-five feet, and that the side yards are increased over the minimum requirement by one foot for each two feet of building height over thirty-five feet.
- (g) No side yard shall be required, except that a side yard shall be provided on the side of a lot or tract adjoining a residential use or district. If an alley separates such a lot from a residential use or district, no side yard shall be required.
- (h) A rear yard shall be required only upon that portion of a lot or tract abutting on a residential district or adjacent to a residential use. Where a rear yard abuts an alley, the width of one-half of the alley may be considered part of the required yard.
- (i) The schedule of regulations is intended to be complementary with the requirements of Section 1250.04, Form-Based Development Standards for the T-3, T-4, T-5 and T-6 Districts; however, in any instance where there is apparent conflict the provisions of Section 1250.04 shall control.

1241.04 HEIGHT REQUIREMENTS.

- (a) Exceptions and Modifications.
 - (1) Chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, solariums, steeples, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, ornamental

towers and spires, wireless, television or radio towers and necessary mechanical appurtenances shall not be included in determining the height or number of stories of a building.

(2) The limitation on the number of stories shall not apply to buildings used exclusively for storage purposes, provided that such buildings do not exceed the height permitted in the district in which they are located.

(b) Airport Height Restrictions. Additional height limitations exist in areas designated on the official zoning map within approach zones at the Battle Creek Executive Airport at Kellogg Field. These restrictions are further delineated in Section 1250.03.

1241.05 LOT AREA AND WIDTH REQUIREMENTS.

(a) Exceptions.

(1) Two or more parcels, lots of record or platted lots, when contiguous and held in common ownership, may be treated as a single lot for purposes of the dimensional requirements of this Zoning Code, provided that such lots are located in the same district. This does not prevent the use of the lots as separate stand-alone parcels.

(2) Where a single lot of record, platted lot or parcel of land is within two or more zoning districts, it may be treated as two or more lots for purposes of this Zoning Code, provided that each portion has the required frontage on a street or place and meets all of the other standards for the district in which it is located.

(3) Where a lot of record on the effective date of this Zoning Code (Ordinance 10-2020, adopted on November 24, 2020) is less than fifty feet in width, the required side yard may be reduced to 10% of the width of the lot, provided that no side yard is less than four feet.

(4) More than one main multiple dwelling or commercial or industrial building may be located upon a lot, provided that such building conforms to all yard requirements for the district in which the lot is located.

(5) For purposes of this Zoning Code, the width of a lot shall be determined to be the width at the required front yard setback line.

(b) Prohibition of Flag Lots. The creation of flag or panhandle lots is prohibited.

1241.06 SINGLE FAMILY RESIDENTIAL SITING REQUIREMENTS.

(a) Purpose and Application. This chapter is necessary in order for the City to more specifically address the special requirements and regulations associated with the on-site placement of manufactured housing to assure favorable comparison with site-built housing. However, it shall apply to all single-family dwellings.

(b) Location. The siting of a single-family dwelling may occur on any lot located in a district that permits such use, provided the dwelling meets the requirements established for that particular district and the requirements of this chapter.

(c) General Requirements.

(1) A single-family dwelling shall have a minimum first floor area of 450 square feet and a minimum width of twenty feet on the shortest side and a minimum internal height of seven and one-half feet.

(2) The building shall be located and constructed so as to meet the minimum off-street parking and loading requirements set forth in Chapter 1261, and conform to the Schedule of Regulations set forth in Chapter 1241, if located in an R District, any accessory buildings and uses shall meet the residential district requirements set forth in Section 1260.01.

(3) Construction of site-built and manufactured houses without mobile chassis shall be in compliance with the latest adopted Building Code of the City. Manufactured houses with mobile chassis, shall meet the requirements of the HUD Code.

(4) The dwelling shall be attached to a permanent foundation as required in the latest adopted Building Code of the City. Manufactured houses shall be supported and anchored as required by the latest adopted Building Code of the City, or as required by the Michigan Mobile Home Commission rules.

(5) When setting on a permanent foundation, wheels shall be removed from manufactured houses so equipped, and the screening of the towing mechanism, undercarriage or chassis shall be done with non-load bearing, fire-resistant skirting materials of similar or the same composition as the home's outside surface. Such screening shall be installed in a manner so as to resist damage under normal weather conditions, shall be vented and shall have an access panel provided for in accordance with the Michigan Mobile Home Commission rules.

(6) The dwelling shall be connected to a public sanitary sewer system if such exists within 200 feet of the structure or, if no public sewer is so available, a private septic tank may be established if it is approved by the County Health Department. The dwelling may be connected to a public water system if such is available, or to a private well approved by the County Health Department.

(7) Additions to dwellings shall be built in conformity with the latest adopted Building Code of the City, and shall be constructed with similar materials, be similar in appearance and be of similar quality of workmanship as in the original structure.

(8) Dwellings must include storage area, either in the basement, in an attic area, in closet areas or in a separate fully enclosed structure. Such storage area shall be at least 5% of the total square footage of interior living area of the dwelling or 525 cubic feet, whichever is less.

(9) Sixty percent of the roof configuration shall be a minimum of 2.5 inches per every twelve inches of run-slope and shall meet or exceed all applicable roof snow load and strength requirements.

(d) Design Standards.

(1) The dwelling shall be aesthetically compatible in design and appearance with adjacent existing residential buildings. Aesthetic compatibility shall not be construed to prohibit innovative design concepts involving, nor limit such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

(2) The aesthetic compatibility of design and appearance shall be determined by the Planning and Zoning Administrator upon review of the plans submitted for a particular dwelling.

(3) Determination of incompatibility of a particular dwelling may be appealed by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days of the receipt of notice of the Planning and Zoning Administrators decision.

(e) Exemption for Mobile Home Parks. The provisions of this chapter shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law.

1241.07 YARD REQUIREMENTS.

(a) Building Projections. Every part of a required yard shall be open to the sky and unobstructed by a building, except for the following may project into required yards:

(1) Accessory buildings as permitted in Section 1260.01.

(2) The ordinary projection of sills, belt courses, cornices, eaves and ornamental features not exceeding twelve inches.

(3) Permanent awnings projecting not more than four feet into a required yard.

(4) Terraces, uncovered porches, wheelchair ramps and ornamental features that do not rise more than four feet above the ground.

(b) Front Yards.

(1) Lots having frontage on a lake, brook, stream, river or other watercourse shall be provided with a required front yard on this water frontage, as well as that, which might be required on any street frontage as specified for the district in which it is situated.

(2) On corner lots, a front yard shall be required along each street.

(3) Interior lots having a frontage on two streets shall be provided with the required front yard on both streets.

(4) Where front yards have been established, or may be required on each of two intersecting streets, there shall be a front yard on each street side of a corner lot, with the following exceptions:

A. In R Districts, where required front yards exceed twenty-five feet, only one front yard in excess of twenty-five feet shall be required, except that south of I-94 on lots fronting on Beckley Road or Capital Avenue, S.W., all such front yards shall be a minimum of fifty feet.

B. The width of the principal building located on a lot of record need not be less than twenty-feet when the owner of record can show that the ownership and control of any adjacent lot or lots of record are by another person.

(5) Where 40% or more of frontages on the same side of a street between intersecting streets are developed with buildings that have a front yard less in depth than otherwise required by this chapter, new buildings shall be erected no closer to the street than the average front yard so established by the existing buildings on both sides of the lot to be used, except that this subsection shall not apply south of I-94 to lots fronting Beckley Road or Capital Avenue, S.W.

(6) Where alleys separate lots, the width of the alley shall not be considered in the computation of frontage, nor shall the alley be considered an intersecting street.

(7) No storage or parking of vehicles is permitted on any portion of a required front yard in any R District or T-3 District, except as such parking or storage may intermittently occur on legally authorized driveways and as otherwise may be permitted in this Zoning Code, unless otherwise allowed in this code.

(c) Side Yards.

(1) For the purpose of the side yard regulations, a two-family or multiple dwelling may be considered as one building occupying one lot.

(2) Whenever the wall of any building adjoining a side yard within any Single-Family or Two-Family Residential District exceeds a length of fifty feet, the width of the side yard shall be increased by one foot for each ten feet of wall length in excess of fifty feet.

(d) Exceptions for Commercial and Industrial Districts.

(1) Parking shall be permitted in the required front yard in any B-1, B-2, I-1 or I-2 District.

(2) Whenever a commercial or industrial district adjoins an R District or a residential use, no off-street parking required for the commercial or industrial development shall be located within the required yard within fifty feet from the residential structure or the R District boundary.

(3) Fences of a concealment type, not to include chain link, shall be erected on the common lot line whenever such lot line separates a Commercial or Industrial District from an R District or a residential structure. Such fence shall be installed concurrently with the commercial or industrial use of the land or building. The height of such fence shall conform to the requirements of Section 1260.02 (e).

12CHAPTER 1250
Supplemental Zoning District Standards

1250.01 PLANNED UNIT RESIDENTIAL DEVELOPMENTS. **-NO CHANGE**

1250.02 SUBDIVISION REGULATIONS. **-NO CHANGE**

1250.03 AIRPORT APPROACH OVERLAY ZONING DISTRICT. **- NO CHANGE**

1250.04 FORM-BASED DEVELOPMENT STANDARDS FOR THE T-3, T-4, **AND T-5, T-6** DISTRICTS.

(a) Statement of Purpose. The purpose of the form-based development standards is to create clear and simple regulations for the design of new development or redevelopment within existing neighborhood commercial areas, parts of the Lakeview District and the historic downtown. The regulations of this section require development to have a physical form that complements the historic nature of existing development in the downtown Battle Creek and surrounding areas included in the T-3, Neighborhood Commercial District, T-4, Downtown Commercial District, ~~and~~ T-5, Core Downtown Commercial Districts and T-6, Lakeview District. Specifically, these regulations encourage a pedestrian friendly and walkable character, permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation in the Lakeview District and downtown area; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties or the downtown as a whole.

It is further the purpose of the form-based development standards to:

(1) Create a core downtown area that maintains the traditional physical form of a historic downtown.

(2) Create unique, walkable mixed-use developments including residential, retail, entertainment, office, and other compatible uses.

(3) Promote the orderly development, redevelopment, and continued maintenance of Battle Creek's central business district.

(4) Encourage shared parking areas throughout the downtown area rather than requiring each individual property owner to provide physical parking space on their property.

(5) Create quantitative and qualitative building design guidelines that ensure new development is compatible with the historic character existent in downtown.

(6) Ensure buildings create a solid streetwall that helps to define streets as public spaces.

(7) Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the T-3, T-4, ~~and~~ T-5 and T-6 Districts do not have an adverse impact on the overall economic and social vitality of the downtown and neighborhood commercial areas, street capacity, public utilities or services, or the overall image and function of the districts.

(8) Prevent automobile-oriented development from eroding or destroying the character of the downtown and Lakeview District area.

(9) Encourage harmonious residential infill and adaptive reuse of noteworthy buildings to provide a mix of housing types, unit sizes, and compatible uses within walking distance of Battle Creek's historic downtown area and Beckley Road and Capital Avenue area within the Lakeview District.

(10) Encourage accessible housing options in the downtown area.

(11)

(b) Existing development in the T-3, T-4, ~~and T-5~~ and T-6 Districts

(1) Expansions of developed sites.

A. Changes in existing condition 25% or less. Any activity on a developed site that would increase the floor area of the existing building by 25% or less need not comply with the requirements of this section. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this section. Additionally, properties located in the T3 District, abutting on a residential district or adjacent to a residential use, shall maintain a setback of 20 feet.

B. Changes in existing condition greater than 25%. Whenever a building expansion of greater than 25% of the floor area is proposed, the improvement activity shall comply with the requirements of this section. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this section. Additionally, properties located in the T3 District, abutting on a residential district or adjacent to a residential use, shall maintain a setback of 20 feet.

C. Expansions measured cumulatively. For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this Zoning Code.

(2) Redevelopment. Redevelopment of existing buildings shall comply with the Architectural Standards established in Section 1250.04(d).

A. Whenever 50% or less of the existing building will be demolished or replaced, the development activity need not comply with the requirements of this section. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this section.

B. Whenever more than 50% of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this section.

(c) Waiver of Requirements.

(1) Purpose and limitations. For an activity in the T-3, T-4, ~~and T-5~~ and T-6 Districts, the Planning and Zoning Administrator may grant a waiver from certain dimensional requirements contained in this section. Regulations that may be altered through the waiver process are described in the various subsections of this section, along with the specific parameters by which the regulation may be altered.

Waivers are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application

of the requirements of this section would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the T-3, T-4, ~~and T-5~~ and T-6 Districts.

Whenever a regulation may be altered through the waiver process, specific bounds are listed within which the waiver must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this section, the applicant must obtain a variance following the procedures and review standards Section 1280.03, Zoning Board of Appeals.

(2) Application and review procedures. The applicant shall clearly identify all requested waivers on the application and site plan. The reviewing authority shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the reviewing authority shall take into account the following considerations:

A. Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.

B. The requested waiver is consistent with the intent and purpose of this section.

C. The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this section.

D. A lesser waiver will not accomplish the same purpose as the requested waiver.

E. The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this section.

(3) Waivers from building design standards for new construction and adaptive reuse. The Planning and Zoning Administrator may waive the above requirements finding all of the following standards have been met:

A. The architectural design of the proposed structure is consistent with the character of the surrounding area.

B. The architectural design otherwise meets the building design standards of the T-3, T-4, ~~and T-5~~ and T-6 Districts.

C. The project brings the site more into compliance with the building design standards for new construction and purpose of the T-3, T-4, ~~and T-5~~ AND T-6 Districts.

(d) Architectural Standards for New Construction and Adaptive Reuse.

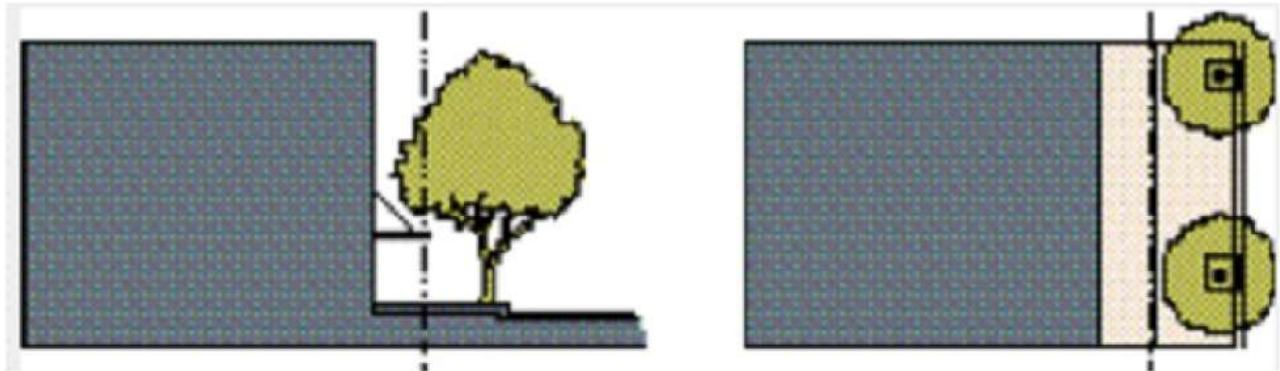
(1) Frontage requirements. Buildings in the T-3, T-4, ~~and T-5~~ and T-6 Districts shall comply with the following requirements, in addition to any applicable requirements of Section 1241.02, Schedule of Regulations. The requirements of this section and Section 1241.02 are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this section shall control.

A. Private frontage. The private frontage is the area between the right-of-way and the principal building façade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the T-3, T-4, ~~and T-5~~ and T-6 Districts. A sidewalk shall connect each entrance into a private building to the parking area and to the public right-of-way sidewalk.

Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this Section.

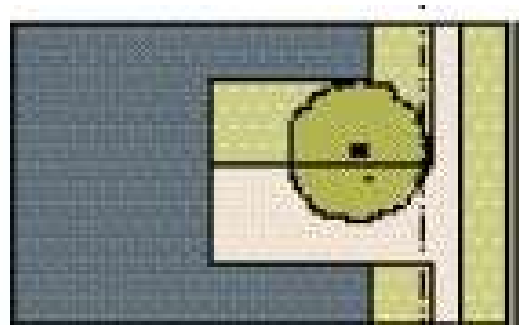
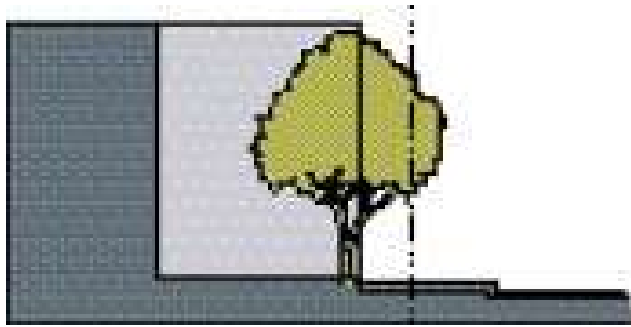
FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
<p>Shopfront. A frontage where the building façade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential use on the first floor.</p>	<p>T-3 T-4 T-5 <u>T-6</u></p>	<p>The building shall be set back a maximum of 5 feet from the front lot line.</p>

Shopfront illustration:



<p>Courtyard. A frontage where a portion of the building façade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.</p>	<p>T-3 T-4 T-5 <u>T-6</u></p>	<p>The building shall be set back a maximum of 5 feet from the front lot line. The courtyard area shall be considered part of the front building façade for the purposes of determining compliance with the requirements of the required setback.</p>
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Courtyard Illustration:

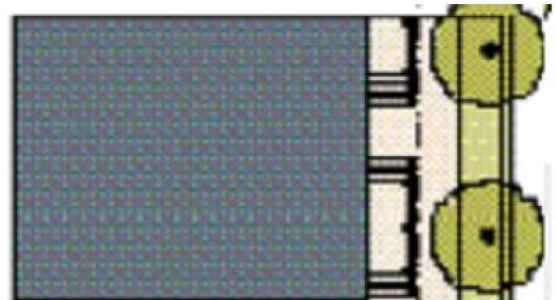
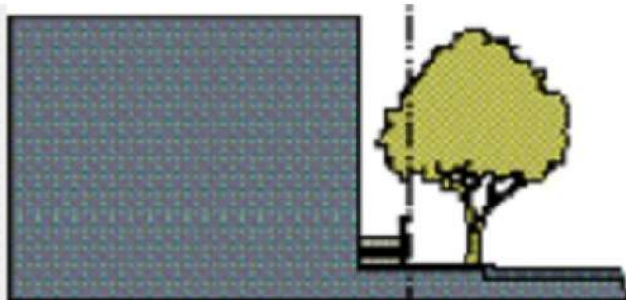


Stoop. A frontage where the floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.

T-3
T-4
T-6

The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.

Stoop Illustration:

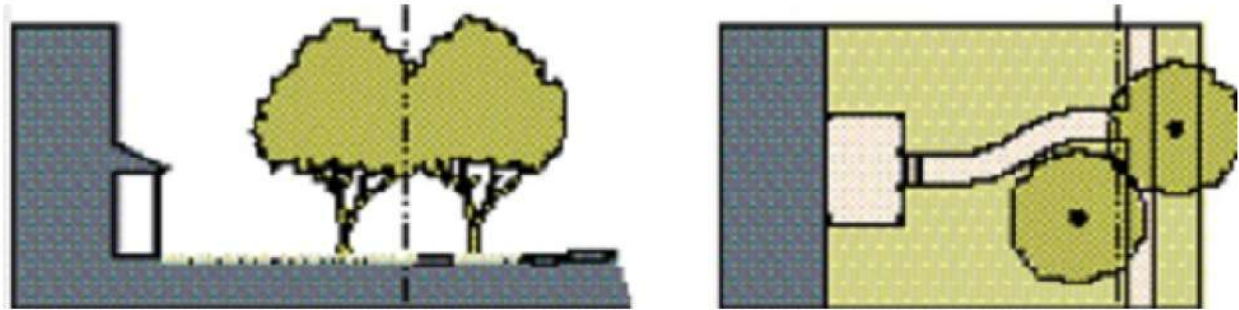


Lawn. A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.

T-3
T-4
T-6

The building shall be set back a minimum of 10 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.

Lawn Illustration:



(2) Minimum height. The minimum building height in the T-4, and T-5 Districts located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 is twenty feet. All buildings shall be at least two stories. Outside of this boundary, there is no minimum height requirement.

(3) Building materials for buildings in the T-6 shall comply with the following building material requirements.

A. Primary building materials. Any of the following building materials shall be used on a minimum of 50% of the façade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Natural Stone (or integrally colored synthetic, equivalent or better);
4. Stucco (cement plaster);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;
7. Glass block;
8. Display glass, or
9. Glazed brick or decorative tile

B. Secondary building materials. Any of the following materials are permitted on 50% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator.

(43) Building materials for buildings in T-4 and T-5 Districts located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 shall comply with the following building material requirements:

A. Primary building materials. Any of the following building materials shall be used on a minimum of 60% of the facade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Exposed logs or timber;
4. Natural Stone (or integrally-colored synthetic, equivalent or better);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;
7. Display glass; or
8. Glazed brick or decorative tile

B. Secondary building materials. Any of the following materials are permitted on 40% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator.

1. Ground- or split-faced block (integrally colored);
2. Glass block;
3. Metal accent;
4. Pre-cast masonry; or
5. Synthetic materials (only above the second story) as approved by the Planning and Zoning Administrator.

C. Waiver. This requirement may be waived, per Section 1250.04(c).

(54) Building materials for buildings located in the T-3 ~~District~~ or the T-4 Districts not located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 shall comply with the following building material requirements:

A. Primary building materials. Any of the following building materials shall be used on a minimum of 50% of the façade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Exposed logs or timber
4. Natural Stone (or integrally-colored synthetic, equivalent or better);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;

7. Ground-or split-faced block (integrally colored);
 8. Glass block;
 9. Display glass; or
 10. Glazed brick or decorative tile
- B. Secondary building materials. Any of the following materials are permitted on 50% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator.
1. Pre-cast masonry
 2. Metal accent;
 3. Synthetic materials (only above the second story) as approved by the Planning and Zoning Administrator
- C. Waiver. This requirement may be waived, per Section 1250.04(c).

(65) Ground floor design.

A. Building entrance(s). All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.

B. Entryway alignment.

1. Nonresidential uses. For all buildings in the T-3, T-4, ~~and T-5~~ and T-6 Districts and buildings with nonresidential uses on the first floor, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.

2. Residential and live/work uses. For first-floor residential and live/work uses in the T-3, T-4, ~~and T-5~~ and T-6 Districts, the ground floor of the building (and consequently the principal entrance as well) may be raised up to thirty-six inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.

(76) Windows and entryways. The following requirements apply to facades of buildings facing a public street or public space such as a plaza or square.

A. Windows. Windows above the ground floor shall have a height to width ratio of at least 2:1.

B. Ground floor facade transparency. All buildings with first floor nonresidential uses shall maintain transparency for at least 70% of the first-floor facade area between two and eight feet above grade level. Doors and windows provide transparency.

1. Window glass shall be clear, with at least 90 percent light transmission. (modifications as necessary to meet applicable building and energy code requirements)
2. Areas of solid wall shall not exceed a length of twenty feet.

(87) Recessed entrances. Recessed entrances are required in the T-4 and T-5 Districts located within the downtown development boundaries delineated in the adopted Battle Creek Downtown Plan. Doors located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted with any amendments thereafter are required to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.

(98) Encroachments. The following building elements may encroach into a public right-of-way or setback area.

A. Balconies. Balconies on upper stories may encroach up to six feet into any required setback area and up to four feet into any right-of-way area.

B. Stoops. Unenclosed and uncovered front stoops may encroach up to five feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.

C. Awnings.

(1) Awnings may encroach up to six feet from the face of the building into the setback area, or into the right-of-way area in the T-4 and T-5 and T-6 Districts.

(2) Awnings shall have a minimum height of eight feet between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of twelve feet from the ground to the highest point of the canopy.

(3) If the awning encroachment of six feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.

(4) Awnings shall be constructed out of fabric, and may not be internally illuminated. Metal or other materials may be used for awnings if a waiver is approved per Section 1250.04 (c).

D. Bay windows. Bay windows on the ground story may encroach up to three feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three feet into any setback or right-of-way area.

E. Eaves. Roof eaves may encroach up to three feet into any setback or right-of-way area.

(9) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

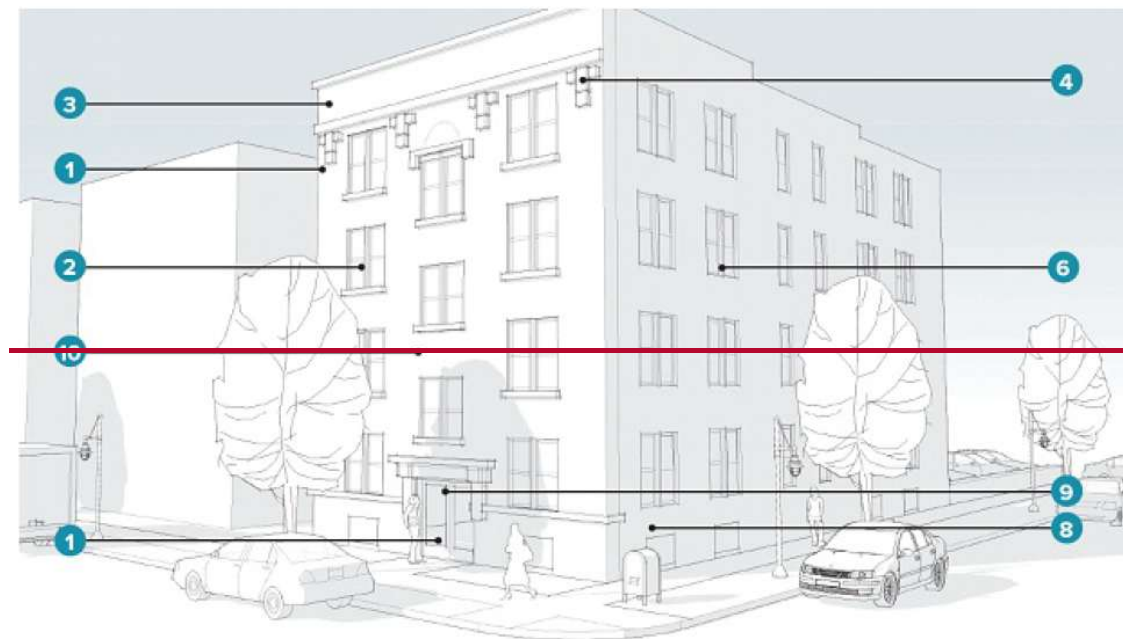
(10) Mechanical and utility equipment. Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(11) Parking lots. Parking lots in the downtown district are only permitted in the rear yard, except that the Planning and Zoning Administrator may waive this requirement per Section 1250.04(c) where an ornamental fence or wall meeting the requirements of Section 1260.02 and landscaping are installed to screen the parking area.

~~—(e) Building Type Standards for New Construction.~~ New construction in the T-4, and T-5 Districts must conform to architectural and dimensional standards of the following building types:

~~—(1) Apartments.~~ A medium sized building that contains five to ten dwelling units either side-by-side or stacked between two floors. There can be one shared entry or individual entries facing the street.

Figure 12. Apartments.



Illustrated Required and Optional Design Standards:

~~— 1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address and along any adjacent street right-of-way on corner lots.~~

~~— 2. Window and door openings shall be recessed.~~

~~— 3. Building cornice (at top of building) of substantial height and decoration.~~

~~— 4. Horizontal molding or accent material projection dividing the façade into layers.~~

~~— 5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.~~

~~— 6. Window groupings encouraged, with groups of up to three allowable.~~

~~7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and elevator(s).~~

~~8. Ground floor units (finished floor) thirty six inches to forty two inches above grade.~~

~~9. Main entrance articulation.~~

~~10. Prominent sills and/or heads required for windows located on building facades (discouraged along other exterior walls).~~

~~11. Parking lots permitted only in the rear yard, except that the Planning and Zoning Administrator may waive this requirement per Section 1250.04(c) where an ornamental fence or wall made of aluminum, stone, brick or other approved material meeting the requirements of Section 1260.02 and additional landscaping are installed to screen the parking area. No building entrances from side parking lots allowable.~~

~~12. Building façade treatments are required on building facades fronting on a public street, alley, or right-of-way.~~

~~13. Floor to floor heights limited to twelve feet.~~

~~(2) Carriage house/accessory dwelling unit. Also considered an accessory structure, a carriage house is a small building located in the rear of a residential lot and can contain a small dwelling unit or similar use. They are often above a garage but can also be at ground level.~~

~~Figure 13. Carriage House/ADU~~



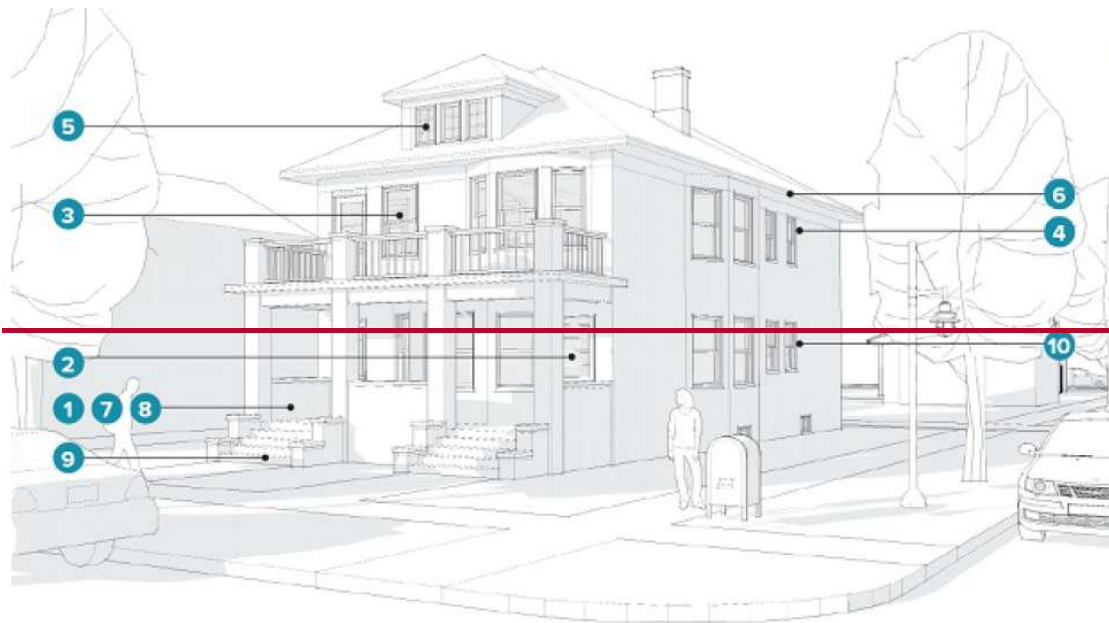
~~Illustrated Required and Optional Design Standards:~~

~~1. Small, traditionally-styled residential-garage form containing one residential unit, indoor parking, or one residential unit above indoor parking. Ground floor finish floor twenty-four inches to thirty six inches above grade (if not above parking).~~

~~2. Window and door openings shall be recessed. (except for garage doors).~~

- ~~3. Window groupings encouraged, with groups of up to three allowable.~~
 - ~~4. Residential entrance articulation and indoor stairway (stairway if more than one story).~~
 - ~~5. Floor to floor heights limited to ten feet six inches.~~
 - ~~6. Must be located in a rear yard or in a secondary front yard located along an alley.~~
 - ~~7. Garage door openings, garage doors, garage door window panes, and garage door panels must all be square or rectangular. Door panels and window panes must be oriented vertically.~~
- ~~(3) Single family/duplex/triplex (stacked or adjacent). A small or medium sized building with one, two, or three dwelling units that may be stacked vertically or attached horizontally.~~

~~Figure 14. Single Family/ Duplex/ Triplex (Stacked or Adjacent)~~



~~Illustrated Required and Optional Design Standards:~~

- ~~1. Traditionally styled single-family house form containing one to three residential units with a main entrance at the front façade. Stacked duplex and triplex entrances may have separate doors or share a vestibule. Horizontal adjacent duplex and triplex units shall have their own independent main entrance on the front façade and may have alternate or service entrances along the sides and/or back.~~
- ~~2. Finished floor located twenty-four inches to thirty inches above grade.~~
- ~~3. Windows and doors shall be recessed.~~
- ~~4. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in variously repeating sizes.~~
- ~~5. Window groupings encouraged, with groups of up to three allowable.~~

- 6. Building overhangs commensurate with style of architecture.
- 7. Ground floor twenty four inches to thirty inches above grade.
- 8. Minimum six feet six inches deep front porch maximum thirty inches above grade with optional decorative rail twenty-eight inches to thirty-six inches above porch floor.
- 9. Floor to floor heights limited to ten feet six inches.
- 10. Parking lots permitted only in the rear yard. Parking lots may be permitted in the side yard for larger projects with multiple buildings and multiple parking lots. No building entrances from side parking lots allowable.
- (4) Fourplex/four-family dwelling unit. A medium-sized building that contains four dwelling units split up two on the ground floor and two above, with a shared door facing the street.
- Figure 15. Fourplex/Four-Family Dwelling Unit.

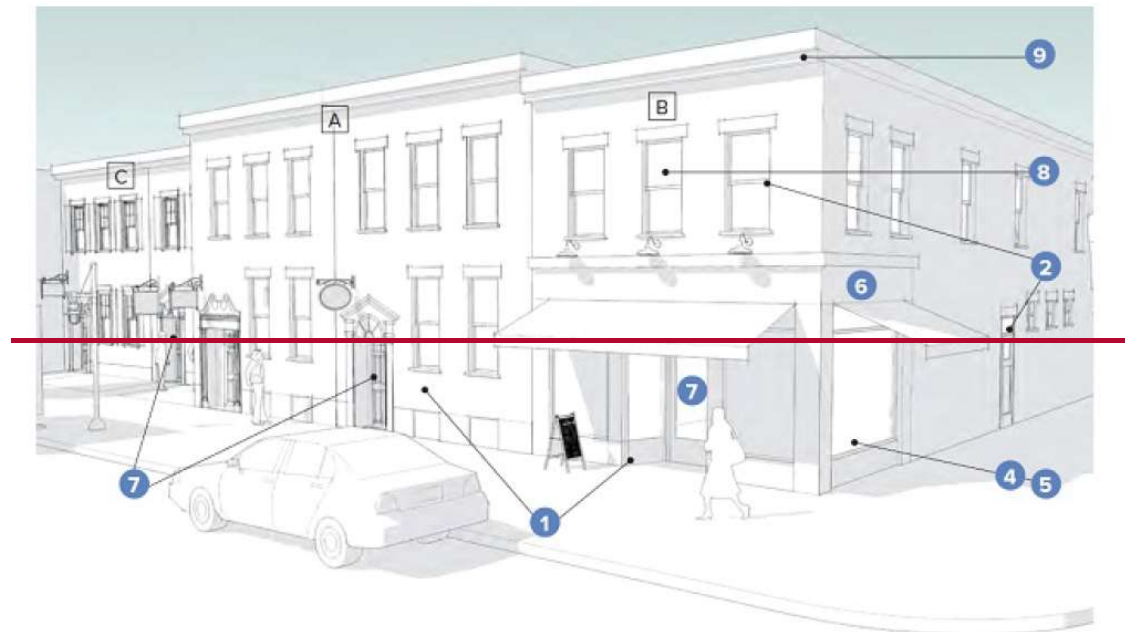


— Illustrated Required and Optional Design Standards:

- 1. Traditional building façade treatments (including masonry reliefs and/or motifs) and main entrances located along street of building address and along any adjacent street right-of-way on corner lots.
- 2. Doors and windows shall be recessed.
- 3. Building cornice must have the most prominent shadow line.

- 4. Minimum one additional horizontal molding or accent material projection dividing the building into layers.
 - 5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes.
 - 6. Window groupings encouraged, with groups of up to three allowable.
 - 7. Main entrances at grade for accessibility, working in conjunction with interior lobby or vestibule and lift or ramp servicing first floor units.
 - 8. Ground floor units finish floor elevation thirty-six inches to forty-two inches above grade.
 - 9. Main entrance articulation.
 - 10. Prominent sills and/or heads required for windows located on the building facade.
 - 11. Parking lots permitted only in the rear yard. Parking lots may be permitted in the side yard for larger projects with multiple buildings and multiple parking lots. No building entrances from side parking lots allowable.
 - 12. Floor to floor heights limited to ten feet six inches.
- (5) Live/work unit. A small to medium sized building that contains a ground floor office, service, or retail space with a dwelling unit above or behind it. The building can be attached or detached, and both the living and working space are owned or rented by one user.

— Figure 16. Live/Work Unit

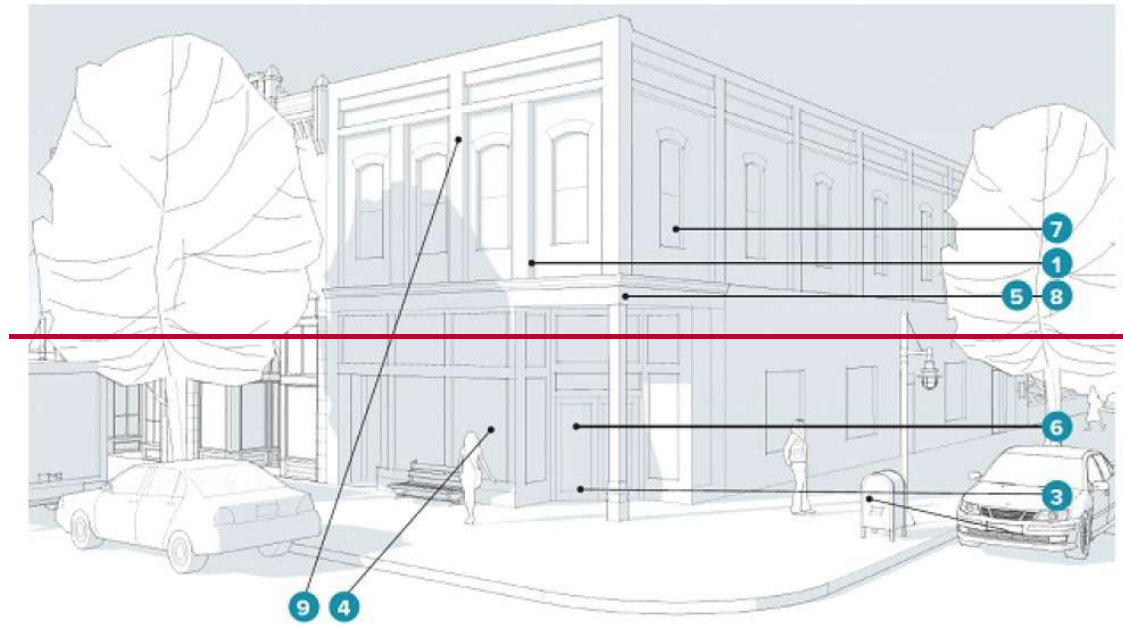


— Illustrated Required and Optional Design Standards:

- ~~1. Ground floor elevated thirty inches to forty-two inches above average grade at front of building with interior lift for accessibility (Type A). Main level may be accessible at grade with plate glass storefront (Type B) or if building is setback from right-of-way line minimum seven feet zero inches (Type C).~~
- ~~2. Traditional building façade treatments and main business entrances are required along streets of corresponding building addresses and corresponding right-of-way lines. Side and rear entrances shall be subordinate to the main entrance and allowed along a right-of-way line of intersecting streets only or a rear parking lot. Storefront main entrance at corner may substitute for that listed above (see Mixed-Use Building).~~
- ~~3. Main business entrance doors must remain unlocked during business hours.~~
- ~~4. Open, plate glass shopfronts (Type B) encouraged at ground floor level along street of building address, with façade supported above by columns and beams and extending for a distance of twelve feet to fourteen feet around building corners at intersecting streets.~~
- ~~5. Plate glass material beginning fifteen inches to eighteen inches above finished grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained glass transoms minimum eight feet zero inches above finish grade.~~
- ~~6. Sign band and/or secondary cornice to be integral with any shopfronts, and located above plate glass shopfronts or transoms (Type B).~~
- ~~7. At grade doorways to be recessed.~~
- ~~8. Windows and doors shall be recessed. (except for shopfronts, which are to have plate glass column to column).~~
- ~~9. Building cornice (at top of building) casting tallest horizontal shadow upon building façade.~~
- ~~10. Pattern of solids and voids, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations (except for shopfronts).~~
- ~~11. Window groupings allowable.~~
- ~~12. Open-ended, canvas, sloped awnings above shopfront windows. (Type B).~~
- ~~13. Decorative sills and/or headers required on windows located along exterior walls (except for shopfronts).~~
- ~~14. Parking lots permitted only in the rear yard, except that the Planning and Zoning Administrator may waive this requirement per Section 1250.04(c) where an ornamental fence or wall made of aluminum, stone, brick or other approved material meeting the requirements of Section 1260.02 and landscaping are installed to screen the parking area.~~
- ~~15. Floor to floor heights limited to fifteen feet.~~
- ~~16. Flat roof required.~~
- ~~(6) Mixed-use/commercial building. A small to medium-sized building that contains ground floor commercial space with dwelling units and/or commercial space above. Any number of~~

dwelling units can be incorporated based on the desired level of density. Typically, there is one shared door for residential access facing the street.

Figure 17. Mixed-Use Building.



Illustrated Required and Optional Design Standards:

1. Traditional building façade treatments (as well as main business entrances) to be located along streets of corresponding building addresses and corresponding to right of way lines. Side and rear entrances shall be subordinate to the main entrance and allowed along a right-of-way line of intersecting streets only or a rear parking lot. Storefront main entrance at corner may substitute for that listed above (see Mixed-Use Building).

2. Main entrance doors must remain unlocked during business hours.

3. Main level accessible at grade.

4. Open, plate-glass shopfronts (curtain walls), located at ground-floor level along street of building address, with façade supported above by columns and beams and extending for a distance of one structural bay around building corners at intersecting streets. Plate-glass material beginning fifteen inches to eighteen inches above finish-grade (top of sidewalk) and extending to underside of beam, with alternate leaded or stained-glass transoms minimum eight feet zero inches above finish-grade.

5. Sign band and/or secondary cornice integral with shopfronts and above plate-glass and/or transoms.

6. Recessed doorways located within shopfronts (see numerical parameters below).

7. Windows shall be recessed.

~~8. Horizontal molding or accent material band projection, casting a secondary horizontal shadow line, dividing the façade into layers. This feature is accepted on Art Deco style buildings.~~

~~9. Vertical façade projections (corresponding to structural columns) casting vertical shadows on façade and articulating regular structural bays, each 20 feet to thirty feet in width.~~

~~10. Pattern of solids and voids above ground floor, coordinated within structural bays, generated by the vertical and horizontal alignment of rectangular windows and doors in repeating sizes. Full and segmented arches allowable atop rectangular windows in these locations.~~

~~11. Radii of arches on segmented arch windows must equal widths of corresponding windows.~~

~~12. Arched building tops prohibited.~~

~~14. Window groupings allowable above ground floor, corresponding to structural bays.~~

~~14. Open ended, canvas, sloped awnings above shopfront windows.~~

~~15. Decorative sills and/or headers on upper floor windows located on building façades.~~

~~16. Sides and backs of buildings not regulated by this code, except at corners (as illustrated here).~~

~~17. Building façade treatments optional along intersecting streets.~~

~~18. Towers, sculptures, and other characteristic forms and/or focal points encouraged (not illustrated).~~

~~19. Characteristic forms echoed or repeated within structural bays.~~

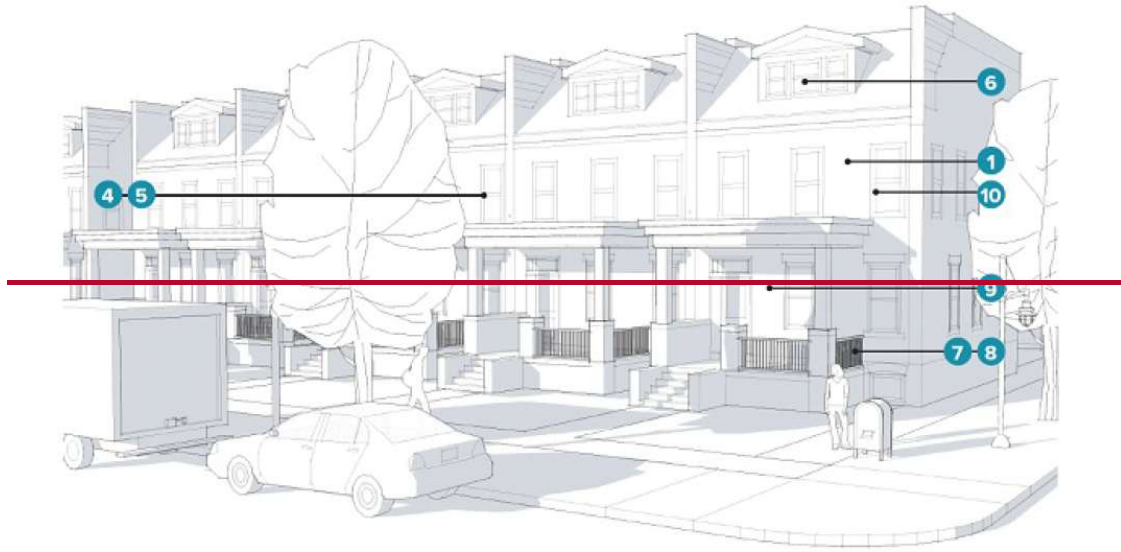
~~20. Parking lots permitted only in the rear yard, except that the Planning and Zoning Administrator may waive this requirement per Section 1250.04(c) where an ornamental fence or wall meeting the requirements of Section 1260.02 and landscaping are installed to screen the parking area.~~

~~21. Floor to floor heights limited to fifteen feet.~~

~~(7) Townhome/rowhouse. A small to medium sized building that contains side-by-side attached single family dwelling units. Typically, two to eight units make up a building, all with individual entrances facing the street.~~

~~—~~

Figure 18. Townhome/Rowhouse



~~Illustrated Required and Optional Design Standards:~~

- ~~1. Residential units existing side-by-side within building enclosure with each unit extending from foundation to roof.~~
 - ~~2. Parking at rear or within building at ground floor with parking entrance at rear of building.~~
 - ~~3. Side parking lots prohibited.~~
 - ~~4. Recess windows.~~
 - ~~5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in variously repeating sizes.~~
 - ~~6. Window groupings encouraged, with groups of up to three allowable.~~
 - ~~7. Ground floor (finished floor) twenty-four inches to thirty inches above grade.~~
 - ~~8. Minimum six feet six inches deep required front porch maximum thirty inches above grade with decorative rail twenty-eight~~twenty-eight~~ inches to thirty-six inches above porch floor (porches may be individual or shared and continuous across front of building).~~
 - ~~9. Individual main entrance articulation. Porch may be shared (entrances may have separate doors or share a vestibule).~~
 - ~~10. Floor to floor heights limited to ten feet six inches.~~
- ~~(8) Schedule of regulations by building types. The following dimensional standards by building type shall apply to new construction in the T-4, and T5 Districts. When in conflict with Section 1241.02, these regulations shall prevail.~~

SCHEDULE OF REGULATIONS BY BUILDING TYPE

1250.05 MHP-OD MOBILE HOME PARK OVERLAY DISTRICT.

(a) Purpose. The purpose of this chapter is to establish an overlay district zoning designation for mobile home parks in the city so as to establish specific areas within the city where mobile home parks shall be permitted by right as a supplement to the use permitted by one of the other zoning districts established by this Zoning Code and indicated on the zoning map, which shall be referred to as the “underlying district.”

(b) Definitions. As used in this chapter:

(1) “Mobile home” means a structure transportable in one or more sections which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure.

(2) “Mobile Home Commission” means that body created pursuant to the Mobile Home Commission Act, Public Act 96 of 1987, as amended, being MCL 125.2301 et seq., with the authority to promulgate rules and standards for mobile home parks.

(3) “Mobile home park” means a parcel or tract of land under the control of a person, upon which parcel or tract three or more mobile homes are located on a continual, nonrecreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home. The term “mobile home park” does not include “seasonal mobile home park,” as defined by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, being MCL 125.2301 et seq.

(c) Permitted Uses. In addition to the uses permitted in the underlying district, this chapter also permits, by right, the use of the premises as a mobile home park.

(d) Compliance with Rules of the Mobile Home Commission; Height, Yard, Lot Area, Lot Width, Building Coverage, Sign, Parking and Density Requirements.

(1) The use permitted by this chapter shall comply with all rules and standards for mobile homes and mobile home parks promulgated by the Mobile Home Commission, which rules and standards are adopted herein by reference.

(2) The height, yard, lot area, lot width, building coverage, sign and parking requirements of the underlying district shall be applicable to mobile home parks to the degree that such are not in conflict with the rules and standards promulgated by the Mobile Home Commission.

(3) Mobile home parks shall not have a density per acre of more than five mobile homes or in excess of the density factor for the underlying district, whichever is greater.

(e) Boundaries of Overlay Districts; Application for Designation.

(1) The boundaries of MHP-OD Mobile Home Park Overlay Districts shall be delineated on the official zoning map of the city and titled “MHP-OD.”

(2) The MHP-OD Mobile Home Park Overlay District zoning designation shall be applied for in the same manner provided for amendments to the Zoning Code for all or part of an underlying district.

(f) Administrative Remedies for Violations. In addition to the general penalty provided for violations of this Zoning Code, the city reserves all administrative remedies it may have before the Mobile Home Commission for a violation of this chapter or the rules and standards of the Mobile Home Commission.

12CHAPTER 1250
Supplemental Zoning District Standards

1250.01 PLANNED UNIT RESIDENTIAL DEVELOPMENTS. -NO CHANGE

1250.02 SUBDIVISION REGULATIONS. -NO CHANGE

1250.03 AIRPORT APPROACH OVERLAY ZONING DISTRICT. - NO CHANGE

1250.04 FORM-BASED DEVELOPMENT STANDARDS FOR THE T-3, T-4, T-5, T-6 DISTRICTS.

(a) Statement of Purpose. The purpose of the form-based development standards is to create clear and simple regulations for the design of new development or redevelopment within existing neighborhood commercial areas, parts of the Lakeview District and the historic downtown. The regulations of this section require development to have a physical form that complements the historic nature of existing development in the downtown Battle Creek and surrounding areas included in the T-3, Neighborhood Commercial District, T-4, Downtown Commercial District, T-5, Core Downtown Commercial Districts and T-6, Lakeview District. Specifically, these regulations encourage a pedestrian friendly and walkable character, permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation in the Lakeview District and downtown area; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties or the downtown as a whole.

It is further the purpose of the form-based development standards to:

- (1) Create a core downtown area that maintains the traditional physical form of a historic downtown.
- (2) Create unique, walkable mixed-use developments including residential, retail, entertainment, office, and other compatible uses.
- (3) Promote the orderly development, redevelopment, and continued maintenance of Battle Creek's central business district.
- (4) Encourage shared parking areas throughout the downtown area rather than requiring each individual property owner to provide physical parking space on their property.
- (5) Create quantitative and qualitative building design guidelines that ensure new development is compatible with the historic character existent in downtown.
- (6) Ensure buildings create a solid streetwall that helps to define streets as public spaces.
- (7) Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the T-3, T-4, T-5 and T-6 Districts do not have an adverse impact on the overall economic and social vitality of the downtown and neighborhood commercial areas, street capacity, public utilities or services, or the overall image and function of the districts.
- (8) Prevent automobile-oriented development from eroding or destroying the character of the downtown and Lakeview District area.

(9) Encourage harmonious residential infill and adaptive reuse of noteworthy buildings to provide a mix of housing types, unit sizes, and compatible uses within walking distance of Battle Creek's historic downtown area and Beckley Road and Capital Avenue area within the Lakeview District.

(10) Encourage accessible housing options in the downtown area.

(11)

(b) Existing development in the T-3, T-4, T-5 and T-6 Districts

(1) Expansions of developed sites.

A. Changes in existing condition 25% or less. Any activity on a developed site that would increase the floor area of the existing building by 25% or less need not comply with the requirements of this section. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this section. Additionally, properties located in the T3 District, abutting on a residential district or adjacent to a residential use, shall maintain a setback of 20 feet.

B. Changes in existing condition greater than 25%. Whenever a building expansion of greater than 25% of the floor area is proposed, the improvement activity shall comply with the requirements of this section. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this section. Additionally, properties located in the T3 District, abutting on a residential district or adjacent to a residential use, shall maintain a setback of 20 feet.

C. Expansions measured cumulatively. For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this Zoning Code.

(2) Redevelopment. Redevelopment of existing buildings shall comply with the Architectural Standards established in Section 1250.04(d).

A. Whenever 50% or less of the existing building will be demolished or replaced, the development activity need not comply with the requirements of this section. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this section.

B. Whenever more than 50% of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this section.

(c) Waiver of Requirements.

(1) Purpose and limitations. For an activity in the T-3, T-4, T-5 and T-6 Districts, the Planning and Zoning Administrator may grant a waiver from certain dimensional requirements contained in this section. Regulations that may be altered through the waiver process are described in the various subsections of this section, along with the specific parameters by which the regulation may be altered.

Waivers are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of the requirements of this section would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the T-3, T-4, T-5 and T-6 Districts.

Whenever a regulation may be altered through the waiver process, specific bounds are listed within which the waiver must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this section, the applicant must obtain a variance following the procedures and review standards Section 1280.03, Zoning Board of Appeals.

(2) Application and review procedures. The applicant shall clearly identify all requested waivers on the application and site plan. The reviewing authority shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the reviewing authority shall take into account the following considerations:

A. Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.

B. The requested waiver is consistent with the intent and purpose of this section.

C. The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this section.

D. A lesser waiver will not accomplish the same purpose as the requested waiver.

E. The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this section.

(3) Waivers from building design standards for new construction and adaptive reuse. The Planning and Zoning Administrator may waive the above requirements finding all of the following standards have been met:

A. The architectural design of the proposed structure is consistent with the character of the surrounding area.

B. The architectural design otherwise meets the building design standards of the T-3, T-4, T-5 and T-6 Districts.

C. The project brings the site more into compliance with the building design standards for new construction and purpose of the T-3, T-4, T-5 AND T-6 Districts.

(d) Architectural Standards for New Construction and Adaptive Reuse.

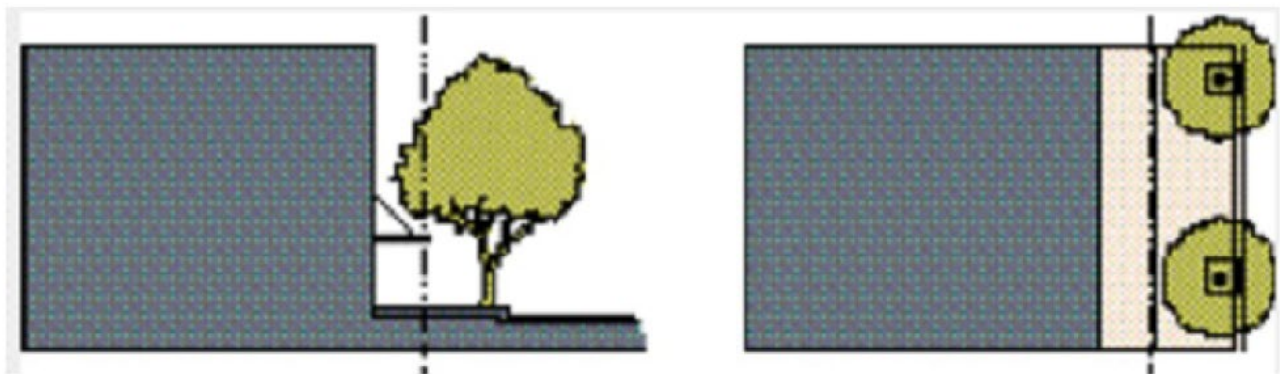
(1) Frontage requirements. Buildings in the T-3, T-4, T-5 and T-6 Districts shall comply with the following requirements, in addition to any applicable requirements of Section 1241.02, Schedule of Regulations. The requirements of this section and Section 1241.02 are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this section shall control.

A. Private frontage. The private frontage is the area between the right-of-way and the principal building façade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the T-3, T-4, T-5 and T-6 Districts. A sidewalk shall connect each entrance into a private building to the parking area and to the public right-of-way sidewalk.

Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this Section.

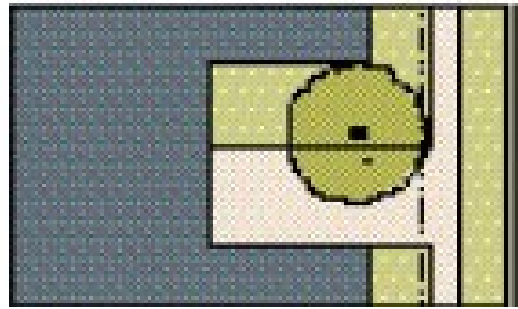
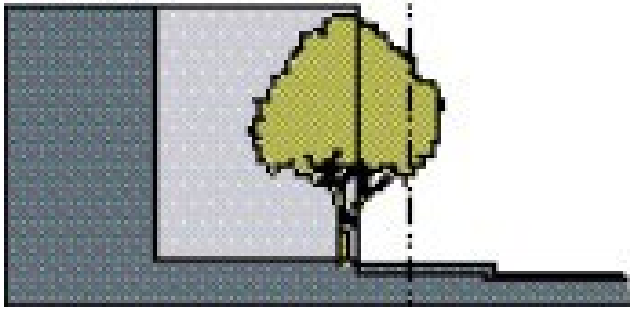
FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
Shopfront. A frontage where the building façade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential use on the first floor.	T-3 T-4 T-5 T-6	The building shall be set back a maximum of 5 feet from the front lot line.

Shopfront illustration:



Courtyard. A frontage where a portion of the building façade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.	T-3 T-4 T-5 T-6	The building shall be set back a maximum of 5 feet from the front lot line. The courtyard area shall be considered part of the front building façade for the purposes of determining compliance with the requirements of the required setback.
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Courtyard Illustration:

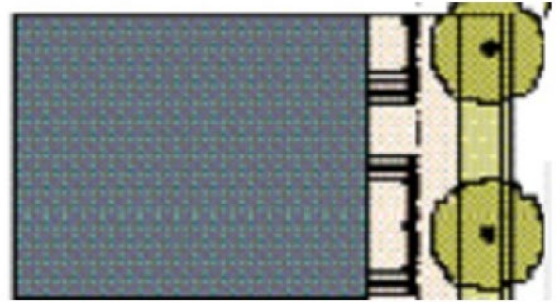
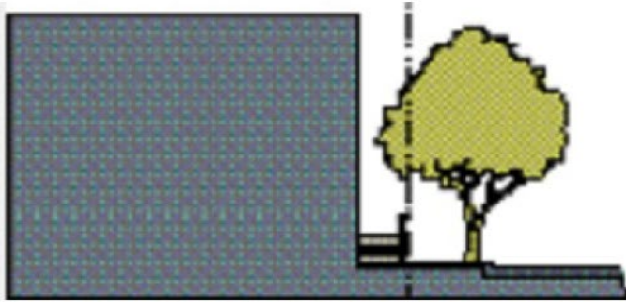


Stoop. A frontage where the floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.

T-3
T-4
T-6

The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.

Stoop Illustration:



Lawn. A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.

T-3
T-4
T-6

The building shall be set back a minimum of 10 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.

Lawn Illustration:



(2) Minimum height. The minimum building height in the T-4, and T-5 Districts located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 is twenty feet. All buildings shall be at least two stories. Outside of this boundary, there is no minimum height requirement.

(3) Building materials for buildings in the T-6 shall comply with the following building material requirements.

A. Primary building materials. Any of the following building materials shall be used on a minimum of 50% of the façade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Natural Stone (or integrally colored synthetic, equivalent or better);
4. Stucco (cement plaster);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;
7. Glass block;
8. Display glass, or
9. Glazed brick or decorative tile

B. Secondary building materials. Any of the following materials are permitted on 50% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator. (4) Building materials for buildings in T-4 and T-5 Districts located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 shall comply with the following building material requirements:

A. Primary building materials. Any of the following building materials shall be used on a minimum of 60% of the facade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Exposed logs or timber;
4. Natural Stone (or integrally-colored synthetic, equivalent or better);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;
7. Display glass; or
8. Glazed brick or decorative tile

B. Secondary building materials. Any of the following materials are permitted on 40% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator.

1. Ground- or split-faced block (integrally colored);
2. Glass block;
3. Metal accent;
4. Pre-cast masonry; or
5. Synthetic materials (only above the second story) as approved by the Planning and Zoning Administrator.

C. Waiver. This requirement may be waived, per Section 1250.04(c).

(5) Building materials for buildings located in the T-3 or T-4 Districts not located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted February 28, 2018 shall comply with the following building material requirements:

A. Primary building materials. Any of the following building materials shall be used on a minimum of 50% of the façade of the building. This shall be calculated as a percentage of the wall portion of the façade excluding doors and windows.

1. Brick
2. Wood or cement fiber siding (such as Hardie Board or Boral Siding);
3. Exposed logs or timber
4. Natural Stone (or integrally-colored synthetic, equivalent or better);
5. Stucco (cement plaster);
6. Cast iron, copper, stainless steel (18-8 or better), and titanium metal siding;
7. Ground-or split-faced block (integrally colored);
8. Glass block;

- 9. Display glass; or
- 10. Glazed brick or decorative tile

B. Secondary building materials. Any of the following materials are permitted on 50% of the façade of the building and on all side and rear elevations, this list is not inclusive of all materials allowed. Additional materials may be approved by the Planning and Zoning Administrator.

- 1. Pre-cast masonry
- 2. Metal accent;
- 3. Synthetic materials (only above the second story) as approved by the Planning and Zoning Administrator

C. Waiver. This requirement may be waived, per Section 1250.04(c).

(6) Ground floor design.

A. Building entrance(s). All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.

B. Entryway alignment.

1. Nonresidential uses. For all buildings in the T-3, T-4, T-5 and T-6 Districts and buildings with nonresidential uses on the first floor, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.

2. Residential and live/work uses. For first-floor residential and live/work uses in the T-3, T-4, T-5 and T-6 Districts, the ground floor of the building (and consequently the principal entrance as well) may be raised up to thirty-six inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.

(7) Windows and entryways. The following requirements apply to facades of buildings facing a public street or public space such as a plaza or square.

A. Windows. Windows above the ground floor shall have a height to width ratio of at least 2:1.

B. Ground floor facade transparency. All buildings with first floor nonresidential uses shall maintain transparency for at least 70% of the first-floor facade area between two and eight feet above grade level. Doors and windows provide transparency.

- 1. Window glass shall be clear, with at least 90 percent light transmission. (modifications as necessary to meet applicable building and energy code requirements)
- 2. Areas of solid wall shall not exceed a length of twenty feet.

(8) Recessed entrances. Recessed entrances are required in the T-4 and T-5 Districts located within the downtown development boundaries delineated in the adopted Battle Creek Downtown Plan. Doors located within the downtown development boundaries delineated in the Battle Creek Downtown Plan adopted with any amendments thereafter are required to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.

(9) Encroachments. The following building elements may encroach into a public right-of-way or setback area.

A. Balconies. Balconies on upper stories may encroach up to six feet into any required setback area and up to four feet into any right-of-way area.

B. Stoops. Unenclosed and uncovered front stoops may encroach up to five feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.

C. Awnings.

(1) Awnings may encroach up to six feet from the face of the building into the setback area, or into the right-of-way area in the T-4 T-5 and T-6 Districts.

(2) Awnings shall have a minimum height of eight feet between the sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of twelve feet from the ground to the highest point of the canopy.

(3) If the awning encroachment of six feet would interfere with the placement of street lighting or street trees, the awning projection shall be reduced to resolve the conflict.

(4) Awnings shall be constructed out of fabric, and may not be internally illuminated. Metal or other materials may be used for awnings if a waiver is approved per Section 1250.04 (c).

D. Bay windows. Bay windows on the ground story may encroach up to three feet into any setback area, but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three feet into any setback or right-of-way area.

E. Eaves. Roof eaves may encroach up to three feet into any setback or right-of-way area.

(9) Service areas. All service areas, including utility access, above ground equipment and dumpsters shall be located in side or rear yards and shall be screened from view from any street.

(10) Mechanical and utility equipment. Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(11) Parking lots. Parking lots in the downtown district are only permitted in the rear yard, except that the Planning and Zoning Administrator may waive this requirement per Section 1250.04(c) where an ornamental fence or wall meeting the requirements of Section 1260.02 and landscaping are installed to screen the parking area.

1250.05 MHP-OD MOBILE HOME PARK OVERLAY DISTRICT.

(a) Purpose. The purpose of this chapter is to establish an overlay district zoning designation for mobile home parks in the city so as to establish specific areas within the city where mobile home parks shall be permitted by right as a supplement to the use permitted by one of the other zoning districts established by this Zoning Code and indicated on the zoning map, which shall be referred to as the “underlying district.”

(b) Definitions. As used in this chapter:

(1) “Mobile home” means a structure transportable in one or more sections which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure.

(2) “Mobile Home Commission” means that body created pursuant to the Mobile Home Commission Act, Public Act 96 of 1987, as amended, being MCL 125.2301 et seq., with the authority to promulgate rules and standards for mobile home parks.

(3) “Mobile home park” means a parcel or tract of land under the control of a person, upon which parcel or tract three or more mobile homes are located on a continual, nonrecreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home. The term “mobile home park”

does not include “seasonal mobile home park,” as defined by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, being MCL 125.2301 et seq.

(c) Permitted Uses. In addition to the uses permitted in the underlying district, this chapter also permits, by right, the use of the premises as a mobile home park.

(d) Compliance with Rules of the Mobile Home Commission; Height, Yard, Lot Area, Lot Width, Building Coverage, Sign, Parking and Density Requirements.

(1) The use permitted by this chapter shall comply with all rules and standards for mobile homes and mobile home parks promulgated by the Mobile Home Commission, which rules and standards are adopted herein by reference.

(2) The height, yard, lot area, lot width, building coverage, sign and parking requirements of the underlying district shall be applicable to mobile home parks to the degree that such are not in conflict with the rules and standards promulgated by the Mobile Home Commission.

(3) Mobile home parks shall not have a density per acre of more than five mobile homes or in excess of the density factor for the underlying district, whichever is greater.

(e) Boundaries of Overlay Districts; Application for Designation.

(1) The boundaries of MHP-OD Mobile Home Park Overlay Districts shall be delineated on the official zoning map of the city and titled “MHP-OD.”

(2) The MHP-OD Mobile Home Park Overlay District zoning designation shall be applied for in the same manner provided for amendments to the Zoning Code for all or part of an underlying district.

(f) Administrative Remedies for Violations. In addition to the general penalty provided for violations of this Zoning Code, the city reserves all administrative remedies it may have before the Mobile Home Commission for a violation of this chapter or the rules and standards of the Mobile Home Commission.



Ordinance No: 15-2026

#15-2026 - A Proposed Ordinance, 15-2026 to rezone 84 parcels located along the Beckley Road Corridor from B-2 Regional Commercial District to T-6 Lakeview Business District.

Battle Creek City Commission

Action Summary

Staff Member: Darcy Schmitt, Planning Supervisor

Department: Planning

Summary

ORDINANCE NO. 15-2026

The City of Battle Creek Ordains:

That the following is introduced:

Section 1. An Ordinance to rezone 84 parcels located along the Beckley Road Corridor from B-2 Regional Commercial District to T-6 Lakeview Business District.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the Ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect seven (7) days from the date of its publication, in accordance with the provisions of Section 401 of the Michigan Zoning Enabling Act.

Budgetary Considerations

The proposed rezoning will allow additional land uses in the Lakeview District, including a variety of housing types to encourage housing development in areas such as the Lakeview Mall and big box parking lots that are underutilized. New development will generate additional property taxes and provide housing for those working and living in Battle Creek.

History, Background and Discussion

For additional background information and context related to the Lakeview District, please refer to the staff report attached.

The establishment of the T-6 Lakeview Business District will help accommodate existing commercial uses and buildings within the subject area by reducing the number of nonconforming uses, while also providing additional commercial and residential options for vacant properties and parking spaces in an effort to stimulate economic investment in the area. Staff anticipates that the proposed rezoning would not create any new dimensional or use-related nonconformities, while also permitting a wider range of housing types by right.

The subject area includes a total of 84 parcels located primarily on an east-west orientation along Beckley Rd., with Capital Ave. largely being the western extent and M-66 to the east. All the parcels proposed for rezoning are currently zoned B-2 Regional Commercial District.

Please see Figure 1 below for aerial depiction of the Lakeview District. Figure 2 below indicates the current zoning of the subject parcels and the surrounding area. Table 1 provides the address (if available), parcel number, and current zoning of each parcel included within the proposed area of rezoning.



Figure 1: Aerial depiction of the Lakeview District.

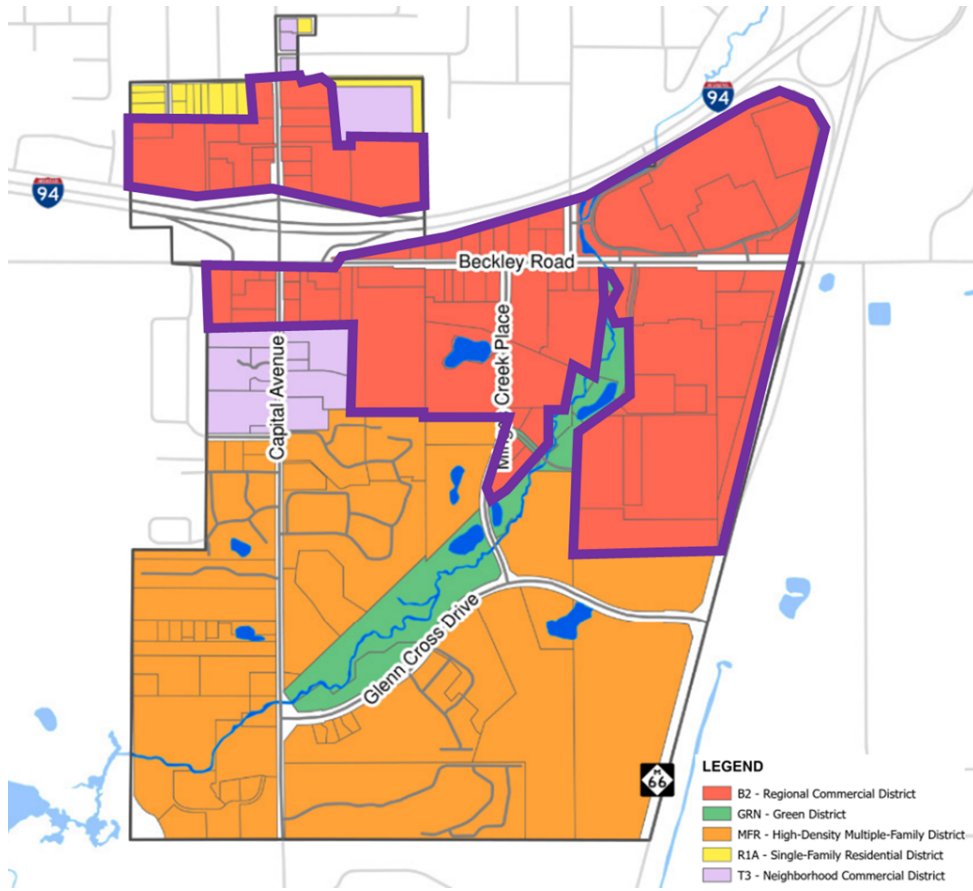


Figure 2: Existing zoning of subject parcels and surrounding parcels. Parcels that are subject to rezoning are outlined in dark purple.

No.	Address	Parcel Number	Current Zoning
1	110 Knapp Dr	0076-00-820-0	B-2 Regional Commercial District
2	2 Heritage Oak Ln Unit 1	4010-00-001-0	B-2 Regional Commercial District
3	2 Heritage Oak Ln Unit 2	4010-00-002-1	B-2 Regional Commercial District
4	2 Heritage Oak Ln Unit 3	4010-00-003-1	B-2 Regional Commercial District
5	2 Heritage Oak Ln Unit 4	4010-00-004-1	B-2 Regional Commercial District
6	2 Heritage Oak Ln Unit 5	4010-00-005-1	B-2 Regional Commercial District
7	21 Minges Creek Pl	5515-00-040-0	B-2 Regional Commercial District
8	2545 SW Capital Ave	0075-00-340-0	B-2 Regional Commercial District
9	2550 SW Capital Ave	6180-10-893-0	B-2 Regional Commercial District

10	2565 SW Capital Ave	0075-00-400-0	District B-2 Regional District	Commercial
11	2580 SW Capital Ave	0076-00-855-0	B-2 Regional District	Commercial
12	2587 SW Capital Ave	0075-00-410-0	B-2 Regional District	Commercial
13	2588 SW Capital Ave	0076-00-858-0	B-2 Regional District	Commercial
14	2589 SW Capital Ave	0075-00-470-0	B-2 Regional District	Commercial
15	2590 SW Capital Ave	0076-00-850-0	B-2 Regional District	Commercial
16	2591 SW Capital Ave	0075-00-420-0	B-2 Regional District	Commercial
17	2593 SW Capital Ave	0075-00-430-0	B-2 Regional District	Commercial
18	2594 SW Capital Ave	0076-00-860-0	B-2 Regional District	Commercial
19	2595 SW Capital Ave	0075-00-450-0	B-2 Regional District	Commercial
20	2597 SW Capital Ave	0075-00-440-0	B-2 Regional District	Commercial
21	2802 SW Capital Ave	0085-00-010-0	B-2 Regional District	Commercial
22	2807 SW Capital Ave	0086-00-920-0	B-2 Regional District	Commercial
23	2810 SW Capital Ave	0635-24-100-1	B-2 Regional District	Commercial
24	2811 SW Capital Ave	0086-00-930-0	B-2 Regional District	Commercial
25	2822 SW Capital Ave	0635-24-100-2	B-2 Regional District	Commercial
26	2825 SW Capital Ave	0086-00-980-0	B-2 Regional District	Commercial
27	2838 SW Capital Ave	0085-00-060-0	B-2 Regional District	Commercial
28	3 Heritage Oak Ln	5515-00-045-0	B-2 Regional District	Commercial
29	3035 SW Capital Ave	0636-11-489-0	B-2 Regional District	Commercial
30	36 Minges Creek Pl	5515-00-050-0	B-2 Regional District	Commercial
31	4765 Beckley Rd	0076-00-770-0	B-2 Regional District	Commercial
32	4775 Beckley Rd	0076-00-790-0	B-2 Regional	Commercial

33	4785 Beckley Rd	0076-00-800-0	District B-2 Regional District	Commercial
34	4786 Beckley Rd	0085-00-080-0	B-2 Regional District	Commercial
35	4840 Beckley Rd	0085-00-030-0	B-2 Regional District	Commercial
36	50 Knapp Dr	0076-00-870-0	B-2 Regional District	Commercial
37	5050 Beckley Rd	0086-00-910-1	B-2 Regional District	Commercial
38	5074 Beckley Rd	0086-00-905-0	B-2 Regional District	Commercial
39	5090 Beckley Rd	0086-00-900-0	B-2 Regional District	Commercial
40	5195 Beckley Rd	0075-00-490-0	B-2 Regional District	Commercial
41	5225 Beckley Rd	0075-00-500-0	B-2 Regional District	Commercial
42	5230 Beckley Rd	0086-00-830-0	B-2 Regional District	Commercial
43	5275 Beckley Rd	0075-00-540-0	B-2 Regional District	Commercial
44	5276 Beckley Rd	5515-00-100-0	B-2 Regional District	Commercial
45	5280 Beckley Rd	5515-00-095-0	B-2 Regional District	Commercial
46	5285 Beckley Rd	0075-00-550-0	B-2 Regional District	Commercial
47	5335 Beckley Rd	0075-00-560-0	B-2 Regional District	Commercial
48	5340 Beckley Rd	5515-00-091-0	B-2 Regional District	Commercial
49	5350 Beckley Rd	5515-00-085-0	B-2 Regional District	Commercial
50	5352 Beckley Rd	5515-00-080-0	B-2 Regional District	Commercial
51	5395 Beckley Rd	0075-00-570-0	B-2 Regional District	Commercial
52	5401 Beckley Rd	0075-00-535-0	B-2 Regional District	Commercial
53	5420 Beckley Rd	5515-00-035-0	B-2 Regional District	Commercial
54	5421 Beckley Rd	0075-00-530-0	B-2 Regional District	Commercial
55	5445 Beckley Rd	0075-00-515-0	B-2 Regional	Commercial

56	5466 Beckley Rd	5515-00-005-0	District B-2 Regional District	Commercial
57	5475 Beckley Rd	0075-00-510-0	B-2 Regional District	Commercial
58	5500 Beckley Rd	0086-00-380-0	B-2 Regional District	Commercial
59	5560 Beckley Rd	0086-00-365-0	B-2 Regional District	Commercial
60	5568 Beckley Rd	0086-00-360-0	B-2 Regional District	Commercial
61	5575 Beckley Rd	0075-00-700-0	B-2 Regional District	Commercial
62	5700 Beckley Rd	0086-00-270-0	B-2 Regional District	Commercial
63	5700 Beckley Rd	0086-00-250-0	B-2 Regional District	Commercial
64	5700 Beckley Rd	0086-00-275-0	B-2 Regional District	Commercial
65	5700 Beckley Rd F	0086-00-260-0	B-2 Regional District	Commercial
66	5719 Beckley Rd	0625-47-400-0	B-2 Regional District	Commercial
67	5725 Beckley Rd	0625-48-500-1	B-2 Regional District	Commercial
68	5727 Beckley Rd	0625-49-000-2	B-2 Regional District	Commercial
69	5735 Beckley Rd	0625-48-600-0	B-2 Regional District	Commercial
70	5736 Beckley Rd	0095-00-050-0	B-2 Regional District	Commercial
71	5738 Beckley Rd	0095-00-060-0	B-2 Regional District	Commercial
72	5740 Beckley Rd	0095-00-080-0	B-2 Regional District	Commercial
73	5775 Beckley Rd	0625-46-525-0	B-2 Regional District	Commercial
74	5800 Beckley Rd	0095-00-070-0	B-2 Regional District	Commercial
75	5801 Beckley Rd	0075-00-730-0	B-2 Regional District	Commercial
76	5805 Beckley Rd	0625-49-819-1	B-2 Regional District	Commercial
77	7 Heritage Oak Ln	0086-00-780-0	B-2 Regional District	Commercial
78	75 Minges Creek Pl	0086-00-750-1	B-2 Regional	Commercial

79	8 Minges Creek Pl	5515-00-071-0	District B-2 Regional Commercial District
80	Beckley Rd	0086-00-265-0	B-2 Regional Commercial District
81	Beckley Rd	0086-00-375-0	B-2 Regional Commercial District
82	Beckley Rd	0095-00-090-0	B-2 Regional Commercial District
85	Beckley Rd Rear	0086-00-280-0	B-2 Regional Commercial District
92	SW Capital Ave	0076-00-845-0	B-2 Regional Commercial District

Table 1: Detailed information describing each subject parcel, including the address (if available), parcel number, and current zoning of the parcel.

Positions

Applicable Zoning Ordinance Provisions

The subject area contains parcels currently zoned B-2 Regional Commercial District. The proposed rezoning would move the subject parcels into the newly created T-6 Lakeview District classification, availing each parcel to the permitted uses and dimensional requirements as prescribed by Section 1240.16 (T-6 Lakeview District).

The purpose of the T-6 Lakeview District is as follows:

“It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded. Further, it is intended to promote uses that support a walkable environment, a mix of uses within a single building, and uses that create activity throughout the day and week.”

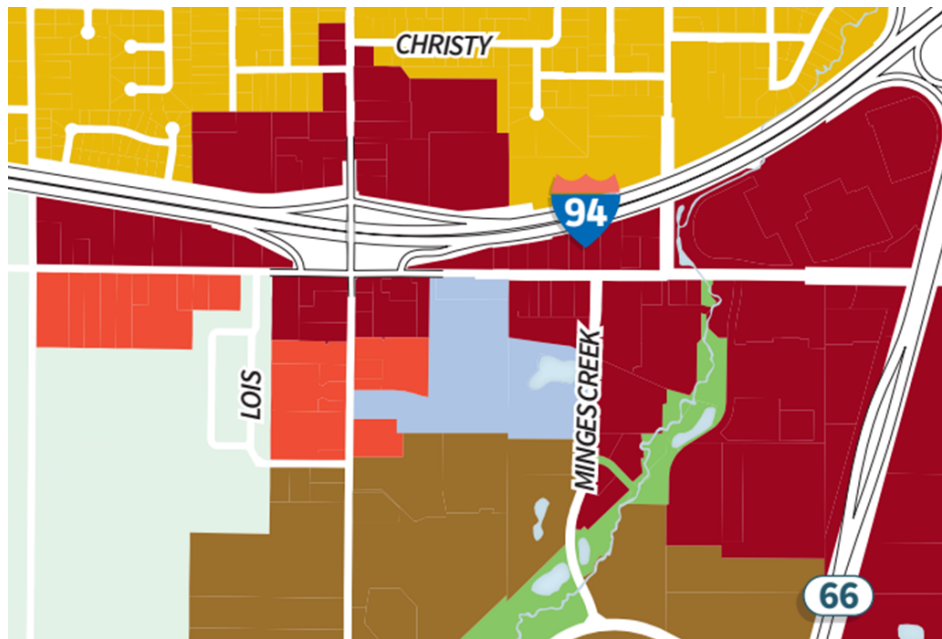
Section 1281.01 details the regulations and process related to zoning ordinance and map amendments, and is attached as a supporting document to this staff report. In summary, Section 1281.01 requires that a public hearing as required under the Michigan Zoning Enabling Act be sufficiently noticed and held by the Planning Commission, at which time a recommendation is made to the City Commission regarding the amendment. Following the public hearing, the recommendation of the Planning Commission and all pertinent documents are forwarded to the City Commission for consideration, which includes a process requiring two meetings (introduction of the proposed amendment, followed by Commission action on the proposed amendment at the following meeting).

Master Plan

The Planning Enabling Act of 2008 requires a master plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.”

The master plan focuses on desired land use patterns for typically a twenty-year time frame, and the enabling legislation and case law require that zoning be based upon this master plan. The City of Battle Creek Master Plan was adopted in 2018, and includes a Land Use Plan map, which is intended to guide in decision-making with regard to planning and future land use patterns in accordance with the goals and vision articulated in the Master Plan.

Figure 3 below is a portion of the Land Use Plan map depicting the subject properties and the corresponding legend:



Land Use Classifications

 Agricultural & Rural Residential	 Production & Employment Center
 Traditional Neighborhood	 Community Open Space & Recreation
 Suburban Residential	 Transitioning Neighborhood
 Multi-Unit Residential	 Challenged Neighborhood
 Neighborhood Commercial	 Development Opportunity Centers
 Corridor Commercial	 Community Services
 Regional Commercial	 Urban Growth Boundary
 Downtown Commercial	

Figure 3: Section of the 2018 Land Use Plan depicting the subject properties and surrounding area.

The subject area includes properties classified as the Regional Commercial and Community Services Place Types.

The Regional Commercial Place Type is defined as follows:

“The Regional Commercial Place Type is located along or within close proximity to the busiest roadways in the community, which support a high volume of local and regional traffic. The Place Type includes major retailers, national chains, specialty retailers and service providers, and shopping centers that draw consumers from the entire community, the larger regional market, and to travelers moving through the community along I-94. They provide unique entertainment and shopping experiences, along with auto-oriented uses and amenities accessible to individuals traveling greater distances. Compared to other commercial place types, Regional Commercial is high in intensity and features the largest scale of development..”

The Community Services Place Type is defined as follows:

“The Community Services land use designation includes a variety of properties and development which provide amenities and services to residents, support City infrastructure, and improve the overall quality of life within Battle Creek. Unlike the 11 land use place types, community service is included as a designation of land use on a specific parcel-by-parcel basis.

Properties are included within this designation either because they do not contribute to the overall character of the surrounding district, or because they are part of a larger campus which is enclosed or separated from adjacent areas. This can include City utilities; medical campuses and clinics; local, state, and federal government buildings;

and schools or universities located on distinct campuses. It should be noted that not all community service uses are included within the designation. Where appropriate, these land uses are included within a specific land use place types given that they are either currently integrated or have the potential to be incorporated within the surrounding place type.

Those areas included within the community services designation should be addressed individually to ensure the unique characteristics of the properties are properly managed. As opportunities arise, improvements should be made to better integrate community services within the surrounding area, such as pedestrian connections or public plazas and open spaces. Of the properties included within the community services designation, none are expected to see redevelopment or dramatic changes in land use. Should this occur, however, the City should work with property owners to transition land use in a manner that is appropriate with the surrounding land use place types and reflective of overall trends within the community..”

While each individual section of the proposed area of rezoning may not entirely align with the Land Use Plan map, it is important to remember that the Land Use Plan (including the Master Plan) is not a legally binding document. Economic conditions and trends related to the desired uses have shifted since the time of the master plan adoption in 2018.

Proposed zoning changes, if approved by the City Commission, will be reflected in an updated Land Use Plan map which will be included in the coming update to the Master Plan.

It is also important to note that the proposed rezoning to the newly-created T6 zoning district aligns with the vision articulated within the Lakeview District Plan, which serves as a supplement to the adopted master plan.

Request for Rezoning

After consideration of the future needs of the Beckley Road commercial corridor and the existing conditions within the subject area, staff believes that a shift from the current regional commercial district zoning to a T-6 Lakeview Business District will accommodate current businesses within the district as well as provide more diverse development opportunities for property owners. The proposed establishment of the T-6 district has the potential to encourage increased commercial (and potentially residential) activity along the Beckley Rd. corridor, which has developed beyond its original exclusively mall retail use.

Public Hearing and Notice Requirements

This request was scheduled for the June 24, 2026 Planning Commission meeting, with notice of hearing published in the June 4, 2026 edition of the Battle Creek Shopper.

Neighborhood Outreach

For additional information related to the Lakeview District Subplan and its public engagement, please refer to the staff report attached.

Analysis and Recommendation

As this is a rezoning request, consideration should be given to the existing zoning district and the potential effect on the neighborhood, the proposed uses allowed by the new zoning classification as it relates to the surrounding zoning and land uses, existing infrastructure, and consistency with the Master Plan. Staff findings include the following:

While the Land Use Plan within the adopted Master Plan identifies the subject properties as a combination of Regional Commercial and Community Services, it is important to recognize that the Master Plan is not a binding document, and is only one factor intended to help guide development decisions pursued by the City.

- The existing infrastructure is unlikely to be impacted by the proposal as the target area of this rezoning has historically enjoyed a combination of various commercial and multiple-family zoning. The area is serviced by water and sewer, with the majority of the area zoned for intensive business purposes prior to the 2020 ordinance rewrite.

On June 24, 2026 with eight members present, the Planning Commission voted unanimously to recommend the City Commission approve the rezoning.

Based on the above findings, planning staff recommends the City Commission approval of Petition #PRZ26-0002, a request for rezoning of 84 parcels as described in this staff report along Beckley Road, Capital Avenue, Heritage Oak Lane, Knapp Drive, and Minges Creek Place, currently zoned B-2 Regional Commercial District to the T-6 Lakeview Business District.

Attachments

1. 06.24.2026 Planning Commission Meeting06.24.2026 Planning Commission Meeting Minutes Minutes.pdf
2. 1. Staff Report 1. Staff Report.pdf

CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for June 24, 2026

MEETING CALLED TO ORDER: By Chairman Hughes at 4:00 p.m.

ATTENDANCE: Roll call was taken.

Chairperson Hughes, present
Vice Chairperson O'Donnell, present
Commissioner Morris, present
Commissioner Gray, present
Commissioner Furmato, present

Commissioner Denison, present
Commissioner Moton, absent
Mayor Behnke, present
Commissioner White, present

Staff Present: Darcy Schmitt, Planning Supervisor, Adam Jenks, Planner, Melody Carlsen, Administrative Assistant, Patrick Batterson, Assistant City Attorney.

APPROVAL OF MINUTES: May 27, 2026.

MOTION MADE BY MAYOR BEHNKE TO APPROVE THE MAY 27, 2026 MEETING MINUTES. MOTION SECONDED BY COMMISSIONER GRAY.

ROLL VOTE: Chairperson Hughes asked everyone in favor to signify by saying "aye".

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS: None.

OLD BUSINESS:

A. ZONING ORDINANCE TEXT AMENDMENT #A26-03:

Petition from the City of Battle Creek to consider an amendment to Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District specifically those properties that are currently zoned B-2. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Staff Presentation: Adam Jenks gave the staff report for #A26-03.

MOTION MADE BY COMMISSIONER MORRIS TO APPROVE ITEM #A26-03. SECONDED BY COMMISSIONER WHITE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

B. ZONING MAP AMENDMENT #PRZ26-0002

Petition from the City of Battle Creek to rezone properties along Beckley Road and Capital Avenue, currently zoned “B-2 Reginal Commercial District” to “T-6 Lakeview District” pursuant to Sections 1281.01 and 1240.16 of the zoning code.

Staff Presentation: Adam Jenks gave the staff report for #PRZ26-0002.

**MOTION MADE BY COMMISSIONER MORRIS TO APPROVE ITEM #PRZ26-0002.
SECONDED BY COMMISSIONER MAYOR BEHNKE.**

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMENTS BY THE PUBLIC:

Brad Miller, 200 Wahwahtaysee Way was present to speak regarding Zoning Ordinance Text Amendment #A25-01. Mr. Miller was not pleased that this item was denied and permanently tabled and expressed his concerns.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Morris responded to Mr. Miller’s comments and would like to speak with him further.

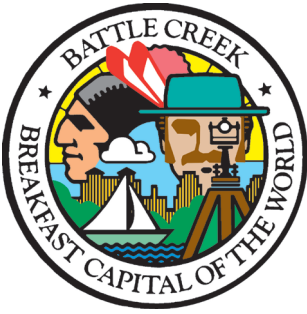
Mayor Behnke mentioned the June 25th meeting with the City Manager and invited the Planning Commissioners.

Commissioner Gray reminded everyone of the Housing Strategy meeting being held on June 25th at the Department of Public works building.

Commissioner Furrato responded to Mr. Millers comments regarding item A25-01.

ADJOURNMENT: Chairman Hughes adjourned the meeting at 4:29.

Submitted by: Melody Carlsen, Administrative Assistant, Planning & Zoning Division.



Battle Creek City Planning Commission

Staff report for the July 24, 2026 meeting

To: Planning Commissioners

From: Adam Jenks, Planner

Subject: Text Amendment A26-03, Lakeview District Plan Zoning Requirements

Summary

Planning and Zoning staff recommends that the Planning Commission consider an amendment to Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.

Background Information

The Lakeview District and its Beckley Road commercial corridor is a significant economic hub of the City of Battle Creek and the surrounding region. Historically, the corridor existed as an arterial roadway servicing the Lakeview Square Mall. Over time, the area developed into a multifaceted district of the city, extending beyond the immediate highway activity and traditional retail.

In coordination with the Lakeview Downtown Development Authority and other key stakeholders, the City of Battle Creek staff embarked on a series of public engagements dating back to 2023 with the intention of developing strategies to enhance the economic vibrancy of the Beckley Road Commercial Corridor. The resulting efforts produced the Lakeview District Subplan, a document that informs and supplements the city master plan. The plan focuses on three main thematic objectives of placemaking, green infrastructure, and reducing automobile dependence.

To achieve these objectives, consultants from the Progressive planning firm determined a new zoning designation is appropriate to accommodate and encourage the desired scale and land use communicated by stakeholders. There is a desire to foster a wider range of housing types, recreational amenities, restaurant options, and hospitality investment. Greater flexibility is needed in regard to both land use and dimensional limits in order to absorb potential development that fits the character outlined in the plan. Therefore, a new form-based code zoning designation is recommended to achieve the aforementioned objectives.

The establishment of the T-6 Lakeview Business District will help accommodate existing commercial uses and buildings within the subject area by reducing the number of nonconforming uses, while also providing additional commercial and residential options for vacant properties and parking spaces in an effort to stimulate economic investment in the area. Staff anticipates that the proposed rezoning would not create any new dimensional or use-related nonconformities, while also permitting a wider range of housing types by right.

Figure 1 below indicates the current zoning of the subject parcels and the surrounding area. Table 1 provides the address (if available), parcel number, and current zoning of each parcel included within the proposed area of rezoning.

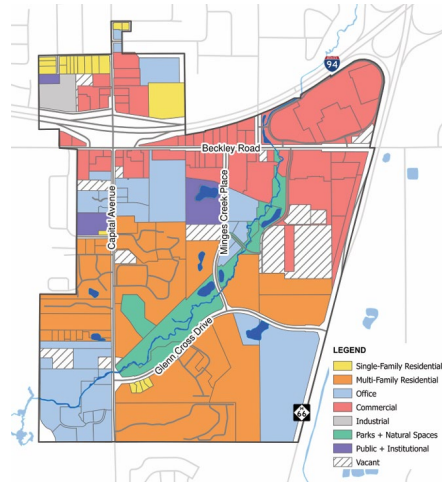


Figure 1 shows the area proposed to be covered by the text amendment.

Proposed Changes

The development of the proposed T-6 district necessitated amendments to Chapters 1240, 1241, and 1250. The following is a description of the proposed amendments to each Chapter.

Chapter 1240 Zoning Districts and Map includes the following proposed amendments:

- The Table of Permitted Uses under 1240.02 was amended to reflect the uses that are proposed for the T-6 district.
- Medical or Dental Clinic<5,000 s. f. was added to the chart as it was not listed in the chart and is one of the uses that will be allowed in this district.
- The T-6 Lakeview District was added under 1240.16 to include the uses and the dimensional requirements under the proposed amendment.

A comparison of the uses allowed under the B-2 Regional Commercial District that currently regulates the subject properties and the proposed T-6 Lakeview District below provides a quick comparison of the proposed use changes.

B-2 District	Proposed T- 6 District	
<i>Permitted Uses</i>	<i>Permitted Uses</i>	<i>Notes</i>
Arena/Theater	No	This does not include movie theaters only large arena and

		theaters for live entertainment.
Artisan/Maker Space	Yes	
Assisted Senior Living	No	
Automobile Car Wash Establishment	No, a new car wash would not be allowed.	An existing car wash would be placed under the “Existing Use” ¹ category.
Automobile or Vehicle Dealership	No	
Automobile Repair	No	An existing business would be listed under the “Existing Use” category
Automobile Service Station	Yes	
Banquet and Meeting Hall	Yes	
Bar, Tavern, or Saloon	Yes	
Bookstore	Yes	
Brewpub	Yes	
Catering Businesses	Yes	
Child Care Centers	Yes	
Convalescent Home, Nursing Home, or Home for the Aged	No	
Distillery, Winery-w/ or w/o food	Yes	
Drive-Thru Business	Yes	
Essential Services	Yes	
Event Center	No	
Financial Institutions	Yes	
Funeral Homes, Mortuaries, and Crematoriums	Yes	
Government/Public Uses	Yes	
Greenhouse/Nursery (Principal Use)	Yes	
Hospital >20,000	No	An existing business would be listed under the “Existing Use” category
Hotel	Yes	
Indoor Recreation	Yes	Includes movie theaters
Institutions of Higher Education	Yes	
Kennels/Veterinarian	No	
Marihuana: Adult-Use Marihuana Microbusiness	No, a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.

¹ Existing Use means a use of a particular parcel established lawfully prior to adoption of such provisions which subsequently prohibit said use. The term “Existing Use” is distinct from “Nonconforming Use” in that an existing use may continue in perpetuity until such time that a permitted use is established on the parcel in its place.

Marihuana: Adult-Use Marihuana Retailers	No , a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.
Marihuana: Medical Marihuana Provisioning Center	No , a new business would not be allowed.	An existing business would be listed under the “Existing Use” category.
Marihuana: Medical and Adult Use Marihuana Safety Compliance Facility	No	
Marihuana: Medical and Adult Use Marihuana Secure Transporter	No	
Medical or Dental Clinic	Yes, only if less than 20,000 sq. ft.	An existing business would be listed under the “Existing Use” category.
Microbrewery	Yes	
Motel	Yes	
Nightclub	No	
Office	Yes, if less than 17, 000 sq. ft.	An existing business would be listed under the “Existing Use” category.
Outdoor Recreation/ Private	Yes	
Outdoor Recreation/ Public	Yes	
Pawn Broker	No	
Personal Service Establishment	Yes	
Private Club	Yes	
Private K-12 Schools	No	
Public K-12 Schools	Yes	
Religious Institutions	Yes	
Research and Development	No	
Restaurant <ul style="list-style-type: none"> • Carry-Out • Drive-In • Drive Thru • Full Service • Limited Service 	Yes	
Retail Sales > 17,000 sq. ft.	Yes	
Self-Storage Facilities	No	An existing business would be listed under the “Existing Use” category.
Vehicle Repair, Major	No	An existing business would be listed under the “Existing Use” category.
<i>Special Use Permits</i>	<i>Special Use Permits</i>	
Adaptive Reuse	Yes	
Cemetery	No	An existing business would be listed under the “Existing Use” category.

		category.
Parking as a Principal Use	Yes	
Transportation and Logistics	No	
Automobile Repair (Section 1251.05)	No	An existing business would be listed under the “Existing Use” category.
Warehouse	No	
Wholesale	No	
<i>Additional Uses Allowed in the Proposed T-6 district not Allowed in the B-2 district</i>	<i>Additional Uses Allowed in the Proposed T-6 district not Allowed in the B-2 district</i>	
No	Multiple Family Dwelling Unit	
No	Single Family Dwelling Unit Attached	
No	Transitional and Supportive Home, more than 1-6	
No	Transitional and Supportive Home, more than 6	

Chapter 1241 Schedule of Regulations includes the following proposed amendments:

- The proposed T-6 district dimensional requirements were added to the schedule of regulations.
- Footnotes to the schedule of regulations were amended to add reference to the T-6 district.

Chapter 1250 Supplemental Zoning District Standards include the following proposed amendments:

- References to the T-6 Lakeview District were added to the “Statement of Purpose” and the “Waiver Requirements”.
- References to the T-6 Lakeview District were added to the “Architectural Standards for New Construction and Adaptive Reuse”.
- Language was added to specify primary and secondary materials that can be used in the T-6 district. Any of these standards can be considered to be waived by the Planning and Zoning Administrator on a case-by-case request.
- Overly cumbersome design standards along with the associated graphic were removed from the code.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. This request has been scheduled for the, June 24, 2026 Planning Commission meeting, with notice of the hearing published in the June 4, 2026 edition of the Battle Creek Shopper.

Neighborhood Outreach

Neighborhood outreach occurred through the planning process related to the development of the Lakeview Business District Subplan. Engagement with stakeholders and community members included online surveys, informal virtual forums, focus group sessions, three open house events and a walking audit of the existing pedestrian facilities. The Lakeview District Subplan was adopted by city council on April 23, 2025.

Staff Recommendation

Staff finds that the proposed amendments to the zoning ordinance are needed to complete the zoning implementation step for the Lakeview District Subplan.

Should the Planning Commission have no concerns with the proposed text amendments, staff recommends that the Planning Commission recommend to the City Commission approval of the proposed text amendments **based upon findings detailed in this staff report and in the attached documents.**

Support Material

Chapter 1240 proposed text amendment markup

Chapter 1240 proposed text amendment clean copy

Chapter 1241 proposed text amendment markup

Chapter 1241 proposed text amendment clean copy

Chapter 1250 proposed text amendment markup

Chapter 1250 proposed text amendment clean copy



Agenda: Battle Creek City Commission

Meeting Date: June 16, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. LaCosse.

ROLL CALL

City Commission

Mayor Mark Behnke	Commissioner Paige Katsarsky-Smith
Commissioner Jessica LaCosse	Commissioner Jenasia Morris
Commissioner Patrick O'Donnell	Commissioner Carla Reynolds
Vice Mayor Sherry Sofia	Commissioner Christopher Simmons, attending remotely

Absent: Commissioner Jim Lance

City Staff

Amanda Zimmerlin, City Manager	Marcel Stoetzel, Deputy City Attorney
Aaron Kuhn, Revenue Services Director	Victoria Houser, City Clerk
Doug Bagwell, Deputy Police Chief	Michelle Hull, Human Resource Director
Steve Skalski, Public Works Director	Chad Frein, IT Director

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards for May and June 2026

Mayor Behnke presented the Beautiful Battle Creek Awards.

PRESENTATIONS

FY 2026 Water and Sewer Rate Presentation - Stantec

Cole Sullivan, Stantec representative, presented the FT 2026 Water & Sewer Rate Study.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Resolution 411, regarding an easement, was added to the agenda.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC HEARINGS

A Public Hearing to receive public comment on the Brownfield Plan for "The Fields at Battle Creek" development.

Mayor Behnke declared the public hearing open, inviting attendees to provide public comment.

Hearing no public comments, Mayor Behnke adjourned the public hearing.

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

Joe Harris commented on resolution 414 regarding the proposed water/sewer rates, expressing concern about the readiness fees.

Steve Koch also commented on the proposed water/sewer rates and readiness fees.

John Kenefick commented on resolution 415 regarding the 2026 refunding bonds, also commenting on resolution 414.

Ryan Boylan commented on resolution 411 regarding an easement to Consumers Energy to help upgrade the electrical grid that served Fort Custer Industrial Park.

Eric Lathers, Consumers Energy, stated the easement would allow Consumers Energy to install safer and more reliable infrastructure, which should help to reduce the number of power outages in the Fort Custer Industrial Park.

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

Minutes

Minutes for the June 2, 2026 City Commission Regular Meeting

Petitions, Communications, Reports

City Manager's Report for June 16, 2026

Ambulance Report for May 2026

Proclamations Awards

Proclamation for Juneteenth Family Day 2026

Resolutions

408 - A Resolution appointing six members, Courtney Iobe and Terry Youmans from Community Action; Donny Williams; David Censke; Mary Simmons; and Markeia Simmons to the Post Addition Neighborhood Planning Council #1.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

409 - A Resolution seeking authorization for the City Manager to execute and sign Contract 216627CON with the Michigan Department of Transportation for resurfacing along Riverside Dr and along Limit St.

Motion/Vote 1
Motion to Approve
Moved By: Patrick O'Donnell
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia
Nays: None
Abstain: None

MOTION Passed

410 - A Resolution requesting authorization for the City Manager to accept a proposal from Midwest Employers Casualty Company to provide Excess Workers' Compensation Insurance services for the period of 7/1/2026 through 6/30/2027 at an estimated cost of \$95,962.00.

Motion/Vote 1
Motion to Approve
Moved By: Patrick O'Donnell
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia
Nays: None
Abstain: None

MOTION Passed

411 - A Resolution seeking authorization for the City Manager to enter into a permanent Easement For Electric Facilities agreement to Consumers Energy Company through city-owned property at 3954 M. L. King Jr. Memorial Highway, Parcel No. 52-0608-27-512-0, for the purpose of installing and maintaining electricity power transmission infrastructure.

Motion/Vote 1
Motion to Approve
Moved By: Patrick O'Donnell
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia
Nays: None
Abstain: None

MOTION Passed

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

412 - A Resolution authorizing Jose Segovia to purchase 2 months of generic service credit pursuant to the provisions of the Municipal Employees Retirement System (MERS).

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

413 - A Resolution authorizing the City Manager to (continue to) employ retiree Doug Bagwell for an interim period, not to exceed past 6/30/2027 under 296.09(c).

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

414 - A Resolution authorizing Water and Sewer System Rates for all customers for FY2026, 2027, 2028, 2029, and 2030.

Comm. LaCosse proposed a motion to postpone the vote on this resolution until the first meeting in July,

Amanda Zimmerlin, City Manager, noted the increase in rates had already been incorporated into the budget,

Motion/Vote 1

Motion to Postpone

Moved By: Jessica Lacosse

Supported By: Jenasia Morris

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Sherry Sofia

Nays: Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons

Abstain: None

MOTION Failed

Mayor Behnke, noting the City has expanded the water & sewer service area to the casino and the Blue Oval development, and was also working with Newton Township, commended everyone for staying on course.

Comm. LaCosse recommended additional consideration for residents, requesting additional time to review the rates in the future.

Ms. Zimmerlin noted the rates for the Blue Oval development would be adjusted once staff had better data on the flow rates.

Steve Skalski, Public Works Director, noted the City of Marshall is the customer, not Blue Oval, confirming that issues occurring on the Marshall side of the water/sewer utility would be the responsibility of Marshall to repair. Mr. Skalski stated Battle Creek has maintenance agreements with the other municipalities. Mr. Skalski noted the City would assist Marshall if requested, who would then receive an invoice for services.

Comm. Katsarsky-Smith stated she would have preferred to have more time to consider all the information related to the proposed costs and rates.

Comm. Simmons expressed appreciation the rates were already included in the budget, also noting the increases were below the rate of inflation. Comm. Simmons stated the City was moving in the right direction, while also considering additional growth throughout the county.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: PAIGE KATSARKY-SMITH

Ayes: JESSICA LACOSSE, MARK BEHNKE, PATRICK O'DONNELL, CARLA REYNOLDS, CHRISTOPHER SIMMONS, SHERRY SOFIA

Nays: Paige Katsarky-Smith, Jenasia Morris

Abstain: None

MOTION PASSED

415 - A Resolution seeking Authorization for Issuance of 2026 Refunding Bonds.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

416 - A Resolution seeking approval for the Fiscal Year 2025-2026 year-end budget amendments for the City's General Fund (Fund 101), Major Street Fund (Fund 202), and Michigan Justice Training Fund (Fund 266).

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

417 - A Resolution approving a Brownfield Plan for the proposed "The Fields at Battle Creek" development.

Comm. Katsarky-Smith asked how the 2024 study compare to the most recent study, particularly with the anticipated need of 28,000 additional units due to the Blue Oval development. Comm. Katsarky-Smith also asked how this property qualifies under the Brownfield guidelines.

John Hughes, Battle Creek Unlimited, stated he does not have the updated numbers from the Blue Oval development, also sharing that the state recently passed legislation to include housing in a brownfield TIF.

Ms. Zimmerlin stated she could share the two housing studies with the commission.

Comm. LaCrosse noted this potential development would make a good dent in the need for more housing.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

418 - A Resolution seeking authorization for the City Manager to enter into a Purchase Agreement and all other documents necessary to purchase a vacant portion of parcel number 52-3560-00-013-0, commonly known as 165 N. Washington Street, from Bronson Battle Creek Hospital for \$150,000.00.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

419 - A Resolution authorizing the City Manager to execute a Comprehensive Transition Agreement between the City of Battle Creek and the Transportation Authority of Calhoun County.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

420 - A Resolution seeking to set a Closed Session regarding a Labor Matter for June 16, 2026.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

Reece Adkins commented on the lack of response from Battle Creek Police regarding a woman causing a disturbance at his place of work.

Joe Harris commented on the increase in water/sewer fees, stating that although the increases seem small, over time they add up to a lot.

Shawn commented on the removal of a speaker at a prior meeting.

Srekumar Bandyopadhyay invited everyone to The Journey Within presented at the W. K Kellogg Auditorium on July 9th at 7:00 pm.

Steve Koch invited everyone to a special meeting of the Calhoun County Tea Party, June 25th at 6:30pm at the Base Bar & Grill on Dickman Road, in Springfield.

John Kenefick questioned the commission on the votes for resolution 414, also noting comments regarding the agreement with the City of Marshall for the Blue Oval plant, and the Kendall Street RR tracks, stating they are very rough and present a safety issue.

Melody Tiner stated she has talked with Chief Bagley and other officers regarding her concerns with drivers speeding on Washington Avenue, asking for better enforcement.

COMMISSION COMMENTS

Comm. Morris expressed concern with a recent incident between Battle Creek Police and a minor student, requesting accountability, training and discipline.

Comm. LaCosse expressed her opinion the police did not have a reason to detain and search the student. Comm. LaCosse announced many local community events.

Comm. Reynolds reminded everyone of the Juneteenth events this coming weekend at Claude Evans Park.

Comm. O'Donnell commented on the vote for the water/sewer rates, thanking staff for keeping the costs below the rate of inflation.

RECESS

The Commission recessed to Closed Session at 8:42 pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 8:52 pm.

Motion to approve the tentative agreement with labor bargaining Organization of Supervisory Personnel of the Battle Creek Fire Department dated June 16, 2026.

Motion/Vote 1

Motion to Approve

Moved By: Patrick O'Donnell

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia

Nays: None

Abstain: None

MOTION Passed

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:54 pm.



DATE: 07/01/2026
TO: Mayor, Vice Mayor and City Commissioners
FROM: Amanda Zimmerlin, City Manager
RE: City Manager's Report – June 7, 2026, Regular Meeting Agenda

14-2026 **A Proposed Ordinance, 14-2026, to amend Chapter 1240 Zoning Districts and Map, Chapter 1241 Schedule of Regulations, and Chapter 1250, Section 1250.04 Form-based development standards for T-3, T-4, and T-5 of the zoning code to add a T-6 zoning district that will encompass part of the Lakeview District; specifically, those properties that are currently zoned B-2 and make minor corrections to each Chapter. The new district will include regulations that reflect the recommendations of the Lakeview District Subplan to create a mixed-use walkable district.**

This Ordinance, if introduced, would amend Chapters 1240, 1241, and 1250 of the zoning code to establish a new T-6 Lakeview Business District for properties in the Lakeview District currently zoned B-2, consistent with the Lakeview District Subplan's recommendations for a mixed-use, walkable district. The proposed changes would allow a broader range of land uses, including additional housing types, commercial, recreational, restaurant, and hospitality opportunities, while helping activate underutilized areas such as mall and big-box parking lots, reduce nonconforming uses, and support reinvestment along the Beckley Road commercial corridor. The amendments are intended to advance the Subplan's goals of placemaking, green infrastructure, and reduced automobile dependence, while generating additional property tax revenue and supporting housing and economic development in Battle Creek. A public hearing before the Planning Commission was scheduled for June 24, 2026, with notice published in the June 4, 2026 edition of the Battle Creek Shopper. **Introduction is Recommended.**

15-2026 **A Proposed Ordinance, 15-2026 to rezone 84 parcels located along the Beckley Road Corridor from B-2 Regional Commercial District to T-6 Lakeview Business District.**

This Ordinance, if introduced, would rezone 84 parcels along the Beckley Road Corridor from B-2 Regional Commercial District to the newly established T-6 Lakeview Business District. The proposed rezoning is intended to implement the Lakeview District Subplan

by allowing additional land uses, including a wider variety of housing types, and encouraging redevelopment of underutilized areas. Establishing the T-6 district would help accommodate existing commercial uses and buildings, reduce nonconforming uses, provide additional commercial and residential options for vacant properties and parking areas, and support economic reinvestment in the corridor. Staff anticipate the rezoning would not create new dimensional or use-related nonconformities and would allow more housing types by right, supporting new development, additional property tax revenue, and housing opportunities for those working and living in Battle Creek. **Introduction is Recommended.**



Resolution No: 421
City Commission Meeting 7/7/2026

421 - A Resolution seeking authorization for the sale of city-owned vacant, tax-reverted properties, Parcels #3870-00-245-0 and 9070-00-012-0.

Battle Creek City Commission
Action Summary

Staff Member: Melody Carlsen, Administrative Assistant-Planning
Department: Planning

Summary

RESOLUTION NO. 421

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute a quit claim deed for vacant, city-owned, tax-reverted properties in accordance with the following schedule:

Parcel Numbers:

3870-00-245-0
9070-00-012-0

Legal Descriptions:

HARTS ADD LOTS 114 & 115
WELCH ADD LOT 11

Purchaser:

Roman Catholic Diocese of Kalamazoo, 215 Westnedge Ave N, Kalamazoo, MI 49007.
Holy Light Missionary Baptist Church, 163 Parrish Street, Battle Creek, MI 49037

Sale Price:

\$330.00
\$330.00

Budgetary Considerations

The sale of city-owned properties will put currently exempt parcels back on the property tax rolls. The sale typically only covers staff time in handling of the sale and deed recording fees.

History, Background and Discussion

The Community Services Department's Planning and Zoning Division is charged with managing the sale of vacant, city-owned, tax-reverted properties. This is accomplished both by periodic solicitation of interest through mailings to adjacent property owners, or unsolicited contacts, generally from the adjacent property owners. It is always the preference to sell these parcels to the adjacent property owners.

By way of Resolution No. 308, approved by the City Commission on August 8, 2000, the procedures for the sale of tax-reverted properties were provided to staff in the "Administrative Policy on the Acquisition, Disposition and Inventory of City of Battle Creek Owned Real Property." These procedures provided the sale price and terms of the sale for these properties. A residential-zoned vacant lot is offered for \$200.00 plus the cost of recording the deed with the Calhoun County Register of Deeds (Currently \$30.00).

Prior to our presenting any proposed sale, as per Resolution 308, staff will verify that the purchaser has no outstanding code violations on any property that they own within the City of Battle Creek.

Parcels 9070-00-009-0, 9070-00-010-0, 9070-00-011-0 were not offered to adjacent property owners since the only other parcels abutting these parcels were owned by the State of Michigan.

Positions

The Community Services Department staff recommends approval of this Resolution.

Attachments

1. Parcel 3870-00-245-0 Map Parcel 3870-00-245-0 Map.pdf
2. Parcel 9070-00-012-0 Map Parcel 9070-00-012-0 Map.pdf



Parcel 3870-00-245-0 Map



Parcel 9070-00-012-0



Resolution No: 422
City Commission Meeting 7/7/2026

422 - A Resolution authorizing the Sale of Parcel #54-080-049-21.

Battle Creek City Commission
Action Summary

Staff Member: William Kim, City Attorney

Department: City Attorney's Office

Summary

RESOLUTION NO. 422

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute the attached purchase agreement to sell parcel #54-080-049-21, located at 5th and Helmer in the City of Springfield, MI, for \$48,000.00, attached here, or one in substantially similar form that meets with the approval of the City Attorney.

Budgetary Considerations

The City will receive \$48,000 as payment for parcel #54-080-049-21. As the parcel was originally purchased using federal grant funds, use of the proceeds will be restricted to uses approved by the FAA and the City.

History, Background and Discussion

The City owns parcel #54-080-049-21, located on 5th Ave. and Helmer Rd in the City of Springfield, across Helmer Rd. from the Battle Creek Executive Airport. The City has been authorized by the FAA to sell these parcels with the condition that an aviation easement be recorded as a condition of the sale.

Positions

Staff recommends approval of this Resolution.

Attachments

1. Purchase Agreement 5th and Helmer 54-Purchase Agreement 5th and Helmer 54-080-080-049-21 049-21.pdf

REAL ESTATE SALE AGREEMENT

THIS REAL ESTATE SALE AGREEMENT ("**Agreement**") has been made as of the Effective Date (defined below), by Zachary Thompson Holdings, LLC, a Michigan limited liability corporation, of 6972 W. Q Avenue, Kalamazoo, MI 49009 ("**Buyer**"), and the City of Battle Creek, a Michigan municipal corporation, of 10 N. Division Avenue, Battle Creek, Michigan 49014 ("**Seller**").

Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, on the terms and subject to the conditions set forth in this Agreement, a parcel of real estate commonly known as 5th Ave. and Helmer Rd N, Parcel ID 54-080-049-21, Springfield, Michigan, 49037, as described on **Exhibit A**. The purchase and sale transaction provided for in this Agreement is sometimes referred to as the "**Purchase**."

1. **Purchase Price.** The purchase price for the Property shall be Forty-Eight Thousand and 00/100 U.S. Dollars (\$48,000.00) ("**Purchase Price**"), payable at Closing (as defined below) by bank money order, cashier's check, or wire transfer of immediately available funds.

2. **Deposit.** As evidence of good faith and to bind this Agreement, Buyer shall immediately deposit the sum of One Thousand and 00/100 U.S. Dollars (U.S. \$1,000.00) ("**Deposit**") in escrow with _____ ("**Escrow Agent**"). The Deposit will not be deposited in an interest bearing account. Seller may rescind this Agreement at any time before Escrow Agent receives the Deposit, by notice to Buyer, in which case neither Seller nor Buyer shall have any further liability to the other under this Agreement except under provisions of this Agreement that specifically survive its termination. If the Purchase is closed, the Deposit shall be applied to the Purchase Price at Closing.

3. **Title; Survey.**

(a) Seller agrees to convey good and marketable title to the Property to Buyer by a covenant deed ("**Deed**"), subject to easements, restrictions, interests and reservations of record, taxes and assessments not yet due and payable, and any matters that would be shown by an accurate land title survey prepared in accordance with the latest standards approved by the American Land Title Association and the National Society of Professional Surveyors ("**ALTA/NSPS**") (collectively, the "**Permitted Exceptions**"). Within twenty (20) days after the Effective Date, as evidence of Seller's title to the Property, Seller shall at Seller's expense furnish Buyer with a commitment ("**Title Commitment**") to issue an owner's title insurance policy insuring Buyer in the amount of the Purchase Price. The Title Commitment must show that Seller or any vendor of Seller has good and marketable title to the Property subject to the Permitted Exceptions. Buyer shall bear the cost of any lender's policy of title insurance purchased in connection with the Purchase as well as the cost of any requested endorsements.

(b) Buyer may, at Buyer's expense, obtain and provide to Seller a survey of the Property which locates the boundaries of the Premises, all improvements to the Property, any easements or rights of way affecting or benefiting the Property and any encroachments across the boundaries of the Property ("**Survey**"). The Survey shall be performed at Buyer's expense within thirty (30) days after the Effective Date. The Survey shall be performed in accordance with the current standards for an ALTA/NSPS land title survey and shall be certified to Seller, Buyer, Buyer's lender, if any, and the Escrow Agent insuring the transaction, pursuant to a form of certification reasonably satisfactory to Seller.

(c) Buyer has thirty (30) days from the Effective Date to approve or object to the condition of the title as disclosed on the Title Commitment and Survey for the Property. Buyer will be deemed to have waived any objection if not made within the thirty (30) day period and all documents described in the Title Commitment and Survey shall be deemed Permitted Exceptions. If Buyer gives Seller proper written notice of its objections then the Seller shall have until the Closing to remedy the defect. If Seller is unable to remedy the title objections within the specified time then Buyer may waive its objection and proceed to Closing in which case such exceptions shall be deemed Permitted Exceptions, or Buyer, as Buyer's sole remedy for Seller's refusal or inability to remedy the title objection, may exercise Buyer's Termination Remedy (defined below). "**Termination Remedy**" means that the party entitled to the remedy may terminate this Agreement by notice to the other party, in which case the Deposit shall be returned to Buyer, and neither party shall have any further liability to the other under this Agreement except under provisions of this Agreement that specifically survive its termination.

(d) Buyer agrees and understands that this transaction and the Closing is conditioned on the entry and recording of an avigation easement that will run with the land, in a form substantially similar to **Exhibit B**, and that failure to enter into and record the avigation easement shall render this transaction null and void.

4. **Inspections.** Buyer represents and warrants to Seller that Buyer has had the opportunity to inspect the entire Property to Buyer's satisfaction. Buyer acknowledges that the Property may require repairs or maintenance and Buyer agrees to accept the Property in its present "AS IS" condition, with no warranties concerning its condition or permitted use.

5. **Buyer's Representations and Warranties.** Buyer represents and warrants to Seller that (a) Buyer has all necessary power and authority to enter into and perform this Agreement; (b) Buyer has taken all necessary action to approve, execute, deliver, and perform this Agreement, and this Agreement is the valid and binding obligation of Buyer, enforceable against Buyer in accordance with its terms; (c) no judgment is outstanding against Buyer and no litigation, action, suit, judgment, proceeding, or investigation is pending or outstanding before any forum, court, or governmental body, department or agency or, to the knowledge of Buyer, threatened, that has the stated purpose or the probable effect of enjoining or preventing the Closing; (d) no insolvency proceeding, including, without limitation, bankruptcy, receivership, reorganization, composition, or arrangement with creditors, voluntary or involuntary, affecting Buyer or any of Buyer's assets or properties, is now or on the Closing Date will be pending or, to the knowledge of Buyer, threatened; (e) Buyer will have sufficient funds to close the Purchase on

the Closing Date; and (f) Buyer, nor any person or party that owns or is controlled by Buyer, is not in violation of any laws relating to terrorism or money laundering, is not a "specially designated national and blocked person" on the most current list published by the U.S. Treasury Department Office of Foreign Asset Control; that Buyer is not listed in the annex to, and is not otherwise subject to the provisions of, Executive Order No. 13224 ("**Executive Order**"); and that Buyer is not acting on behalf of any person or entity that is listed in the annex to, or is otherwise subject to the provisions, of the Executive Order.

6. **Seller's Representations and Warranties.** Seller represents and warrants to Buyer that (a) upon receipt of City of Battle Creek City Commission approval, Seller has all necessary power and authority to enter into and perform this Agreement; (b) Seller has taken all necessary action to approve, execute, deliver, and perform this Agreement and the Purchase, and this Agreement is the valid and binding obligation of Seller, enforceable against Seller in accordance with its terms; (c) no judgment is outstanding against Seller and no litigation, action, suit, judgment, proceeding, or investigation is pending or outstanding before any forum, court, or governmental body, department or agency or, to the knowledge of Seller, threatened, that has the stated purpose or the probable effect of enjoining or preventing the Closing; and (d) no insolvency proceeding, including, without limitation, bankruptcy, receivership, reorganization, composition, or arrangement with creditors, voluntary or involuntary, affecting Seller or any of Seller's assets or properties, is now or on the Closing Date will be pending or, to the knowledge of Seller, threatened.

7. **Closing.** The closing ("**Closing**") shall take place after all contingencies, including approval of the Battle Creek City Commission, have been satisfied and all the necessary documents have been prepared on a date ("**Closing Date**") and at a location specified by Buyer on at least five (5) days' advance notice, but no later than _____. At the Closing: (a) Seller shall execute and deliver to Buyer a covenant deed for the Property, which shall be subject to the exceptions to title noted above, even if not expressly stated in the deed; (b) Seller shall pay any real estate transfer taxes; (c) Buyer shall pay to Seller the Purchase Price, less the Deposit, and shall pay the recording fee for the deed; and (d) each party shall sign a closing statement setting forth the transaction; and (e) all other documents that may be reasonably necessary to evidence the transaction. Each party shall be responsible for its own attorney fees and shall share equally any closing and escrow fee charged by a title company closing the transaction.

8. **Possession.** Buyer shall have possession of the Property immediately following the Closing.

9. **Taxes and Assessments.** Seller shall pay all real estate property taxes and installments of special assessments with respect to the Property that first become due and payable (or in the case of special assessments, a lien on the Property) on or before the Closing Date, prorated as provided below. Taxes and assessments shall be prorated to the Closing Date on a calendar year basis for the twelve (12) month period constituting the year in which they first are billed and become due and payable. Buyer shall be responsible for all other taxes and assessments, including, without limitation, deferred installments not yet payable of special assessments that are a lien on the Property.

10. **Default.** If either party defaults in its obligations so that the Purchase is not closed, then the non-defaulting party may terminate this Agreement by notice to the defaulting party, the Deposit shall be paid to Buyer as liquidated damages if the Seller is in default or paid to Seller if Buyer is in default, as the case may be, and neither party shall have any further liability to the other except under provisions of this Agreement that specifically survive its termination. Alternatively, either party may elect to have specific performance of this Agreement or claim against the defaulting party for actual damages.

11. **Condemnation; Fire; Other Casualty.** Seller shall promptly notify Buyer of any impending or actual condemnation proceedings against the Property or any portion of the Property of which Seller has actual notice or any fire or other casualty to the Property. Following any one of these events, Buyer shall take the Property at Closing in its then-current condition and shall be entitled to receive all of the condemnation or insurance proceeds attributable to the Property payable as a result of the condemnation or damage.

12. **Miscellaneous.**

(a) Seller acknowledges that Buyer is represented by Broker Alex R. Cherney of Cherney Realty Advisors, LLC, who is solely representing the Buyer in this transaction. To satisfy Buyer's obligation to Broker, Seller agrees to pay Broker 5% of the Purchase Price. The provisions of this paragraph shall survive the Closing.

(b) This Agreement and the other documents referenced in this Agreement (including without limitation the Letter Agreement) embody the entire agreement and understanding between the parties to this Agreement with respect to the subject matter of this Agreement and supersede all prior oral or written agreements and understandings relating to the subject matter of this Agreement. No statement, representation, warranty, covenant or agreement of any kind not expressly set forth in this Agreement shall affect, or be used to interpret, change or restrict, the express terms and provisions of this Agreement.

(c) Each party to this Agreement acknowledges and agrees that: (i) such party and the party's counsel have reviewed and negotiated, or have had the opportunity to review and negotiate, the terms and provisions of this Agreement and have contributed to its review and revision; (ii) any rule of construction to the effect that any ambiguities are resolved against the drafting party shall not be used to interpret this Agreement; and (iii) the terms and provisions of this Agreement shall be construed fairly as to all parties to this Agreement and not in favor of or against any party, regardless of which party was generally responsible for the preparation of this Agreement.

(d) This Agreement shall bind and benefit Seller and Buyer and their respective successors and assigns. Buyer may not assign this Agreement without the prior written consent of Seller, which consent may be withheld in Seller's sole discretion.

(e) Time is of the essence of this Agreement. If the date for Closing, for the delivery of a document, or for giving of a notice falls on a Saturday, Sunday, or bank

holiday, then it shall be automatically deferred to the next day that is not a Saturday, Sunday, or bank holiday.

(f) Seller and Buyer recognize that the Battle Creek City Attorney's Office ("**Legal Counsel**") is representing the Seller in the Purchase. Buyer has either hired independent legal counsel or knowingly elected not to hire independent counsel to represent it in the transaction contemplated by this Agreement. Seller may, at its option, engage Legal Counsel to prepare additional documents necessary to the Closing of this transaction.

(g) All notices, requests, consents and other communications under this Agreement must be in writing, shall be addressed to the receiving party's address set forth below or to any other address a party may designate by notice under this Agreement, and shall be either (i) delivered by hand, (ii) sent by electronic mail, and mailed promptly by first-class mail, (iii) sent by nationally recognized overnight courier, or (iv) sent by certified mail, postage prepaid:

If to Seller to:

City of Battle Creek
15551 South Airport Road
Battle Creek, MI 49015
Telephone: (269) 966-3470
E-mail: pskroll@battlecreekmi.gov
Attention: Phillip S. Kroll, Aviation Director

With a copy to:

Battle Creek City Attorney's Office
10 N. Division Street, Suite 216
Battle Creek, MI 49014
Telephone: 269-966-3355
Email: attorney@battlecreekmi.gov
Attention: City Attorney

If to Buyer to:

Zachary Thompson Holdings, LLC
6972 W. Q Ave.
Kalamazoo, MI 49009
Telephone: _____
Email: _____
Attention: Zakary Thompson

All notices, requests, consents and other communications under this Agreement shall be deemed to have been given either (i) if by hand, at the time of the delivery of the notice to the receiving party, (ii) if by electronic mail, at the time that the electronic mail has been

acknowledged by electronic confirmation or otherwise, or if no confirmation is received, on the fifth (5th) day following the day a hard copy of the transmission is mailed by first-class mail (iii) if by overnight courier, on the next business day following the day the notice is delivered to the courier service, or (iv) if by certified mail, on the fifth (5th) business day following the day of the mailing. Any party, by notice to the other parties to this Agreement, may designate additional or different addresses for subsequent notices or communications.

(h) Nothing in this Agreement shall be construed to create any rights or obligations except between the parties to this Agreement, and no person or entity shall be regarded as a third-party beneficiary of this Agreement.

(i) The terms and provisions of this Agreement may be waived, or consent for the departure from the terms and provisions may be granted, only by written document executed by the parties. No waiver or consent shall be deemed to be or shall constitute a waiver or consent with respect to any other terms or provisions of this Agreement, whether or not similar. Each waiver or consent shall be effective only in the specific instance and for the purpose for which it was given, and shall not constitute a continuing waiver or consent.

(j) This Agreement and the rights and obligations of the parties under this Agreement shall be governed and interpreted by Michigan law, without giving effect to the conflict of law principles of the state of Michigan.

(k) Any legal action or proceeding with respect to this Agreement shall be brought in the courts of Calhoun County, Michigan, if original jurisdiction can be established, or of the United States of America for the Western District of Michigan. By execution and delivery of this Agreement, each of the parties to this Agreement accepts for the party and in respect of the party's property, generally and unconditionally, the personal and subject matter jurisdiction of the courts designated above, but the acceptance shall be only for any claims or proceedings relating to this Agreement. Each of the parties agrees that Calhoun County is a mutually convenient forum and that the party conducts business or owns property in Calhoun County. Each of the parties to this Agreement irrevocably consents to the service of process of any of the courts designated above in any action or proceeding by the mailing of copies of the service of process by certified mail, postage prepaid, to the party at its address set forth in the notice provision of this Agreement.

(l) In the event that any court of competent jurisdiction shall determine that any provision, or any portion of a provision, contained in this Agreement shall be unenforceable in any respect, then the provision shall be deemed limited to the extent that the court deems it enforceable, and as so limited shall remain in full force and effect. In the event that the court shall deem any provision, or portion of any provision, wholly unenforceable, the remaining provisions of this Agreement shall nevertheless remain in full force and effect.

(m) The headings and captions of the various subdivisions of this Agreement are for convenience of reference only and shall in no way modify or affect the meaning or construction of any of the terms or provisions of this Agreement.

(n) All representations, warranties and covenants made in this Agreement by Buyer or in any other agreement, certificate or instrument provided for or contemplated by this Agreement, shall survive (i) the closing of the transaction contemplated by this Agreement, and (ii) any investigations made by or on behalf of Seller. No claim shall be made by any party for any alleged misrepresentation or breach of warranty by the other party unless notice for the claim shall have been given to the other party in accordance with the notice provisions of this Agreement.

(o) Except as otherwise specifically set forth in this Agreement, each party shall pay the party's respective fees and expenses (including the fees of any attorneys, accountants, appraisers or others engaged by the party) in connection with the preparation or enforcement of, or of any requests for consents or waivers under, this Agreement, including any amendments or waivers to this Agreement.

(p) This Agreement may be signed in one or more counterparts, and by different parties to this Agreement on separate counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Faxed signatures, or scanned and electronically transmitted signatures, on this Agreement or any notice delivered pursuant to this Agreement, shall be deemed to have the same legal effect as original signatures.

(q) Seller will not be deemed to be in default or otherwise responsible for delays or failures in performance resulting from acts of God; acts of war or civil disturbance; governmental action or inaction; fires; earthquakes; or other causes beyond Seller's reasonable control.

(r) Seller will obtain approval from its City Commission for the sale of the Property to Buyer within thirty (30) days of the Effective Date of this Agreement. If approval is not obtained, this Agreement will terminate, the Deposit will be refunded to Buyer, and neither party shall have any obligation to the other except for any matters that survive termination of the Agreement, including any matters contained in the Letter Agreement.

Seller and Buyer have signed or caused this Real Estate Sale Agreement to be signed by their duly authorized representatives as of the date(s) set forth opposite their signatures. The date of the last signature shall be the "**Effective Date.**"

Zachary Thompson Holdings, LLC

Dated: _____

By: Zakary Thompson
Its: Member
Buyer

CITY OF BATTLE CREEK

Dated: _____

By: Amanda E. Zimmerlin
Its: City Manager
Seller

Approved as to form:

William Y. Kim, City Attorney

EXHIBIT A

COMM AT CENTER POST OF SECTION 10N 00*20' E 1051.43 FT, N 89*36' W 1661.21 FT ALONG N LINE OF 6TH AVE TO C/L OF AN ACCESS RD, 10 FT WIDE, N 00*24' E 147 FT ALONG C/L OF ACCESS RD, S 89*36' E 120 FT TO POB, N 89*36' W 238 FT TO E'LY LINE OF HELMER RD, N'LY ALONG E'LY LINE OF HELMER RD 266 FT TO S'LY LINE OF FIFTH AVE, E'LY ALONG S'LY LINE OF FIFTH AVE 238 FT +/- TO A LINE RUNNING N 00*24' E OF THE POB, S 00*24' W 266 FT +/- TO POB. SAID PARCEL BEING PART OF LOTS 16 THROUGH 21 OF BLOCK 21, PARTS OF LOTS 9, 10 & 11 OF BLOCK 25, PART OF LOTS 16, 17 & 18 OF BLOCK 26, PART OF VACATED FRISBIE BLVD & PART OF VACATED 33RD STREET ACCORDING TO THE PLAT OF EDGEWOOD.13-54-080-049-10, FAA BUILDING ***** TIFA B '86 SEV 0 *****

The property address and tax parcel number listed below are provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Property Address: 5th Ave. and Helmer Rd N, Springfield, MI 49037

Tax Parcel No.: 54-080-049-21

EXHIBIT B

AVIGATION EASEMENT

THIS INDENTURE is made this ___ day of July, 2026 between _____, whose address is _____ (“GRANTOR”), and **the City of Battle Creek**, whose address is 10 N. Division Street (“GRANTEE”).

WHEREAS, the GRANTEE is the owner and operator of the **Battle Creek Executive Airport** (“AIRPORT”), situated in Calhoun County, Michigan, and in close proximity to property owned by the GRANTOR; and

WHEREAS, the GRANTEE desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about the AIRPORT.

NOW THEREFORE, for and in consideration of the **sum of \$1.00 dollar and other valuable consideration**, the receipt and sufficiency of which is acknowledged, the GRANTOR conveys to the GRANTEE, its successors and assigns, for the benefit of the general public at large, an easement for the free, unobstructed passage of aircraft landing upon, taking off from, or maneuvering about the AIRPORT, as legally permitted by state and federal statutes, rules and/or regulations governing aircraft operations on or near airports, in and through the air space over and across the following property:

See Attached Property Description (“EASEMENT PROPERTY”)

In furtherance of the purpose of this easement,:

(a) Right of Flight and Aircraft Operations

The GRANTOR grants to the GRANTEE, for the benefit of the public, a perpetual easement for the free and unobstructed flight of aircraft in the airspace above and in the vicinity of the PROPERTY for all activities associated with the operation of the AIRPORT, including aircraft landing, takeoff, taxiing, maneuvering, performances, and overflight operations as authorized by applicable federal and state law.

The GRANTOR acknowledges that aircraft operations may generate noise, vibration, fumes, dust, fuel particles, and other effects that are inherent to airport operations;

(b) **Height Restrictions**

The GRANTOR shall not construct, install, permit, or allow any structure, tree, vegetation, antenna, tower, crane, utility installation, or other object upon the PROPERTY that would penetrate any applicable federal aviation obstruction standards, including but not limited to Federal Aviation Regulations Part 77, as amended.

Any proposed structure or object that may require notice to the Federal Aviation Administration shall be subject to FAA obstruction evaluation procedures, including FAA Form 7460-1, if applicable.;

(c) **Prohibited Interference**

The GRANTOR shall not use or permit use of the PROPERTY in any manner that would:

1. interfere with radio communications, navigational aids, radar systems, or other airport electronic facilities;
2. produce glare, smoke, steam, dust, lighting, or visual hazards that could interfere with aircraft operations or pilot visibility;
3. create electrical interference affecting airport or aircraft communications;
or
4. otherwise create a hazard to the safe operation of aircraft.; and

(d) **Wildlife Hazard Restrictions**

The GRANTOR shall not establish or permit any use on the PROPERTY that would create or contribute to wildlife hazards or otherwise be incompatible with airport operations, including but not limited to landfills, open waste disposal areas, retention ponds designed to hold standing water on a long-term basis, or other uses identified by the FAA as wildlife attractants.

(e) **Vegetation and Obstruction Removal**

If any tree, vegetation, structure, or other obstruction located on the PROPERTY penetrates applicable FAA obstruction standards or otherwise creates an unreasonable hazard to aircraft operations, the GRANTEE shall have the right, upon reasonable advance written notice to the GRANTOR, to require correction or removal of the obstruction.

If the GRANTOR fails to correct the obstruction within a reasonable time, the GRANTEE may enter the PROPERTY for the limited purpose of removing or mitigating the obstruction at the GRANTOR's expense, except in emergency circumstances affecting public safety.

Routine trimming and maintenance responsibilities shall remain with the GRANTOR unless otherwise agreed in writing.

(f) **Airport Compatibility Acknowledgment**

The GRANTOR acknowledges that the PROPERTY is located in proximity to an active public-use airport and that airport operations may increase, decrease, or change over time.

The GRANTOR, on behalf of itself and its successors and assigns, accepts the proximity of the AIRPORT and agrees not to bring any claim against the GRANTEE arising from ordinary and lawful airport operations, including aircraft overflight, noise, vibration, fumes, or related impacts inherent in aviation activity. Nothing herein shall waive claims arising from negligent or unlawful conduct.

The easements, restrictions, and covenants contained herein shall run with the land and shall be binding upon the GRANTOR and its successors, assigns, tenants, and occupants, and shall inure to the benefit of the GRANTEE and its successors and assigns. This Easement shall be perpetual and shall remain in effect so long as the AIRPORT continues to operate as a public-use airport. This Easement shall be governed by and construed in accordance with the laws of the State of Michigan. This Easement shall be recorded with the Calhoun County Register of Deeds and shall constitute a covenant and easement running with the PROPERTY.

SIGNED THIS _____ DAY OF _____, 2026:

For the Grantor:
PRINTED NAME

SIGNATURE

_____ (L.S.)

STATE OF MICHIGAN
COUNTY OF _____

On this _____ day of _____, 2015, before me, a Notary Public, in and for said County, personally appeared _____ to me known to be the same person(s) described in, and who executed the within instrument.

Notary Public, _____
County, Michigan,
My Commission Expires: _____

For the Grantee:
PRINTED NAME

SIGNATURE

_____ (L.S.)

STATE OF MICHIGAN
COUNTY OF _____

On this _____ day of _____, 2015, before me, a Notary Public, in and for said County, personally appeared _____ to me known to be the same person(s) described in, and who executed the within instrument.

Notary Public, _____
County, Michigan,
My Commission Expires: _____

Drafted by (name and address):
William Y. Kim, P76411
City Attorney's Office, City of Battle Creek
10 N. Division St., Suite 216
Battle Creek, MI 49014

When recorded please return to the following address (name and address):

City Attorney's Office, City of Battle Creek
10 N. Division St., Suite 216
Battle Creek, MI 49014

AVIGATION EASEMENT

Property Tax Code:	Parcel No.: 54-080-049-21
---------------------------	----------------------------------

PROPERTY DESCRIPTION (entire parcel):

COMM AT CENTER POST OF SECTION 10N 00*20' E 1051.43 FT, N 89*36' W 1661.21 FT ALONG N LINE OF 6TH AVE TO C/L OF AN ACCESS RD, 10 FT WIDE, N 00*24' E 147 FT ALONG C/L OF ACCESS RD, S 89*36' E 120 FT TO POB, N 89*36' W 238 FT TO E'LY LINE OF HELMER RD, N'LY ALONG E'LY LINE OF HELMER RD 266 FT TO S'LY LINE OF FIFTH AVE, E'LY ALONG S'LY LINE OF FIFTH AVE 238 FT +/- TO A LINE RUNNING N 00*24' E OF THE POB, S 00*24' W 266 FT +/- TO POB. SAID PARCEL BEING PART OF LOTS 16 THROUGH 21 OF BLOCK 21, PARTS OF LOTS 9, 10 & 11 OF BLOCK 25, PART OF LOTS 16, 17 & 18 OF BLOCK 26, PART OF VACATED FRISBIE BLVD & PART OF VACATED 33RD STREET ACCORDING TO THE PLAT OF EDGEWOOD.13-54-080-049-10, FAA BUILDING ***** TIFA B '86 SEV 0 *****



Resolution No: 423
City Commission Meeting 7/7/2026

423 - A Resolution seeking authorization for the City Manager to enter into two 2027 Emergency Commercial and Industrial Demand Response Renewal Agreements for use of the generators at City Hall, 10 N. Division Street, and ten City-owned lift stations, both with Consumers Energy.

Battle Creek City Commission
Action Summary

Staff Member: Marcel Stoetzel, Deputy City Attorney

Department: City Attorney's Office

Summary

RESOLUTION NO. 423

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to enter into the attached renewal agreements with Consumers Energy to participate in the 2027 Emergency Commercial and Industrial Demand Response Program for use of the generator at 10 N. Division Street and ten lift station generators, both with Consumers Energy or agreements with substantially similar terms, that have been approved by the City Attorney.

Budgetary Considerations

Funds received for 10 N. Division Street will be placed in the Facilities Miscellaneous Revenue Fund:101.175.2630.681040. Funds received for the lift stations will be placed in Sewer Fund Revenue: 590.537.0000.

History, Background and Discussion

In an effort to keep the electrical grid reliable during peak times, Consumers Energy (CE) with Midcontinent Independent System Operator, Inc. has developed a Demand Response Program to reduce off-peak-time energy usage. To lower peak-time usage, CE has invested in real-time system monitoring that predicts when peak-time usage will be greater than the energy available.

In the event of a predicted usage demand that will be greater than the available energy, CE will call upon its portfolio of non-residential customers, including municipalities, who have agreed to enter into these agreements to reduce their loading in order to keep the demand less than what is available. CE offers monetary incentives and free real-time energy monitoring for their customers that join the program. This saves CE in costs from investing large amounts of capital into facilities and equipment to manage a few hours of energy demand and provides a worthwhile financial incentive to the City to participate, while ensuring the City still has adequate means to provide the essential services to City residents and businesses.

These renewal agreements will continue the City's participation in CE's Demand Response Program with the generators at City Hall and ten lift stations.

Positions

The Assistant City Engineer and the Chief Facilities Officer recommend approval of this Resolution.

Attachments

- 1. City of Battle Creek (10 Division St.) 2027
Consumers Energy Demand Response
Renewal Agreement
City of Battle Creek (10 Division St.) 2027
Consumers Energy Demand Response
Renewal Agreement.pdf
- 2. City of Battle Creek (Lift Station) 2027
Consumers Energy Demand Response
Renewal Agreement
City of Battle Creek (Lift Station) 2027
Consumers Energy Demand Response
Renewal Agreement.pdf

EMERGENCY COMMERCIAL AND INDUSTRIAL DEMAND RESPONSE CUSTOMER AGREEMENT

Customer Certification

Customer and Consumers Energy are referred to herein collectively as the “Parties” and each individually as a “Party” to this Agreement.

Effective Date of Agreement:06/01/2027

COMPANY

CONSUMERS ENERGY COMPANY

a Michigan Corporation

One Energy Plaza

Jackson, MI 49201-2357

CUSTOMER

CITY OF BATTLE CREEK

(Legal Name)

10 N DIVISION ST

(Street & Number)

BATTLE CREEK MI, 49014-4061

(City, State & Zip)

1. Initial Term:

a. Shall commence on June 1, 2027 and shall run through:

- May 30, 2028 (1 year)
- May 30, 2029 (2 year)

2. This Agreement will become effective on the date identified above and will extend for an Initial Term through the end date identified above. The Customer must notify Consumers Energy Company (“Consumers Energy” or the “Company”) by September 1st in the final year of the Initial Term of their desire to renew participation in the Demand Response Program (“Program”) through the execution of a new Program Agreement and the amount of reduction/nomination kW for the following Program Season(s) Summer (June 1 through August 31) Fall (September 1 through November 30) Winter (December 1-February 28) Spring (March 1 through May 31 (hereinafter referred to as the “Program Seasons”). Customer participation under this Agreement shall be based on the limitations, terms and eligibility as described in the Company’s Program and the Company’s Electric Rate Book, as approved by the Michigan Public Service Commission.

3. Program Description Participants in the Program help reduce peak demand when energy use is the high and maintain a ready supply of energy for Michigan. Participants will receive an annual Emergency Capacity Payment for the Delivered Capacity amount specified in this Agreement within sixty (60) days after the final day of each selected Program Season.

4. Administration Solutions. Customer agrees to work with Consumers Energy to develop an appropriate energy reduction plan for Customer’s business for each Program Season and; Submit a contact list, and (ii) to provide Consumers Energy access and use of contact, billing and energy usage data, and facility information concerning each Site Address (as defined below) (“Customer Data”). Consumers Energy shall manage Customer’s curtailable electrical capacity in the Program and upon notification by Consumers Energy and acceptance by Customer, provide real-time support to Customer during demand response events (“Demand Response Events”); and enable data transfer, monitoring and reporting of meter data and provide technical assistance, maintenance, repair and hosting of the Monitoring System. In addition, as necessary, Consumers Energy will coordinate with Customer to capture kilowatt-hour (“kWh”) pulses from Customer’s primary utility meter to provide Customer near real-time, Internet-enabled power monitoring.

5. Monitoring System. Consumers Energy may equip one or more of Customer facility addresses (each address is referred to as a “Site Address”) as identified on the Site Address Attachment attached hereto with the Monitoring System, which includes site devices owned by Consumers Energy that can enable power metering, data collection, near real-time data communication, and Internet-based reporting and analytics. There shall be no cost to the Customer associated with the Monitoring System equipment or installation of the Monitoring System equipment.

6. Customer Support Requirements.

- a. Representations and Warranties.** Customer holds all applicable licenses and/or permits pursuant to the Agreement that are required for the proper participation in the Program.
- b. Demand Response Performance.** Customer has the intent and ability to generate and/or reduce electrical demand to achieve Contracted Capacity (as defined below) at each Site Address when notified by Consumers Energy Demand Response Events.
- c. Acceptance Testing.** At each Site Address where the site devices are installed, Customer agrees to collaborate with Consumers Energy in a timely manner in testing, enabling and maintaining the Monitoring System.
- d. Energy Reduction Plan.** Customer must provide to Consumers Energy their Energy Reduction Plan describing the equipment and steps that will be taken to meet their curtailment nomination.

7. The current terms are summarized below:

Program Availability	During the Initial Term, emergency events could be called at any time Monday through Friday between 11 am and 7 pm, excluding holidays as defined in Rule C.14 (c) Holidays Designated by the Company, in response to Midcontinent Independent System Operator, Inc. ("MISO") reliability emergencies ("Emergency Event(s)"). Customer is required to participate in any Emergency Event called by MISO.
Event Frequency and Duration	Emergency Events – Up to five (5) events during the Summer Program Season, up to three (3) events during the Fall Program Season, up to five (5) events in the Winter Program Season, and up to three (3) events in the Spring Program Season, up to four hours each.
Advanced Notification	Emergency Events – Customer will receive at least a thirty (30) minute but no more than a six (6) hour notice in advance of an Emergency Event. Customers are advised to estimate load reduction capability over a twelve (12) hour timeframe for planning purposes.
MISO Real Power Test	Customer acknowledges that participation in the Program is subject to testing and performance requirements established by the Midcontinent Independent System Operator, Inc. ("MISO"), applicable tariffs, and/ or Consumers Energy. Customer agrees to participate in all required testing, whether initiated by Consumers Energy or MISO, at such times and intervals as required to maintain compliance with MISO Tariff and Program requirements. Testing frequency, timing, and structure may change based on applicable regulatory or MISO Tariff requirements. Beginning in 2028, MISO may directly initiate testing in accordance with MISO Tariff. Any MISO-initiated test or qualifying MISO-declared event may satisfy applicable testing requirements, as determined by MISO and/ or Consumers Energy. Customer performance during any required test or qualifying event will determine accredited capacity and may affect payments, eligibility, or continued participation. Customer is responsible for maintaining operational readiness and load reduction capability sufficient to meet required performance obligations.

8. **Customer capacity.**

Online Portal
a. Contracted Capacity. For purposes of this Agreement, "Contracted Capacity" shall represent the Customer's performance obligation (in kilowatts ("kW")). The Contracted Capacity shall be based on an analysis of Customer's prior consumption data for each Program Season, their Energy Reduction Plan(s) and pre-enrollment load reduction testing.
 Emergency and Economic Event. Portal will be activated before the season starts on June 1.

b. Delivered Capacity. Customer has the intent and ability to generate and/or reduce electrical demand to achieve Contracted Capacity (as defined below) at each Site Address when notified by Consumers Energy Demand Response Events.

i. For purposes of this Agreement, an event's "Delivered Capacity" shall be defined as the amount of load in kW reduced for each hour in a Demand Response Event. Delivered Capacity for each event hour is calculated as the difference between the measured energy demand and the baseline energy demand. Consumers Energy will use a MISO-approved baseline calculation method. MISO's default baseline is the Ten-Day Baseline. The Ten-Day Baseline is calculated as the average hourly demand from the previous ten

(10) non-weekend non-holiday non-event days prior to the event. Customer is required to reduce the full amount specified as Contracted Capacity for the hourly average of an emergency event. Consumers Energy, at its discretion, can make an adjustment to the baseline determined by the M&V Method of plus or minus 20% based on the energy usage three hours beginning four hours prior to the beginning of the Emergency Event. An alternative baseline may be used, so long as it is pre-approved by MISO. If no Emergency Event is called, the Delivered Capacity will revert to the Contracted Capacity for the DR season. In a Program Season with multiple Emergency Events, the Delivered Capacity will be based on the Customers average event performance during the term of that Program Season.

9. Environmental. In order for the engine to be considered an emergency stationary engine under 40 CFR Part 60 Subpart IIII, 40 CFR Part 60 Subpart JJJJ and/or 40 CFR Part 63 Subpart ZZZZ any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for up to 50 hours per calendar year, as described in the applicable regulation(s), is prohibited. If Customer does not operate the engine according to these requirements, the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines in the applicable regulations.

Emergency Demand Response Events per this contract are considered non-emergency situations (not to exceed 50 hours per calendar year). Power supplied as part of a financial arrangement with Consumers Energy must meet all of the following conditions:

- a. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
- b. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- c. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- d. The power is provided only to the facility itself or to support the local transmission and distribution system.
- e. The owner or operator (Customer) identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- f. The owner or operator (Customer) is responsible for all EPA reporting requirements. Customers who do not comply with EPA reporting may be removed from the program at Consumers Energy's discretion.

10. Payments to Customer.

a. Emergency Capacity Payments. For a single year contract, the capacity payment price is \$20/kW for the Summer Program Season, \$8/kW for Fall Program Season, \$8/kW for the Winter Program Season, and \$8/kW for the Spring Program Season. For a two (2) year contract, the capacity payment price is \$25/kW for the Summer Program Season, \$9/kW for Fall Program Season, \$9/kW for Winter Program Season, and \$9/kW for Spring Program Season. Delivered Capacity capped at 250% per Program Season as defined in section 8(b). Consumers Energy will pay Customer the Capacity Rate multiplied by the Delivered Capacity.

b. Emergency Event Energy Payments. In Program Seasons when one or more Emergency Events are called, Consumers Energy will pay Customer an energy payment of \$450/MWh multiplied by the event's Delivered Capacity multiplied by the hours for each such event as defined in section 8(b) above.

11. Payment Timing. After an Emergency Event and Customer's Delivered Capacity has been verified, Consumers Energy shall make Emergency Event Energy Payments for Customer's participation by the issuance of credits to the Customer's bill or by check. The Emergency Capacity Payment will be made within sixty (60) days after the final day of each selected Program Season.

12. Cancellation Customer or Consumers Energy may cancel this Agreement or request to amend nomination(s) for the Program Seasons occurring in the next year, if such cancellation or request to amend is submitted to Consumers Energy between October 1 – December 31 of the prior year. Requests to amend nomination(s) shall be granted at the Company's discretion and shall only apply to the Program Seasons occurring in the following year. Cancellation requests must be submitted in writing to: ConsumersEnergy.DemandResponseProgram@cmsenergy.com. The customer will be notified by Consumers Energy if they cancel or are removed from the program.

13. Confidentiality.

a. Nondisclosure to Third Parties. In performing under the Agreement, each Party to this Agreement will be exposed to certain Confidential Information (as hereinafter defined) of the other Party. Each Party on its own behalf and on behalf of its employees, contractors and agents (collectively, "Representatives") agrees not to, except as required by applicable law or regulation, use or disclose such Confidential Information without the prior written consent of the other Party, either during or after the Term. To protect Confidential Information, each Party agrees to: (i) limit dissemination of Confidential Information to only those Representatives having a "need to know"; (ii) advise each Representative who receives Confidential Information of the confidential nature of such information; and (iii) have appropriate agreements, policies and/or procedures in place with such Representatives sufficient to enable compliance with the confidentiality obligations contained herein. The term "Confidential Information" means all information which is disclosed, either orally or in written form, by either Party or its Representatives and shall be deemed to include: (w) any notes, analyses, compilations, studies, interpretations, memoranda or other documents prepared by either Party or its Representatives which contain, reflect or are based upon, in whole or in part, any Confidential Information furnished to a receiving Party or its Representatives pursuant hereto; (x) any information concerning the business relationship between the Parties; and (y) Customer Data.

b. Exclusions from Confidential Information. Notwithstanding the obligations in Section 13(a) above, Confidential Information does not include any information that:

- i. is or becomes generally known to the public without breach of any obligation owed to the disclosing Party;
- ii. was known to the receiving Party prior to its disclosure by the disclosing Party without breach of any obligation owed to the disclosing Party;
- iii. is received from a third party without the receiving party having any knowledge of any breach by such third party of any obligation owed to the disclosing Party; or
- iv. was independently developed by the receiving Party without reference to or reliance upon the disclosing Party's Confidential Information.

14. Limitation of Liability Consumers Energy's and its contractors' and subcontractors' liability hereunder is limited to direct actual damages as the sole and exclusive remedy, and total damages under the Agreement shall not exceed \$100,000 or the total amounts paid by Consumers Energy under the Agreement, whichever is less. In no event shall either Party, its parent, officers, directors, partners, shareholders, employees or affiliates, or any contractor or subcontractor or its employees or affiliates, be liable to the other Party for special, indirect, exemplary, punitive, incidental or consequential damages of any nature whatsoever connected with or resulting from performance or non-performance of obligations under the Agreement, including without limitation, damages or claims in the nature of lost revenue, income or profits, loss of use, or cost of capital, irrespective of whether such damages are reasonably foreseeable and irrespective of whether such claims are based upon negligence, strict liability contract, operation of law or otherwise.

15. Additional Terms.

a. Customer also agrees, with respect to Consumers Energy's management of the Monitoring System, it:

- i. receives a limited, revocable, non-transferrable and non-exclusive right to use and access during the Term the Monitoring System and shall use the Monitoring System solely for its internal use subject to the terms of the Agreement and not for the benefit of any third party. Except as expressly permitted in the Agreement, Customer agrees that it shall not receive any right, title or interest in, or any license or right to use or access, the Monitoring System or any patent, copyright, trade secret, trademark or other intellectual property rights therein by implication or otherwise;
- ii. shall use the Monitoring System in accordance with all applicable law;
- iii. shall not and shall prohibit causing or permitting, the copying, reverse engineering, disassembly, decompilation or attempting to derive the source code of the Monitoring System, or other intellectual property of Consumers Energy or creation of any derivative work thereof;
- iv. expressly disclaims any passing of title to the Monitoring System, any trade names, trade dress, trademarks, service marks, commercial symbols, copyrightable material, designs, logos and/or any other intellectual property of Customer;
- v. shall not delete, alter, cover, or distort any copyright or other proprietary notices or trademarks from the Monitoring System and to use reasonable care to prevent the Monitoring System and Consumers Energy's intellectual property rights contained in the software from damage and unauthorized use.

b. Miscellaneous. Customer may not assign any of its rights or delegate any of its performance obligations hereunder without the prior written consent of Consumers Energy. The Agreement, including all attachments, constitutes the entire agreement between Customer and Consumers Energy and may only be amended in writing signed by each of the Parties. If any of its provisions shall be held invalid or unenforceable, this Agreement shall be construed as if not containing those provisions and the rights and obligations of the Parties hereto shall be construed and enforced accordingly. This Agreement shall be binding upon the Parties together with their successors and permitted assigns. Each Party shall be responsible for its Representatives' compliance with the Agreement. Customer shall promptly notify Consumers Energy in writing of any changes occurring during the Term to the Customer address(es) set forth in this Agreement.

c. Force Majeure. The Parties to this Agreement shall be excused from any failure or delay in the performance of their obligations if such obligations are prevented from being fulfilled due to Force Majeure. A Party unable to fulfill any obligation hereunder (other than an obligation to pay money when due) by reason of Force Majeure, shall give notice and the full particulars of such Force Majeure to the other Party in writing or by telephone as soon as reasonably possible after the occurrence of the cause relied upon. Telephone notices given pursuant to this article shall be confirmed in writing as soon as reasonably possible and shall specifically state full particulars of the Force Majeure, the time and date when the Force Majeure occurred and when the Force Majeure is reasonably expected to cease. The Party affected shall exercise due diligence to remove such disability with reasonable dispatch, but shall not be required to accede or agree to any provision not satisfactory to it in order to settle and terminate a strike or other labor disturbance. A "Force Majeure" shall include any act, event, or occurrence beyond the Party's reasonable control, which the Party, despite its best efforts, is unable to prevent, avoid, overcome, delay or mitigate, including but not limited to: floods, epidemics, earthquakes, quarantine, blockade, war, insurrection or civil strife or terrorism, provided, however, that Force Majeure shall in no event include (i) failure of Subcontractors or Suppliers to deliver services, materials or components or receipt from any Subcontractor or Supplier of defective services, material or components unless same were themselves caused by a Force Majeure Event; (ii) technological impossibility; (iii) a governmental act or failure to act, or order or injunction, caused by any act or failure to act of the Seller or any Subcontractor or Supplier; (iv) strikes or work stoppages; or (v) inclement weather.

d. Warranty Limitations THE MONITORING SYSTEM (AND ANY SOFTWARE, HARDWARE, OR OTHER COMPONENT THEREOF) AND ALL SERVICES HEREUNDER ARE PROVIDED AS IS BY CONSUMERS ENERGY WITHOUT ANY WARRANTY OF ANY KIND. ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE EXPRESSLY DISCLAIMED TO THE FULLEST EXTENT PERMISSIBLE UNDER APPLICABLE LAW.

e. Governing Law; Actions; Etc.: This Agreement shall be deemed a Michigan contract and shall be governed by and interpreted in accordance with the laws of the State of Michigan; excluding any conflicts of laws principles that would result in this Agreement being interpreted in accordance with any different law. Venue for any lawsuit arising out of or in connection with this Agreement shall be exclusively in the courts of the State of Michigan or a Federal court sitting in the State of Michigan. Any legal action against Consumers Energy relating to this Agreement or the breach thereof shall be commenced within one year from the date on which the claimed breach, default or other cause of action arose (and, without limiting the foregoing, in all events not later than one year after the date of completion or other cessation of performance of the work hereunder). This Agreement is intended for the benefit of the parties herein only and does not grant any rights to any third parties unless otherwise specifically stated herein. If Customer defaults in the timely performance of any of its obligations hereunder, then Consumers Energy may, at its option, and in addition to any and all other rights or remedies it may have hereunder or at law or equity, terminate this Contract by written notice to Customer.

IN WITNESS WHEREOF, and intending to be legally bound, the Parties have duly executed this Agreement by their authorized representatives as of the Effective Date.

Utility Signature

Customer Signature

CONSUMERS ENERGY COMPANY

CITY OF BATTLE CREEK

ShayLa J Sanders

(Signature)

(Company)

(Signature)

ShayLa J Sanders

(Print or Type Name)

(Title)

(Date)

4/29/2026

(Date)

(Print or Type Name)

(Email)

Payment Information

Bill Credit **Check** (If Check, please provide a mailing address below):

Mark Box if Payment Address is the Same as Page 1 or Existing Contract

Contact Name:

Site Name:

Address:

City, State, Zip Code: ,

*If payments need to go to multiple sites, please work with the Demand Response Operations group

Customer Signee Address

Mark box if Customer Signee Address is Same as Page 1

Mark box if Customer Signee Address is the Same as Payment Address

Contact Name: Katie Norton

Site Name: CITY OF BATTLE CREEK

Address: 10 N DIVISION ST

City, State, Zip Code: BATTLE CREEK, MI, 49014-4061

ATTACHMENT B - CUSTOMER BASELINE CALCULATIONS AND PERFORMANCE OBLIGATIONS

“Original Baseline Demand” calculation methodology – for interruptions called on normal business days, calculate an average hourly demand profile based on the demands created during the ten (10) non-interruption business days immediately preceding an interruption notification, excluding Saturday, Sunday and holidays as recognized in the Company’s Electric Rate Book (“Normal Baseline Demand”).

“Day of Adjustment” calculation methodology – starts at the point of the interruption event and counts back four (4) hours. (For purposes of clarification – for the “Day of Adjustment” calculation only the baseline is calculated beginning from the start of the interruption event and moving backwards by four (4) hours). The “Original Baseline Demand” will be ADJUSTED up/down on the day of an event by the ratio of (a) the sum of hourly demands for the three (3) hours beginning four (4) hours prior to the interruption event and (b) the sum of those same three hours unadjusted consumption baseline demands. The resultant change to the Original Baseline Demand is limited to +/- 20% of the Original Baseline Demand and is referred to as the “Adjusted Baseline Demand”.

Below are 4 different Demand Response Enactment Event scenarios, all based on:

The prior 10 business day/24-hour baseline = 100 kW with a 20 kW Nomination amount

Details	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Average demand for 3 hours, beginning 4 hours prior to “Day of Adjustment”	70 kW	110 kW	95 kW	125 kW
What is the Adjusted Baseline Demand to reduce power against?	The 70 kW average demand during the 3 hour “Day of Adjustment” period represents a 30% decrease from the Original Baseline Demand, so the Original Baseline Demand will be reduced by only 20%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 80 kW	The 110 kW average demand during the 3 hour “Day of Adjustment” period represents a 10% increase from the Original Baseline Demand, so the Original Baseline Demand will be increased by 10%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 110 kW	The 95 kW average demand during the 3 hour “Day of Adjustment” period represents a 5% decrease from the Original Baseline Demand, so the Original Baseline Demand will be decreased by 5%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 95 kW	The 125 kW average demand during the 3 hour “Day of Adjustment” period represents a 25% increase from the Original Baseline Demand, so the Original Baseline Demand will be increased by only 20%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 120 kW
kW customer is required to reduce load to in order to FULLY comply during this event (100%)	60 kW 80 kW – 20 kW (Baseline – Nomination)	90 kW 110 kW – 20 kW (Baseline – Nomination)	75 kW 95 kW – 20 kW (Baseline – Nomination)	100 kW 120 kW – 20 kW (Baseline – Nomination)

**ATTACHMENT C
CONSUMERS ENERGY DEMAND RESPONSE ENERGY REDUCTION PLAN**

Company Name: CITY OF BATTLE CREEK	
Facility Contact Name(s): Katie Norton	
DR Event Procedure:	Consumers Energy will notify you that a DR event has been dispatched. Confirm phone, e-mail, and/or text notifications sent by Consumers Energy. Manually shut down the following equipment by the time the DR event begins. If applicable, turn on generator and transfer specified building load to the generator.

Total Program Season Nominations

Season	Summer	Fall	Winter	Spring
kW	93	74	58	63

Site Name	Site Address	Contract Account Number	Equipment	Shutdown Procedure	Summer Load (KW)	Fall Load (KW)	Winter Load (KW)	Spring Load (KW)
CITY OF BATTLE CREEK	10 DIVISION ST N BATTLE CREEK,MI 49014-4004	100083426468	All equipment	Manual switch to full generation	93	74	58	63

Initials

Attachment D GENERATORS

Site Name	Site Account Number	Fuel Type	Model Year	Engine HP
CITY OF BATTLE CREEK N/A	100083426468	Diesel	2019	755



2027 EMERGENCY COMMERCIAL AND INDUSTRIAL DEMAND RESPONSE CUSTOMER AGREEMENT

Customer and Consumers Energy are referred to herein collectively as the "Parties" and each individually as a "Party" to this Agreement.

Effective Date of Agreement: June 1, 2027
(Month/Day/Year)

Company: **CONSUMERS ENERGY COMPANY**
a Michigan Corporation
Customer: City of Battle Creek
(Legal Name)

ONE ENERGY PLAZA
JACKSON MI 49201-2357
10 N. Division St.
(Street & Number)

Battle Creek, MI 49016
(City, State & Zip Code)

1. Initial Term:

a. Shall commence on June 1, 2027 and shall run through (select one):

- May 31, 2028 (1 year)
- May 31, 2029 (2 year)

2. This Agreement will become effective on the date identified above and will extend for an Initial Term through the end date identified above. The Customer must notify Consumers Energy Company ("Consumers Energy" or the "Company") by September 1st in the final year of the Initial Term of their desire to renew participation in the Demand Response Program ("Program") through the execution of a new Program Agreement and the amount of reduction/nomination kW for the following Program Season(s) Summer (June 1 through August 31) Fall (September 1 through November 30) Winter (December 1-February 28) Spring (March 1 through May 31 (hereinafter referred to as the "Program Seasons"). Customer participation under this Agreement shall be based on the limitations, terms and eligibility as described in the Company's Program and the Company's Electric Rate Book, as approved by the Michigan Public Service Commission.

3. **Program Description.** Participants in the Program help reduce peak demand when energy use is the highest and maintain a ready supply of energy for Michigan. Participants will receive an annual Emergency Capacity Payment for the Delivered Capacity amount specified in this Agreement within sixty (60) days after the final day of each selected Program Season.

4. **Administration Solutions.** Customer agrees to work with Consumers Energy to develop an appropriate energy reduction plan for Customer's business for each Program Season and; Submit a contact list, and (ii) to provide Consumers Energy access and use of contact, billing and energy usage data, and facility information concerning each Site Address (as defined below) ("Customer Data"). Consumers Energy shall manage Customer's curtailable electrical capacity in the Program and upon notification by Consumers Energy and acceptance by Customer, provide real-time support to Customer during demand response events ("Demand Response Events"); and enable data transfer, monitoring and reporting of meter data and provide technical assistance, maintenance, repair and hosting of the Monitoring System. In addition, as necessary, Consumers Energy will coordinate with Customer to capture kilowatt-hour ("kWh") pulses from Customer's primary utility meter to provide Customer near real-time, Internet-enabled power monitoring.

5. Monitoring System. Consumers Energy may equip one or more of Customer facility addresses (each address is referred to as a "Site Address") as identified on the Site Address Attachment attached hereto with the Monitoring System, which includes site devices owned by Consumers Energy that can enable power metering, data collection, near real-time data communication, and Internet-based reporting and analytics. There shall be no cost to the Customer associated with the Monitoring System equipment or installation of the Monitoring System equipment.

6. Customer Support Requirements.

- a. Representations and Warranties.** Customer holds all applicable licenses and/or permits pursuant to the Agreement that are required for the proper participation in the Program.
- b. Demand Response Performance.** Customer has the intent and ability to generate and/or reduce electrical demand to achieve Contracted Capacity (as defined below) at each Site Address when notified by Consumers Energy Demand Response Events.
- c. Acceptance Testing.** At each Site Address where the site devices are installed, Customer agrees to collaborate with Consumers Energy in a timely manner in testing, enabling and maintaining the Monitoring System.
- d. Energy Reduction Plan.** Customer must provide to Consumers Energy their Energy Reduction Plan describing the equipment and steps that will be taken to meet their curtailment nomination.

Program Rules. The terms of this Agreement reflect the current Program terms and conditions, which may be amended from time to time by Consumers Energy. Any modifications to this Agreement shall be mutually agreed to by the parties and recorded as an amendment to this Agreement.

7. The current terms are summarized below:

Program Availability	During the Initial Term, emergency events could be called at any time Monday through Friday between 11 am and 7 pm, excluding holidays as defined in Rule C.14 (c) Holidays Designated by the Company, in response to Midcontinent Independent System Operator, Inc. ("MISO") reliability emergencies ("Emergency Event(s)"). Customer is required to participate in any Emergency Event called by MISO.
Event Frequency and Duration	Emergency Events – Up to five (5) events during the Summer Program Season, up to three (3) events during the Fall Program Season, up to five (5) events in the Winter Program Season, and up to three (3) events in the Spring Program Season, up to four hours each.
Advanced Notification	Emergency Events – Customer will receive at least a thirty (30) minute but no more than a six (6) hour notice in advance of an Emergency Event. Customers are advised to estimate load reduction capability over a twelve (12) hour timeframe for planning purposes.

<p>MISO Real Power Test</p>	<p>Customer acknowledges that participation in the Program is subject to testing and performance requirements established by the Midcontinent Independent System Operator, Inc. ("MISO"), applicable tariffs, and/or Consumers Energy.</p> <p>Customer agrees to participate in all required testing, whether initiated by Consumers Energy or MISO, at such times and intervals as required to maintain compliance with MISO Tariff and Program requirements. Testing frequency, timing, and structure may change based on applicable regulatory or MISO Tariff requirements.</p> <p>Beginning in 2028, MISO may directly initiate testing in accordance with MISO Tariff . Any MISO-initiated test or qualifying MISO-declared event may satisfy applicable testing requirements, as determined by MISO and/or Consumers Energy.</p> <p>Customer performance during any required test or qualifying event will determine accredited capacity and may affect payments, eligibility, or continued participation. Customer is responsible for maintaining operational readiness and load reduction capability sufficient to meet required performance obligations.</p>
<p>Online Portal</p>	<p>Customer may have access to an online portal "Dashboard" where Customer can monitor their performance during both an Emergency and Economic Event. Portal will be activated before the season starts on June 1.</p>

8. Customer capacity.

a. Contracted Capacity. For purposes of this Agreement, "Contracted Capacity" shall represent the Customer's performance obligation (in kilowatts ("kW")). The Contracted Capacity shall be based on an analysis of Customer's prior consumption data for each Program Season, their Energy Reduction Plan(s) and pre-enrollment load reduction testing.

b. Delivered Capacity.

i. For purposes of this Agreement, an event's "Delivered Capacity" shall be defined as the amount of load in kW reduced for each hour in a Demand Response Event. Delivered Capacity for each event hour is calculated as the difference between the measured energy demand and the baseline energy demand. Consumers Energy will use a MISO-approved baseline calculation method. MISO's default baseline is the Ten-Day Baseline. The Ten-Day Baseline is calculated as the average hourly demand from the previous ten (10) non-weekend non-holiday non-event days prior to the event. Customer is required to reduce the full amount specified as Contracted Capacity for the hourly average of an emergency event. Consumers Energy, at its discretion, can make an adjustment to the baseline as determined by "Day of Adjustment" calculation methodology outlined in Attachment B. An alternative baseline may be used, so long as it is pre-approved by MISO. If no Emergency Event is called, the Delivered Capacity will revert to the Contracted Capacity for the DR season. In a Program Season with multiple Emergency Events, the Delivered Capacity will be based on the Customers average event performance during the term of that Program Season.

9. Environmental. In order for the engine to be considered an emergency stationary engine under 40 CFR Part 60 Subpart IIII, 40 CFR Part 60 Subpart JJJJ and/or 40 CFR Part 63 Subpart ZZZZ any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for up to 50 hours per calendar year, as described in the applicable

regulation(s), is prohibited. If Customer does not operate the engine according to these requirements, the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines in the applicable regulations.

Emergency Demand Response Events per this contract are considered non-emergency situations (not to exceed 50 hours per calendar year). Power supplied as part of a financial arrangement with Consumers Energy must meet all of the following conditions:

- a. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
- b. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- c. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- d. The power is provided only to the facility itself or to support the local transmission and distribution system.
- e. The owner or operator (Customer) identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- f. The owner or operator (Customer) is responsible for all EPA reporting requirements. Customers who do not comply with EPA reporting may be removed from the program at Consumers Energy's discretion.

10. Payments to Customer.

- a. **Emergency Capacity Payments.** For a single year contract, the capacity payment price is \$20/kW for the Summer Program Season, \$8/kW for Fall Program Season, \$8/kW for the Winter Program Season, and \$8/kW for the Spring Program Season. For a two (2) year contract, the capacity payment price is \$25/kW for the Summer Program Season, \$9/kW for Fall Program Season, \$9/kW for Winter Program Season, and \$9/kW for Spring Program Season. Delivered Capacity capped at 250% per Program Season as defined in section 8(b). Consumers Energy will pay Customer the Capacity Rate multiplied by the Delivered Capacity.
- b. **Emergency Event Energy Payments.** In Program Seasons when one or more Emergency Events are called, Consumers Energy will pay Customer an energy payment of \$450/MWh multiplied by the event's Delivered Capacity multiplied by the hours for each such event as defined in section 8(b) above.

11. Payment Timing. After an Emergency Event and Customer's Delivered Capacity has been verified, Consumers Energy shall make Emergency Event Energy Payments for Customer's participation by the issuance of credits to the Customer's bill or by check. The Emergency Capacity Payment will be made within sixty (60) days after the final day of each selected Program Season.

12. Cancellation. Customer or Consumers Energy may cancel this Agreement or request to amend nomination(s) for the Program Seasons occurring in the next year, if such cancellation or request to amend is submitted to Consumers Energy between October 1 – December 31 of the prior year. Requests to amend nomination(s) shall be granted at the Company's discretion and shall only apply to the Program Seasons occurring in the following year. Cancellation requests must be submitted in writing to: ConsumersEnergy.DemandResponseProgram@cmsenergy.com. The customer will be notified by Consumers Energy if they cancel or are removed from the program.

13. Confidentiality.

a. Nondisclosure to Third Parties. In performing under the Agreement, each Party to this Agreement will be exposed to certain Confidential Information (as hereinafter defined) of the other Party. Each Party on its own behalf and on behalf of its employees, contractors and agents (collectively, "Representatives") agrees not to, except as required by applicable law or regulation, use or disclose such Confidential Information without the prior written consent of the other Party, either during or after the Term. To protect Confidential Information, each Party agrees to: (i) limit dissemination of Confidential Information to only those Representatives having a "need to know"; (ii) advise each Representative who receives Confidential Information of the confidential nature of such information; and (iii) have appropriate agreements, policies and/or procedures in place with such Representatives sufficient to enable compliance with the confidentiality obligations contained herein. The term "Confidential Information" means all information which is disclosed, either orally or in written form, by either Party or its Representatives and shall be deemed to include: (w) any notes, analyses, compilations, studies, interpretations, memoranda or other documents prepared by either Party or its Representatives which contain, reflect or are based upon, in whole or in part, any Confidential Information furnished to a receiving Party or its Representatives pursuant hereto; (x) any information concerning the business relationship between the Parties; and (y) Customer Data.

b. Exclusions from Confidential Information. Notwithstanding the obligations in Section 13(a) above, Confidential Information does not include any information that:

- i. is or becomes generally known to the public without breach of any obligation owed to the disclosing Party;
- ii. was known to the receiving Party prior to its disclosure by the disclosing Party without breach of any obligation owed to the disclosing Party;
- iii. is received from a third party without the receiving party having any knowledge of any breach by such third party of any obligation owed to the disclosing Party; or
- iv. was independently developed by the receiving Party without reference to or reliance upon the disclosing Party's Confidential Information.

14. Limitation of Liability. Consumers Energy's and its contractors' and subcontractors' liability hereunder is limited to direct actual damages as the sole and exclusive remedy, and total damages under the Agreement shall not exceed \$100,000 or the total amounts paid by Consumers Energy under the Agreement, whichever is less. In no event shall either Party, its parent, officers, directors, partners, shareholders, employees or affiliates, or any contractor or subcontractor or its employees or affiliates, be liable to the other Party for special, indirect, exemplary, punitive, incidental or consequential damages of any nature whatsoever connected with or resulting from performance or non-performance of obligations under the Agreement, including without limitation, damages or claims in the nature of lost revenue, income or profits, loss of use, or cost of capital, irrespective of whether such damages are reasonably foreseeable and irrespective of whether such claims are based upon negligence, strict liability contract, operation of law or otherwise.

15. Additional Terms.

a. Customer also agrees, with respect to Consumers Energy's management of the Monitoring System, it:

- i. receives a limited, revocable, non-transferrable and non-exclusive right to use and access during the Term the Monitoring System and shall use the Monitoring System solely for its internal use subject to the terms of the Agreement and not for the benefit of any third party. Except as expressly permitted in the Agreement, Customer agrees that it shall not receive any right, title or interest in, or any license or right to use or access, the Monitoring System or any patent, copyright, trade secret, trademark or other intellectual property rights therein by implication or otherwise;
- ii. shall use the Monitoring System in accordance with all applicable law;

- iii. shall not and shall prohibit causing or permitting, the copying, reverse engineering, disassembly, decompilation or attempting to derive the source code of the Monitoring System, or other intellectual property of Consumers Energy or creation of any derivative work thereof;
- iv. expressly disclaims any passing of title to the Monitoring System, any trade names, trade dress, trademarks, service marks, commercial symbols, copyrightable material, designs, logos and/or any other intellectual property of Customer;
- v. shall not delete, alter, cover, or distort any copyright or other proprietary notices or trademarks from the Monitoring System and to use reasonable care to prevent the Monitoring System and Consumers Energy's intellectual property rights contained in the software from damage and unauthorized use.

b. Miscellaneous. Customer may not assign any of its rights or delegate any of its performance obligations hereunder without the prior written consent of Consumers Energy. The Agreement, including all attachments, constitutes the entire agreement between Customer and Consumers Energy and may only be amended in writing signed by each of the Parties. If any of its provisions shall be held invalid or unenforceable, this Agreement shall be construed as if not containing those provisions and the rights and obligations of the Parties hereto shall be construed and enforced accordingly. This Agreement shall be binding upon the Parties together with their successors and permitted assigns. Each Party shall be responsible for its Representatives' compliance with the Agreement. Customer shall promptly notify Consumers Energy in writing of any changes occurring during the Term to the Customer address(es) set forth in this Agreement.

c. Force Majeure. The Parties to this Agreement shall be excused from any failure or delay in the performance of their obligations if such obligations are prevented from being fulfilled due to Force Majeure. A Party unable to fulfill any obligation hereunder (other than an obligation to pay money when due) by reason of Force Majeure, shall give notice and the full particulars of such Force Majeure to the other Party in writing or by telephone as soon as reasonably possible after the occurrence of the cause relied upon. Telephone notices given pursuant to this article shall be confirmed in writing as soon as reasonably possible and shall specifically state full particulars of the Force Majeure, the time and date when the Force Majeure occurred and when the Force Majeure is reasonably expected to cease. The Party affected shall exercise due diligence to remove such disability with reasonable dispatch, but shall not be required to accede or agree to any provision not satisfactory to it in order to settle and terminate a strike or other labor disturbance. A "Force Majeure" shall include any act, event, or occurrence beyond the Party's reasonable control, which the Party, despite its best efforts, is unable to prevent, avoid, overcome, delay or mitigate, including but not limited to: floods, epidemics, earthquakes, quarantine, blockade, war, insurrection or civil strife or terrorism, provided, however, that Force Majeure shall in no event include (i) failure of Subcontractors or Suppliers to deliver services, materials or components or receipt from any Subcontractor or Supplier of defective services, material or components unless same were themselves caused by a Force Majeure Event; (ii) technological impossibility; (iii) a governmental act or failure to act, or order or injunction, caused by any act or failure to act of the Seller or any Subcontractor or Supplier; (iv) strikes or work stoppages; or (v) inclement weather.

d. Warranty Limitations. THE MONITORING SYSTEM (AND ANY SOFTWARE, HARDWARE, OR OTHER COMPONENT THEREOF) AND ALL SERVICES HEREUNDER ARE PROVIDED AS IS BY CONSUMERS ENERGY WITHOUT ANY WARRANTY OF ANY KIND. ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE EXPRESSLY DISCLAIMED TO THE FULLEST EXTENT PERMISSIBLE UNDER APPLICABLE LAW.

e. Governing Law; Actions; Etc.: This Agreement shall be deemed a Michigan contract and shall be governed by and interpreted in accordance with the laws of the State of Michigan; excluding any conflicts of laws principles that would result in this Agreement being interpreted in accordance with any different law. Venue for any lawsuit arising out of or in connection with this Agreement shall be

exclusively in the courts of the State of Michigan or a Federal court sitting in the State of Michigan. Any legal action against Consumers Energy relating to this Agreement or the breach thereof shall be commenced within one year from the date on which the claimed breach, default or other cause of action arose (and, without limiting the foregoing, in all events not later than one year after the date of completion or other cessation of performance of the work hereunder). This Agreement is intended for the benefit of the parties herein only and does not grant any rights to any third parties unless otherwise specifically stated herein. If Customer defaults in the timely performance of any of its obligations hereunder, then Consumers Energy may, at its option, and in addition to any and all other rights or remedies it may have hereunder or at law or equity, terminate this Contract by written notice to Customer.

IN WITNESS WHEREOF, and intending to be legally bound, the Parties have duly executed this Agreement by their authorized representatives as of the Effective Date.

Utility Signature

CONSUMERS ENERGY COMPANY

By: ShayLa J Sanders
(Signature)

ShayLa J Sanders

5/18/2026 (Print or Type Name)

(Date)

Customer Signature

(Company)

By: _____
(Signature)

(Print or Type Name)

(Title)

(Email)

(Date)

Mark box if Mailing Address is the same as Page 1

(Mailing Address)

(City, State, Zip)



Attachment A PAYMENT INFORMATION

Payment Information

<input checked="" type="checkbox"/> Bill Credit <input type="checkbox"/> Check (If Check, please provide a mailing address below):
<input type="checkbox"/> Mark this box only if "Check" is chosen above and mailing address is the same as previous page
Contact Name:
Site Name:
Address:
City, State, Zip code:
*If payments need to go to multiple sites, please work with Demand Response Operations Team.

ATTACHMENT B - CUSTOMER BASELINE CALCULATIONS AND PERFORMANCE OBLIGATIONS

“Original Baseline Demand” calculation methodology – for interruptions called on normal business days, calculate an average hourly demand profile based on the demands created during the ten (10) non-interruption business days immediately preceding an interruption notification, excluding Saturday, Sunday and holidays as recognized in the Company’s Electric Rate Book (“Normal Baseline Demand”).

“Day of Adjustment” calculation methodology - starts at the point of the interruption event and counts back four (4) hours. (For purposes of clarification – for the “Day of Adjustment” calculation **only** the baseline **is** calculated beginning from the start of the interruption event and moving backwards by four (4) hours). The “Original Baseline Demand” will be ADJUSTED up/down on the day of an event by the ratio of (a) the sum of hourly demands for the three (3) hours beginning four (4) hours prior to the interruption event and (b) the sum of those same three hours unadjusted consumption baseline demands. *The resultant change to the Original Baseline Demand is limited to +/- 20% of the Original Baseline Demand and is referred to as the “Adjusted Baseline Demand”.*

Below are 4 different Demand Response Enactment Event scenarios, all based on:

The prior 10 business day/24-hour baseline = 100 kW with a 20 kW Nomination amount

Details	Scenario 1	Senario 2	Scenario 3	Scenario 4
Average demand for 3 hours, beginning 4 hours prior to “Day of Adjustment”	70 kW	110 kW	95 kW	125 kW
What is the Adjusted Baseline Demand to reduce power against?	The 70 kW average demand during the 3 hour “Day of Adjustment” period represents a 30% decrease from the Original Baseline Demand, so the Original Baseline Demand will be reduced by only <u>20%</u> , as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 80 kW	The 110 kW average demand during the 3 hour “Day of Adjustment” period represents a 10% increase from the Original Baseline Demand, so the Original Baseline Demand will be increased by 10%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 110 kW	The 95 kW average demand during the 3 hour “Day of Adjustment” period represents a 5% decrease from the Original Baseline Demand, so the Original Baseline Demand will be decreased by 5%, as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 95 kW	The 125 kW average demand during the 3 hour “Day of Adjustment” period represents a 25% increase from the Original Baseline Demand, so the Original Baseline Demand will be increased by only <u>20%</u> , as per the “Baseline” calculation methodology. Adjusted Baseline Demand = 120 kW
kW customer is required to reduce load to in order to FULLY comply during this event (100%)	60 kW 80 kW – 20 kW (Baseline – Nomination)	90 kW 110 kW – 20 kW (Baseline – Nomination)	75 kW 95 kW – 20 kW (Baseline – Nomination)	100 kW 120 kW – 20 kW (Baseline – Nomination)



Attachment C 2027 CONSUMERS ENERGY DEMAND RESPONSE ENERGY REDUCTION PLAN

Company Name:	<u>City of Battle Creek</u>
Facility Contact Name(s):	<u>Chris Pratt</u>
DR Event Procedure:	Consumers Energy will notify you that a DR event has been dispatched. Confirm phone, e-mail, and/or text notifications sent by Consumers Energy. Manually shut down the following equipment by the time the DR event begins. If applicable, turn on generator and transfer specified building load to the generator.

Program Season Nominations

Season	Summer	Fall	Winter	Spring
kW	125			

Site Addresses and Shutdown Procedure

Site Name	Site Address	Contract Account Number	Equipment	Shutdown Procedure	Summer Load (kW)	Fall Load (kW)	Winter Load (kW)	Spring Load (kW)	Generator?
Example: ABC Location	123 Main St. Anywhere MI	123456789012	HVAC & Lighting	Reduce setpoints using Building Management System	100	100	100	100	<input checked="" type="checkbox"/>
Lift Station	Battle Creek MI 49014	100000140093	All equipment	Manually switch to onsite generation	6				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49014	100000140382	All equipment	Manually swith to onsite generation	4				<input checked="" type="checkbox"/>

Site Name	Site Address	Contract Account Number	Equipment	Shutdown Procedure	Summer Load (kW)	Fall Load (kW)	Winter Load (kW)	Spring Load (kW)	Generator?
Lift Station	Battle Creek, MI 49015	100000335719	All equipment	Manually switch to onsite generation	20				<input checked="" type="checkbox"/>
Lift Station	Battle Creek MI 49015	100000330496	All equipment	Manually switch to onsite generation	8				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49014	100044480596	All equipment	Manually switch to onsite generation	6				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49015	100000334928	All equipment	Manually switch to onsite generation	3				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49015	100000078129	All equipment	Manually switch to onsite generation	22				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49037	100000039741	All equipment	Manually switch to onsite generation	56				<input checked="" type="checkbox"/>

Site Name	Site Address	Contract Account Number	Equipment	Shutdown Procedure	Summer Load (kW)	Fall Load (kW)	Winter Load (kW)	Spring Load (kW)	Generator?
Lift Station	Battle Creek, MI 49017	100024814251	All equipment	Manually switch to onsite generation	4				<input checked="" type="checkbox"/>
Lift Station	Battle Creek, MI 49014	100000142065	All equipment	Manually switch to onsite generation	6				<input checked="" type="checkbox"/>
									<input type="checkbox"/>
									<input type="checkbox"/>
									<input type="checkbox"/>
									<input type="checkbox"/>

Attachment D GENERATOR

Please fill out the table below:
 Fuel Type = Example, Natural gas or Diesel. Model Year = When the engine was built?
 Engine HP = Should be reflected on the generator/engine tag.

Site Name	Site Account Number	FUEL TYPE	MODEL YEAR	ENGINE HP
Lift Station	1000000140093	Diesel	SG13202	250
Lift Station	1000000140382	Natural Gas	3013554008	176
Lift Station	100000335719	Diesel	500FDR8040AAMOO W	375
Lift Station	100000330496	Diesel	440FDR8032AA	290
Lift Station	100044480596	Diesel	050AA-1529087	135
Lift Station	100000334928	Natural Gas	KG150024	200
Lift Station	100000078129	Diesel	D500150D65RAK0574	200
Lift Station	100000039741	Diesel	350RXC6073	500
Lift Station	100024814251	Diesel	180BDZJ71	100
Lift Station	100000142065	Natural Gas	GGLA-4482233	175



Resolution No: 424
City Commission Meeting 7/7/2026

424 - A Resolution accepting the proposal of best value for a Multi-Factor Authentication (MFA) Solution with Professional Services from SHI International Corp., in an estimated first year amount of \$60,497.99 with unit prices prevailing.

Battle Creek City Commission
Action Summary

Staff Member: Nils Vos, Sr. Buyer

Department: Purchasing

Summary

RESOLUTION NO. 424

Resolved by the Commission of the City of Battle Creek:

That the proposal of best value for a Multi-Factor Authentication (MFA) Solution with Professional Services is accepted from SHI International Corp., in an estimated first year amount of \$60,497.99 with unit prices prevailing. The City Manager is authorized to execute Contract No. 2026-074R and all related documents and renewals, which will be paid from the appropriate Information Technology account.

Budgetary Considerations

History, Background and Discussion

The City issued Request for Proposal (RFP) No. 2026-074R on April 24, 2026, seeking a Multi-Factor Authentication (MFA) solution, including hardware tokens and professional implementation services within the City's Microsoft 365 environment.

Proposals were due on May 19, 2026, and were required to be submitted electronically through the City's bid management system. A total of 15 proposals were received (see attached score sheet).

Proposals were distributed to the evaluation committee, which reviewed and scored each

submission based on the criteria outlined in the RFP, including Work Plan, Firm Qualifications, Price, and Personnel Qualifications. The evaluation committee consisted of the following City staff:

- Michael Nofs, Network Operations Manager
- Chad Frein, IT Director
- Bryce M. Hamilton, Network Systems Administrator

Following individual evaluations and committee discussion, consensus scores were established. Based on these scores, SHI International Corp. and Dewpoint LLC achieved the two highest overall rankings.

The committee conducted interviews with both firms on June 8, 2026, with an additional score allocated for the interview phase. SHI International Corp. received the highest overall score following interviews (see attached scoring sheets for details).

Based on the full evaluation process, the committee determined that SHI International Corp. offers the best overall value to the City, considering its qualifications, implementation approach, experience with government entities, and competitive pricing.

SHI International Corp.'s proposal includes a comprehensive MFA solution utilizing Cisco Duo technology, along with implementation services, licensing for approximately 700 users, and hardware authentication tokens.

The total proposed cost for the initial one-year term, including software licensing, hardware tokens, implementation services, and support, is within the RFP's estimated amount of \$60,497.99 with unit prices prevailing. Estimated annual renewal costs after the first year are estimated as follows:

- Cisco Duo Advantage licenses (700 users): \$32,935.00
- Cisco Duo support: \$14,000.04
- Professional Services support: \$11,458.75
- Total ongoing estimated annual cost: \$58,393.79

Based on the evaluation results, the committee recommends awarding Contract No. 2026-074R to SHI International Corp. for an initial one-year term in an estimated first year amount of \$60,497.99 with unit prices prevailing with optional renewals for continued services.

Positions

Attachments

1. Score Sheet & Pricing Score Sheet & Pricing.pdf

Points for Price:

20

Enter the points allocated for price in the cell to the left, then list the vendors in order from low to high. SCORE will autocalcate.

Rank	Vendor Name	Price	Points
1st lowest	ClearPath IT & Security Corp	\$31,546.00	20.0
2nd lowest	DiverseTek LLC	\$39,500.00	16.0
3rd lowest	Consultadd Inc.	\$42,435.00	14.9
4th lowest	Softex Incorporated	\$46,872.00	13.5
5th lowest	AdaptivEdge LLC	\$54,370.00	11.6
6th lowest	Active Cyber LLC	\$56,541.11	11.2
7th lowest	Elevate Technology Partners	\$57,295.00	11.0
8th lowest	Noviant Inc.	\$59,843.58	10.5
9th lowest	SHI International Corp.	\$60,497.99	10.4
10th lowest	Dewpoint LLC.	\$60,907.00	10.4
11th lowest	Marvel Technologies Inc.	\$61,000.00	10.3
12th lowest	Cyber Husky Inc.	\$61,760.00	10.2
13th lowest	Novinzio	\$62,500.00	10.1
14th lowest	Elite Tech Fusion Inc.	\$63,100.00	10.0
15th lowest	Vinsys Information Technology Inc.	\$70,400.00	9.0

Score = (Lowest price x number of possible points)/price being evaluated



Resolution No: 425
City Commission Meeting 7/7/2026

425 - A Resolution seeking authorization of a contract with Azteca Systems, LLC for an Enterprise License Agreement (ELA) for Cityworks Asset Management System (AMS) in a not-to-exceed one year amount of \$54,348.00.

Battle Creek City Commission
Action Summary

Staff Member: Nils Vos, Sr. Buyer

Department: Purchasing

Summary

RESOLUTION NO. 425

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute contract #2027-002C with Azteca Systems, LLC for a Cityworks Asset Management System in a not-to-exceed one year amount of \$54,348.00 which will be paid for by Account #671.10.9170.931.010.

The City Manager or her designee is also authorized to approve change orders for up to 10% for City-initiated and pre-approved changes in scope.

Budgetary Considerations

History, Background and Discussion

Cityworks Asset Management System Contract History with Azteca Systems, LLC:

- Resolution #17 (December 6, 2016): A 3-year contract not to exceed \$132,195.00 was approved for the Cityworks Asset Management System (Contract# 2017-035C).
- Resolution #168 (June 18, 2019): A 5-year contract not to exceed \$231,863.00 was approved (Contract# 2020-004C).
- Resolution #452 (June 4, 2024) 1-year contract not to exceed \$81,960.00 was approved (Contract# 2025-010C).

- Resolution #115 (May 6, 2025) 1-year contract not to exceed \$86,058.00 was approved (Contract# 2025-105C).
(This contract expires July 13, 2026)

Recommendation:

The IT department recommends an additional one-year contract with Azteca Systems, LLC to ensure uninterrupted service for the Cityworks Asset Management System. The added single year term this time allows for a comprehensive evaluation of alternative solutions before a longer-term commitment.

A detailed justification for the recommended service extension is provided in the attached memo from Chad Frein, IT Director.

The City's Administrative Code allows exceptions to the sealed bid process when it's deemed to be in the City's best interest. However, Commission approval is required for purchases exceeding \$50,000.

Positions

Attachments

1. Chad Frein Memo Chad Frein Memo.pdf

MEMORANDUM

To: Nils Vos, Senior Buyer
From: Chad Frein, IT Director
Date: June 23, 2026
Subject: Cityworks Renewal

Nils,

The City of Battle Creek Geographic Information Systems (GIS) Department is requesting the renewal of Cityworks applications from Azteca Systems, LLC. GIS manages the licenses and payment of Cityworks applications. We are requesting this renewal to be in front of the Commission for the July 7, 2026 Commission Meeting. The request for renewal is for a 1-year contract at a cost of \$54,348.00. The cost is divided between thirteen departments that use Cityworks applications. Cityworks applications are mainly used for inventory management, time and materials management, and processing service orders and work orders. We request not to bid an asset management solution at this time due to the amount of time and extra cost for moving to a different solution.

We are only asking for a 1-year renewal for Cityworks applications instead of a 5-year renewal, as we have done in the past, to allow consideration to bid an asset management solution near the end of the 1-year period.

Using the GIS charge back model, cost is applied to the GL of 671.10.9170.931.010. Division of cost is applied to each of the thirteen departments then moved to the GIS Charge Back Model. Cost is determined by licenses used per department.