

CITY OF PORTAGE PLANNING COMMISSION

AGENDA

Thursday, May 1, 2025
7:00 PM

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * 1. Meeting Minutes dated April 17, 2025

PUBLIC HEARINGS

- * 1. Rezoning #24/25-4: The City of Portage seeks to amend the Code of Ordinances of the City of Portage, Michigan, Article 4 - Zoning of Chapter 42 by rezoning and establishing new development standards of partial City Centre Subarea to create opportunities for mixed-use development at 8120 S. Westnedge Avenue and a portion of 129 W. Centre Avenue.

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

- 1. Presentation: [Proposed CIP program for FY2025-26](#)

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE PLANNING COMMISSION

Thursday, April 17, 2025
7:00 PM Portage
Portage City Hall Council Chamber

The City of Portage Planning Commission meeting of April 17, 2025, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Peter Dame, Chief Development Officer
- Eric Feldt, Senior City Planner
- Alex Johnson, City Planner
- Biqi Zhao, Deputy Director of Planning and Zoning

ROLL CALL

Staff called the roll: Chairman Corradini (yes); Vice Chair Baldwin (no); Secretary Freiman (yes), Adams (yes); Copp (yes); Joshi (yes); Fries (yes); Youngs (yes); and Crowell (yes). 8-Present; 1-Absent.

Motion by Commissioner Joshi, seconded by Commissioner Youngs, to approve the excused commissioner. Motion carried 8-0.

APPROVAL OF MINUTES

1. Meeting Minutes dated March 20, 2025

Motion by Commissioner Youngs, seconded by Secretary Freiman to approve March 20, 2025, meeting minutes as submitted. Motion carried 8-0.

PUBLIC HEARINGS

None.

SITE/FINAL PLANS

None.

OLD BUSINESS

None.

NEW BUSINESS

Presentation by Kendig Keast Collaborative: Zoning and Development Regulations Critique – Portage Unified Development Ordinance

Bret Keast, CEO of Kendig Keast Collaborative (KKC), and Steve Sizemore, Senior Associate at KKC, presented the new Unified Development Ordinance (UDO) project, background, and goals including a streamline development review processes and a more user-friendly code. They addressed recent findings, explained the project timeline, and stated how the critique was conducted. Mr. Keast detailed residential districts and plans to condense them, while offering more flexibility through key policies, open space options, and mixed residential districts. He recommended new housing types, development standards, and sustainability to incorporate into needed future housing projects for Portage. Mr. Sizemore explained new commercial district formats and how to incorporate them into existing districts, and new mixed use districts. He addressed site standards including parking, landscaping, buffering, signage, subdivision, and building design. The presentation concluded by stating next steps and asking the Commission for any comments.

Commissioner Joshi asked about if negative impact of duplexes in single family neighborhoods. Mr. Sizemore stated that duplexes will have no negative impact on single family neighborhoods since the new standards require them to be compatible with the surrounding appearances of single-family housing.

Commissioner Copp asked why a developer would not build to the highest density possible, and expressed concern about the ordinance possibly creating monotonous developments. Mr. Sizemore stated that the housing market will influence densities, and a mix of housing types can be expected when the UDO allows more housing types by-right.

Chair Corridini expressed concern that allowing more ‘by-right’ development and uses would take away opportunities for citizen input. Mr. Keast stated that the key is compatibility. Incompatible uses will meet buffer and landscaping regulations. Large developments will continue to allow citizen input. And, the UDO will state which items staff can decide and have mechanisms to help protect neighborhoods with new development standards.

Chair Corridini expressed concern about sidewalks impacting underground utilities, especially during repairs. He also wanted to clarify what signs are being discussed, including auxiliary signs on S. Westnedge Ave and neighborhood streets. Mr. Sizemore stated that instead of outlining a standard for sidewalks, context could be used to determine the appropriate width. He also clarified the sign types and location, stating that the regulations will be clearly defined, while permitting certain allowances.

Commissioner Copp asked KKC to provide staff with 3-5 reference communities having similar work. Mr. Sizemore shared that earlier that day staff were shown some examples and can pass them along.

STATEMENT OF CITIZENS

1. Mary Wieloposki, 8836 East Shore Dr.
She expressed concerns of KKC’s presentation of the UDO supporting collapsing residential districts, and the impact of lower-priced homes built near higher-priced homes when the Master Plan supports new development complementing existing developed neighborhoods.
2. Richard Nellums, 9240 East Shore Dr.
He expressed concerns of KKC’s presentation of the UDO supporting new developments in single-family zoned areas, wants to see specific housing types for continuity and conservation-oriented development, and does not want generic housing types.
3. Martha Dahlinger, 2612 Chopin Ave.
She expressed support for KKC’s UDO recommended changes and praised their past work in other communities. She stated her positive experience seeing students living in diverse and inclusive neighborhoods similar to the proposed mixed districts in the UDO.

STATEMENT OF COMMISSIONERS/ STAFF

Commissioner Youngs congratulated WMU men’s hockey team for winning the National Championship.

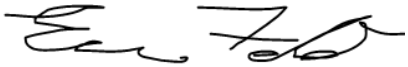
Commissioner Joshi thanked the public for their comments, stated that she was glad to hear about the sidewalks and the signage rights, and expressed concern about possibly having more by-right development resulting in less input from the community. She closed by stating that her Commission term is almost up – end of next month.

Next Planning Commission meeting will be Thursday May 1, 2025.

ADJOURNMENT

There being no further business to come before the Commission, Chair Corradini adjourned the meeting at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is written in a cursive, flowing style.

Eric Feldt
Senior City Planner

TO: Planning Commission

DATE: May 1, 2025

FROM: Peter Dame, Chief Development Officer

SUBJECT: Rezoning #24/25-4: The City of Portage seeks to amend the Code of Ordinances of the City of Portage, Michigan, Article 4 - Zoning of Chapter 42 by rezoning and establishing new development standards of partial City Centre Subarea to create opportunities for mixed-use development at 8120 S. Westnedge Avenue and a portion of 129 W. Centre Avenue.

I. INTRODUCTION:

The City of Portage seeks to amend Article 4 Zoning of Chapter 42 by rezoning and establishing new development standards for the partial City Centre Subarea to create opportunities for mixed-use development at 8120 S. Westnedge Avenue and a portion of 129 W. Centre Avenue. This proposal is supported by the new City's Master Plan "Portage Forward Together 2045 Master Plan" which envisions a walkable community civic center area in the city called the City Centre. This is discussed further in this report.

The proposal consists of two parts: 1) Text Amendment that creates a new zoning district called 'City Centre Mixed Use' (CC-MU) containing new development standards, and 2) Map Amendment that rezones areas within the City Centre from B-3 General Business to the new CC-MU. Both parts of the proposal are attached. Together, it will establish a designated area for applying critical standards to guide future development towards a walkable mixed-use city center environment. These standards are similar to the recently adopted mixed-use Lake Center zoning standards, as both have overlapping development goals.

The subject parcels consist of 1) 8120 S. Westnedge Avenue (1.66 acres), and 2) a portion of 129 W. Centre Avenue (0.31 acres) for a total of 1.97 acres. These are located south of the intersection of Shaver Road and W. Centre Avenue within the Portage Centre Plaza. Both parcels are owned by Portage Centre Plaza, LLC and 19 Props, LLC. Both LLCs are associated with one company. An attached letter from this company shows support for this proposal.

Neighborhood Uses

The Portage Centre Plaza consists of multiple single-story commercial buildings containing a variety of businesses. Beyond this area, there is a mix of civic uses, commercial businesses, and residences. Civic uses include City Hall, District Library, Parks & Recreation Department, Zhang Senior Center, Police and Fire Departments, Department of Public Works, and Transportation & Utilities Department. Parks and other public facilities include Central Cemetery, Central Park, Liberty Park, and Veterans Memorial. Commercial uses consist mostly of retail, office, and dining. And some traditional single-family detached homes can be found in the area as well. Overall, the existing development pattern consists of a general suburban design with front-facing parking lots, multi-lane roads and fast traffic, and large parking lots.

II. BACKGROUND INFORMATION:

Master Plan, City Centre Subarea

For over 40 years, past and present City Master Plans (Portage [Forward Together 2045 Master Plan](#)) have envisioned a downtown ‘City Centre Area’ around City Hall and stretching along parts of S. Westnedge Avenue, W. Centre Avenue, Shaver Road and nearby local streets. See attached City Centre Subarea map. A previous Master Plan described the vision for this area as “a world class community that includes establishment of a district, identifiable and vibrant City Centre that is walkable and connects entertainment, restaurants and retail venues and is connected to railways and transportation”. Despite this long-held vision, no unified zoning district has covered this area. Although, some developments over the past years have been designed within the area in mind by incorporating some urban features, without the proper zoning tools, it is not likely that this vision will come to fruition.

The Portage Forward Together 2045 Master Plan consists of a preliminary framework for the City Centre Subarea and identifies 12 strategic areas for new development to help create an integrated downtown area. No. 12 shows the subject area and supports infill mixed-used.

Portage Centre Plaza Development History

The area of the proposed rezone is the remaining undeveloped parcels within the Portage Centre Plaza which is within the City Centre Area. It is currently an open lawn space. It was previously planned for office development during the original layout of the Plaza, but was never built. As the market has shifted away from office demand and towards mixed use, especially higher-density housing with some commercial, the property owner is now examining the area for future mixed use. Furthermore, the State has provided resources to facilitate future housing development and downtown revitalization. This has spurred new housing mixed with commercial, and property owners have begun re-evaluating previously planned commercial areas for future mixed use.

Drafting Proposed Text Amendment; Planning Process

The drafted City Centre Mixed Use (CC-MU) development standards utilized the recently adopted Lake Center mixed use district. These are also consistent with the vision of the City Centre Subarea.

Future Portage Unified Development Ordinance (UDO)

The City is currently undergoing a planning process to update the entire zoning map and zoning ordinance to align it with the City’s new Master Plan. It will replace existing land use regulations with a new Unified Development Ordinance (UDO). A planning consulting firm is assisting in this planning process, and is anticipated to be approved next summer (2026). One of the outcomes of the UDO is the creation of a new mixed-use zoning district(s) in the City Centre area. Staff have communicated the proposed CC-MU standards with the consultants preparing the UDO, who find it aligning with Master Plan, and the subject update will be incorporated into UDO. As stated earlier, a conceptual mixed-use development for the subject area is currently being designed and the developers do not wish to wait for UDO's adoption. Therefore, staff find it efficient to support a rezone now through the subject proposal.

III. ANALYSIS:

Applicable Zoning Regulations

The following sections of Chapter 42. Division 8. Subsection 651 *Amendments to this Article.* procedures and regulations apply and address further in this report:

- [Sec. 42-651. Amendments to this Article](#)

Under this article, the rezoning request shall file a rezoning application, fee and to be scheduled for review during public hearings for the Planning Commission and City Council. The Planning Commission shall determine if the rezoning is appropriate based on the Master Plan, surrounding development patterns, and general land use considerations. Issues to be analyzed include consistency with the Future Land Use Map, suitability of the existing zoning classification, neighborhood harmony, impacts of the proposed zoning classification, and impacts to adjacent streets and utilities.

The area of proposed rezoning is 8120 S. Westnedge Avenue and a portion of 129 W. Centre Avenue located within the Portage Centre Plaza multitenant commercial development. City utility and road services are established in the area. Kalamazoo Metro has existing bus stops in the area. As indicated earlier, there are many civic uses in the area that would well serve future mixed-use developments.

Existing & Proposed Zoning

Under the existing B-3 zoning district, development must consist of only commercial uses and has resulted in a suburban development setting. As this may be appropriate for certain parts of Portage, it does not achieve the City Centre’s Subarea goals. The proposed CC-MU district will achieve this goal by allowing new uses and establishing new specific site and building standards. Table 1 indicates general differences between the existing B-3 and proposed CC-MU districts.

| | EXISTING | PROPOSED |
|-----------------------------|---|---|
| | B-3 General Business | CC-MU City Centre Mixed Use |
| Uses Allowed | Retail, Office, Financial Institutions, Dining, Car washes, Auto repair, Churches, Hotels/ motels, Dry cleaners, etc. | Retail, Dining, Offices, Financial Institutions, Day Care Centers, Multifamily and Attached Residential, Salons, Dry cleaners, etc. |
| Prohibited Uses | Residential | New Single Family Homes, Gas Stations, Auto Repair, Car Washes, etc. |
| Max. Building Height | 35 ft | 50 ft |
| Setbacks | Front: 27' | Front: 0-5' |
| | Sides: 0-15' (where abutting Residential) | Sides: 0 or 10' |
| | Rear: 20' | Rear: 5-10' |

Table 1. Summary of existing and proposed development standards for the subject rezone area.

Proposed Building Standards

In addition to the highlighted standards in Table 1, the CC-MU district also requires all future buildings and additions to meet specific exterior building material, window sizing, and overall façade design. Details of these standards can be found in the attached zoning ordinance. These new building standards

will ensure future development creates a mixed-use, walkable downtown setting.

Concept Plan

The property owner is considering a future mixed-use development for the subject parcel. A concept development plan is attached only for reference at this time. The property owner's concept mixed-use development is generally consistent with the City Centre Subarea goals and the proposed City Centre Mixed Use district standards. If the rezone is approved and the owner progresses with the development concept, it will be reviewed in accordance with the new CC-MU district.

Overall, the proposed rezoning will achieve the goals of the Master Plan and City Centre Subarea to guide future development toward a mixed-use walkable downtown setting.

PUBLIC NOTICING REQUIREMENTS

Public notice was published in the Kalamazoo Gazette and a notice was sent to all property owners/occupants within 300 feet of the subject property on April 15, 2025. As of the date of this report (Wednesday, April 23, 2025), no public comments have been received.

IV. RECOMMENDATION:

If no additional public comment is requested by and the Commission is supportive of the proposed map and text amendments, staff recommend the Planning Commission to City Council the approval of the Rezoning #24/25-4 to rezone and establish new development standards to create opportunities for mixed-use development at 8120 S. Westnedge Avenue and a portion of 129 W. Centre Avenue.

Attachments:

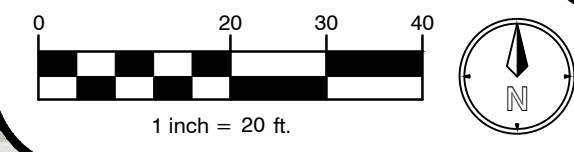
1. Vicinity Map
2. Area of Proposed Rezone
3. City Centre Subarea Map
4. Existing Zoning Map
5. Future Land Use Map
6. Draft CC-MU Text Amendment
7. Staff's Site Pictures
8. Owner's Concept Development Plan



LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 21 THAT IS 693.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH ON SAID EAST SECTION LINE 33.00 FEET; THENCE NORTH 89° 55' 30" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH WESTNEDGE AVENUE; THENCE SOUTH ON SAID WEST RIGHT OF WAY LINE 27.00 FEET; THENCE NORTH 89° 55' 30" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 2.00 FEET; THENCE NORTH PARALLEL WITH SAID EAST SECTION LINE 27.00 FEET; THENCE NORTH 89° 55' 30" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 481.08 FEET; THENCE NORTH PARALLEL WITH SAID EAST SECTION LINE 12.74 FEET; THENCE NORTH 61° 45' 10" EAST 47.50 FEET; THENCE NORTH PARALLEL WITH SAID EAST SECTION LINE 223.26 FEET; THENCE SOUTH 89° 22' 59" EAST 309.26 FEET; THENCE SOUTH PARALLEL WITH SAID EAST SECTION LINE 222.61 FEET; THENCE SOUTH 89° 55' 30" EAST PARALLEL WITH SAID NORTH SECTION LINE 165.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.974 ACRES MORE OR LESS. SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.



AR ENGINEERING
CIVIL ENGINEERING & SURVEYING

03.26.25 CONCEPTUAL SITE PLAN

City Centre Subarea PRELIMINARY FRAMEWORK

Intersection Improvements: The three primary intersections surrounding City Hall should be improved with curb extensions or bulb-outs, ADA signaling improvements, and smaller turn radii to reduce speeds at which drivers turn.

Pedestrian Improvements: Pedestrian improvements should consist of constructing sidewalks where gaps currently exist, widening and creating landscaped buffers, planting street trees, utilizing uniform lighting, adding street furniture, and constructing pedestrian islands.

Trail Improvements: Trail improvements should be used to connect the existing system. These improvements include more visible signage, striping across intersections and driveways, and 10-ft wide paths.

Gateways: Gateways into the subarea should create a sense of identity and offer a clear delineation from the rest of the City.




Public Art: Public art exhibitions should be commissioned throughout the subarea to further create a sense of place.

Wayfinding: Wayfinding should include light pole banners to create a sense of place, an electronic sign which could be used to highlight relevant City information, and enhanced signage to give direction to parks, municipal buildings, relevant landmarks, and other amenities.









Programmed Space: Opportunities to program and activate spaces should be prioritized to help draw more people into the district.

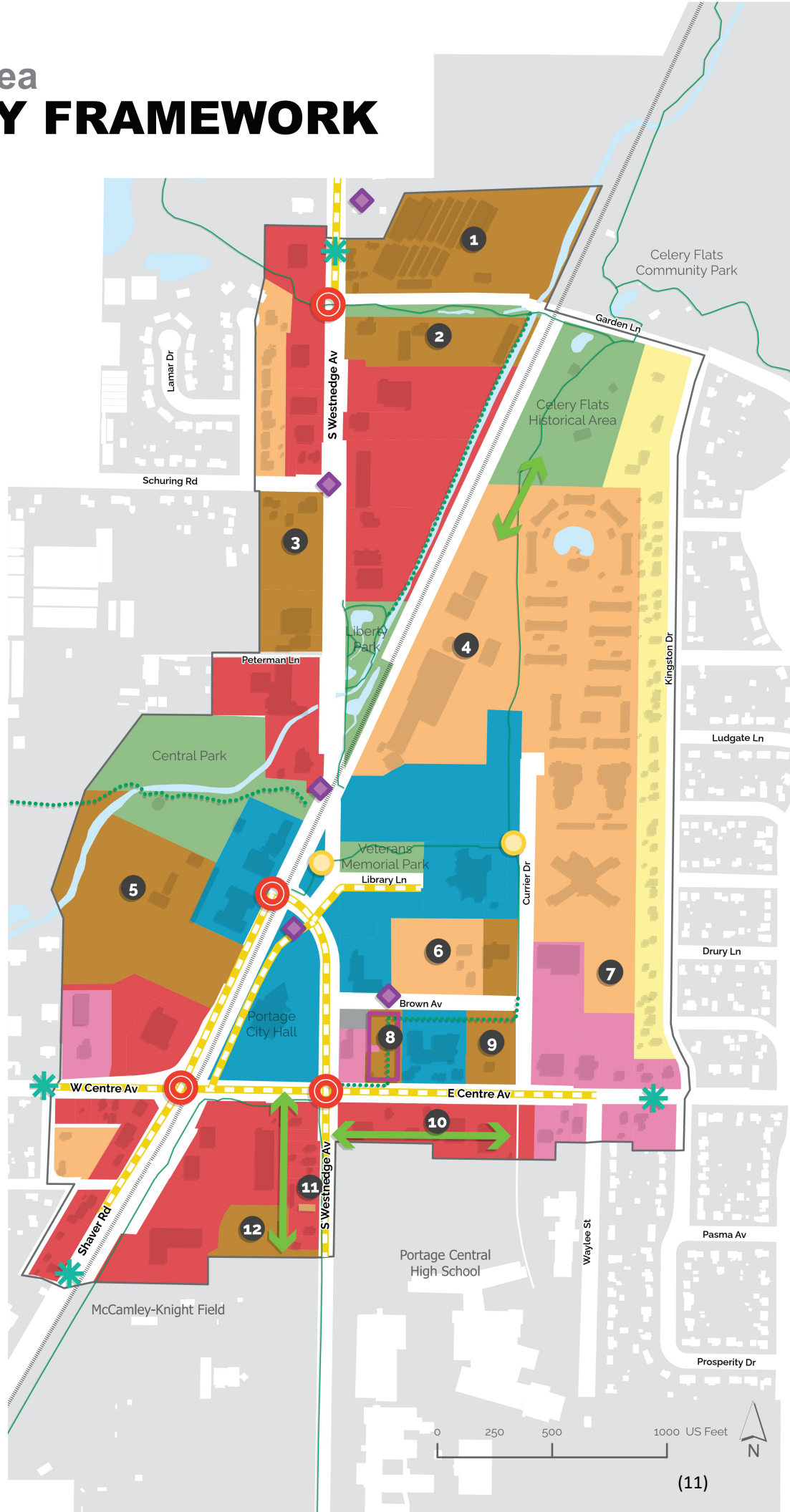
Connection Improvements: Cross access between adjoining areas should be constructed to eliminate excess curb cuts. Additionally, a new road should be built to access Opportunity Site 4.

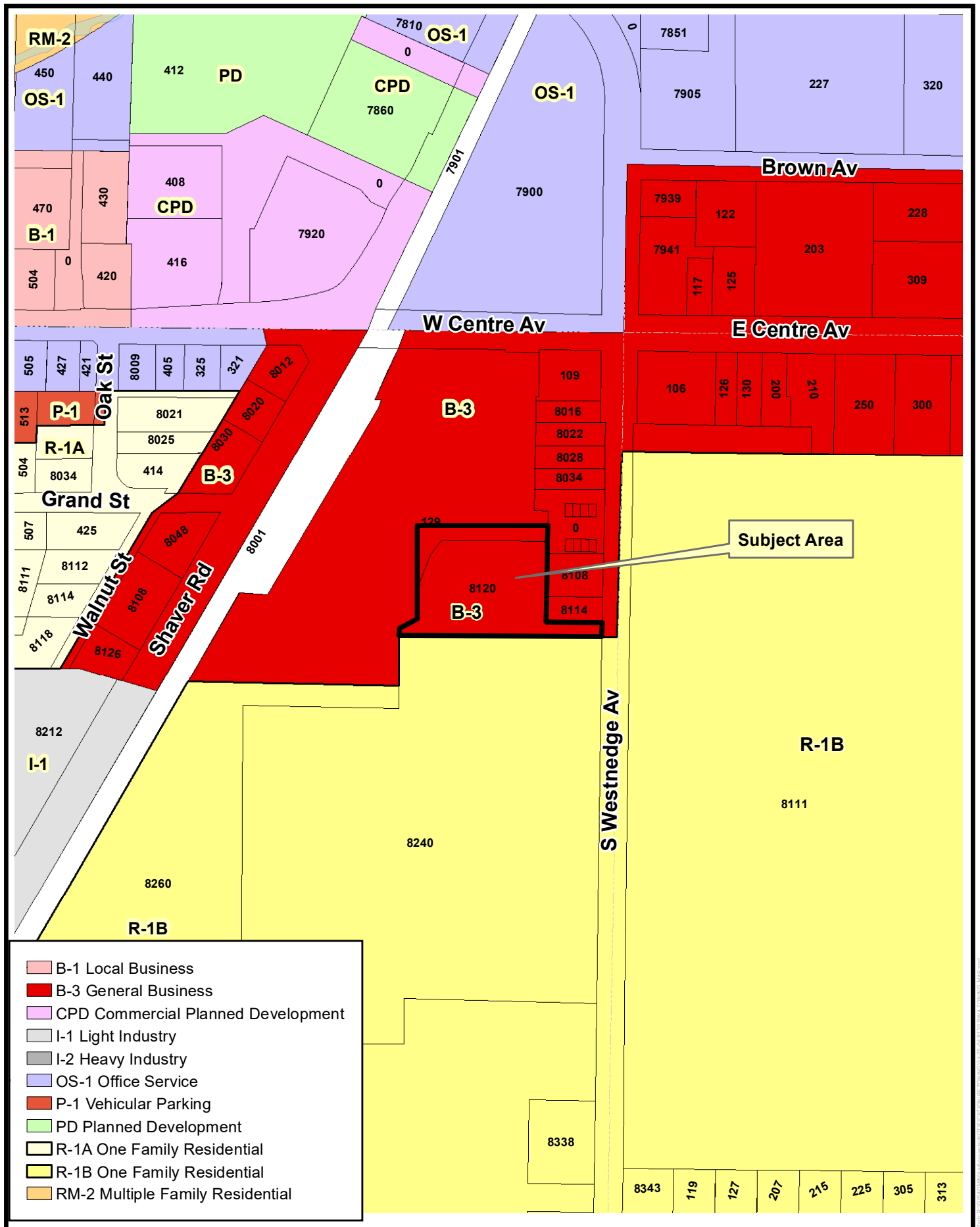
Map Features

-  Railroads
-  Existing Trails
-  Opportunity Sites

Future Land Use

-  Single-Family Residential
-  Mixed Residential
-  Corridor Commercial
-  Local Commercial
-  Mixed-Use
-  Parks / Open Space
-  Public / Institution
-  Transportation / Utilities



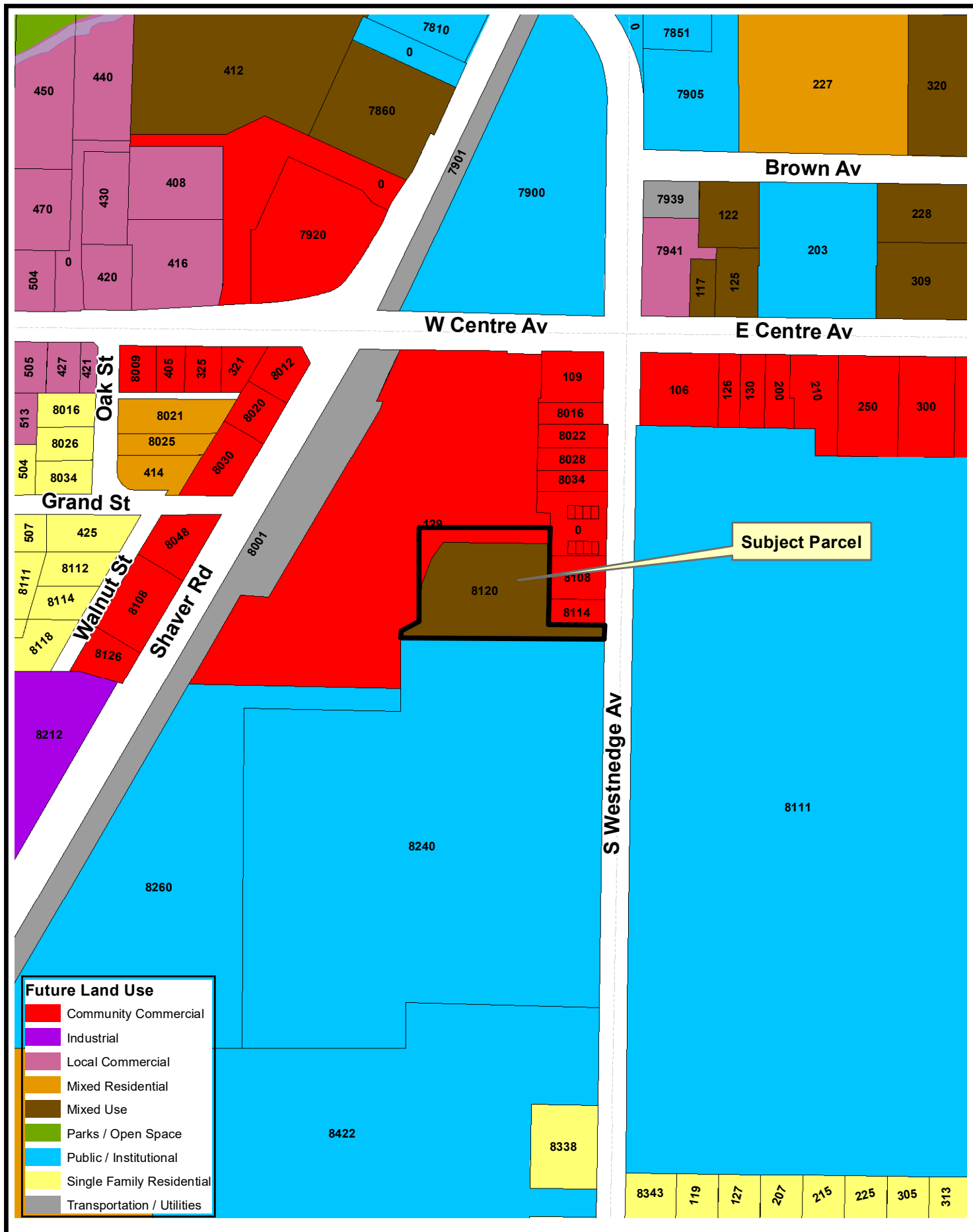


- B-1 Local Business
- B-3 General Business
- CPD Commercial Planned Development
- I-1 Light Industry
- I-2 Heavy Industry
- OS-1 Office Service
- P-1 Vehicular Parking
- PD Planned Development
- R-1A One Family Residential
- R-1B One Family Residential
- RM-2 Multiple Family Residential

Zoning Map
8120 South Westnedge Avenue &
129 West Centre Avenue (portion thereof)



1 inch = 300 feet
 Date: 4/7/2025
 (12)



**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 4. ZONING, DIVISION 4,
SUBDIVISION 17. LAKE CENTER (LC) CORRIDOR DISTRICT
BY ADDING SECTIONS 460-475,
AND ADDING NEW SUBDIVISION 18, CITY CENTRE (CC) MIXED USE DISTRICT**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended by amending Article 4, Division 4, Subdivision 17. Lake Center (LC) Corridor District by adding Sections 460-475, and adding (new) Subdivision 18, City Centre Mixed Use (CC-MU) District as follows:

ARTICLE 4. ZONING, DIVISION 4, SUBDIVISION 17. LAKE CENTER (LC) CORRIDOR DISTRICT.

Secs. 42-460-42-475. – Reserved.

ARTICLE 4. ZONING, DIVISION 4, SUBDIVISION 18 CITY CENTRE MIXED USE (CC-MU) DISTRICT.

Sec. 42-476. – Statement of purpose and instructions.

The purpose of the City Centre Mixed Use (CC-MU) District is to create clear and simple regulations on the design of new mixed-use development or redevelopment in the City Centre Subarea. 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 City Centre Subarea; 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 centre as a whole.

The City Centre Mixed Use (CC-MU) District is commonly referred to as “CC-MU” throughout this subdivision.

It is further the purpose of the CC-MU district to:

1. Create a core area that establishes the traditional physical form of a downtown mixed use civic center.
2. Create a unique walkable mixed-use district including residential, retail, entertainment, office, and other compatible uses.
3. Promote the orderly development, redevelopment, and continued maintenance of a mixed use district.
4. Encourage shared parking areas throughout the Centre 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 recommended building quality standards in this section.
6. Ensure buildings create a solid street wall 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 CC-MU district do not have an adverse impact on the overall economic and social vitality of the Centre, street capacity, public utilities or services, or the overall image and function of the district.
8. Lessen automobile-oriented development to achieve a more walkable, character of the City Centre 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 the City Centre area.
10. Encourage a variety of housing options in the City Centre area.
11. Create a new zoning district to guide development that achieves the purpose of this district.

Sec. 42-477. Instructions.

1. **Application of requirements.** The provisions of this article are activated by "shall" or "must" when required, "should" or "encouraged" when recommended, and "may" when optional.
2. **Conflict.** Wherever there is, or appears to be, a conflict between the regulations of this article and other sections of this chapter (as applied to a particular development), the requirements specifically set forth in this article shall prevail. For development standards not addressed in this article, the other applicable sections of this chapter shall be used as the requirement.

Sec. 42-478. Approval process.

1. **Site plan approval.** Site plan approval shall be required in accordance with the requirements of Article 4, Division 5, Subdivision 2 of this chapter, and shall follow the procedures established therein and submit elevation designs of the building with material list/samples and exterior color template (architectural renderings may also be needed).
2. **Special land use approval.** Any development that contains a use requiring special land use approval shall be reviewed following the procedures and review criteria of Article 4, Division 5, Subdivision 1.

Sec. 42-479. Existing development in the CC-MU district.

1. **Expansions of developed sites.**
 - a. Whenever a building expansion of greater than 50% of the floor area is proposed, the improved area 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 Subdivision.
 - b. More than 50 percent of existing condition: Whenever a building or site improvement expansion of greater than 50 percent of the existing condition is proposed, measured by square footage, or other relevant measure, the improved area shall comply with the requirements of this article.
 - 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 chapter.
2. **Redevelopment.** Redevelopment of existing buildings shall comply with the following requirements, in addition to the requirements of subsection 42-479 above.
 - a. Whenever 50 percent or less of the existing building will be demolished or replaced, measured by square footage, the development activity need not comply with the requirements of this article. 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 article.
 - b. Whenever more than 50 percent of an existing building will be demolished or replaced, measured by square footage, the development activity shall comply with all of the requirements of this article.
 - c. Renovated areas measured cumulatively: For the purposes of determining compliance with this section, renovations shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this chapter. For acts of god Section 42-479,4.e.ii. shall apply.
3. **Change in Use.** Change in use of the existing building and/or site shall comply with the following requirement, in addition to the requirements of the sections listed within this Article.
 - a. For the purpose of determining compliance with this section, a change in use that is **more** intensive than the previous lawful existing use shall render the need to conform to this Article.
4. **Non-Conforming lots, buildings, structures and uses in the CC-MU district**
 - a. General requirements.
 - i It is the intent of this article to permit nonconforming lots, buildings, structures or uses to continue until they are removed, but not to encourage their indefinite existence.
 - ii It is recognized that there exist, within the districts established by this article, lots, buildings, structures and uses of land and structures which were lawful before this article was adopted or amended, which would be prohibited, regulated or restricted

under this article or future amendments thereto. Nonconformities are declared by this article to be incompatible with permitted uses in the districts involved.

- iii* It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- iv* The following are declared to be an extension or enlargement of a nonconformity and are hereby prohibited:
 - 1 Attachment on a nonconforming structure, building, or use of additional signs intended to be seen from off the premises.
 - 2 The addition of other uses to an existing nonconforming use of a nature that would be prohibited generally in the district involved.
- v* To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of a building on which actual construction was lawfully begun prior to December 14, 1965, or prior to the effective date of amendment of this article, and upon which actual building construction has been diligently carried on. As used in this section, the term "actual construction" includes the placing of construction materials in a permanent position and fastening them in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall also be deemed to be actual construction, provided that work is diligently carried on until completion of the building involved.

b. Nonconforming lots.

- iv* Any nonconforming lot existing and of record on December 14, 1965, may be used for any principal permitted use or special land use, (after approval in accordance with division 5, subdivision 1) in the district in which it is located, provided that any specific lot area requirements for a special land use are satisfied.
- v* Except as noted in division 4, subdivision 10, Schedule of Regulations, any use established on a nonconforming lot shall meet all other requirements of division 4, subdivision 10, Schedule of Regulations, other than lot area and width, of the district in which it is located. Yard requirement variances may be applied for through the zoning board of appeals.
- vi* If there exists two or more nonconforming lots or combinations of nonconforming lots and portions of lots with continuous frontage and in single ownership, the lands involved shall be considered to be an undivided parcel for the purposes of this article.
- vii* No division of a nonconforming parcel shall be made which leaves remaining any lot with a width or area below the requirements stated in this article.

d. Nonconforming uses.

- iv* No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the time it became nonconforming.
- v* No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use.
- vi* A nonconforming use may be extended throughout any part of a building manifestly arranged or designed for the use, but no nonconforming use shall be extended to occupy any land outside the building.
- vii* Changes to a nonconforming use in business or industrial districts.
 - 1 If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or a more conforming nature; To determine that the use is the same or more conforming the zoning board of appeals shall find that:
 - A The proposed use is equally appropriate or more appropriate to

the district in terms of intensity of use, operational characteristics, parking requirements, or other similar factors, than the existing nonconforming use;

- B The request will not unreasonably extend the duration of the nonconforming use, and
- C The proposed use will not adversely affect neighboring properties.

2 In permitting the change, the board may require appropriate conditions and safeguards in accordance with the purpose and intent of this article.

viii In any district where a nonconforming use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

ix Except for seasonal uses, if a nonconforming use is abandoned for any reason for a period of not less than 180 days, any subsequent use shall conform to the requirements of this article. A nonconforming use shall be considered abandoned if a combination of the following conditions exists that is deemed by the director to constitute an intent on the part of the property owner to abandon the nonconforming use:

- 1 Utilities and other public services, such as water, gas and electricity to the property, have been discontinued;
- 2 The property, buildings, and grounds, have fallen into disrepair;
- 3 Sign structures or other indications of the existence of the nonconforming use have been removed;
- 4 Removal of equipment or fixtures that are necessary for the operation of the nonconforming use; or
- 5 Other actions, which constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- 6 Failure to institute procedures to rebuild facilities and buildings necessary to conduct the nonconforming use, such as submission of building plans for a building permit, within 180 days from the time the use is discontinued shall also be considered as an intent to abandon the nonconforming use.

x There may be a change of tenancy, ownership or management of any existing nonconforming use, provided that there is no change in the nature or character of the nonconforming use.

xi Any time a nonconforming use is superseded by a use permitted in the district in which it is located, the use shall thereafter conform to the regulations of the district in which it is located, and a nonconforming use may not thereafter be resumed.

xii Any use for which a special land use or use variance is granted shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in the district.

e. Nonconforming buildings and structures.

i No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity.

ii Should a nonconforming building or structure be destroyed by an act of God or the public enemy to an extent of more than 60 percent of its replacement cost, exclusive of the foundation, it shall be reconstructed in conformity with the provisions of this article unless it is reconstructed to its original location within 24 months of the date destroyed.

iii Should a nonconforming building or structure be moved any distance for any reason, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

- iv The intentional removal or destruction of the nonconforming portion of a building or structure by the property owner or his/her agent shall eliminate the nonconforming status of the building or structure.
- v Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official, provided that the area of the building as it existed on December 14, 1965, or at the time of amendment of this article is not increased.

Sec. 42-480. Waiver of requirements.

1. **Purpose and limitations.** The Planning Commission may grant a waiver from certain use and dimensional requirements contained in this article. Regulations that may be altered through the waiver process are described in the various sections of this article, along with the specific parameters by which the regulation may be altered.
 - a. 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 article would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the CC-MU district.
 - b. 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 article, the applicant must obtain a variance following the procedures and review standards Sec. 42-622.B.
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. Dimensional Requirements:
 - i. 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.
 - ii. The requested waiver is consistent with the intent and purpose of this article.
 - iii. The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this article.
 - iv. A lesser waiver will not accomplish the same purpose as the requested waiver.
 - v. The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this article.
 - b. Legal Nonconforming Use Requirements:
 - i. Approval of minor site or building modifications where the change is only incidental to the operation of the use.
 - ii. The requested waiver is consistent with the intent and purpose of this article.
 - iii. The waiver will not negatively impact adjacent properties, the public health, safety, or the general welfare of the surrounding neighborhood.

Sec. 42-481. Permitted use table.

The following uses are or may be permitted in the CC-MU district. For uses that are similar to those uses listed below as permitted, but are not expressly identified, the Director of Community Development (or their designee) may permit such use.

| | | | |
|------|----------------------------|---------------------|-----------------------|
| Key: | Principal Permitted Use: P | Special Land Use: S | [—] Use Not Permitted |
|------|----------------------------|---------------------|-----------------------|

| USE | CC-MU | DESIGN STANDARD |
|---|--------------------------|---|
| | Multi-Family Residential | P |
| Assisted Living Facility | S | Section 42-487.A or Section 42-487.B |
| Attached Single-Family Dwelling Unit | P | Section 42-487.D |
| Housing for the Elderly (55 years or older and independent) | S | Section 42-487.A or Section 42-487.B |
| Nursing/Convalescent Home | S | Section 42-487.A or Section 42-487.B |
| Upper Story Dwelling Unit / Mixed Used Building | P | Section 42-487.B |

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| COMMUNITY AND INSTITUTIONAL USES: | CC-MU | DESIGN STANDARD |
|--|-------|---|
| Municipal and Government Buildings and Uses | P | |
| Private Clubs and Lodge Halls | S | Section 42-482.6 |
| Public Parks and Rec Facilities | P | |
| Religious Institutions | — | Section 42-482.3 Not permitted on the ground floor |
| Bakeries, Coffee shops, ice cream parlors and other similar establishments | P | Single Story Commercial see Section 42-487.C Multi Story Mixed Use see Section 42-487.B |
| Bank/Credit Union | P | Single Story Commercial see Section 42-487.C Multi Story Mixed Use see Section 42-487.B |
| Banquet Hall/Conference Center | S | Single Story Commercial see Section 42-485.C Multi Story Mixed Use see Section 42-487.B |
| Commercial Recreation - indoor only (limited to 2 nd floor or higher, or at grade level as accessory use) | P | Single Story Commercial see Section 42-487.C Multi Story Mixed Use see Section 42-487.C |
| Day Care Centers | P | Single Story Commercial see section 42.487.C Multi Story Mixed Use see Section 42.487.B Section 42.482.5 |
| Drive-through facility such as banks, pharmacies (where main building is provided) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Gallery (art, photography, etc.) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Hotel | S | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.455.B |
| Micro-Brewery/ Brewpub / Winery/ Distillery | P | Single Story Commercial see Section 42.455.C Multi Story Mixed Use see Section 42.455.B Section 42.451.2 |

| | CC-MU | DESIGN STANDARD |
|---|-------|--|
| | | Multi Story Mixed Use see Section 42.487.B |
| Office, medical or professional (ground floor) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Office medical or professional (upper story or rear ground floor) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Personal Service Establishment | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Restaurant: carry out | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Restaurant: drive-in or drive-through | S | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Restaurant: sit down | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Restaurant having sidewalk café or outdoor patio | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Retail Sales <15,000 sq. ft. gross area | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| ≥15,000 sq. ft. gross area | S | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Outdoor Retail | S | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| Studio (dance, martial arts, music, etc.) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |

| | | |
|---------------------------|---|--|
| Theatre, live performance | P | Single Story Commercial see Section 42.487.C |
|---------------------------|---|--|

| | CC-MU | DESIGN STANDARD |
|--|-------|--|
| Trades Showroom (limited to 2 nd floor or higher) | P | Single Story Commercial see Section 42.487.C Multi Story Mixed Use see Section 42.487.B |
| INDUSTRIAL, TRANSPORTATION AND UTILITY USES: | | |
| Utility and Public Service Buildings | S | No outdoor storage permitted Section 42.458 |

Section 42.482 Supplementary Design and Land Use Standards

- 1. Microbrewers, Brewpubs, Wineries, and Distilleries, subject to the following requirements,**
 - a. Brewery production shall not exceed 18,000 barrels per year.
 - b. No outdoor storage of any kind shall be permitted.
 - c. The use shall also include a seating or tasting area having a minimum seating occupancy of 25 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
 - d. An off-street loading space shall be required in the rear yard, as approved by the director.
 - e. Temporary food vendors and food trucks are permitted, with City approval, within 150 feet of the property line provided parking requirements are met. Vehicles shall not be parked in one place for a period of more than 24-hours.
- 2. Religious institutions.**
 - a. The main building of a religious institution, not including the height exceptions of section 42-123.C may exceed the maximum height allowed in this district, provided that the front, side and rear yard setbacks are increased above the minimum required setback by one foot for each one foot of building height over the maximum height allowed.
 - b. The site shall be located to have at least one property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or a marginal access service drive thereof.
 - c. Existing religious institutions and religious institution lands purchased before December 14, 1965, and not meeting the requirements of this subsection shall not be prevented from constructing and/or expanding their facilities and, for the purposes of this article, shall be considered a conforming use or building.
- 3. Utility and public service buildings.** without storage yards, when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity.
- 4. Day care centers, not including dormitories.**
 - a. A minimum of 150 square feet of outdoor play area for each child cared for shall be provided and maintained, except in no case shall the play area shall have less than 5,000 square feet. The play area shall be screened from any adjoining residential district lot.
 - b. Lots containing these uses must be located adjacent to an R-1T, RM-1, RM-2 district or OS-1, OTR, CC-MU, B-1, B-2, B-3, or CPD district and not located in the interior part of any one-family residential district.
- 5. Private Clubs and Lodge Halls.**
 - a. The proposed site shall have one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide ingress and egress directly onto or from such major thoroughfare. The planning commission may allow access from

- any other public street provided that a majority of the members live within one mile of the facility.
- b. Front, side and rear setbacks shall be at least 80 feet, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. Sufficient off-street parking shall be provided to accommodate not less than one-half of the member families and/or individuals. Bylaws of the organization shall be provided with the application for the special land use to compute off-street parking requirements.
 - c. When the planning commission finds that travel to the facility would be safe and convenient, the requirement for frontage on a major thoroughfare may be waived and the off-street parking requirements reduced to a number the commission deemed sufficient.

Sec. 42-483. Dimension and Design Standards.

The following dimensional and design standards regulate the physical characteristics of development in the CCMU district. The standards are broken into sections addressing a specific development characteristic: Blocks and streets, lot requirements, and building requirements.

Sec. 42-484.A. Purpose of Dimension and Design Standards.

The purpose of the development design standards in this article is to establish design standards applicable to new commercial and office development located inside the CC-MU district to improve and enhance the visual and functional impact of new development in the City of Portage, and therefore, to enhance the public health, safety, and welfare. The intent of these regulations is to provide specific design guidelines that achieve the following:

1. Encourage development and redevelopment that protects and enhances the traditional downtown character, fits within the traditional urban form and creates a character that reinforces a sense of community identity.
2. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the city, prevent the creation of blight and protect property values.
3. Promote the preservation and renovation of structures, and ensure new buildings are compatible with, and enhance the character of, the City's cultural, social, economic, and architectural heritage.
4. Establish an integrated pedestrian system to encourage a walkable pedestrian environment.
5. Encourage quality development to provide employment and diversify the tax base.
6. Ensure that new development services the anticipated increased population and is designed to complement the community character.
7. Encourage new development of existing areas.
8. Implement recommendations of the City of Portage's current and future plans. For example, city's master plan, parks and recreation plan, et al.

Section 42.484.B. Site Layout.

1. **Physical features and site relationships.** All development in the CC-MU district shall minimize its impact on the natural environment and adjacent properties. Site design should preserve and incorporate any natural features unique to the site. Specifically.
 - a. Topography and grading. Site improvements should be designed to minimize changes to existing topography. Topography and existing vegetation should be utilized for screening, buffering, and transition of uses and developments. Grading should be blended with the contours of adjacent properties.
 - b. Existing site features. The design should retain and incorporate existing natural site amenities such as, creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.
 - c. Building orientation. The design should be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces should be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project.
 - d. Building design. The design of buildings should neither impair nor interfere with the development or enjoyment of other properties in the area. Through site planning and design, projects

proposed near dissimilar land uses should carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.

- e. Distance between buildings. In a development in which there is more than one building, the distance between buildings should be limited. Covered walks, arcades, landscaping and/or special paving should be provided to connect buildings with each other and with the street. A variety in building size and massing should be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials and design.
2. **Streetscape and pedestrian orientation.** Developments shall create a walkable, pedestrian scale. Site and building design shall address pedestrian needs and include creative approaches to improving pedestrian interest, access, and enjoyment.
- a. Spatial gaps and interruptions caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries shall be avoided. Continuous pedestrian activity is strongly encouraged.
 - b. Pedestrian spaces, such as covered walkways, courtyards, and plazas are encouraged to be provided and are accessible and visible from the street. The design shall encourage the development of open and attractive passageways between buildings and adjoining developments.
 - c. Solid, blank walls and other "dead" or dull spaces at street level are to be avoided. Visually interesting building facades should be maintained and/or established to engage pedestrian interest. Outdoor seating and dining areas are encouraged.
 - d. Decorative outdoor lighting and sidewalk design shall be consistent and uniform.
 - e. Intersections, crosswalks, and main building entries should be emphasized by a change in sidewalk color, texture, or material. The use of paint striping to accentuate these areas is discouraged.
 - f. Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
 - g. Vehicular cross-access between properties shall be provided to minimize the number of curbs cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.
3. **Pedestrian and vehicular circulation.** Developments shall be conveniently accessible to both pedestrians and automobiles. On-site circulation patterns shall be designed to adequately accommodate all types of traffic. Potential negative impacts of pedestrian and vehicular circulation on adjacent property must be minimized and mitigated.
- a. Pedestrian circulation patterns shall be safe, clearly defined, and direct. Unintentional pedestrian routes, which provide unsafe "shortcuts" and tend to damage landscape areas, shall be discouraged by providing appropriately located pedestrian routes along with pedestrian friendly barriers such as decorative fencing, feature walls, or landscaping to protect appropriate pedestrian routes.
 - b. Pedestrian access routes shall be buffered from the street, vehicular traffic, and parking areas through the use of greenspace and landscaping where possible. Pedestrian amenities such as benches, pergolas, gazebos, and water features along pedestrian access routes are strongly encouraged.
 - c. Pedestrian access to building entrances from public sidewalks and parking areas shall be provided. The pedestrian access routes shall be designed to separate pedestrian and vehicular traffic, and shall not detract from the design of the building and adjacent properties. Pedestrian circulations shall take precedence over vehicular circulation.
 - d. Pedestrian linkages between adjacent uses shall be provided and emphasized. Distinct pedestrian access routes leading to primary buildings or structures from parking areas in large commercial developments, such as shopping centers or multi-use developments are encouraged.
 - e. Bicycle parking shall be located in highly visible areas and be designed to permit users to lock bicycles to the parking rack. An internal bike circulation system is encouraged for large developments and shopping centers.

- f. Developments should consolidate access driveways to lessen walking distances between buildings and conflicts with vehicles. Alleys should also be used to achieve this.

Sec. 42-484.C. Building scale and relationships.

The following building design standards are applicable to all buildings. Refer also to Section 42-487.B and Section 42-487.C for design standards applicable to mixed use and single story retail buildings:

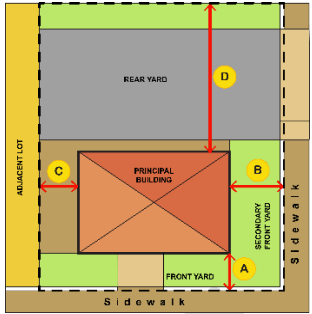
1. **Scale.** Building and site design shall be compatible with the architecture, mixture of uses, and compact layout of a traditional downtown.
 - a. **Scale.** Buildings should be designed with a walkable downtown setting. When building transitions are deemed necessary and architecturally appropriate, such transitions shall be well articulated and defined.
 - b. **Human scale design.** All building designs should be based on a human scale instead of incorporating overly large or exaggerated design elements oriented towards high-speed vehicular traffic. Wall insets, offsets, balconies, entries, and window projections are examples of building elements that shall be used.
 - c. **Mass and proportion.** The mass and proportion of structures should be similar to structures on adjacent lots and on the opposite side of the street as long as those buildings comply with design standards identified in this ordinance. Larger buildings may be broken up with varying building lines and rooflines to provide a series of smaller scale sections, which are individually similar in mass and proportion to surrounding structures.
 - d. **Residential density.** Residential density in the CC-MU district shall be determined by building height, setbacks and parking requirements. There is no minimum dwelling unit size provided units are consistent with Michigan Building Code.
2. **Relationships to neighboring development.** The site design and building features of the proposed development shall be consistent with the design standards set forth in Section 42-487
 - a. **Compatibility with the area.** Architectural design shall be compatible with the developing character of the area. Design compatibility shall include complementary building style, form, size, color and materials.
 - b. **Compatibility within the site.** Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
 - c. **Public spaces.** Buildings shall be located to provide functional outdoor and public spaces that enhance the use of the building and the neighboring buildings or properties.

Sec. 42-484.D. Lot requirements.

The following requirements apply to the development of lots in the CC-MU district. For the purposes of determining compliance with these regulations, lots that are assembled under one ownership may be considered a single lot.

1. **Lot width and area.** The minimum lot width in the CC-MU district is 50 feet, and the minimum lot area is 5,000 square feet.
2. **Setbacks.** Buildings in the CC-MU district shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located in the build-to area that is created by the minimum and maximum setback requirement.

| SETBACK | CC-MU | |
|--|--------|--------|
| | MIN. | MAX. |
| Primary Front Yard- A | 0 ft. | 5 ft. |
| Secondary Front Yard- B | 0 ft. | 10 ft. |
| Side Yard- C | | |
| adjacent to CC zoning district | 0 ft. | — |
| adjacent to any non-CC zoning district | 5 ft. | — |
| Rear Yard- D | | |
| adjacent to CC zoning district | 5 ft. | — |
| adjacent to any non-CC zoning district | 10 ft. | — |



- a. Primary vs. secondary front yards. When a lot is located on a corner lot, the primary front yard setback shall be measured from the right-of-way line of the street having higher pedestrian importance or intensity (e.g. traffic volume, number of lanes, etc.). Any lot line that borders on a street shall be considered a front yard; or along a main access drive if no street is present
 - i. The applicant shall identify primary and secondary front yards on any site plan for approval by the reviewing authority. In reviewing an applicant's designation of primary and secondary front yards, the reviewing authority shall consider the following:
 1. Every lot shall have at least one primary front yard.
 2. A lot may have more than one primary or secondary front yard.
 3. Where a lot does not border a street, a main access drive shall be identified as its primary front yard.
 4. The yard facing a minor street or main access drive (not alley) may be considered a primary or a secondary front yard.
 - b. Waiver. The maximum setback requirements may be increased by up to 50 percent following the waiver procedures in Section 42-480.
- 3. **Required Building Frontage.** In order to maintain a pedestrian scale environment, it is important that buildings maintain a minimum frontage within the front setback area. This prevents buildings from being spaced too far apart, which creates gaps in the street wall. Building frontage is defined as the width of the building in the build-to area divided by the lot width at the front property line. By way of example, a building that is 70 feet wide in the build-to area located on a lot that is 100 feet wide would have a building frontage of 70 percent (70/100 = 70%).

| STREET TYPE | BUILDING FRONTAGE REQUIREMENT |
|--------------------|-------------------------------|
| Primary Frontage | 70% |
| Secondary Frontage | 60% |

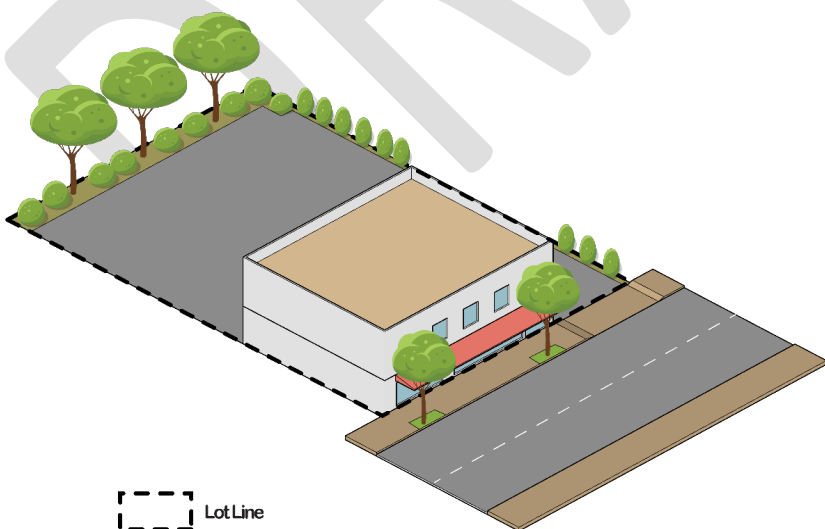
- a. Waiver. The frontage requirements may be altered by the Planning Commission if the applicant can demonstrate that, in addition to the review considerations in Section 42-480 if it meets the following:
 - i. The building is designed consistent with the intent of the frontage requirements; and that
 - ii. Reasonable development potential exists on adjacent lots or on the same lot in the future to fill in the street wall over time.

Sec. 42-485. Building & Frontage Design.

Buildings in the CC-MU district shall comply with the following requirements, in addition to any applicable requirements of Section 42-482 and Section 42-487. The requirements of this section and Section 42-487 are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this section shall prevail.

1. **Private frontage.** The private frontage is the area between the right-of-way or main access drive (not alley) and the principal building façade and must contain architectural elements consistent with one of the following four Frontages Types. Each frontage is designed to be consistent with some or all of the uses permitted in the CC-MU district.

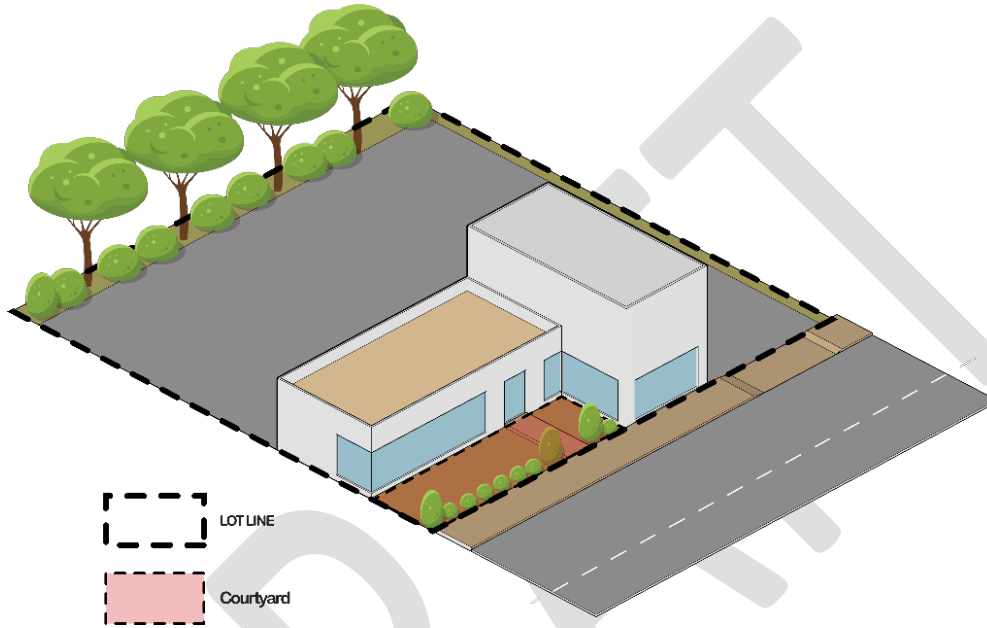
Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this article.

| FRONTAGE TYPE |
|--|
| <p>Shopfront. A frontage where the building facade is located close to the front lot line or main access drive with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.</p> |
| <p>Shopfront Illustration:</p>  |

Courtyard. A frontage where a portion of the building facade is close to the front lot line or main access drive with a portion set back. This frontage is suitable for any building use.

The courtyard area shall be considered part of the front building facade for the purposes of determining compliance. Items within this private space may include lawn, hardscape, landscaping, outdoor dining and furniture, and others approved by the Director.

Courtyard Illustration:



Stoop. A frontage where the first 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.

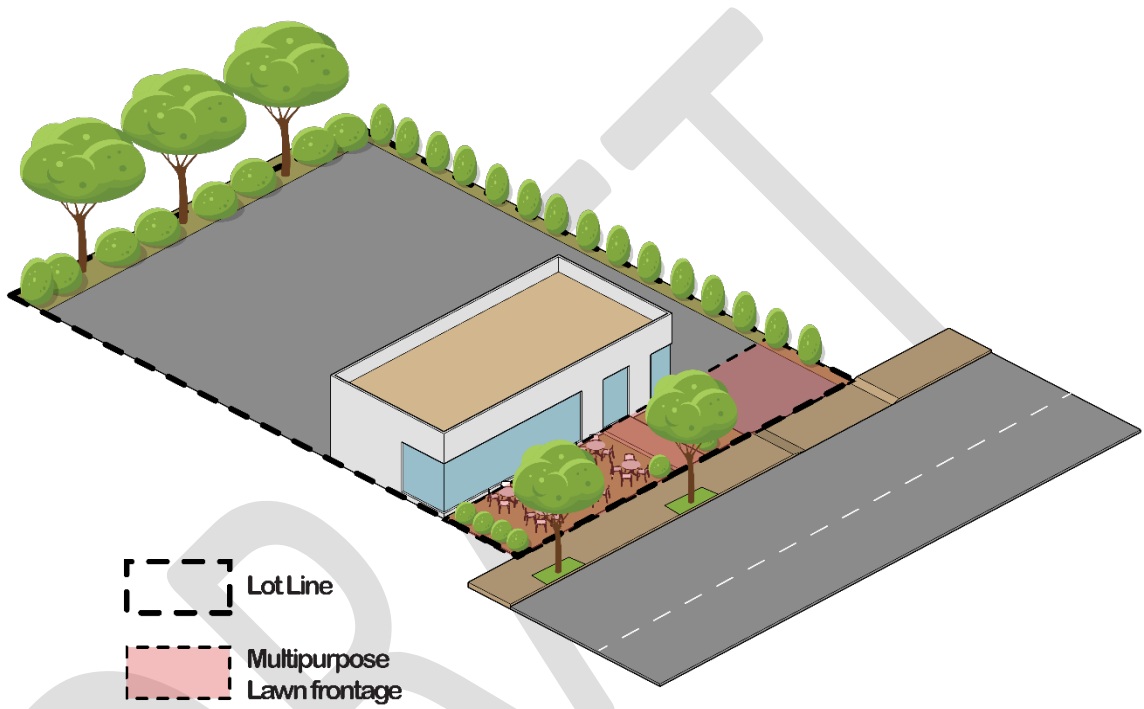
The stoop or porch area shall be set back a minimum of 2 feet from the front lot line or main access drive. Items within this private space may include lawn, landscaping and furniture, and others approved by the Director.

Stoop Illustration:



| | | |
|--|---|--|
| <p>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.</p> | <p>Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line or main access drive. Items within this private space may include lawn, landscaping, outdoor dining and furniture, and others approved by the Director.</p> | |
|--|---|--|

Lawn Illustration:



Section 42-486. Building Design. Building design shall complement the intended small-town character and architectural heritage of the community. The design shall consider the adaptive reuse of the building. Building design shall incorporate a clear and well-articulated design concept, and architectural detailing that creates a positive and visually consistent image shall be encouraged.

1. Building height.

| | |
|----------------|---------|
| | |
| Maximum Height | 50 feet |

a. See Section 42-123 for height exceptions.

2. Base, middle, and cap. All buildings shall incorporate a base, middle, and cap, as is applicable.

- a. **Base.** The base shall include an entryway with transparent windows and a horizontal molding or reveal placed between the first and second stories or over the second story.
- b. **Middle.** The middle shall include windows having a symmetrical, matching, or pattern design and may include balconies.

- c. Cap. The cap includes the area from the top floor to the roof of the building and shall include a cornice or roof overhang. Changes in roof height between facades or bays shall be required to include a terminating vertical break.



Figure 1 : A) Cap of the building. B) Middle includes the windows and balconies of this second-floor unit. C) The base encompasses the first floor and the street-front of this buildings with primary entrances to units above and or units on the first floor. D) Horizontal molding to separate the base and the middle. E) Deep protruding cornice and molding.

Figure 1: A regular 2-story building with a base, middle and a cap. The horizontal molding or reveal (A) can be considered as base with entrances located in between and the windows of the first floor sitting between the horizontal band and the “middle (B)” which visually separates the first floor and the second floor. The Cap (C) is the thick molding on the roof running along the perimeter of the building.

3. **Alignment.** Windowsills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the “windowsill alignment”) shall not vary more than two feet from the alignment of surrounding buildings as long as the surrounding buildings comply with design standards identified in his ordinance. If the adjoining buildings have windowsill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings. This requirement may be waived per Sec 42-480.
4. **Ground floor design.**
 - a. Building entrance(s). All buildings shall have their principal entrance 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.
 - i. Nonresidential Ground-floor Uses. First floor of building shall have the principal entrance grade align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances 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 not principal entrances. Main entrances to buildings shall incorporate features such as canopies, roof overhangs, recessed entranceways, or other similar features to provide protection from the elements. In addition, long blank walls along the sidewalk leading to the entrance should be avoided.

- ii. Residential Ground-floor Uses. First-floor of building (including principal entrance) may be raised up to three feet above the grade 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.

5. 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 eight 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.
 - i. Ground-story awnings may encroach up to 6 feet (B in diagram) from the face of the building into the setback or right-of-way area, but may not interfere with street lighting or trees.
 - ii. Awnings shall have at least 8 feet (C in diagram) above grade of sidewalk from the bottom of the awning or any support structure, and no higher than 12 feet (A in diagram) to the highest point of the canopy.
 - iii. 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 Sec 42-480.
- d. Bay windows. Bay windows on the ground story may encroach up to three feet into any setback area, but shall not encroach into the right-of-way. On upper floors, they may encroach up to three feet into any setback or right-of-way.
- e. Eaves. Roof eaves may encroach up to three feet into any setback or right-of-way area.

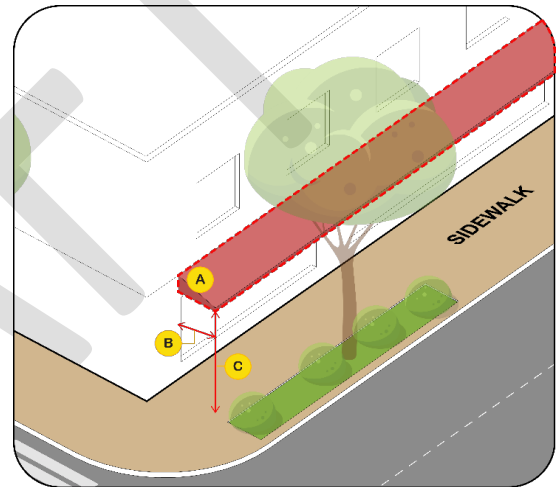


Figure 2. A. Awning projection to be reduced to accommodate streetlights and street trees., 12 Ft. B. Maximum Encroachment 6 Ft. C. Minimum clear Height, 8 FT.

6. Service areas. All service areas, including utility access, above ground equipment shall be screened from any public view per Section 42-575. Dumpsters shall be located in the rear or non-required side yards and shall be screened from view of any public right-of-way with a solid wall, fence or live landscape material of at least six feet high per Section 42-574.

7. 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 on all sides by a wall, fence, or live landscape material and not face primary street. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

8. Front façade design. All building façade that are visible from a public street, main access drive, or public space such as a plaza or square shall conform to the following design criteria:

- a. Blank walls are prohibited on the front façade.
- b. Encourage architectural features, details and ornaments such as archways, colonnades, cornices, contrasting bases, contrasting masonry courses, water tables, molding pilasters, columns, and corbelling, contrasting bands of color, stone or accent features.
- c. Windows. Large window openings shall be provided at ground level with transparent, nonreflective, minimally tinted glass. Window shapes should be rectangular, square or Palladian (mostly rectangular with a semi-circular top). Circular, octagonal, or diamond shaped windows may be allowed as accent

features or when part of a specific architectural style. Windows above the ground floor should have a height to width ratio of at least 2:1, or have a ratio that complements the architectural style.

- d. Ground floor facade transparency.
 - i. All buildings with first floor nonresidential uses shall maintain transparency for at least 70 percent of the first-floor facade area between two and eight feet above grade level. Doors and windows may be included.
 - ii. All windows shall use transparent, non-reflective glass.
 - iii. Areas of solid wall shall not exceed a length of 20 feet, unless otherwise specified.
- e. Recessed entrances encouraged. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.

9. **Rear or side wall design.** All sides of a building shall be similar in detail and material to present a cohesive appearance to the front façade.

10. **Building materials.** The selection of materials shall enhance the architectural ambiance of the area and shall reinforce the permanency of the structure and the development as set forth herein.

| a. All Building Elevations Permitted Primary Materials (≥ 60% of building façade) | |
|--|---|
| Brick, cut stone, field stone, cast stone, manufactured stone, or burnished concrete masonry | • |
| Timber or dimensional wood | • |
| Fiber cement siding or panels | • |
| Engineered equivalent of any material listed above ^a | • |

^a Engineered building materials should convincingly match the appearance of natural building materials.

| Permitted Accent Materials | |
|---|---|
| Clear or lightly tinted glass | • |
| Metal and metal paneling | • |
| Decorative masonry veneer | • |
| Timber or dimensional wood | • |
| Polymer plastic (e.g., Fypon, Azek) | • |
| Stucco, not to exceed 10% of building façade | • |
| Pre-cast concrete | • |
| Split-face masonry (not to exceed 5% of total wall area) | • |
| Permitted Roofing Materials | |
| Architectural shingles (e.g., cedar, asphalt, and fiberglass) | • |
| Standing metal seam | • |
| Natural or artificial slate | • |
| Copper | • |
| Clay tile | • |
| EPDM, rubber sheet, or other layered roofing system | • |

1. **Prohibited Materials.** Prohibited materials include, but are not limited to: vinyl, Exterior Insulation and Finishing Systems (EIFS), painted or scored concrete masonry units (CMU), dark-tinted, reflective, or mirrored glass, and exposed neon, except as permitted with a waiver by the Planning Commission who shall determine consistency with the intent of Building Design standards.

c. Material or color changes. Material or color changes shall only occur at a change of plane. Material changes at the outside corners of buildings shall be integrated into the overall architectural design of the building as a corner treatment. Inconsistent adornment and frequent changes in material or color shall be avoided.

- i. *Building material colors.* The Community Development Director, or designee, shall review building colors as a part of site plan approval.
 1. For new construction, a color palette showing primary and accent colors of exterior finish materials shall be provided.
 2. For building additions or renovations, exterior finish materials and colors shall be consistent or compatible with existing finish materials/colors.
 3. As part of review, samples of building materials may be required.

- d. **Soffits and other architectural elements.** Soffits and other architectural elements visible to the public shall utilize materials compatible with other exterior materials on the building.
- e. **Accessory buildings.** Accessory buildings that are part of a new development shall incorporate the same materials and colors as are utilized in the primary structure. Accessory buildings that are connected to an existing site should incorporate a unifying element(s) with the existing principal building. The structure should meet the requirements listed in Section 42-121.
- f. **Stylized or prototype buildings.** Building design such that the building itself is an advertisement shall not be permitted. Building architecture shall not be of a design which intends to advertise a particular corporate or franchise style.

Sec. 42-487. Design Standards for Specific Uses and Buildings

A: Multi-Family Residential.



| Building Form and Massing Standards | | | | | |
|-------------------------------------|--------------|--------|------------------------------|-----------|---------|
| Main Body | Min. | Max. | Massing and Composition | Min. | Maxi. |
| A Minimum building height | 2 stories | Varies | G Bay Width | 20' | 40' |
| B Ground floor height | 12' | 15' | H Blank wall length | -- | 20' |
| C Upper floor height | 10' | 15' | I Flat (low-slope) roof | Permitted | |
| D Finished floor elevation | 0' | 3' | J Pitched roof | Permitted | |
| E Building separation | 0' /15'* | | K Terminating vertical break | Required | |
| F Pedestrian pass-through | Not Required | | L Roof pitch (rise: run) | 4":12" | 12":12" |

*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

General Design Notes:

1. All exterior building walls are designed with attention to detail and quality of material especially when facing streets and public accesses. There are no blank or unarticulated façades.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
3. Primary building entrances open onto a street, main access drive, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings have at least one entrance addressing each street frontage.
4. All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.

5. Primary building entrances at grade for accessibility.
6. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
7. Windows and doors shall be into the facade wall, to appear as if they were “punched” through the building façade.
8. Ground floor may contain interior lobby, vestibule, and similar areas and, amenities, such as mail rooms, fitness centers, and community rooms. Ground floor apartments are allowed.
9. In larger developments with more than one multifamily building, buildings shall be arranged and clustered to maximize opportunities for shared circulation and parking. The location and design of buildings and uses (including community amenities and open space) shall be designed for pedestrian access. Internal setbacks between all buildings shall be based on the provision of adequate light, ventilation, parking, and all other applicable building codes.

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B. Mixed-Use Building.



Building Form and Massing Standards

| Main Body | Min. | Max. | Massing and Composition | Min. | Max. |
|----------------------------|--------------|----------|------------------------------|---------------|------|
| A Minimum building height | 2 stories | Varies** | G Bay Width | 16' | 40' |
| B Ground floor height | 12' | 15' | H Blank wall length | -- | 16' |
| C Upper floor height | 10' | 15' | I Flat (low-slope) roof | Required | |
| D Finished floor elevation | 0' | 3' | J Pitched roof | Not Permitted | |
| E Building separation | 0' / 15'* | | K Terminating vertical break | Required | |
| F Pedestrian pass-through | P (Min. 15') | | L Roof pitch (rise: run) | NA | NA |

*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

General Design Notes:

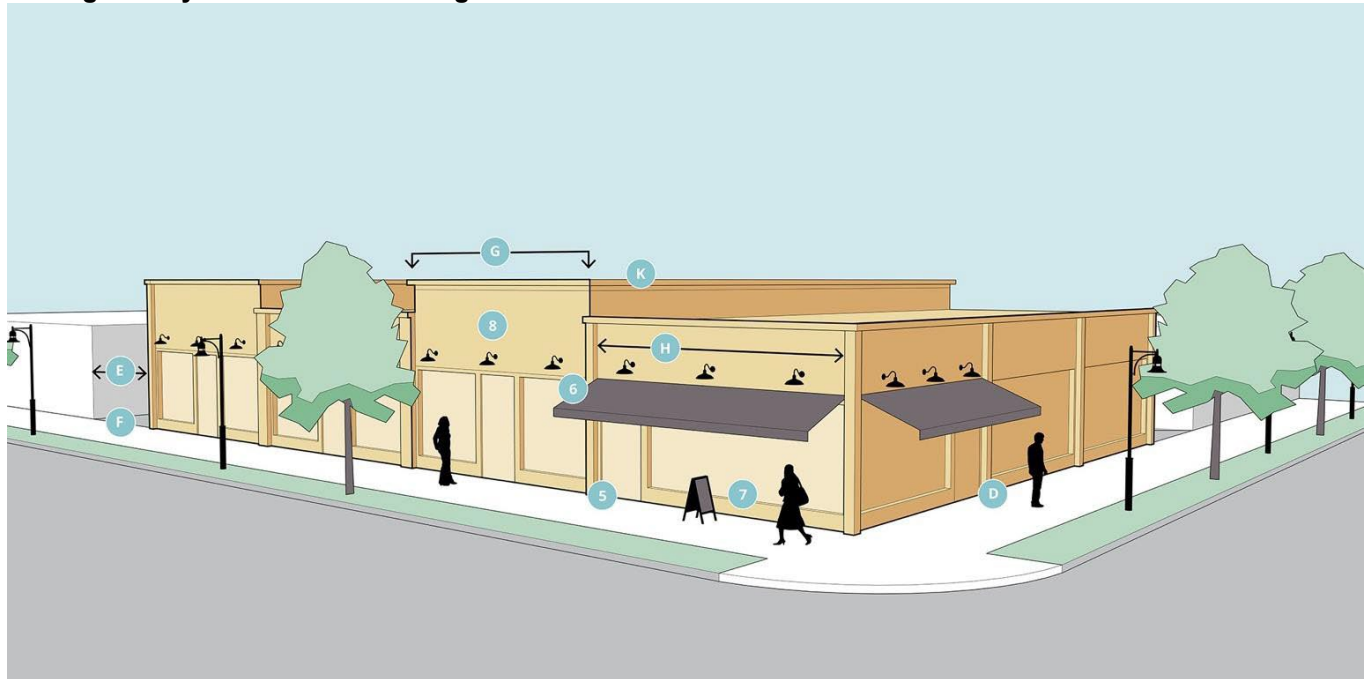
10. All exterior building walls are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades, unless façade is not visible from public right-of-way, residential zoning district, or parking lot.
11. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
12. Primary building entrances open onto a street, main access drive, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings should have at least one entrance addressing each street frontage.
13. Primary building entrances at grade for accessibility.
14. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
15. Entablatures, sign bands, cornices, or a similar horizontal expression line define the transition of ground

floor storefronts and the second floor of all mixed-use buildings.

16. Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
17. Windows above the first floor are vertical in proportion, with a height to width ratio of at least 2:1, or have a ratio that complements the architectural style.
18. Non-storefront windows shall have decorative sills and/or hoods. Full and segmented arches are allowed atop rectangular windows on upper stories.
19. All architectural features, including awnings, overhangs, roof projections, window accents, and similar are compatible with the style, materials, and colors of the building.
20. Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
21. Pedestrian pass-through connects the front of the building to rear parking or alleys.

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C. Single Story Commercial Building



Building Form and Massing Standards

| Main Body | Min. | Max. | Massing and Composition | Min. | Max. |
|----------------------------|---------------------------|------|------------------------------|-----------|---------|
| A Minimum building height | 1 story | NA | G Bay Width | 16' | 40' |
| B Ground floor height | 12' | 24' | H Blank wall length | -- | 16' |
| C Upper floor height | NA | NA | I Flat (low-slope) roof | Permitted | |
| D Finished floor elevation | 0' | 3' | J Pitched roof | Permitted | |
| E Building separation | 0' / 15'* | | K Terminating vertical break | Required | |
| F Pedestrian pass-through | 1 per 200 feet (Min. 15') | | L Roof pitch (rise: run) | 4":12" | 12":12" |

*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

General Design Notes:

1. All exterior building walls are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades, unless façade is not visible from public right-of-way, residential zoning district, or parking lot.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
3. Primary building entrances open onto a street, main access drive, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings should have at least one entrance addressing each street frontage.
4. Primary building entrances at grade for accessibility.
5. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
6. Entablatures, sign bands, cornices, or a similar horizontal expression line define the

- transition of ground floor storefronts and the second floor of all mixed-use buildings.
7. Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
 8. Windows above the first floor are vertical in proportion, with a height to width ratio of at least 2:1, or have a ratio that complements the architectural style.
 9. Non-storefront windows shall have decorative sills and/or hoods. Full and segmented arches are allowed atop rectangular windows on upper stories.
 10. All architectural features, including awnings, overhangs, roof projections, window accents, and similar are compatible with the style, materials, and colors of the building.
 11. Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
 12. Pedestrian pass-through connects the front of the building to rear parking or alleys.

Sec. 42-488.A. Signs.

All signs shall be architecturally integrated and complement their surroundings in terms of size, shape, color, texture, and lighting. Signs shall complement the overall design of the building and shall not be designed to be in visual competition with other signs in the area.

1. **Materials and Color.** Signs should incorporate the same building materials and color used in the primary structure and should be in scale and style with the architecture of the principal building. Lettering should be selected that is consistent with the building.
2. **Overall sign plan.** All development shall have a sign plan which anticipates future development. New building design shall provide logical sign areas, allowing flexibility for new and additional users. Design shall provide for convenient and attractive replacement of signs. Buildings with multiple tenants shall include all tenants in the sign plan.
3. **Neon Lettering and Outlines.** Neon, and similar outlines lights signs are prohibited, with the exception of open and closed signs that are included in a site plan approval.
4. For each zoning lot, there is permitted one freestanding accessory sign, up to 50 square feet in area per side, for lots 125 feet or less in width, to be increased at a ratio of one square foot per each 2½ feet of lot frontage in excess of the initial 125 feet, up to a lot 300 feet wide. A zoning lot having in excess of 320 feet of frontage may have one additional sign based upon the same ratio of one square foot of sign area for each 2½ feet of lot frontage over the initial 320 feet of frontage. The maximum size for any one sign is 120 square feet.
5. When multiple-use zoning lots are involved, for each additional use on the zoning lot beyond the initial use, 15 square feet of sign area is permitted, the total area of freestanding signs not to exceed 50 percent over the sign size originally permitted for the lot.
6. For a lot with frontages on more than one street, each frontage may be treated as a separate frontage for the purpose of establishing permitted freestanding sign area and number.
7. **Freestanding Signs.** For a corner lot, the distance between permitted freestanding signs shall be not less than 100 feet, as measured along the property lines, but in no case shall there be a distance of less than 70 feet between such signs. Each such sign shall be oriented to the street frontage it serves. If one freestanding sign is used, then the percentage of freestanding sign area permitted on one street frontage may be increased 100 percent to a maximum of 120 square feet in area per side, provided that such sign is located not more than 25 feet from both street frontages.
8. Where a zoning lot is permitted to have more than one freestanding accessory sign under this section, the distance between such freestanding signs shall not be less than 300 feet.
9. Signs may not exceed 15 feet in height.
10. Signs must be at least ten feet from any property line.
11. **Wall Signs:** For each use on a zoning lot, there are permitted wall signs, the combined area of which shall not exceed 15 percent of the total area of the wall to which the signs are attached. The total shall not exceed 100 square feet per street frontage. If no freestanding sign is used, the percentage of total wall area for wall signs may be increased by 33 percent per street frontage. Lots with dual frontages may not combine permissible signs for one frontage with another frontage for the purpose of placing a combined area of sign area on one frontage.
12. **Additional Area for Wall Signs:** In addition to the wall signage permitted in subsection 11 above, the permitted wall sign area may be increased if the criteria listed below is satisfied:
 - For buildings with wall frontage at the main building entrance that exceeds 99 lineal feet:

| Wall (in lineal feet) | Additional Sign Area Permitted (in square feet) |
|-----------------------|---|
| 100-199 | 25 |
| 200—299 | 50 |
| 300—399 | 75 |

| | |
|------------------|-----|
| 400—499 | 100 |
| Greater than 500 | 125 |

- For buildings with wall frontage at the main building entrance that exceeds 99 lineal feet and with a setback greater than 299 feet from a public or private street:

| Building Setback (in feet) | Additional Sign Area (in square feet) |
|----------------------------|---------------------------------------|
| 300—399 | 50 |
| 400—499 | 75 |
| 500—599 | 100 |
| Greater than 600 | 125 |

13. **Canopy or Awning Signs.** Sign copy may comprise up to 35 percent of the total exterior surface of a canopy or awning. Canopies or awnings with back-lit graphics or other kinds of internal illumination are prohibited.

Sec. 42-488.B. Screening (fences and walls).

The impact of those elements of a site, which have an adverse effect on the subject site and surrounding sites, should be minimized.

1. The intent of this section is to provide some protection and delineation between residential and nonresidential uses from any adverse external effects and negative impacts from nonresidential development. A screen and buffer required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation.
2. Screening materials.
 - a. Screening materials shall consist of shrubs, fences or a combination thereof and be opaque in all seasons of the year from the ground to a height of at least four feet.
 - b. Screening fences shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.
 - c. Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area, are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.
3. Existing screening.
 - a. For the purposes of 2 3, and 4, above, the planning commission may approve screening consisting of existing vegetation, planted vegetation and topographic characteristics of the land or a combination thereof if it satisfies the intent and purpose of this subdivision concerning opaque screening.
 - b. The planning commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses.
 - c. The planning commission on approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.
4. Additional landscaping.
 - a. The planning commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review under division 5, subdivision 2 if the minimum requirements of subsection 2 would not adequately protect existing or future abutting residential uses.
 - b. In deciding whether the requirements of subsection 2 protect abutting residential uses, the planning commission may consider factors which include, but are not limited to, the

topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

Sec. 42-489.A. Street design.

1. Street design guidelines.

- a. Travel. Two-way streets are encouraged in the CC-MU district. One-way streets are not permitted, excepting alleys.
- b. Curb radius. The curb radius at the intersection of two streets should be the minimum necessary to permit vehicle circulation. A smaller curb radius shortens the distance that pedestrians must travel to cross the street, and leads to a safer pedestrian environment by reducing the speed at which cars can travel around corners. It is recommended that the curb radius not exceed 30 feet at the intersection of any two streets.
- c. Sidewalks at driveway crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the sidewalk is a part of the pedestrian zone and that pedestrians have the right-of-way.
- d. Pedestrian zone. The pedestrian zone is considered to be the area in between the curb and the edge of the right-of-way, frontage, or building facade, and includes area for sidewalks, landscape plantings, street furniture, public transit facility, and other pedestrian-scale uses and amenities. The treatment of the pedestrian zone determines the character of the street, and the quality of the public realm within the right-of-way. Streets are the most common public space in the city, and must be designed to be welcoming and accommodating for pedestrians as well as motorized traffic.

As shown in Figure 1 below, the pedestrian zone in the CC-MU district should contain four distinct areas:

- 1) Edge area that allows car doors to open freely and accommodates parking meters, streetlights;
- 2) Furnishings area that accommodates amenities such as landscaping, planters, and sidewalk furniture;
- 3) Walkway area where pedestrians walk;
- 4) Frontage area adjacent to the building.

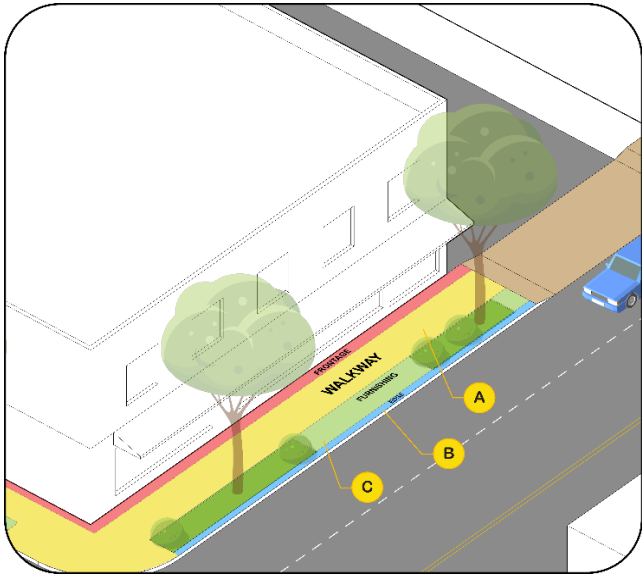


Figure 3. A- min 5 -feet. B-min 1.5 feet. C- min 5 feet

The following design requirements and recommendations are intended to create an inviting public space alongside city streets:

- i. Pedestrian zone width. The pedestrian zone should have a minimum width of 10 feet. A lesser width may be appropriate in constrained areas.
- ii. Edge/Curb area. The edge/curb area should have a minimum width of 1.5 feet, normally contained within the right-of-way, and should remain clear of obstructions to permit the doors of parked cars to open freely. Streetscape elements such as parking meters, streetlights, traffic control signs, and tree grates may be located in the edge area. The edge area may be paved, or if a tree lawn is combined, it may be combined with the furnishings area and landscaped.
- iii. Furnishings area. The furnishings area accommodates amenities such as street trees, planters, public transit facilities, and sidewalk furniture. The furnishings area can be paved (with street trees located in tree grates), or it may be landscaped with a street lawn. Outdoor eating areas, sidewalk cafes, or other similar uses associated with a use in a directly adjacent building may be located in the furnishings area. The furnishings area should have a minimum width of 5 feet.
- iv. Walkway area. The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must maintain a 5-foot-wide clear path free of obstructions at all times to permit free pedestrian travel. No permanent structures or uses may be located in the walkway area.
- v. Frontage area. The frontage area is the portion of the pedestrian zone adjacent to the edge of the right-of-way or main access drive. The frontage area is an optional area and may be used for street furniture or other uses accessory to the use in the adjacent building. When a building is constructed at the lot line, the frontage area should have a minimum width of two feet to accommodate opening doors and window shopping.
- vi. Access Management and Driveways. Driveway consolidation is required when feasible to share access between properties. Additionally, driveways providing access to parcels and parking lots are encouraged to be accessed from minor streets.

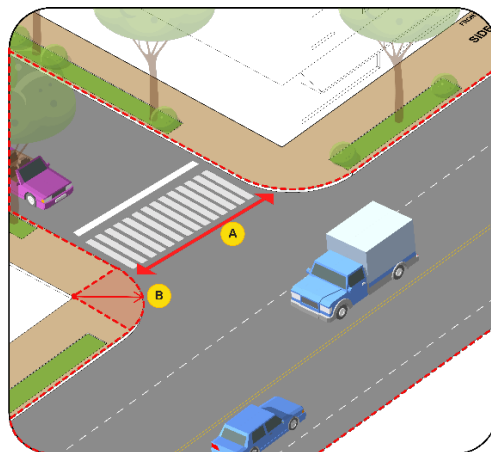


Figure 4. B-It is recommended that the radius be less than 30-feet. A- Least possible distance recommended for increased pedestrian safety.

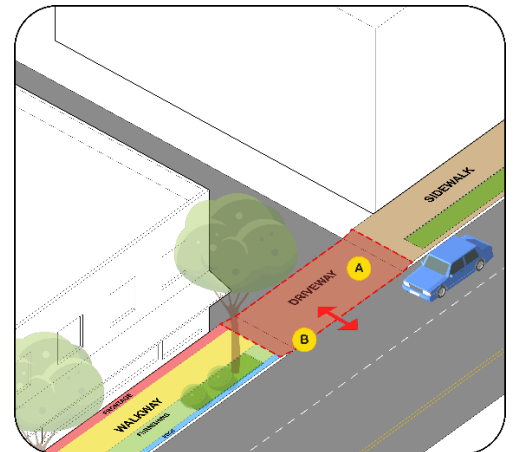


Figure 5. A-Shared driveway access between properties is encouraged. B-Driveways should emulate the material of sidewalk for continuity and should be at the same level as the travel lanes.

Sec. 42-489.B. Parking.

The following parking requirements are applicable in the CC-MU, and replace any similar requirements set forth in Division 6, Subdivision 1, Off Street Parking:

1. **Minimum parking required.** All new development or expansions of existing sites shall provide off-street parking spaces for the use according to the following requirements. The parking spaces shall be provided within 500 feet of the building.
 - a. Residential uses. One parking spaces per residential dwelling unit.
 - b. Nonresidential uses. One parking space per 500 square feet of nonresidential building space.
 - c. Waiver. The minimum parking requirements may be reduced by the Planning Commission per Section 42-520.
3. **Parking lot layout.** Off-street parking lot layout, maintenance, and construction shall comply with all of the requirements of Article 4, Division 6, Subdivision 1.
4. **Parking lot access.** Multiple entrances to parking lots must be consolidated in the CC-MU district. Where feasible, shared cross access between parcels shall be provided.
 - a. All parking spaces shall be set back a minimum of 5 feet from any property line or access drive.
 - b. Loading space must be consistent with Section 42.522.

Sec. 42-490.A. Outdoor Amenity Space.

Any development or redevelopment of a building with more than 20,000 square feet of floor area, or 1 acre in total lot size, in the CC-MU district shall provide outdoor amenity space. The outdoor amenity space shall have a minimum area of two percent of the gross floor area of the building. The size and disposition of the amenity space shall be proportionate to the size and scale of the development, and any amenity space used to satisfy this requirement shall be adjacent to or visible and accessible from a public right-of-way. The emphasis of the amenity space requirement is on the quality rather than the quantity of the space.

Sec. 42-490.B. Temporary Outdoor Retail Sales.

Outdoor retail sales are permitted in the CC-MU district and subject to the following requirements:

1. **No permit required.** Temporary or moveable outdoor retail sales activity or displays accessory to a principal use in the CC-MU district are permitted, subject to the following requirements:
 - a. Area. The total of all outdoor sales display areas on the site shall not exceed 0.75 square feet per linear foot of building frontage in the build-to zone.
 - b. Location. Outdoor sales areas may be located in the build-to zone, in an area adjacent to and not extending farther than 20 feet from the rear of the building, and/or in the right-of-way. Outdoor sales in the right-of-way shall be located in the frontage or furnishings area of the pedestrian zone directly adjacent to the building containing the use to which it is accessory. A minimum six-foot wide clear pedestrian pathway on the sidewalk shall be maintained at all times.
 - c. Time. The outdoor sales display shall only be set out during business hours.
2. **Permit required.** A permit from Community Development Director or his/her designee is required for outdoor sales that exceed the area limitations in subsection (a), above; for special outdoor sales events that will be located anywhere besides the frontage or furnishings area of the pedestrian zone; or for times outside of normal business hours. The permit will specify the permitted size and duration for the outdoor sales event.

Sec. 42-490.C. Outdoor storage.

Limited outdoor storage of merchandise, materials, or equipment is permitted in the rear yard if it is screened per Sec 42-574 or where located inside a building. In no case shall materials or

merchandise being stored outdoors exceed a height of six feet.

Sec. 42-491. Definitions used in this article.

This division provides definitions for terms that are used in this article that are technical in nature or that might not otherwise reflect a common usage of the term. Where a definition in this section conflicts with a definition provided in Section 42-112, the definition presented in this section shall prevail for the purposes of administering the CC-MU district requirements. If a term is not defined in this section, the planning and development director shall determine the correct definition of the term.

Balcony: An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

Block: The aggregate of private lots, pedestrian pass-throughs, rear lanes and alleys, the perimeter of which abuts perimeter or internal streets.

Block perimeter: The linear distance around a block measured along the right-of-way line or road easement.

Buffer: An area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

Build-to area: An area at the front of the lot in which a front building facade must be located.

Floorplate: The total indoor floor area of any given story of a building, measured to the exterior of the wall or balcony.

Frontage lot line: The lot line that coincides with the public right-of-way, main access drive, or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

Habitable space: Building space that involves human presence with direct view of the enfronting streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

Tree lawn: A grassed or landscaped area located between the sidewalk and the curb of the street or main access drive intended to accommodate street tree plantings.

Severability

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

Repeal of Conflicting Ordinances, Savings Clause

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

Effective Date

The zoning amendment shall become effective 15 days after publication of the notice of adoption unless a different effective date is approved by council.

COUNCIL SETS PUBLIC HEARING:

PUBLIC HEARING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2025.

Erica Eklov, City Clerk

Approved as to Form:
Date: _____
By: _____
City Attorney

Staff's Site Pictures – April 14, 2025



Site Picture Map: 8120 S. Westnedge Ave and Portion of 129 W Centre Ave.



Picture 1: Looking south toward interior parking lot drives and large lawn on subject rezone area. Parking lot island is within subject rezone area.



Picture 2: Looking southeast toward interior access drive leading to S. Westnedge Ave. Large building in background is Portage School Central High School.



Picture 3: Looking south at interior access drive leading to S. Westnedge Ave. Building on left (NV Salon) is located at 8114 S. Westnedge Ave.



Picture 4: Looking west at commercial buildings within the Portage Centre Plaza.



Picture 5: Looking east. Tree line to the right is the southern boundary (approx.) of 8120 S. Westnedge Ave. Access drive in background leads to S. Westnedge Ave.

Property Owner's Concept Plan
Residential + Commercial Development

