



Frequently Asked Questions (FAQs)

Planning Department – City of Battle Creek

1. **What is the zoning of _____?** **What kinds of uses are permitted in this district?**

A property's zoning district can be found by visiting [this link](#) to view the City of Battle Creek's Parcel Map. You can either zoom to find a property, or enter the address/PIN in the top left corner.

To have to property zoning identified, please contact the Planning Department where the parcel identification and property maps can be identified for correct zoning.

The Table of Permitted Uses in [Section 1240.02](#) identifies uses and regulations permitted within each Zoning District.

2. **Nonconforming Uses** **What if the house is destroyed. . . Can it be rebuilt?**

[Chapter 1270](#) of the City Ordinances covers Nonconforming Uses.

[Section 1270.02](#) discusses Damaged Buildings.

This section states that:

1. "Restoration can occur if the replacement or repair costs do not exceed the current year's assessed value contained in the City of Battle Creek assessing records."
2. In situations where a legal nonconforming residential building has not intentionally been damaged or destroyed to an extent exceeding the current year's assessed value and the damaged residential building is within a 300 foot radius comprised of at least 50% of other nonconforming residential properties, the residential unit may be repaired, rebuilt or replaced within twelve months of such damage or destruction, provided that such repairs or rebuilding or replacement does not expand more than 25% of the original ground floor area of the residential use or building so long as the expansion meets all other zoning requirements and the following standards:
 - The change will maintain the building in safe repair.
 - The change will protect public health, safety, and welfare.
 - The change will lead to increased compliance with the specified zoning district.
 - The change will produce an accessory dwelling unit or building that is incidental to the existing building.

The property owner does have the option of applying to the Zoning Board of Appeals through the Planning Department for the use variance to continue the nonconforming use, and the appeal would include the owner's presentation of a hardship or practical difficulty.

3. How high can I put a fence and do I need a permit?

ALL new fences require a permit and can be applied for through BSAonline.com

[Section 1260.02](#) states that fences located in the front yard must have 50% transparency and stand no taller than 4ft. No side or rear yard fence should exceed 6ft. Additional fence information can be found within this section.

4. How large can I build an Accessory Building such as a Garage or Carport?

[Section 1260.01](#) states the following guidelines for accessory building dimensions:

- Shall **NOT** exceed 10% of the lot area
- Shall **NOT** exceed 50% of rear yard area
- Shall **NOT** exceed 1,500sqft Floor area must be measured using exterior wall dimensions.
- Shall **NOT** exceed 14ft in height OR shall **NOT** exceed the height of the main residential building- whichever is **less**.

Additionally, this Section states that accessory buildings:

- Shall **NOT** be closer than 3ft from all side and rear lot lines (including roof overhangs).
- Shall **NOT** be closer than 10ft to the main building OR another accessory building.

If garage is attached to residential structure any size is allowed as long as the setbacks are met based on the property's zone for residential structure as it is considered a part of the main residential building and shall conform to all regulations of the Zoning Code applicable to main residential buildings.

5. The City owns the vacant lot at _____. Is it for sale, and how can I buy it?

The City established a policy of disposition of City-owned land several years ago. Under the current policy, once an inquiry is made to purchase a City Lot, the following course of action is taken:

- It first is determined if it is in the City's best interest to sell it, making sure it is not used for right-of-way, drainage, etc.
- The policy states that the lots are offered first to the adjoining property owners on both sides to determine their interest in purchasing it.
 - If both parties are interested, an attempt is made to an agreeable split of the lot.
 - If only one is interested, the lot may be sold to them.
 - If no adjoining property owner is interested, the lot may be sold to a third party.

*NOTE: No lot may be sold to an individual with outstanding property taxes and/or code violations on any other property they own within the City of Battle Creek.

Sale of lots are approved by the City Commission at the following costs:

- \$200 for residential
- \$300 for commercial
- \$500 for industrial
- PLUS the current filing fee of **\$30.00** charged by the County Register of Deeds.

Please contact the Planning Department at 269-966-3320

6. Home Occupations: Can I run a daycare, hairdressers, etc. out of my home?

Yes you can. However, there are regulatory measures associated with Home Occupations. [Section 1251.17](#) discusses Home Occupations in further detail. Examples of home occupations include service-oriented businesses such as hairdressing, dressmaking, bookkeeping, real estate, and insurance sales.

A childcare or daycare facility is permitted so long as the facility does not care for more than 6 children, operating less than 18 hours per day. Homes with more than six children or adults in foster care are required to have a Special Use Permit through the Planning Department and Approved by the City Commission.

Home Occupation Prohibited items:

- No home occupation shall involve the sale of goods from the premises.
- No home occupation shall involve services that create a nuisance such as smoke, noise, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic beyond the boundaries of the home.
- No home occupation requiring warehousing of retail or wholesale merchandise, or delivery of the same by large semitrailer-types trucks is permitted.

Additional guidelines along with structural regulations for Home Occupations can be found under this section.

7. I want to split my large parcel into several parcels and sell them. What do I have to do?

[Chapter 1241.02](#) Schedule of Regulations shows a chart listing minimum lot dimensions by zoning district.

The following steps must take place to begin the process of splitting a parcel:

- Contact the Assessor's Office to determine if the parcel falls under the Land Division Act for their application review. Those applications are handled by the Assessor's Office.
- If the parcel is **NOT** covered under the Lands Division Act, submit a parcel map indicating the proposed lot split(s) to the Planning Department for review to confirm compliance with the zoning code.

8. What is the setback requirement for property at _____? Especially corner lots.

Yard setbacks are provided in [Chapter 1241](#) where the front yard, rear yard, and side yard setbacks are listed by zoning district to generally ensure open space for the movement of light and air, and establish building spacing.

Please note that each street frontage on a lot is treated as a front yard and corner lots have two or more front yard setbacks that must be taken into consideration.

Interior lots having frontage on two streets also are required to have a front yard setback on both streets.

9. Front yard parking. I got a ticket for parking in my front yard. How can I be allowed to park in my front yard?

Parking in the front yard outside of a driveway or other improved surface is prohibited as it is usually displeasing and is a nuisance.

[Section 1261.02](#) discusses Front Yard and Vacant Lot Parking stating that in Residentially-Zoned Districts, the parking/storage of vehicles in any vacant lot or in a front yard is declared to be a nuisance and therefore **prohibited**.

Exceptions to this Prohibition Include:

- Vehicles with a valid State handicapper's sticker or plate
- Parking on an improved driveway/turnabout that is constructed of concrete, asphalt, brick, or is uniformly surfaced with macadam, gravel, or cinder.
- If this residential premises is located within Agricultural Districts when the last is also used for farming or agricultural purposes.

A front yard-parking permit may be applied for if it is impossible to park a motor vehicle in an area other than the front yard. Applications are made through the Planning Department.

How many vehicles can be parked on my property? Over three vehicles (including travel trailers, recreational vehicles) must be parked on an improved dust free surface.

10. Parking boats and motor homes in residential districts.

[Section 1261.02\(f\)](#) Discusses Storage and Parking of Recreational Vehicles and/or Trailers, stating:

- Recreational vehicles, trailers or equipment may be parked or stored in a fully enclosed garage or accessory building.
- If a Recreational Vehicle and/or Trailer is not parked or stored in a fully enclosed garage or accessory building, it can only be stored as the following:
 - Recreational Vehicles/Trailers can be parked in a front yard for the purpose of loading, unloading, or cleaning. However, this shall not exceed a 72-hour period and shall not occur more than 4 times per calendar year.
 - Recreational Vehicles/Trailers shall **NOT** park within 25ft of a corner property line at a street intersection or interfere with vehicle/pedestrian visibility under any circumstances.

- Recreational Vehicles/Trailers may be stored/parked in a side yard so long it is on an improved surface approved by the Zoning Administration, no less than 3ft away from a side lot line, AND screened from adjacent property with a 6ft tall, solid fence.
- Recreational Vehicles/Trailers may be stored/parked in a rear yard, 3ft away from a rear or side property line

For properties located on corner lots, waterways, or properties with minimal storage space, reference [Section 1261.02\(f\)](#).

11. City-owned property / hunting on City Property.

The City of Battle Creek does **NOT** permit hunting on City-owned property.

12. City-owned property / tree removal.

Due to liability concerns, the City does not authorize private citizens to remove trees from City-owned property.

If the concern is dead or dangerous trees, please contact City of Battle Creek Field Services at **369-966-3507**. Field Services may examine the tree(s) and, if appropriate, remove them. Before contacting Field Services, be sure to have a detailed description of the property and location of tree(s) that may be of concern.

13. Questions regarding City Parks /Property.

If there are any inquiries/comments concerning City parks, we suggest contacting the Parks and Recreation Department at **269- 966-3431**