

## MEMORANDUM

**TO:** Marshall Planning Commission

**FROM:** Rodney Arroyo, AICP, Mardy Stirling & Joe Tangari

**SUBJECT:** Zoning Ordinance and Sign Ordinance Issues for PC Consideration

**DATE:** June 3, 2015

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We have begun the process of converting the City of Marshall Zoning Ordinance into the Clearzoning format. We are re-organizing the content and flagging regulatory issues that the Planning Commission and City staff may wish to discuss. As a starting point, we would like to discuss the sign ordinance as well as some general site and use standards.

### **Sign Ordinance**

The sign ordinance will be incorporated into the zoning ordinance. Big picture issues identified to this point include:

- The sign ordinance regulates signs primarily by use rather than by district. For instance, a church located in the same district as a business is permitted a much smaller sign. Current best practice is to regulate signs by type, location and/or district, rather than by use. This is, in part, a response to the Religious Land Use and Institutionalized Persons Act, under which religious land uses may not be treated differently than other gathering places; it is, generally, also a method for bringing coherence to a district.
- Regulations are baked into the definitions at present. Current best practice is to separate the definitions, which are to be used as a reference, and gather the regulations for each type of sign together. As signs are being incorporated into the zoning ordinance, the definitions will move to the general definitions section of the ordinance, grouped together.
- The B-2, B-4 and FS districts all have the same sign standards. While B-2 and B-4 properties are located in such a way as to essentially constitute a single district, the Freeway Service district is quite distinct. In particular, the height of pylon signs near highway exits seems as though it could be treated differently.
- Under Signs Subject to Special Conditions, the noticing requirement is highly discretionary. A more technical standard, such as notifying all properties within 300 feet of a sign location (which is standard) would be less open to challenge.

## Use Matrix

The Use Matrix is a spreadsheet that identifies all land uses permitted by right and through a special land use approval (conditional approval) process. The Use Matrix provides an at-a-glance overview of where each use is permitted and the associated approval process.

## Other Regulatory Issues: Site and Use Standards

We will provide guidance and potential language for a set of uses not currently covered under the ordinance, as well as some current use and site standards that have been problematic or are outmoded. Topics we will help the City explore include:

- Regulations for solar power and wind energy conversion systems.
- Electric vehicle infrastructure.
- Mobile food vending.
- Adult foster care and other day care uses (response to state law)
- Updated wireless communication facility regulations (in response to federal and state law); this includes ensuring administrative approval of co-locations and checking approval timelines.
- Broadening locations for mixed use development.
- Accessory apartment regulations.
- Setbacks, yards, and building heights, beginning with the definitions.
- Exploring a build-to-zone in some districts (incorporating both a minimum and maximum setback).

In general, we are also looking at providing diagrams to illustrate spatial regulations, as well as tables that distill information that is difficult to process in paragraph form; this includes vertical use tables for downtown, and a use matrix, which is already drafted but subject to change as we work on amendments to the ordinance.

If you have any questions or require additional information, please contact a Clearzoning team member.

**City of Marshall  
Draft Use Matrix**

Use																River District Overlay
	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	B-2	B-3	B-4	FS	I-1	I-2	PSP		
Accessory apartments, attached or detached	S		S													
Accessory drive-through facilities								S		S						
Accessory structures customarily incidental to permitted use	P	P	P	P		P	P	P		P	P	P	P	P		
Adult and sexually oriented businesses								S					S			
Adult foster care family home	P	P	P													
Adult foster care group homes and congregate facilities				S												
Airports and heliports, public or privately owned														S		
Ambulance facilities							P									
Artist galleries																P
Artist lofts																P
Automobile salesroom, showroom, or office; new or used										P						
Automobile wash facilities										P						
Banks and financial institutions, with drive-through						S					S	S				
Barber shops, beauty shops, and hair stylists						P	P									
Bed and breakfast inns			S	S			S		P							
Breweries, distilleries, wineries, bottling works, and microbreweries													S			
Bus and truck terminals											S	S				
Bus passenger stations									S		P					
Canning factories													S			
Cemeteries	S	S												S		
Chemical plants													S			
Clubhouses					A											
Convenience stores											S	S				
Copy centers and commercial printers									P							
Day care centers, child									S		A/S	A/S				
Day care facilities, licensed							P									
Day care homes, family	P	P	P													
Day care homes, group child	S	S	S	S												
Dispensaries, medical							P									
Dry cleaners, not including central dry-cleaning plants servicing multiple pick-up and drop-off								P								
Dry cleaning plants													S			
Dry cleaning, laundry, and industrial laundry pick-up stations; on and off-premise											P	P				
Dwelling, residential accessory to industrial use											A	A				
Dwellings, multiple-family				P												
Dwellings, residential cluster housing developments	P	P														
Dwellings, single-family attached				P					S							
Dwellings, single-family detached	P	P	P	P					S							
Dwellings, single-family detached manufactured					P											
Dwellings, two-family			S	P												
Dwellings; within an existing or new building; single-family, two-family, or multiple-family						P										
Elderly housing				P												
Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing, and polishing											S	S				
Equipment servicing											P	P				
Essential public services											P	P				
Essential public services, telephone exchange, public utility offices, substations and uses conducted within a completely enclosed building									P							
Fabricating plants, steel													S			
Farms	S															
Festivals and farmers markets									P							
Fitness facilities					A											
Fueling stations and service stations										P						
Fueling stations, motor vehicle; excluding automobile service stations									P							
Fueling stations, service stations, and repair centers									S		P					
Funeral homes						S		P								
Garages, private; carports; and community garages					A											
Golf courses	S													S		
Health clubs							P					A	A			
Home improvement centers, lumberyards, and building supply businesses										S						
Home occupations in which customers or patrons do not visit the site for delivery of goods or services	P	P	P	P												
Home occupations in which customers or patrons visit the site for delivery of goods or services	S	S	S	S												
Hotels									P	S	P					
Institutional uses	S	S	S	P		S			P					P		
Laboratories for research, testing, and experimental product development												P	P			
Laundromats (self-service and coin-operated)									S							
Live/work studios																P

P: Principal Permitted Use

S: Special Approval Use

A: Accessory Use

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	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	B-2	B-3	B-4	FS	I-1	I-2	PSP		
Lodging, not exceeding eight (8) units							S									
Machine shops and metal working shops												P	P			
Manufacturing and storage, ice													S			
Manufacturing, light												P	P			
Mechanical amusement device arcades, pinball parlors, and pool or billiard halls								S								
Millwork lumber and power saw and planing mills													S			
Mixed-use buildings									P							
Mixed-use buildings with business, commercial or service uses on the ground floor, residential and office uses on the upper floors								S								
Model home, temporary					A											
Motels and transient lodging, not including trailer camps or tents										S	P					
Nursing homes							P									
Offices; administrative, executive and editorial						P	P	P		P						
Offices; medical, dental and clinics						P	P		P	P		A	A			
Offices; newspaper and publishers									P							
Offices; professional (legal, financial, governmental...)						P	P	P		P						
Offices; real estate and other general business, not including exhibits or storing of products for sale						P	P	P	P	P						
Open space, dedicated to public														P		
Open air market															P	
Outdoor display and other open air businesses								S	S							
Outdoor sales space for exclusive sale of used automobiles, mobile homes, and campers										S						
Outdoor storage												S	S	S		
Packaging												P	P			
Packaging , assembly, fabrication, manufacturing or treatment of products													P			
Packaging of previously prepared goods and materials, not including the bailing of discards												P	P			
Packaging, treatment or processing of food products, slaughterhouses, and rendering plants													S			
Park, playground, and recreation centers; municipally or publicly owned	P	P	P	P												
Park, trail, playground, playfields, and pedestrian malls; publicly owned														P		
Parking lots and structures, commercial										S						
Parking lots, private					A									P		
Parking structures							S				P					
Parking structures, private														P		
Party stores										S						
Pawnshops											S					
Physical cultural facilities, such as gymnasiums, reducing salons and beauty schools								P								
Plant material nursery for the retail sale of plant material not grown on the site and sale of lawn furniture, playground equipment and garden supplies								S								
Plant nurseries and greenhouses	S															
Plant nurseries, greenhouses, and garden centers, commercial up to 10,000 sq ft								A								
Power plants or central stations													S			
Printing, industrial													P			
Printing, reproduction, lithographic, blueprinting, and similar processes when used to manufacture product and product sales and services												P	P			
Processing												P	P			
Public and municipal uses								P	P			P	P	P		
Pubs, brewpubs, taverns, bars, cocktail lounges, and nightclubs								S	S							
Raising and keeping of fowl, cows, rabbits, or similar animals for owner's use and consumption only	S															
Recreation areas or centers, private non-commercial	S	S	S	S										S		
Recreation centers, indoor									S			A	A			
Rental establishments, automobiles										P						
Resale clothing shops and boutiques									S							
Restaurants							P					A/S	A/S			
Restaurants, excluding drive-in or drive-through								P	P	P	P					
Retail establishment to serve the needs of freeway travelers											P					
Retail establishments whose principal activity is the sale or rental of merchandise within a completely enclosed building								P		P						
Retail establishments, excluding drive-in and drive-through facilities									P							
Retail sales of products or services												A			P	
Retail sales where a workshop and retail outlet or showroom are both required									P							
Retirement homes							P									
Roadside stand	S															

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Service establishments of an office, showroom or workshop nature								P								
Service establishments, business (office machine repair, printing, photocopying...)								P								
Service establishments; business and professional, which perform services on the premises									P							
Service establishments; personal, conducted within a completely enclosed building								P	P							
Stables, private	S															
Studios or schools for arts and crafts, photography, music or dancing						P	P	P								
Swimming pool clubs, non-profit	S	S	S	S										S		
Swimming pools, private					A											
Teaching facilities for the creative arts																P
Therapeutic massage						P	P		P							
Therapy or treatment centers							P									
Tool and die shops												P	P			
Tourist homes, boarding houses, rooming houses, and lodging houses				S												
Trade schools, regional education facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities												S	S			
Truck repair and maintenance facilities												S	S			
Utility buildings and substations, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations												P	P			
Utility transformer stations, substations, and gas regulator stations without service yard, publicly owned	S	S	S	S		S		S						S		
Veterinary clinics, excluding outdoor land use for pens boarding or similar uses								P								
Veterinary clinics, with outdoor land use for pens boarding or similar uses								S								
Warehousing and storage of finished products; indoors; excludes storage of bulk petroleum, hazardous material, or related, products, garbage, or rubbish												P	P			
Warehousing, mini-storage and self-storage												S	S			
Wholesale distribution plants													P			
Wholesale stores										S						
Wholesale stores up to 60,000 sq ft								S								
Wireless communication facilities													P			

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