CITY COUNCIL
WORK SESSION AGENDA
Monday, August 1, 2016
6:00 PM
City Hall Training Room

A. Work session item
Road Report and road funding

B. Other items

C. Future Work Sessions
None scheduled.

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

CITY OF Marshall Michigan

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

August 1, 2016

1) **CALL TO ORDER**

2) **ROLL CALL**

3) **INVOCATION** – Scott Loughrige, Cross Roads Church & Ministries

4) **PLEDGE OF ALLEGIANCE**

5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.

6) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.

7) **CONSENT AGENDA**

A. **Schedule Public Hearing – Zoning/Sign Ordinance** **P. 4**

City Council will consider the recommendation to schedule a public hearing for Monday, September 6, 2016 to hear public comment on the adoption of the Zoning & Sign Ordinance.

B. **Traffic Control Order – N. Park Street** **P. 250**

City Council will consider the recommendation to approve the Traffic Control Order for the change of the southerly 150' of N. Park Street from two-way traffic to southbound one-way traffic only.

C. **City Council Minutes** **P. 253**

Regular Session..... Monday, June 20, 2016

D. **City Bills** **P. 264**

Regular Purchases .....$ 273,803.55

Weekly Purchases – 7/15/16.....$ 99,813.06

Weekly Purchases – 7/22/16..... $ 7,560.22

Total .....$ 381,176.83

8) **PRESENTATIONS AND RECOGNITIONS**

9) **INFORMATIONAL ITEMS**

A. **Event Report – Boy Scout Display** **P. 269**

10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

11) **OLD BUSINESS**

A. **Comcast Video Service Local Franchise Agreement** **P. 271**

City Council will consider the recommendation to approve entering into a 10 year franchise agreement with Comcast for them to use the city's public right-of-way to provide video service within the Marshall City boundaries and to authorize the City Clerk to sign the agreement.

Mayor:

Jack Reed

Council Members:

Ward 1 - Kari Schurig

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Michael McNeil

Ward 5 - Jon Gerten

At-Large - Kathy Miller

CITY OF Marshall Michigan

12) REPORTS AND RECOMMENDATIONS

A. <u>2016 – 2017 Pavement Marking – City Wide</u> **P. 286**

City Council will consider the recommendation to approve the bid from PK Contracting of Troy, MI for a not to exceed amount of $42,000 for 2016 and a not to exceed award for $5,000 for 2017 for city wide pavement marking. It is also recommended that the City Council approve a budget amendment in the amount of $46,500 from Major Streets-Capital Outlay (202-900-970.00) to Major Streets-Contracted Maintenance (202-474-939.00).

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

Tom Tarkiewicz
City Manager

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
AUGUST 1, 2016 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Dean, Assistant City Manager/Director
Tom Tarkiewicz, City Manager

SUBJECT: Set public hearing for September 6, 2016 to consider approval of the Zoning/Sign Ordinance

BACKGROUND: The Planning Commission has been working on updating the Zoning and Sign ordinance for over a year. On February 10, 2016, the Planning Commission held a public hearing on the matter. At that public hearing, there was no public present and they recommended the ordinance to Council for approval.

Council then held a public hearing on April 4, 2016 and decided to send the ordinance back to Planning Commission for a thorough review. The review process started with staff completing a word-for-word review of the document, then a meeting was held with Planning Commissioners on June 8th to review the entire ordinance again with commissioners. Oaklawn Hospital representative, Richard Lindsay, attended and participated in that meeting. There were changes that were agreed upon by commissioners and the draft went back to Clearzoning for a final update. Hence, the draft ordinance revision 6-24-16.

On July 20, 2016, Planning Commission held another public hearing on the zoning ordinance and the following comment was heard:

> Richard Lindsay, Oaklawn representative, stated that he would still suggest 5 small changes to the document:
>
> 1) Page 2-24, "Retail Business" definition name changed to read "Retail Establishments". The definition should also include home medical equipment sales and home health care services.
>
> 2) The matrix on page xiv should be revised to remove "urgent care" as a category. (Urgent care is classified under "clinic" now).
>
> 3) In B-4 only, I would suggest in page 3-24, paragraph ix, that "fitness and recreation centers" be changed to "health club and recreation centers." Fitness center is not defined as a term and "health club" is defined. I think the intent is likely the same.
>
> 4) Add in B-4, page 3-24, a permitted use of "adult day care faculty." This could be done in conjunction with housing for the elderly or as a separate use. Again, the thought is that if a complex if built, these uses

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would be complementary and something a person or entity likely developing senior housing would likely want located together.

5) Include as a permitted uses in B-4 "assembly hall" and "club."

While commissioners did not disagree on any suggestion, they proceeded to pass the recommendation that Council approve the zoning ordinance as submitted. **MOTION** by McNiff, supported by Burke Smith, to recommend that City Council approve the Zoning & Sign Ordinance. On a voice vote; **MOTION CARRIED**.

RECOMMENDATION: The Planning Commission recommends that after setting a public hearing for September 6, 2016 to hear comments on the Zoning & Sign Ordinance, Council consider approval of the ordinance.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Dean
Assistant City Manager
Director of Community Services

Tom Tarkiewicz
City Manager

City of Marshall
Zoning Ordinance

Effective DATE

©clearzoning
Clear and connected
www.clearzoning.com

Draft - June 24, 2016

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Table of Contents

Table of Contents with Sections _____ ii

How to Use this Ordinance _____ vi

Article 1.0 Purpose and Introduction _____ 1-1

Article 2.0 Definitions _____ 2-1

Article 3.0 Zoning Districts _____ 3-1

Article 4.0 Use Standards _____ 4-1

Article 5.0 Site Standards _____ 5-1

Article 6.0 Development Procedures _____ 6-1

Article 7.0 Administration, Appeals and Enforcement _____ 7-1

Table of Contents with Sections

How to Use this Ordinance ____ vi
1. Content Organization and Page Layout ____ vi
2. Symbols and User Notes ____ vii
3. Reading the Ordinance ____ xiii
4. Use Matrix ____ ix
5. District Summary Table ____ xv

Zoning Map ____ xvii

Article 1.0 Purpose and Introduction ____ 1-1
Sec. 1.1 Title ____ 1-3
Sec. 1.2 Interpretation and Conflict ____ 1-3
Sec. 1.3 Application ____ 1-3
Sec. 1.4 Severability ____ 1-3

Article 2.0 Definitions ____ 2-1
Sec. 2.1 Construction of Language ____ 2-4
Sec. 2.2 Definitions ____ 2-4

Article 3.0 Zoning Districts ____ 3-1
Sec. 3.1 Districts Established ____ 3-3
Sec. 3.2 Zoning Map ____ 3-52
Sec. 3.3 District Boundaries ____ 3-52
Sec. 3.4 Design and Development Requirements ____ 3-52
Sec. 3.5 Street Alley and Railroad Rights-of-Way ____ 3-52
Sec. 3.6 Zoning of Annexed Areas ____ 3-52
Sec. 3.7 Zoning of Vacated Areas ____ 3-52
Sec. 3.8 Prohibited Uses ____ 3-52
Sec. 3.9 Principal Permitted Uses in Districts ____ 3-53
Sec. 3.10 Land Uses Subject to Special Conditions ____ 3-53
Sec. 3.11 Notes to District Standards ____ 3-53
Sec. 3.12 R-3 Development Requirements ____ 3-54
Sec. 3.13 MFRD Development Requirements ____ 3-55
Sec. 3.14 MHPD Development Requirements ____ 3-56
Sec. 3.15 HCHSD Development Requirements ____ 3-59
Sec. 3.16 B-2 Development Requirements ____ 3-59
Sec. 3.17 B-3 Guidelines to Consider for Development ____ 3-59
Sec. 3.18 B-4 and FS Development Requirements ____ 3-60
Sec. 3.19 I-1 Development Requirements ____ 3-60

Table of Contents with Sections

Article 3.0 Zoning Districts (continued)

Sec. 3.20 I-2 Development Requirements 3-61
Sec. 3.21 PSP Development Requirements 3-61
Sec. 3.22 Exceptions to Height Limitations 3-62
Sec. 3.23 Exceptions to Lot Area or Width Requirements 3-62
Sec. 3.24 Other Projections Into Yards 3-62
Sec. 3.25 Access Through Yards 3-62
Sec. 3.26 Rubbish and Waste Material 3-63
Sec. 3.27 Buildings Under Construction 3-63
Sec. 3.28 Restoration of Unsafe Buildings 3-63
Sec. 3.29 Essential Services 3-63

Article 4.0 Use Standards 4-1
Sec. 4.1 Single-Family Dwellings, Detached 4-4
Sec. 4.2 Home Occupations 4-4
Sec. 4.3 Private Recreation Facilities 4-4
Sec. 4.4 Accessory Apartments 4-5
Sec. 4.5 Cemeteries 4-5
Sec. 4.6 Institutional Uses 4-5
Sec. 4.7 Group Child Care Homes 4-6
Sec. 4.8 Permanent or Temporary Structure Solely for the Sale of Produce 4-6
Sec. 4.9 Farms 4-6
Sec. 4.10 Golf Courses 4-7
Sec .4.11 Two-Family and Boarding Houses 4-7
Sec. 4.12 Bed and Breakfast Inns 4-7
Sec. 4.13 Massage Therapy 4-8
Sec. 4.14 Drive-in and Drive-Through Facilities 4-8
Sec. 4.15 Accessory Structures and Uses 4-8
Sec. 4.16 Commercial Greenhouses, Nurseries and Garden Centers 4-8
Sec. 4.17 Gas Stations, Repair Centers, and Public Garages 4-9
Sec. 4.18 Personal Service Establishments 4-10
Sec. 4.19 Restaurants 4-10
Sec. 4.20 Retail Establishments 4-10
Sec. 4.21 Business Service Establishments 4-10
Sec. 4.22 Veterinary Hospitals and Clinics 4-10
Sec. 4.23 Mixed-Use Development 4-11
Sec. 4.24 Open Air Businesses, Outdoor Display Areas, and Dealership Sales Lots 4-11
Sec. 4.25 Plant Materials Nursery 4-11
Sec. 4.26 Adult- and Sexually- Oriented Businesses 4-12

Table of Contents with Sections

Article 4.0 Use Standards (continued)

Sec. 4.27 Other Similar Uses ____ 4-12
Sec. 4.28 Microbreweries ____ 4-12
Sec. 4.29 Open Air Market ____ 4-12
Sec. 4.30 Outdoor Display of Merchandise in the Public Right-of-Way ____ 4-13
Sec. 4.31 Single-Family Homes in the B-3 District ____ 4-13
Sec. 4.32 Laundromats (Self Service of Coin Operated) ____ 4-13
Sec. 4.33 Adult and Child Care Centers ____ 4-13
Sec. 4.34 Hotels and Motels ____ 4-14
Sec. 4.35 Laboratories for Research and Testing and Experimental Product Development Facilities ____ 4-14
Sec. 4.36 Packaging of Previously Prepared Goods and Materials ____ 4-14
Sec. 4.37 Indoor Storage and Warehousing of Finished Products ____ 4-14
Sec. 4.38 Machine Shops ____ 4-14
Sec. 4.39 Printing, Lithographic, Blueprinting, and Similar Processes ____ 4-14
Sec. 4.40 Restaurants, Cafeteria Facilities, Medical Facilities, Fitness Centers, Recreational Facilities, and Child Care Centers ____ 4-14
Sec. 4.41 Electroplating, Heat-Treating, Metal Plating, Stamping, Pressing Casing, Buffing, and Polishing ____ 4-15
Sec. 4.42 Self-Storage Warehouses ____ 4-15
Sec. 4.43 Outdoor Storage Yards, General ____ 4-15
Sec. 4.44 Accessory Residential Dwellings ____ 4-15
Sec. 4.45 Compounding, Manufacturing, Packaging, or Treatment of Goods ____ 4-16
Sec. 4.46 Assembly, Fabrication, Manufacturing, Packaging, or Treatment of Products from Previously Prepared Materials ____ 4-16
Sec. 4.47 Wireless Communication Facilities and Services ____ 4-16
Sec. 4.48 Storage and Repair of Vehicles ____ 4-21
Sec. 4.49 Storage and Parking of Commercial Vehicles and Recreational Equipment ____ 4-21
Sec. 4.50 Electric Vehicle Infrastructure ____ 4-22
Sec. 4.51 Mobile Food Vending ____ 4-23
Sec. 4.52 Recycling and Related Uses ____ 4-25
Sec. 4.53 Solar Energy Systems ____ 4-26
Sec. 4.54 Wind Energy Systems ____ 4-29
Sec. 4.55 Special Events ____ 4-30

Table of Contents with Sections

Article 4.0 Use Standards (continued)

Sec. 4.56 Donation Collection Bins 4-31

Article 5.0 Site Standards 5-1

Sec. 5.1 Signs 5-3

Sec. 5.2 Accessory Structures and Uses 5-25

Sec. 5.3 Temporary Construction Structures and Uses 5-27

Sec. 5.4 Swimming Pools, Private or Public 5-27

Sec. 5.5 Frontage on Streets Required 5-27

Sec. 5.6 Location and Number of Permitted Dwellings on a Lot 5-27

Sec. 5.7 Corner Lot, Side Yard Width to the Side Street Line 5-28

Sec. 5.8 Unlawful Dwellings 5-28

Sec. 5.9 Compliance with Yard Requirements 5-28

Sec. 5.10 Corner Clearance Area 5-28

Sec. 5.11 Building Grades and Grading of Land 5-28

Sec. 5.12 Protection of Excavations 5-29

Sec. 5.13 Fences, Walls, Hedges or Similar Plantings or Structures 5-29

Sec. 5.14 Parking, Loading, and Access Management 5-30

Sec. 5.15 Landscaping and Screening Standards 5-42

Sec. 5.16 Sidewalks 5-53

Sec. 5.17 Exterior lighting 5-55

Article 6.0 Development Procedures 6-1

Sec. 6.1 Condominium Development Standards 6-3

Sec. 6.2 Special Land Uses 6-5

Sec. 6.3 Site Plan Review 6-8

Article 7.0 Administration, Appeals and Enforcement 7-1

Sec. 7.1 Amendments 7-3

Sec. 7.2 Use of Buildings and Land 7-5

Sec. 7.3 Permits Required for Excavations; Bonds 7-5

Sec. 7.4 Moving of Buildings 7-5

Sec. 7.5 Ownership of Two-Family Residential Buildings 7-5

Sec. 7.6 Withholding of Approval 7-5

Sec. 7.7 Nonconforming Uses, Lots, and Structures 7-5

Sec. 7.8 Zoning Board of Appeals 7-10

Sec. 7.9 Administration and Enforcement 7-15

Sec. 7.10 Performance Guarantee 7-17

How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

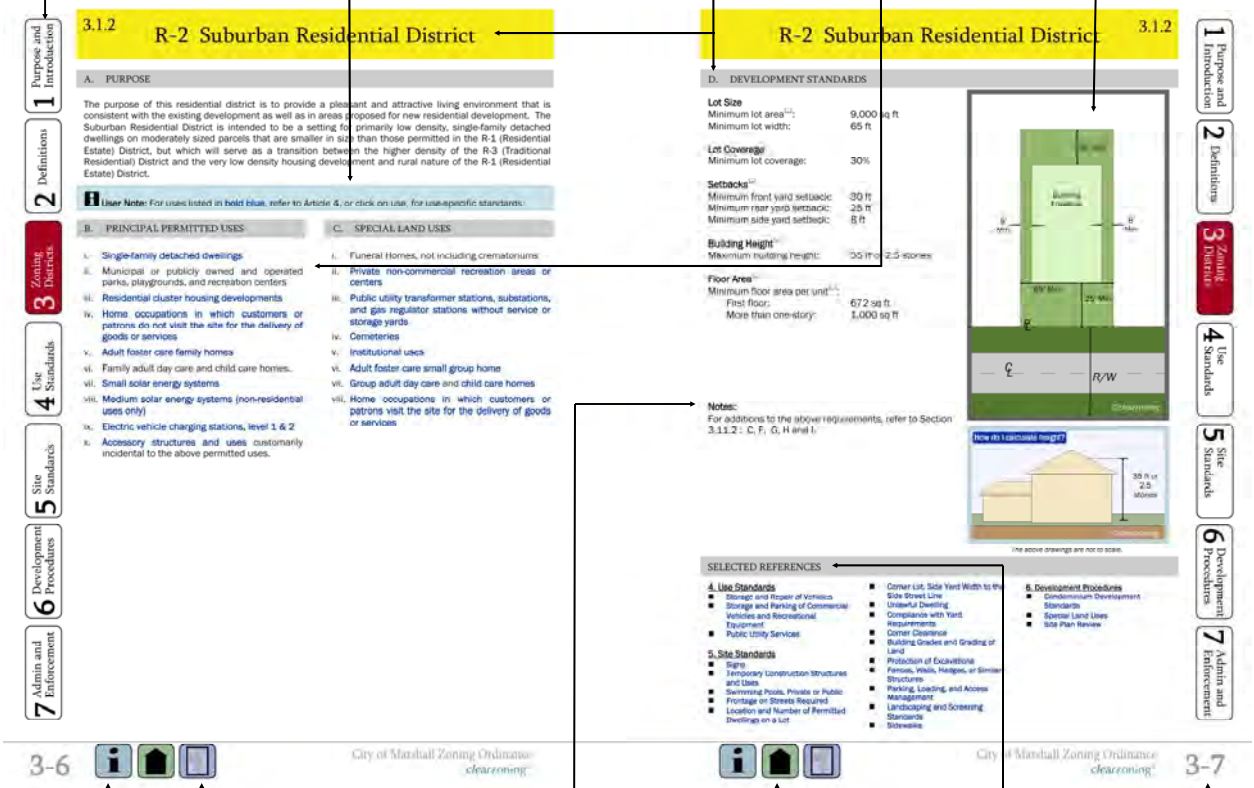
Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.



Link to *How to Use This Ordinance.*

Link to *Zoning Map.*

Notes provide relevant district information recommended for review.

Link to *Table of Contents.*

Selected References list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

📖 indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a 📖 symbol. Consult Article 2, Definitions, for a list of all defined terms.)

✍ indicates there is a graphic that illustrates the standard or requirement.

PL identifies a property line.

℄ identifies the right-of-way centerline.

R/W identifies the right-of-way.

ℹ identifies a **User Note** that provides helpful information for all users.

💻 identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.

☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.

☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.

☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

☑ Conjunctions are often used and must be read accurately:

- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read "and/or")
- EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see Section 2.1 Construction of Language.

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.

If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

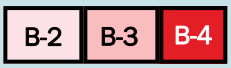
What information is linked?

All blue text is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

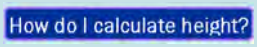
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

Article tabs located on the side of each page are linked to the Contents page of each Article.

Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 2.

Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult **Section 3.1** as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in **Section 3.1**, the latter will control.

P = Principal Permitted Use S = Special Land Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Accessory apartments, attached or detached			S													
Accessory off-street, off-site parking facilities															P	
Accessory outdoor sales and display									P		P					
Accessory residential dwelling													S	S		
Accessory restaurants, cafeteria facilities, medical centers, fitness centers, recreational facilities, adult day care and child care centers													P	P		
Accessory structures and uses	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Adult and sexually oriented businesses									S					S		
Adult day care										S			S	S		
Adult foster care family homes	P	P	P													
Adult foster care large group homes and congregate facilities				S				P								
Adult foster care small group home	S	S	S					P								
Airports and heliports, public or privately owned or operated															S	
Assembly and packaging of products													P	P		
Automobile salesroom, showroom or office, new or used, indoor only											P					
Automobile wash facilities											P					
Banks and financial institutions with accessory drive-through facilities						S							P	P		
Barber shops, beauty shops, and hair stylists						P	P		P	P	P					
Bed and breakfast inns			S	S			S			P						
Big box retail												P				
Boarding houses				S												
Breweries, distilleries, wineries, bottling works, and microbreweries														S		
Brewpubs, retail wine stores and tasting outlets										P	P					
Bus passenger stations										S		P				
Canning factories and chemical plants														S		
Carports and community garages					S											
Cemeteries	S	S													S	
Child care centers										S			S	S		
Clubhouses					S											

Continued on next page

* In addition to the uses listed in the Use Matrix, the HCOD (Hospital Campus Overlay District) and RD (River Overlay District) district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.

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	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Compounding, manufacturing, and processing or treatment of materials or products, when adjacent to a residential district													S	S		
Compounding, manufacturing, and processing or treatment of materials or products, when not adjacent to a residential district													P	P		
Convenience stores									P		P	P	P	P		
Crematoriums													S	S		
Dispensaries, ambulance facilities, and restaurants as well as those other uses typically associated with an inpatient acute care hospital							P									
Dry cleaners, pick-up/drop-off									P	P	P					
Dry cleaning plants (central) and industrial laundries														S		
Dwellings, multiple-family				P												
Dwellings, single-family attached	P	P		P												
Dwellings, single-family detached	P	P	P	P												
Dwellings, single-family detached manufactured					P											
Dwellings, Two-family	P	P	P	P												
Electric vehicle charging stations, level 1 & 2	P	P	P	P	P	P	P		P	P	P	P	P	P	P	
Electric vehicle charging stations, level 3				P		P	P		P	P	P	P	P	P	P	
Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing and polishing													S	S		
Experimental product development facilities													P	P		
Family adult day care and child care homes.	P	P	P													
Farms	S															
Fitness centers							P		P		P					
Funeral homes, not including crematoriums		S	S			S			P	S	S					
Gas station (excluding service stations)									P							
Gas station and repair center											P	P				
Golf courses	S														S	
Group adult day care and child care homes	S	S	S	S												

Continued on next page

* In addition to the uses listed in the Use Matrix, the HCOD (Hospital Campus Overlay District) and RD (River Overlay District) district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.

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	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Home occupations	P/S	P/S	P/S	P/S												
Hotels							S			S	P	P				
Housing for the elderly				P			P		P		P				P	
Ice manufacturing and storage, including cold storage plants													S	S		
Institutional uses	S	S	S	P		S				P					P	
Junk yards													S			
Laboratories for research and testing													P	P		
Laundromats (self-service or coin-operated)									P	S	P					
Laundry and on and off-premise dry cleaning													P	P		
Light manufacturing and equipment servicing													P	P		
Live/work studios for artist and creative businesses										P						P
Lumber and planing mill														S		
Machine shops													P	P		
Manufacture or treatment of goods														P		
Medical and dental offices and clinics						P	P		P	P	P					
Medical equipment facilities, home								S								
Medical facilities								P								
Medical health services, home								S								
Mixed-use development						P	P		P	P	P	P				P
Mobile food vending						P			P	P	P		P	P	P	
Motels												P				
Municipal or publicly owned and operated parks, and playgrounds	P	P	P	P												
Newspaper offices and publishers, and copy centers									P	P	P					
Nurseries, plant material									S		S					
Nurseries, garden centers, and commercial greenhouses, up to 10,000 sq ft									P		P					
Nurseries, garden centers, and commercial greenhouses, over 10,000 sq ft													S			
Nursing homes, retirement homes, and licensed daycare facilities							P	P								

Continued on next page

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	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Office, general						P	P		P	P	P					
One permanent or temporary structure solely for the sale of produce grown on the land used for agricultural purposes	S															
Open-air business uses, other										S						
Open-air market										P					P	P
Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and publicly owned or operated pedestrian malls, parks, trails, playgrounds, and playfields															P	
Outdoor display areas											S					
Outdoor display of merchandise in the public right-of-way										P						
Outdoor sales space for exclusive sale of used automobiles, mobile homes, and campers											S					
Outdoor storage yard for principal use													S	S	S	
Packaging of previously prepared goods and materials													P	P		
Packaging, treatment or processing of food products, slaughterhouses, and rendering plants														S		
Parking facilities, off-street and off-site								P								
Parking lots					S		S			S		P				
Parking structures							S			S		P				
Parks													P	P		
Pawnshops											S					
Pharmacies, retail								S								
Plant nurseries and greenhouses	S															
Pool/video arcade									P	P	P	P				
Power plants or central stations														S	S	
Printing, lithographic, blueprinting and similar processes													P	P		
Private stables for the keeping of horses and ponies for private use.	S															
Public and municipal uses															P	

Continued on next page

* In addition to the uses listed in the Use Matrix, the HCOD (Hospital Campus Overlay District) and RD (River Overlay District) district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult **Section 3.1** as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use S = Special Land Use

Digital User Note:
Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Pubs, taverns, bars, cocktail lounges, and nightclubs									P	P	P					
Recreation areas or centers, private non-commercial	S	S	S	S											S	
Recreation centers	S	S	S	P												
Recreation centers, indoor										S						
Recreation facilities													P	P		
Recycling collection facilities													P	P		
Recycling processing facilities													P	P		
Rental establishments whose principal activity is the rental of automobiles											P					
Residential cluster housing developments	P	P														
Restaurants (excluding drive-ins and those with drive-through facilities)									P	P	P					
Restaurants with accessory drive-through facilities									S		S	P				
Retail establishments									P	P	P	P	P	P		P
Self-storage or mini-storage warehouses													S	S		
Service establishments, business									P	P	P					
Service establishments, personal									P	P	P					
Single-family homes within existing residential structures										S						
Solar energy systems, large													S	S		
Solar energy systems, medium						P			P		P	P	P	P	P	
Solar energy systems (non-residential uses only), medium	P	P	P	P												
Solar energy systems (rooftop systems only), medium							P			P						
Solar energy systems, small	P	P	P	P	P	P	P		P	P	P	P	P	P	P	
Steel fabrication plants														S		
Studios or schools for arts and crafts, photography, music or dancing						P	P		P	P	P					P
Temporary model units				S												
Therapeutic massage						P	P		P	P						
Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities						S							S	S		

Continued on next page

* In addition to the uses listed in the Use Matrix, the HCOD (Hospital Campus Overlay District) and RD (River Overlay District) district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.

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	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	HCOD*	B-2	B-3	B-4	FS	I-1	I-2	PSP	RD*
Truck and bus terminals													S	S		
Truck repair and maintenance facilities													S	S		
Urgent care						S										
Utility services and municipal uses													P	P		
Veterinary clinic, indoor only									P							
Veterinary hospitals and clinics									S		P					
Warehousing (Indoor)													P	P		
Wholesale stores up to 60,000 sq ft of usable floor space									S							
Wholesale stores, home improvement centers, lumberyards, and building supply businesses, which may include accessory outdoor sales and display areas											S					
Wind energy conversion systems						S						S	S	S		
Wireless communication facilities												S	P	P		

* In addition to the uses listed in the Use Matrix, the HCOD (Hospital Campus Overlay District) and RD (River Overlay District) district permits the permitted uses, special land uses, and accessory land uses permitted in the underlying zoning district.

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3 Zoning Districts for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 Residential Estate District	12,000 sq ft	80	35	10	40
R-2 Suburban Residential District	9,000 sq ft	65	30	8	25
R-3 Tradition Residential District	4,000 sq ft	50	25	5 one 15 two	15
MFRD Multiple Family Residential District	None specified	100	40	10 one 30 two	30
MHPD Manufactured Housing Park District	15 acres - park 5,500 sq ft - lot	See Section 3.14			
POSD Professional Office Service District	None specified	65	25	15	20
HCHSD Health Care and Human Services District	None specified	65	25	15	15
B-2 Local Business District	None specified	50	10	5 one 15 two	15
B-3 Neighborhood Business District	None specified	None specified	None specified	None specified	None specified
B-4 Regional Commercial District	None specified	100	20	10 one 25 two	25
FS Freeway Service District	None specified	None specified	75	75	75
I-1 Research and Technical District	None specified	100	50	20 one 50 two	25
I-2 General Industrial District	None specified	200	60	30	30
PSP Public/Semi-Public Services District	None specified	None specified	25	15	20

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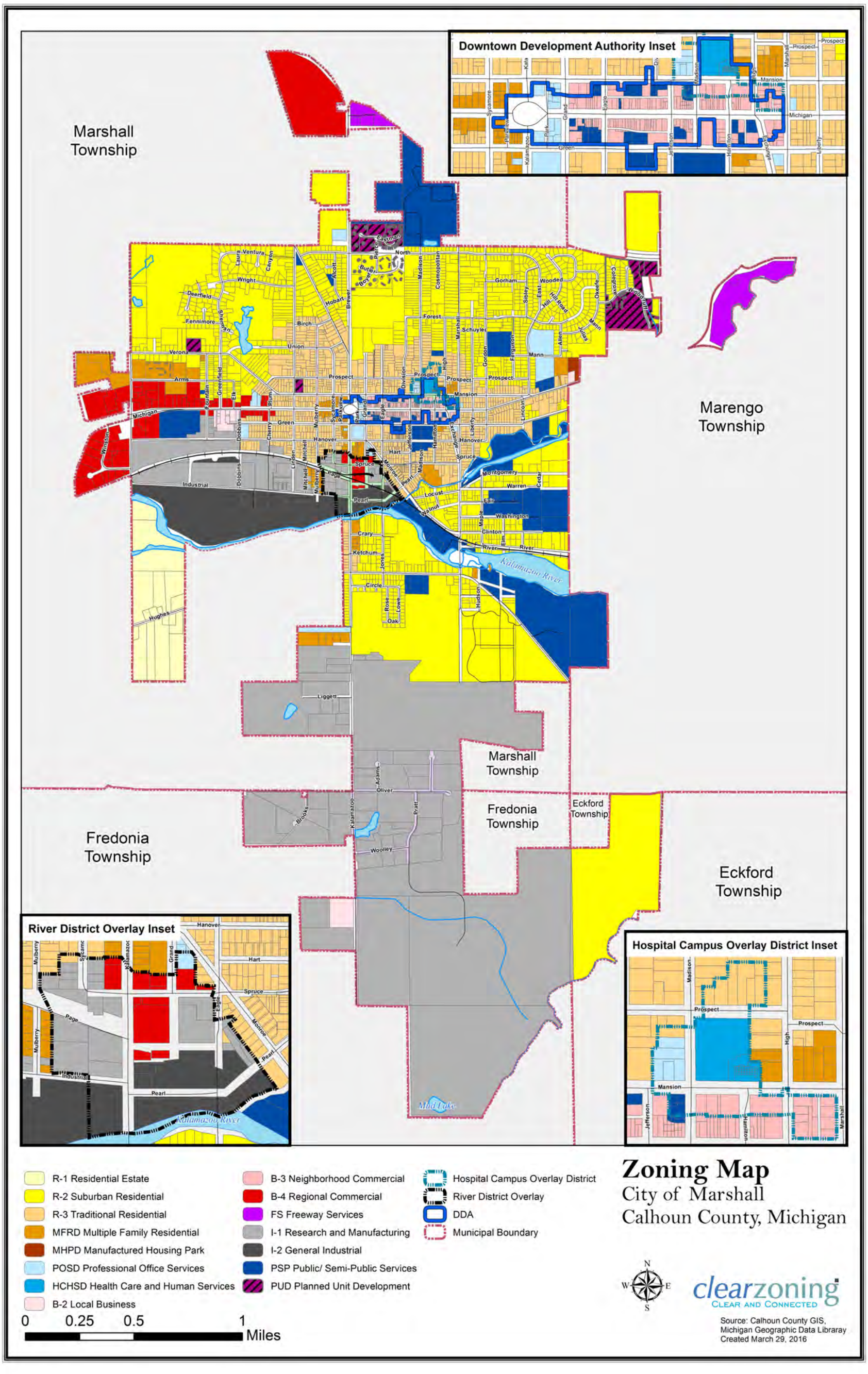
ZONING MAP


Downtown Development Authority Inset
River District Overlay Inset
Hospital Campus Overlay District Inset
Marshall Township
Marengo Township
Fredonia Township
Eckford Township
Kalamazoo River
Mud Lake
R-1 Residential Estate
R-2 Suburban Residential
R-3 Traditional Residential
MFRD Multiple Family Residential
MHPD Manufactured Housing Park
POSD Professional Office Services
HCHSD Health Care and Human Services
B-2 Local Business
B-3 Neighborhood Commercial
B-4 Regional Commercial
FS Freeway Services
I-1 Research and Manufacturing
I-2 General Industrial
PSP Public/ Semi-Public Services
PUD Planned Unit Development
Hospital Campus Overlay District
River District Overlay
DDA
Municipal Boundary
0 0.25 0.5 1 Miles
Zoning Map
City of Marshall
Calhoun County, Michigan
clearzoning
CLEAR AND CONNECTED
Source: Calhoun County GIS, Michigan Geographic Data Libraray
Created March 29, 2016

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Article 1.0
Purpose and Introduction

Article 1.0 Purpose and Introduction

1.1 Title
1.2 Interpretation and Conflict
1.3 Application
1.4 Severability

1.0 Purpose and Introduction

1.1 TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance for the City of Marshall" and shall be referred to herein as "this Ordinance."

1.2 INTERPRETATION AND CONFLICT.

In interpreting and applying the provisions of this Chapter, the provisions shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Chapter imposes a greater restriction upon the use of a structure or land than existing easements, covenants or other agreements, the provisions of this Chapter shall govern or control. Whenever the requirements of this Chapter differ from the requirements of other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall govern.

1.3 APPLICATION.

General requirements and standards apply to all districts except as noted herein. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

1.4 SEVERABILITY

If any part, sentence, paragraph, section or provision of this Chapter or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this Chapter as a whole. It is hereby declared that the legislative intent would have been to adopt this Chapter as if the invalid provision had not been included.

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Article 2.0 Definitions

Article 2.0 Definitions

2.1 Construction of Language
2.2 Definitions

Access Management
Access to Property, Reasonable
Access Drive
Accessory Structure and Accessory Use
Adult Day Care Facility
Adult Foster Care Facility*
Adult Uses or Sexually Oriented Businesses
Alley
Alterations
Alternative Tower Structure
Animal, Wild or Exotic
Antenna
Apartment*
Appeal
Architectural Feature
Assembly Hall
Automotive Fueling Station
Automotive Repair Station
Automotive Service Center/ Station
Automobile Wash
Bar, Cocktail Lounge, or Night Club
Basement
Bed and Breakfast Inn
Bedroom
Berm
Block
Board of Appeals
Boarding House (Tourist House)
Brewpub
Buffer
Building*
Building Area
Building Height
Building Line (Setback Line)
Built-To Line
Cemetery
Child Care Organization*
Church, Temple, Place of Worship or Religious Institution
City
Clinic
Club
Condominium
Condominium Unit Site
Conservation Easement
Convalescent of Nursing Home
Density
Detention Basin
Development
Development Plan of Site Plan
District
Drainage Ways and Streams
Drive-In Establishment
Drive-Through Establishment
Driveway
Driveway Approach
Dwelling*
Easement
Electric Vehicle (EV), Plug-In
Electric Vehicle Charging
Electric Vehicle Charging Space
Electric Vehicle Charging Station*
Erected
Essential Services
Essential Public Service Building
Essential Public Service Building Storage Yard
Excavation
Exception
Façade
Family
Farm
Fence
Filling
Flood or Flooding
Floodplain
Floor Area*
Food
Footcandle
Fully Shielded Fixture
Garage, Private
Garden Center
Glare
Golf Course
Grade*
Greenbelt
Health Club
Home Occupation
Hospital
Hotel
Housing for the Elderly*
Housekeeping Unit
Improvements
Institutional Uses
Junk
Junkyard
Kennel
Kennel, Commercial
Laboratory
Land, Common
Landfill
Light Fixture
Loading Space
Lodging House
Lot
Lot, Corner
Lot, Interior
Lot, Nonconforming
Lot, Through (Double Frontage)
Lot of Record
Lot, Zoning
Lot Area, Gross
Lot Area, Net
Lot Coverage

*Multiple terms are defined in this ordinance.

Article 2.0 Definitions (continued)

Lot Depth
Lot Frontage
Lot Lines*
Lot Width
Massage Therapist
Master Plan
Microbrewery
Mixed-Use Development
Mobile Food Vending Unit
Mobile Food Vendor
Movie Theater
Municipal
New Construction
Nonconformities*
Nuisance
Nursery
Occupancy
Occupancy Load
Offset
Open Air Business
Open Space*
Outlot
Parking Lot, Off-Street*
Park, Municipal
Park, Public
Party Store
Pavement or Hard Surface
Pet
Planned Office Park
Plat
Pool, Swimming
Porch
Pub or Tavern
Public Notice
Public Service
Radioactive Materials
Real Property
Recreation Area
Recreation Land
Recreation Establishment, Indoor
Recreation Establishment, Outdoor
Recreation Equipment*
Recyclable Material
Recycling Collection Facility
Recycling Processing Facility
Restaurant, Carry-Out
Restaurant, Drive-In
Restaurant, Fast-Food
Restaurant, Standard
Right-of-Way
Room
Satellite Dish Antenna
School, Nursery
Screening
Separate Ownership
Service Drive
Setback
Sexually-Oriented Businesses
Sign*
Solar Energy System, Large
Solar Energy System, Medium
Solar Energy System, Small
Stable, Private
State Licensed Residential Facility
Steep Slopes
Store, Retail*
Story*
Street*
Street Right-of-Way Line
Structure
Subdivision
Substantial Improvement
Telecommunication Towers and Facilities or Tower
Temporary Use of Building
Seasonal Events
Tent
Tourist Home
Truck Storage
Truck Terminal
Use*
Utility, Public
Utility Room
Variance
Vehicle, Commercial*
Veterinary Clinic or Hospital
Waiting Space
Wall, Obscuring
Wall, Parapet
Wall, Retaining
Warehouse, Miniature or Self-Storage
Wetland
Wetland, Regulated
Wind Energy Conversion System*
Wine Shop
Wireless Communication Facilities*
Yards*
Zoning District
Zoning Permit

*Multiple terms are defined in this ordinance.

2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

For the purposes of this Ordinance, certain terms or words herein shall be interpreted as follows.

1. Words used in the present include the future tense, unless context clearly indicates otherwise.
2. The singular includes the plural, unless context clearly indicates otherwise.
3. The word "person" includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a "person" under the laws of the State of Michigan.
4. The words "plot" or "parcel" are intended to have the same meaning as the word "lot."
5. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged or designed to be used or occupied."
6. The word "dwelling" includes "residence."
7. The terms "abutting" or "adjacent to" include land "across from," such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
8. The term "act" or "doing of an act" includes "omission to act."
9. The term "occupied" shall include "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.
10. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows.
    A. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    B. "Or" indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., "or" also means "or").
    C. "Either ... or" indicates that the connected items, conditions, provisions or events may apply singly.
11. The particular shall control the general.
12. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall.
13. The word "shall" is also mandatory and not discretionary. The word "may" is permissive.
14. The word "building" includes the word "structure." A "building" or "structure" includes any part thereof, attached to the building or structure.
15. For the purpose of this Ordinance, terms not defined in this Article shall have the meaning customarily assigned to them.

2.2 DEFINITIONS

For the purpose of this Ordinance, certain terms or words shall be defined as follows.

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable. A landowner's legal right, incident to land ownership, to access a public road right-of-way. Reasonable access to land may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Access Drive. A private roadway which connects to a public road and provides interior circulation of vehicles to a planned development, such as a shopping center, office park, industrial park, or multiple family development.

Accessory Structure and Accessory Use. See Building, Structure, and Use.

Adult Day Care Facility. A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Adult Foster Care Facility. A facility that provides room and board, supervision, personal care, and protection for adults over 18 years of age 24 hours a day, five (5) or more days a week for two (2) or more consecutive weeks in exchange for compensation. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require ongoing supervision, but do not require continuous nursing care. An adult foster care facility does not include nursing homes, housing for the elderly, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services. Such facilities are classified as follows.:

1. *Adult Foster Care Congregate Facility*. An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
2. *Adult Foster Care Small Group Home*. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
3. *Adult Foster Care Large Group Home*. An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
4. *Adult Foster Care Family Home*. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Uses or Sexually-Oriented Businesses. See Ordinance 118 (Adult- and Sexually-Oriented Businesses) of the City of Marshall Code of Ordinances.

Alley. A public or legally established thoroughfare, other than a street, which affords only a secondary means of vehicular access to land abutting thereon.

Alterations. As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; a change, addition, enlargement, or modification in construction or type of occupancy, whether by extending on a side or by increasing in height; or the moving from one location or position to another. The consummated act of which may be referred to herein as "altered" or "reconstructed."

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animal, Wild or Exotic. Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following. alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family, not including pot belly pigs); and marten.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Apartment. A suite of rooms or a room in a multiple-family, commercial, or other building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

1. ***Apartment, Accessory.*** A dwelling for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
2. ***Apartment, Accessory Detached***. A dwelling for one family located within a detached structure, accessory to a principal residential use, with a separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).

Appeal. An entreaty or demand for a hearing or review of facts or actions in connection with the enforcement of Zoning Ordinance.

Architectural Feature. Any structure or significant portion thereof that is sufficiently distinctive or unusual in design or construction as to warrant the preservation and minimal alteration of its original form, including but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assembly Hall. A structure for groups of people to gather for an event or regularly scheduled program. Places of assembly include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and conference facilities.

Automotive Fueling Station. A place where engine fuels are offered for sale (stored only in underground tanks) excluding facilities for automotive repair or serving, and with or without accessory space for the retail sale of automotive or general merchandise.

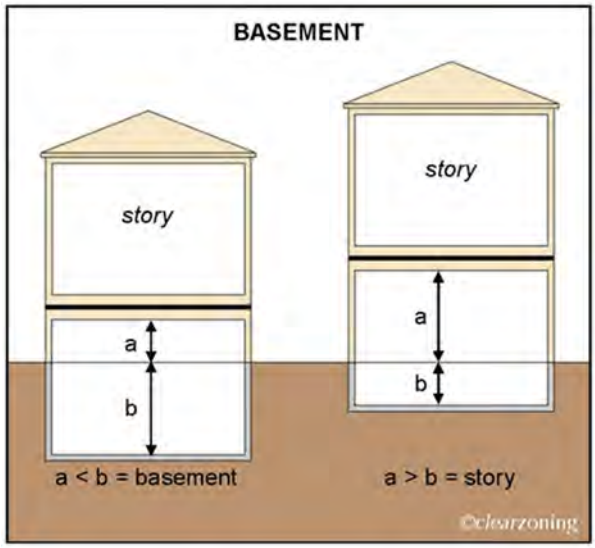
Automotive Repair Station. A place where, along with or without the sale of engine fuels, the following services may be carried out in a completely enclosed building. general repair, engine and transmission rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, steam cleaning, undercoating and rust proofing; overall painting and undercoating of automobiles; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or re-treading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises overnight.

Automotive Service Center / Station. A use primarily for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and includes the customary space and facilities for the installation of such commodities on or in vehicles

Automobile Wash. A building or portion thereof where automobiles or other vehicles are washed or vacuumed with self-service mechanisms or the use of a chain conveyor and blower.

Bar, Cocktail Lounge, or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from mean grade to the floor is greater that the vertical distance from the mean grade to the ceiling. A basement shall not be counted as a story unless over 50% of its height is above the level from which the height of the building is measured.✍



Bed and Breakfast Inn. A residential structure operated by an owner or employee who lives on site, offering as an accessory use, overnight sleeping accommodations to transient tenants for compensation, and serves breakfast at no extra cost to the transient tenants.

Bedroom. A room in a dwelling unit used for or intended to be used for sleeping purposes by human beings.

Berm. A mound of soil graded, shaped and improved with grass or landscaping in such a fashion so as to be utilized for screening purposes.

Block. Unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, un-subdivided acreage, river or stream, and any other barrier to the continuity of development.

Board of Appeals. The Zoning Board of Appeals of the City of Marshall.

Boarding House . A building, other than a hotel, motel, or bed-and-breakfast inn, where lodging and meals for more than five but no more than 20 persons are served for compensation for a length of stay not to exceed ten days.

Brewpub. A restaurant or tavern (as defined within this Chapter) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in M.C.L.A. §§ 436.31b and 436.31c.

Buffer. An open space, landscaped area, fences, walls, berm, or combination thereof used to physically separate one use or property from another so as to visually shield or block noise, lights, or other nuisances.

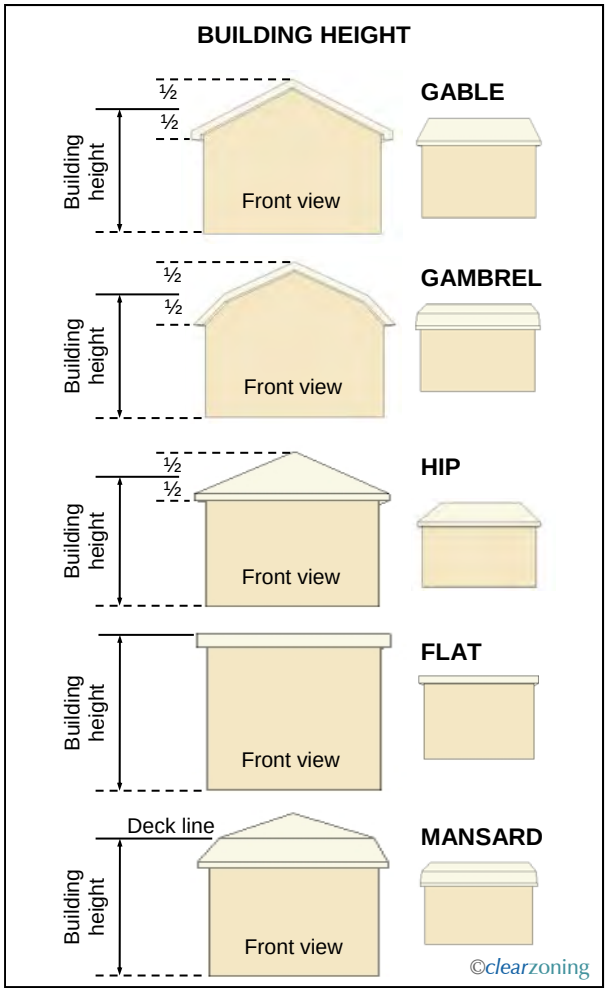
Building. A structure that encloses space intended for the occupancy of persons or animals or the storage of goods and chattels for purposes of residence, recreation, services and economic enterprises, which structure shall have a roof supported by columns or walls, or some other support mechanism.

1. ***Principal Building.*** A building in which is conducted the primary or main use of the lot upon which it is situated.
2. ***Accessory Building.*** A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

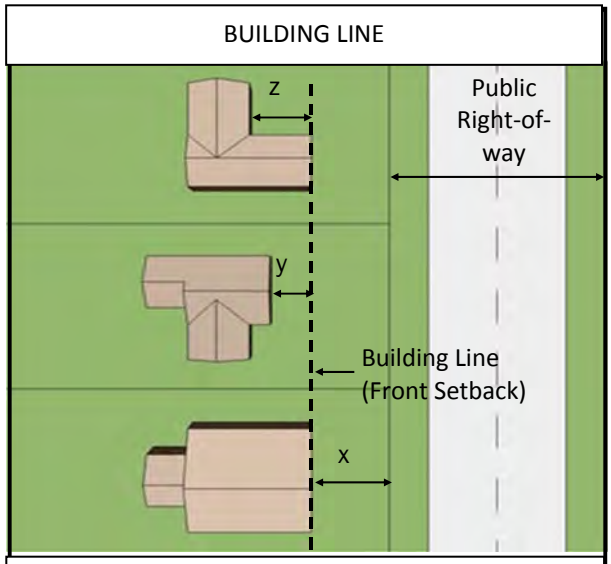
Building Area. The space remaining on a lot after compliance with the minimum required setbacks and open space requirements of this Chapter.

Building Height. The vertical distance measured from the finished grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs.

1. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall.
2. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front.



Building Line (Setback Line). The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Chapter. Such line, when adjacent to a building, is normally formed by the junction of the line formed by drip edge of home with the finish grade or surface of the adjoining ground.



Notes:
Building line is minimum setback line
"x" = Minimum front yard setback
"y" = Front yard in excess of minimum front yard required
"z" = Court yard in excess of minimum front yard

Build-To Line. An alignment that dictates the maximum front yard setback from a street right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Cemetery. Land used or intended to be used for burial of the human remains and dedicated for such purpose.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age. Such care organizations are classified below:

1. *Child Care Center.* A facility, other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, early childhood program, child development center, early learning center, or drop in center. Child care center or day care does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
2. *Child Caring Institution.* A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.
3. *Family Child Care Home* A private home, as licensed by the State of Michigan, in which up to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
4. *Group Child Care Home.* A private home, as licensed by the State of Michigan, in which up to 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.
5. *Foster Family Home.* A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
6. *Foster Family Group Home.* A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Church, Temple, Place of Worship or Religious Institution. A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

City. The City of Marshall, Michigan.

Clinic. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an outpatient basis only. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Condominium. A condominium is a system of separate ownership of individual units or multiple-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium Unit Site (i.e., Site Condominium Lot). The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.

Conservation Easement. A legal agreement in which the landowner retains ownership of private land, but conveys certain specifically identified rights to a land conservation organization or a public body.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two or more persons are cared for. Such home shall also conform to and qualify for a license under applicable state laws (Public Act 368 of 1978, as amended).

Density. The number of dwelling units situated on or to be developed per net acre of land.

Detention Basin. A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development. The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Development Plan or Site Plan. A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including, but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Chapter.

District. A section or sections of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform. A portion of the City within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this zoning ordinance. This term is synonymous with the term "zone" or "zoning district."

Donation Collection Bin. A receptacle or container designed with a door, slot or other opening which is intended to receive items donated from the public such as clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

Donation Collection Bin Operator. A person who owns, operates or otherwise is in control of donation collection bins to solicit collections of salvageable personal property.

Drainage Ways and Streams. Permanent or intermittent watercourses.

Drive-In Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated. This is distinguished from a retail establishment whose primary function is service to customers inside a building, but which has a supplementary drive-through facility.

Driveway. A driveway shall be defined as the access from the roadway to a garage, carport, or required parking space.

Driveway Approach. A driveway approach shall be the portion of the driveway from the edge of the traveled surface of the roadway to the property line.

Dwelling. Any building, or portion thereof, on-site built, prefabricated, pre-assembled, or pre-built, having cooking facilities and which is designed, used, and occupied wholly as the home, residence or sleeping place for complete living accommodations of one family, either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling.

1. *Dwelling, Attached.* A dwelling unit attached to one or more dwelling units by common major structural elements.
2. *Dwelling, Detached.* A dwelling unit that is not attached to any other dwelling unit by any means.
3. *Dwelling, Efficiency Unit.* A dwelling unit consisting of one room, exclusive of a bathroom, kitchen, hallway, closet or dining alcove directly off the principal room.
4. *Dwelling, Manufactured.* A structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Chapter.
5. *Dwelling, Modular.* A building or portion of a building designed for long-term residential use and characterized by having a wood undercarriage.
6. *Dwelling, Multiple-Family.* A building or portion thereof containing three or more dwelling units and designed for, and occupied as, the home of three or more families living independently of each other.
7. *Dwelling, Single-Family.* A building containing one dwelling unit and designed for, or occupied by, only one family.
8. *Dwelling, Site Built.* A dwelling unit that is substantially built, constructed, assembled, and finished on the premises, which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
9. *Dwelling, Townhouse.* Attached dwelling units divided by party walls extending the full height of the building. Each townhouse dwelling is capable of individual use and maintenance; and access, utilities, and service facilities shall be independent for each dwelling. For the purposes of this ordinance, townhouses shall be considered multi-family dwellings.
10. *Dwelling, Two-Family.* A building containing two dwelling units and designed for, and occupied as, the home of two families living independently of each other. This includes duplexes.

Easement. A grant of one or more of the property rights by a landowner to, or for use by, the public or another person or entity.

Electric Vehicle (EV), Plug-In. Any vehicle that operates on electrical energy derived from an off-board source that is stored in the vehicle's batteries. For the purposes of this ordinance, this term includes fully electric vehicles as well as hybrid vehicles that run on both batteries and fossil fuels but can be charged by plugging in to a compatible electrical outlet.

Electric Vehicle Charging. When an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment, it is considered to be charging.

Electric Vehicle Charging Space. A parking space located adjacent to an electric vehicle charging station and reserved for the charging of electric vehicles.

Electric Vehicle Charging Station. Equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other storage device located onboard an electric vehicle. Charging stations shall be either for public use (accessible to all vehicle users during posted hours), or for restricted use (for certain specified users such as residents, fleet vehicles, or employees). Typical electric vehicle charging levels and specifications are:

1. ***Level 1***. Alternating current slow battery charging. Voltage is 120 volts.
2. ***Level 2.*** Alternating current medium battery charging. Voltage is between 120 and 240 volts.
3. ***Level 3.*** Direct current fast or quick battery charging. Voltage is greater than 240 volts.

Erected. Built, constructed, reconstructed, moved upon or any physical operation on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, telephone, fiberoptic, internet, community antenna television (CATV), water, sewer, or other transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition. Essential services does not include buildings associated with such services.

Essential Public Service Building. A building or structure principal or accessory to an essential public service.

Essential Public Service Building Storage Yard. An outdoor storage area principal or accessory to an essential public service.

Excavation. Any breaking of ground, except common household gardening and ground care.

Exception. A limited exclusion from applicable zoning ordinance regulations allowed by the Zoning Board of Appeals under certain conditions.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Chapter for such appeals.

Farm. The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Fence. An accessory structure of definite height and location intended to serve as a decorative site feature; a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; or an enclosure carrying out the requirements of this Chapter.

Filling. The depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

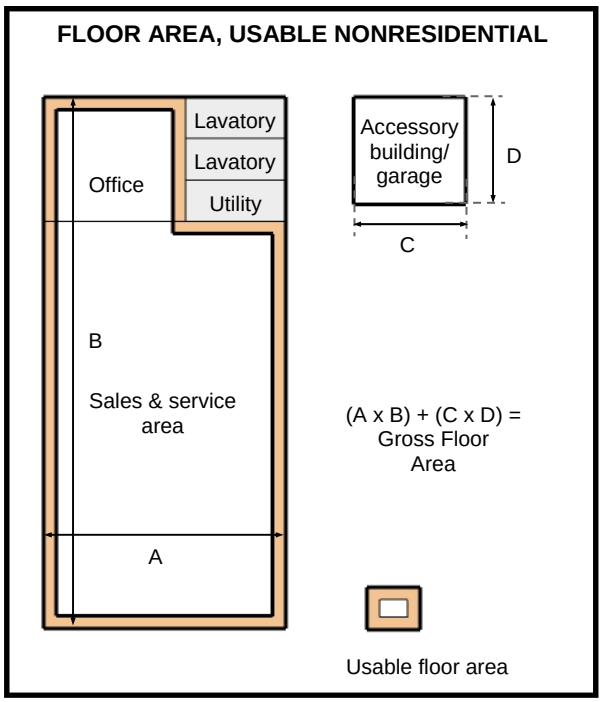
Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from any source.

Floor Area. The sum of the gross horizontal areas of several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls, but not including porches (enclosed or unenclosed), breeze ways, garages (attached or unattached), basements, utility rooms, unfinished attics, or any space devoted to off-street parking or loading. The "floor area" of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher.

1. *Gross Leasable Area (GLA).* The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

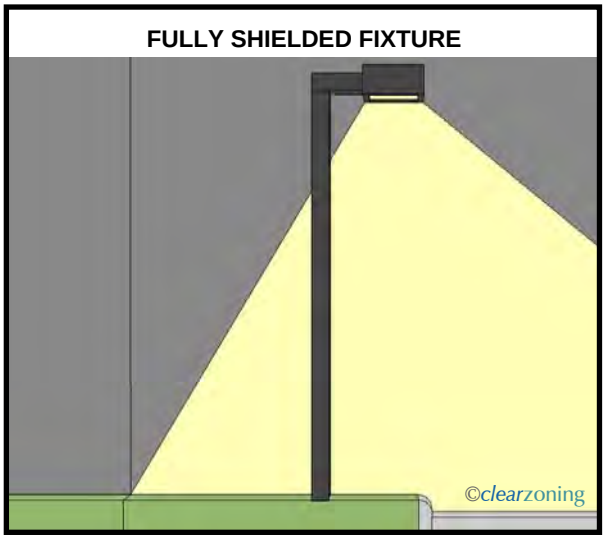
2. *Floor Area, Gross.* The sum of the horizontal areas of the several floors of the building measured from the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways and areas included in structures or buildings providing parking for motor vehicles shall not be included.
3. *Floor Area, Usable Nonresidential.* The sum of the horizontal areas of each floor, measured from the interior face of exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers, Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area. For the purposes of computing required parking eighty percent (80%) of the sum gross floor area may be used.



Food. As used in connection with restaurant facilities, this term includes frozen desserts and nonalcoholic beverages.

Footcandle. Illuminance produced on a surface one foot from a uniform point source of one candela, or when one lumen is distributed into an area of one square foot.

Fully Shielded Fixture. An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.



Garage, Private. A garage for four or fewer motor vehicles, without provision for repairing or servicing such vehicles for profit.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

Glare. The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course. A tract of land laid out for playing the game of golf, consisting of at least nine holes and improved with tees, greens, fairways and hazards. A clubhouse and shelters are considered to be accessory uses.

Grade. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For the buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets. For buildings having no wall adjoining the sidewalks or street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

1. *Grade, Average.* The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure.
2. *Grade, Finished.* The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.
3. *Grade, Natural.* The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land planted with trees or shrubs acceptable in species and caliber to the Planning Commission and in compliance with the requirements of this Chapter.

Health Club. A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness.

Home Occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Hospital. A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment, and operating under a license by the State Department of Public Health.

Hotel. Any building containing six or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: 1) maid service; 2) furnishing of linen; 3) telephone, secretarial, or desk service; 4) bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.

Housing for the Elderly. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:

1. *Senior Housing.* Multiple-family dwelling units occupied by persons 55 years of age or older.
2. *Elderly Housing Complex.* A building or group of buildings containing dwellings where the occupancy is restricted to persons 55 years of age or older or couples where either the husband or wife is 55 years of age or older.
3. *Congregate or Interim Care Housing.* A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
4. *Dependent Housing Facilities.* Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.

Housekeeping Unit. A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

Improvements. Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

Institutional Uses. The following specific uses of an educational, social, or religious character, as defined or used in this Chapter.

1. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
2. Auditoriums, theaters, assembly halls, concert halls, and similar places of assembly.
3. Libraries, museums, and similar centers for cultural activities.
4. Fairgrounds.
5. Churches, temples, and other places of worship.
6. Post offices.
7. Private clubs, fraternal organizations, and lodge halls.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard. An open area licensed by the state of Michigan where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term "junk yard" does not include collection stations for residential recyclables.

Kennel. A structure used for the harboring of more than two dogs that are more than six months old.

Kennel, Commercial. Any lot or premises on which three or more dogs, cats or other household pets, six months old or older, are either permanently or temporarily boarded for sale, breeding, boarding, or training purposes. Kennels shall also include any lot or premises where household pets are bred or sold.

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Land, Common. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

Landfill. A parcel of land or part thereof licensed by the state of Michigan used primarily for the disposal by abandonment, burial, dumping, burning or any other means and for whatever purpose, of garbage sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Light Fixture. The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.

Loading Space. An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging House. A building or portion thereof containing not more than five guestrooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodging house shall **comply with all the requirements for dwellings.**

Lot. **A platted lot of a recorded subdivision or a parcel** of contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.

1. ***Non-Residentially Used Lot.*** A lot with a land use other than residential.
2. ***Residentially Used Lot.*** A lot with a land use where one or more persons resides in a building containing one room or a combination of rooms that are used for living, cooking, and sleeping purposes. If a building is vacant, but the residential use has not been abandoned, the lot shall continue to be classified as a Residentially Used Lot.

Lot, Corner. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this Chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. ✍

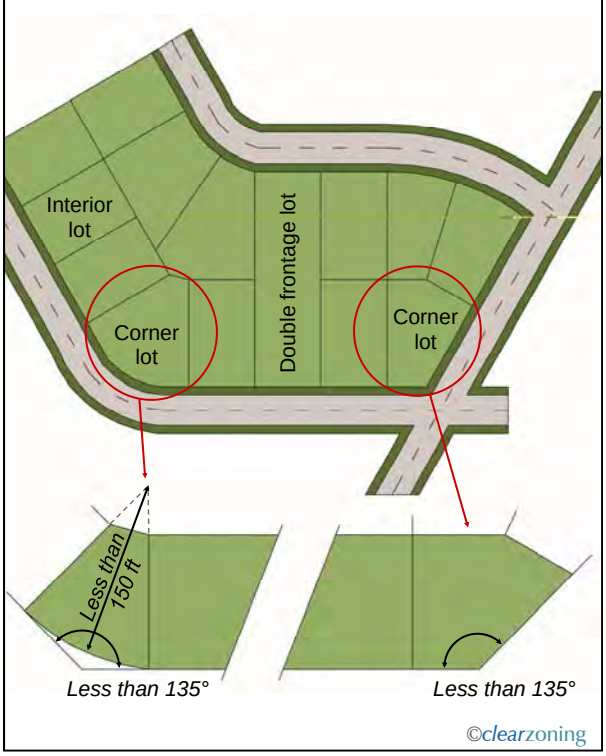
Lot, Interior. Any lot other than a corner lot.✍

Lot, Nonconforming. A lot of record that does not meet the dimensional requirements of this Chapter.

Lot, Through (Double Frontage). Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.✍

Lot of Record. A lot, the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (registered and licensed in the state and likewise recorded on a file with the county.)

LOTS: CORNER, DOUBLE FRONTAGE, INTERIOR



Lot, Zoning. A single tract of land, located within a single block, under one zoning designation, under single ownership or control. A zoning lot shall satisfy this Chapter with respect to area, size, dimensions, and frontage as required in the schedule of regulations for the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds office, but may include one or more lots of record all of which have the same zoning designation and located adjacent to each other.

Lot Area, Gross. The net lot area plus any portion of adjoining public lands deemed proper to be included by the Planning Commission.

Lot Area, Net. The total horizontal area within the lot lines of a lot.

Lot Coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, and permanent swimming pools.

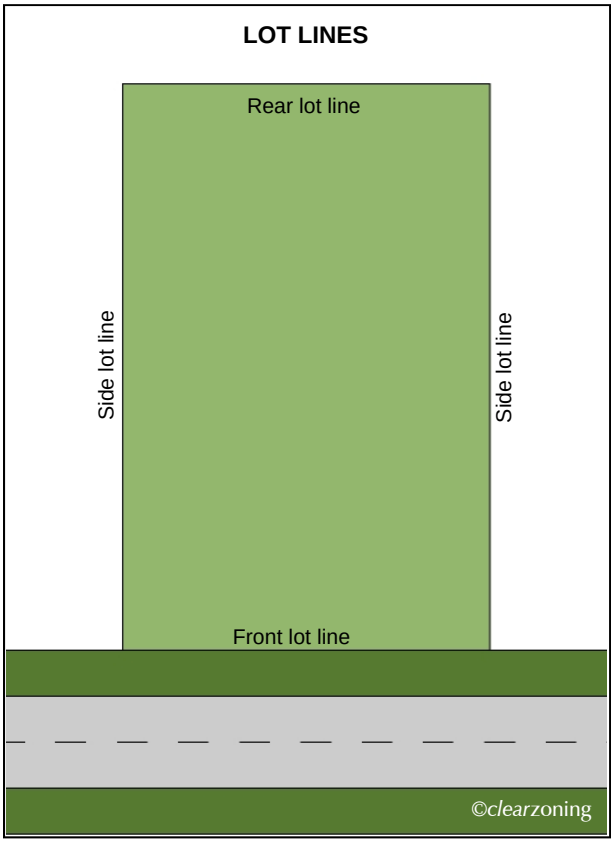
Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

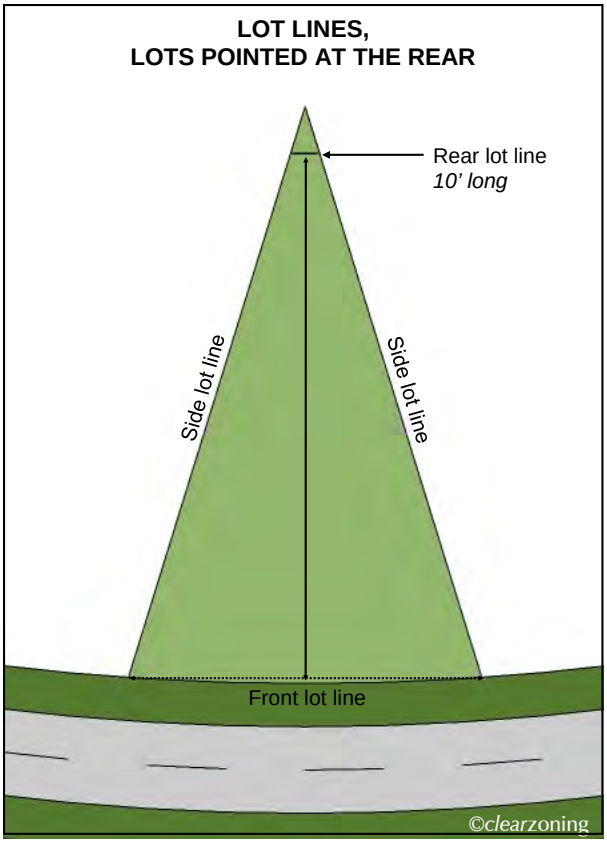
Lot Frontage. The horizontal distance measured along that portion of the front lot line that abuts a street right-of-way, or an approved and dedicated private road easement.

Lot Lines. The lines bounding a lot as defined herein. ✍

1. **Front Lot Line.** The boundary separating an interior lot from the street; or the boundary separating a corner lot or double frontage lot from that street which is designated as the front street in the plat or in the request for the zoning permit.
2. ***Rear Lot Line.*** That lot line opposite the front lot line. In the case of a lot pointed at the rear the rear lot line shall be an imaginary line parallel to the front line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
3. ***Side Lot Line.*** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. The horizontal distance between the side lot lines, measured at the two points where the building line, or front, intersects the side lot lines.





Massage Therapist. An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.

Master Plan. A comprehensive document, including but not limited to written text, maps, illustrations, and any sub-unit, portion, part or amendment of such plan. At a minimum, such plan(s) shall indicate the development goals and objectives; planned future use of all land within the City of Marshall; general locations for existing and planned streets, parks, schools, public buildings, and all physical development of the City of Marshall. Such plan(s) shall be adopted by the Planning Commission, and may be adopted by City Council.

Microbrewery. A brewer licensed by the State of Michigan that produces and manufactures in total less than 60,000 barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises.

Mixed-Use Development. Any combination of two or more uses permitted in the district on a single zoning lot.

Mobile food vending unit: a self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment used for the preparation and/or sale of food products and is closed up when not in operation.

Mobile food vendor: Person(s) selling foods from a mobile vendor unit. This definition shall not include peddlers and transient merchants.

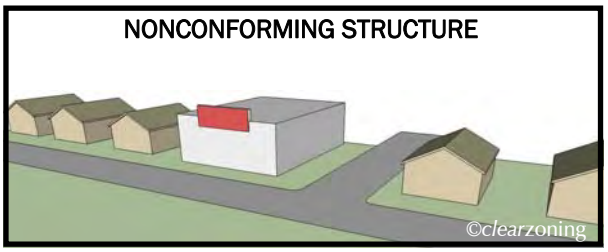
Movie Theater. A structure used for motion pictures for admission to which entrance money is received and no audience participation or meal service is allowed.

Municipal. Owned, operated or used by the City.

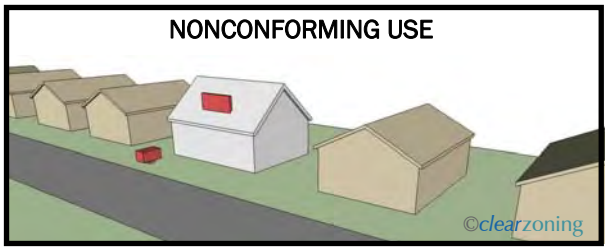
New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Chapter.

Nonconformities.

1. ***Effective Date.*** Whenever this Chapter refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Chapter if the amendments created a nonconforming situation.
2. ***Nonconforming Lot.*** A platted or unplatted parcel of land lawfully existing at the effective date of this Chapter or amendments thereto that does not conform to Chapter provisions for the district in which it is located.
3. ***Nonconforming Structure.*** A structure or portion thereof lawfully existing at the effective date of this Chapter or amendments thereto that does not conform to Chapter provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and city laws ordinances, regulations and codes.✍



4. ***Nonconforming Use.*** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Chapter or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Chapter require such approval, but is otherwise in compliance with all other applicable federal, state, county and city laws ordinances, and regulations.✍



5. ***Unlawful Structure.*** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and city laws ordinances, regulations and codes.
6. ***Unlawful Use.*** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and city laws ordinances, regulations and codes.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a lot line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, or passenger traffic.

Nursery. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this zoning ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The number of individuals normally occupying a building or part thereof or for which the exitway facilities have been designed.

Offset. The distance between the center lines of driveways or streets across the street from one another.

Open Air Business.

1. The retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizers, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;
2. The retail sale of fruit and vegetables;
3. Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks or similar recreation uses;
4. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, rental or repair services;
5. The outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products.

Open Space. Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open space may include, but is not limited to playground fixtures, shelters, and tennis courts.

1. *Open Space, Common.* An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use by the development's residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.
2. *Open Space, Public.* Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a government agency.

Outlot. A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

Overlay District. An overlay zoning district applies to a specific geographic area of the City, as designated on the City's Zoning Map. The requirements of an Overlay district, as set forth by the Zoning Ordinance, apply as additional standards for those parcels within an overlay district's boundaries. Where there is a conflict between the standards in the Overlay district and the underlying Zoning district, the standards in the Overlay district shall be applied. The intent is to address particular issues that span a large geographical area and includes more than one underlying zoning district.

Parking Lot, Off-Street. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

1. *Parking Space.* An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
2. *Parking Structure.* A structure of two or more stories, either privately or publicly owned, used for parking more than four automobiles.

Park, Municipal. A parcel of land that is used as a park and is operated under the supervision of the City.

Park, Public. Any developed or undeveloped park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active recreational pursuits, within the jurisdiction and control of a government agency.

Party Store. A retail establishment licensed by the State of Michigan where more than 10% of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the City.

Pet. Any animal that has been bred or raised to live about the habitation of humans and is dependent on people for food and shelter.

Planned Office Park. A development that contains a number of separate office buildings, supporting uses, and open space designed, planned, constructed, and managed on an integral and coordinated basis.

Plat. A map of a subdivision of land.

Pool, Swimming. Any structure or container as defined by the Michigan Building Code that is located above or below grade designed to hold water and intended for swimming or bathing by people. A swimming pool shall be considered an accessory structure for the purpose of determining required yard spaces and maximum lot coverage.

Porch. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached. Porches may not be enclosed with materials other than screening. Porches enclosed with materials other than screening shall be considered an integral part of the principal building for purposes of this Chapter.

Pub or Tavern. A restaurant licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30% of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Public Notice. A notice of the time, date, place and purpose of a public hearing in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006).

Public Service. Public service facilities within the context of this Chapter shall include such uses and services as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses including essential public services.

Radioactive Materials. Materials defined as radioactive under State of Michigan regulations for transportation of radioactive materials or under County Health Department regulations, whichever is determined to be applicable.

Real Property. A lot of record located in the City of Marshall.

Recreation Area. A recreational land use conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood(s), including athletic fields, basketball courts, tennis courts, swimming pools, bathing, wading and other therapeutic facilities, skateboard parks, and miniature golf. A recreation area may also contain a recreation center.

Recreation Land. Any public or private owned lot or parcel that is utilized for recreation activities such as, but not limited to camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

Recreation Establishment, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreational Equipment. Recreational equipment shall include the following.

1. *Boats and Boat Trailers*. Boats and boat trailers shall include boats, floats, rafts, water skis, canoes, plus the normal equipment to transport them on the highway.
2. *Pickup tops*. A structure used to cover the bed of a pickup or a single unit designed to store or haul equipment or materials to and from job sites.
3. *Folding Tent Trailer.* A folding structure, mounted on wheels and designed for travel and vacation use.
4. *Motor Home (Trailer Coach).* A self-propelled motorized recreational vehicle intended, designed, used, or constructed and duly licensable for travel or recreational usage, and for temporary human habitation, sleeping, or cooking and eating for one or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
5. *Pickup Camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
6. *Snowmobile.* Any motorized vehicle designed for travel primarily on snow or ice, steered by means of wheels, skis or runners.
7. *Travel Trailer.* A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
8. *Other Recreational Equipment.* Other recreational equipment includes but is not limited to, all terrain or special terrain vehicles (i.e. quads, dirt bikes, mini bikes, dune buggies, go carts, or similar equipment), utility trailers, plus normal equipment to transport them on the highway.

Recyclable Material. Any type of discarded material offered for collection separate from garbage or waste material which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. The term "recyclable material" does not include refuse or hazardous material.

Recycling Collection Facility. An establishment to be used by the public as a place to drop off recyclable material for temporary storage, manual sorting, and eventual transport to a recycling processing facility. A recycling collection facility does not include processing of recyclable materials.

Recycling Processing Facility. An establishment for the collection, sorting, bundling, and/or temporary storage of recyclable materials for efficient transport or processing of materials to an end-user's specifications. A recycling processing facility may include collection of recyclable materials or a recycling collection facility.

Restaurant, Carry-Out. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics.

1. Foods, frozen desserts or beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
2. The consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics.

1. Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
2. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Restaurant, Fast-Food. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics.

1. Foods, frozen desserts or beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
2. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Standard. Any establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics.

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which such items are consumed; or
2. A cafeteria-type operation where foods, frozen desserts or beverages generally are consumed within the restaurant building.

Retail Business. A business having as its primary function the supply of merchandise or wares to the end consumer. Includes but is not limited to general merchandise and specialty shops, pharmacies, and stores selling furniture, electronics, appliances, home improvement products, and other consumer goods.

Right-of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one, two, or three bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn used to transmit or receive television, radio, or other electromagnetic communication signals between terrestrially or extra-terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, television reception only satellite antennas (TVRO), and satellite microwave antennas.

School, Nursery. An establishment wherein three or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are, for remuneration, cared for. Such schools or centers need not have a resident family on the premises. (See CHILD CARE.)

Screening. A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

Separate Ownership. Ownership of a parcel of land wherein the owner does not own adjoining vacant land. Ownership of land may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this zoning ordinance, as the owner thereof so elects, and in such case the outside perimeter of such group of lots of record shall constitute the front, rear and side lot lines thereof.

Service Drive. A drive that generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback. The minimum distance by which any building or structure must be separated from a public right-of-way or lot line.

1. *Setback, Parking Lot.* The minimum horizontal distance between the street right-of-way or lot line and the near edge of a parking lot, excluding necessary or approved driveways, frontage roads and landscaping areas.

Sexually-Oriented Businesses. See Chapter 118 of the City Code of Ordinances.

Sign. Any surface, device, letter, word, model, balloon, pennant, insignia, emblem, logo, icon, painting, placard, poster, flag or representation, illuminated or non-illuminated, which is visible from a public place, including, but not limited to highways, streets, alleys or publicly-owned property, or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or constitutes a solicitation.

For the purpose of Section 5.1, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. *Abandoned Sign*. A permanent sign which was erected on a property in conjunction with a particular use which has been discontinued for a period of 180 days or longer or a sign the content of which pertains to a time, event or purpose which no longer applies.
2. *Animated Sign.* A changeable copy sign where the information conveyed changes more than once per minute.
3. *Awning.* A roof like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians from the elements.

4. ***Awning Sign.*** A permanent sign painted on, printed on, or attached flat against the surface of an awning.✍
5. ***Balloon Sign.*** A type of portable sign filled with air or gas.
6. ***Banner Sign.*** A temporary sign constructed of cloth, fabric or other similar material with or without a structural frame. A national flag of the United State of America, the State of Michigan flag, the City of Marshall municipal flag, the official flag of any religious, institutional or business establishment, or displays for holidays or public events shall not be considered banner signs.
7. ***Barber Pole Sign.*** A permanent sign attached to the building in a vertical cylinder shape with moving and/or alternating colors.
8. ***Billboard Sign.*** A permanent sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.
9. ***Changeable Copy Sign.*** A permanent sign, electrical or non-electrical, on which the copy changes automatically or is designed to allow the copy to be changed manually while the surface of the sign remains unchanged, such as electronic time and temperature units or reader boards with changeable letters. A sign on which the copy changes more than once per minute shall be considered an animated sign.
10. ***Construction Sign.*** A temporary sign that identifies the owner, developer, financier, contractor, subcontractor, architect, engineer and/or material supplier participating in construction on the property on which the sign is located.
11. ***Directional Sign.*** A temporary or permanent sign that displays a message related to a product, activity, event or service and commonly includes an arrow or other directional means to assist in determining a correct route to an entrance, event or parking area. ✍

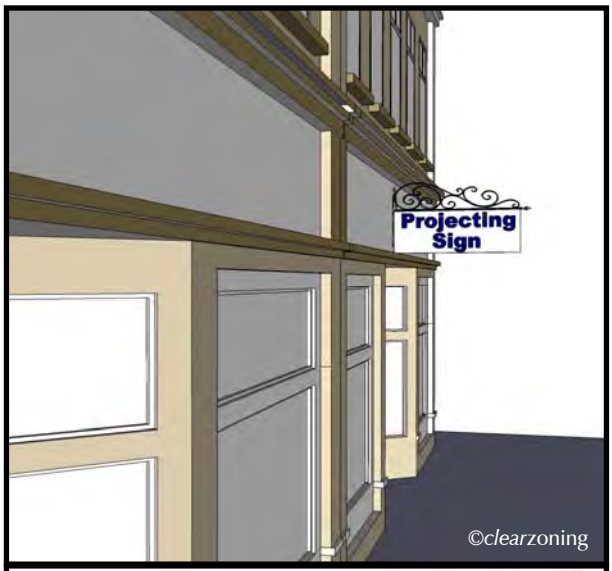
12. ***Double Faced Sign.*** Signs with two parallel or non-parallel sign surfaces not more than 24 inches apart at any point on the opposite face.
13. ***Expressive Sign.*** A sign placed or displayed for the purpose of expressing an opinion about any societal or political issue.
14. ***Feather (or Flutter) Sign.*** Any sign that is comprised of material that is suspended or attached in such a manner to a pole or stake as to attract attention by waving, moving or fluttering from natural wind currents. It also includes similar signs that do not move or flutter.
15. ***Flag Sign.*** A temporary sign made of a rectangular piece of fabric of distinctive design used as a symbol or signaling device. The national flag of the United State of America, the State of Michigan flag and the City of Marshall municipal flag are exempt from the provisions of this Chapter. The official flag of any religious, institutional or business establishment is considered a sign.
16. ***Freestanding Sign.*** A permanent sign attached to or supported by a post(s), pole(s), base or the like, and not attached to a building. Freestanding signs include pylon and ground signs.

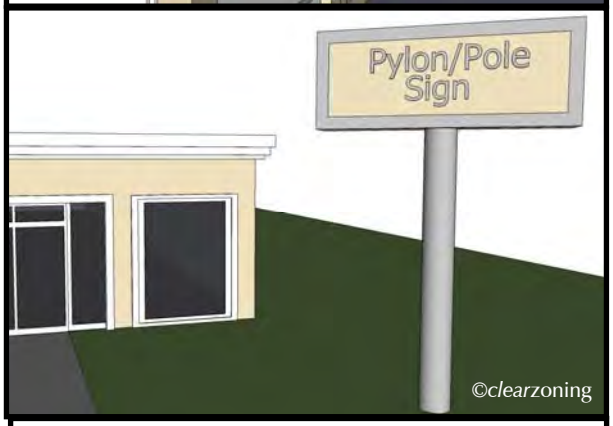
17. ***Ground Sign.*** A sign extending upward from grade that is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure. ✍

18. ***Historical Marker.*** A sign, monument, or marker designating a location or structure of historical significance, on a site approved by the city, state, or federal government is exempt from regulation by this Chapter.
19. ***Incidental Sign.*** A temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to open/closed signs, hours of operation, warning or caution signs, no trespassing signs, dangerous animal signs, and similar signs.
20. ***Maintenance.*** The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

21. ***Marquee.*** Any permanent roof like structure projecting from a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from weather.
22. ***Marquee Sign.*** A permanent sign attached to any part of a marquee other than the roof. ✍
23. ***Mural.*** A permanent design or representation painted or drawn on a wall that does not advertise a business, product, service, or activity.
24. ***Nameplate Sign.*** A permanent sign affixed to the wall of a building or incorporated into the façade of the building. Examples include, but are not limited to, name of building and date of construction or opening.
25. ***Nonconforming Sign.*** A temporary sign or permanent sign which lawfully existed at the effective date of this Chapter, or any amendment thereto, that does not conform to all of the current requirements of this Chapter.
26. ***Off-Premises Sign.*** A temporary sign or permanent sign advertising any establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
27. ***On-Premises Sign.*** A temporary sign or permanent sign which pertains to the use of the premises on which it is located.
28. ***Pennant Sign.*** A sign, with or without a printed design or text, made of flexible materials suspended from one or two corners, used in combination or on a cable or other similar support with other such signs to create the impression of a line.
29. ***Permanent Sign.*** Any sign of durable material permanently anchored or secured to a building, accessory structure or the ground.
30. ***Portable Sign***. A temporary sign designed to be moved from place to place, whether or not it is attached to the ground or a structure.

31. ***Projecting Architectural Feature.*** Elements such as cornices, eaves and overhangs, canopies, porches, bay windows, and chimneys that are attached to or project out from the main building walls below the roof.
32. ***Projecting Sign.*** A permanent sign attached to a building which extends from the building toward the street. ✍
33. ***Pylon Sign.*** A sign supported by one (1) or more poles, posts, braces, or pylons located in or upon the ground and not attached to a building. Also referred to as a pole sign.✍
34. ***Real Estate Sign.*** A temporary sign placed on a property during the time that the property and/or structures or portions of structures located on the property are advertised for sale, rent, or lease.
35. ***Roof Sign.*** A temporary sign or permanent sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, or signs where any portion of the sign extends above the roof of the building where the sign is located. Projecting architectural features, as defined in this Chapter, shall not be considered part of the roof.
36. ***Sandwich Board Sign.*** A temporary sign containing two separate faces which are attached to one another at the top by one or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support. ✍
37. ***Sign Copy.*** Any written characters, emblems, logos, images, or projections meant to promote, advertise, or otherwise call attention to a business, cause, location, organization, or event.
38. ***Snipe Sign.*** An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
39. ***Temporary Sign***. Any sign erected for a specific purpose or event and which is not intended to be permanent.
40. ***Vehicle Sign.*** A temporary sign or permanent sign which is mounted or painted on a vehicle which is displayed in public view under such circumstances as to indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business or the owner thereof in the manner which is customary for said vehicle.





SANDWICH BOARD SIGN

41. ***Wall Sign.*** A permanent sign painted on, incorporated in, or attached directly to a building wall, window, or projecting architectural feature with the exposed face of the sign in a plane parallel to the building wall, window, or projecting architectural feature. A mural shall not be considered a wall sign.✍

42. ***Warning Sign.*** See incidental sign.
43. ***Water Tower Sign.*** A permanent sign attached to a water.
44. ***Window Sign.*** A temporary sign or permanent sign; picture, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. ✍

Solar Energy System, Large. A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 1 half-acre of land, and that will be used to produce utility power to off-site customers.

Solar Energy System, Medium. A private on-site or utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof panels, and associated control or conversion electronics, occupying no more than 1 half-acre of land, and that will be used to produce utility power to on-site users and off-site customers.

Solar Energy System, Small. A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 3,500 square feet of land, and that will be used to produce utility power primarily to on-site users or customers.

Stable, Private. A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

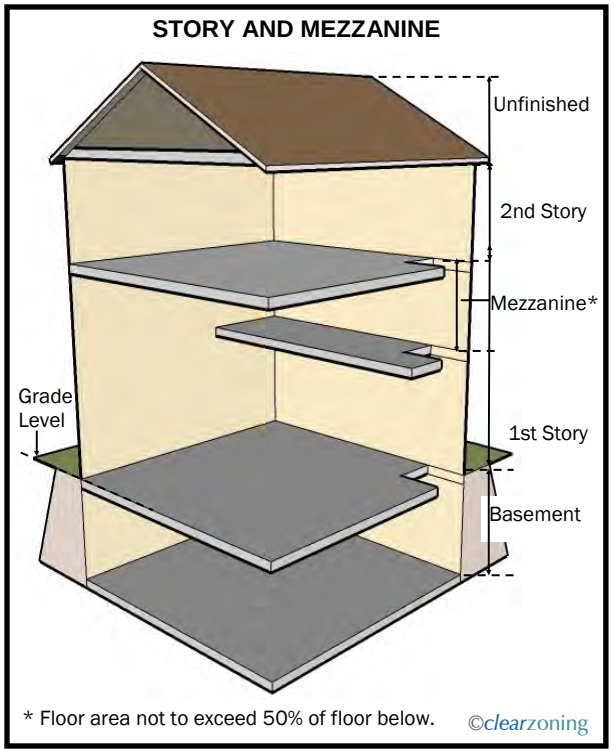
State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to Act 218 of the Public Acts of 1979, as amended (M.C.L.A. §§ 400.701 et seq.), or Act 116 of the Public Acts of 1973, as amended (M.C.L.A. §§ 722.111 et seq.), which facility provides resident services and 24-hour supervision or care for six or fewer persons in need of supervision or care.

Steep Slopes. Slopes with a grade of 12% or more.

Store, Retail. Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

1. ***Big Box Store***. A warehouse style retail establishment within an enclosed building greater than 60,000 square feet in size.
2. ***Supermarket.*** A retail store offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Story. A portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.



1. ***Basement.*** That portion of a building which is partly or wholly below grade but so located that the vertical distance from mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling. A basement shall not be counted as a story unless over 50% of its height is above the level from which the height of the building is measured.
2. ***Mezzanine.*** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third of the floor area of such story. A mezzanine shall be a full story when it covers more than 50% of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
3. ***Story, Half.*** A part of a building between a pitched roof and the uppermost full story, such part having a floor area that does not exceed one-half of the floor area of such full story, provided the area contains at least 200 square feet, with a clear height of at least seven feet six inches.

Street A public or private way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law that affords principal means of access to adjacent land.

1. ***Local Street.*** A street designed to provide access and serve residential neighborhoods is characterized by low traffic volumes.
2. ***Collector Street.*** A street designed to moderate volumes of traffic from local streets to arterial streets.
3. ***Major (Arterial) Street.*** A street defined in the master plan or by county or state road authorities as a major traffic route or as an arterial or major street, where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.
4. ***Thoroughfare, Major.*** An arterial street which is intended to serve as a large volume traffic way for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Street Right-of-Way Line. The dividing line between the street and a lot.

Structure. Any constructed or erected material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

1. **Accessory Structure**. A supplementary building or a portion of a main building, the use of which is incidental to, customarily found in connection with, devoted exclusively to, and subordinate to that of the main building and which is located on the same lot as the main building.

Subdivision. A land division as defined in Chapter 155 of the City Code of Ordinances.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Telecommunication Towers and Facilities or Tower. All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Use or Building. A use or zoning permitted to exist during periods of construction of the main building or use, or for seasonal or special events.

1. *Seasonal Events.* Seasonal outdoor events intended for a limited duration within any zoning district where such use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

Tourist Home. Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest.

Truck Storage. An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal. A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the City or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

Use. The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied, maintained, let, or leased.

1. *Use, Accessory.* A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.
2. *Use, Commercial.* The use of land in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services; the maintenance of offices or recreational or amusement enterprises; or garage or basement sales conducted on residential premises for more than six calendar days during one year.

3. *Use, Special Land.* A use of land that is permitted within a particular zoning district only if the applicable standards have been met and a site plan has been approved.
4. *Use, Industrial.* Any land or building occupied or used for manufacturing or processing purposes.
5. *Use, Nonconforming.* See Nonconformities.
6. *Use, Principal.* The main use to which the premises are devoted and the principal purpose for which the premises exist.
7. *Use, Principal Permitted.* A use permitted in each zoning district by right subject to development plan review approval.
8. *Use, Public and Semi-Public Institutional.* Uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

Utility, Public. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under municipal or state regulations, to the public, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal services.

Utility Room. A room in a dwelling, not located in the basement, the use of which is primarily for storage, for housing a heating unit or for laundry purposes.

Variance. A modification of the literal provisions of this Chapter granted by the Zoning Board of Appeals.

Vehicle, Commercial. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

1. *Semi Trailer.* A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds 12 feet in height.
2. *Truck Tractor.* A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
3. *Other Commercial Vehicles.* Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more then eight inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine feet. Commercial vehicles do not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Veterinary Clinic or Hospital. An office of a duly licensed veterinary professional where diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock, and all other activities and rooming of animals are conducted within a completely enclosed building. A veterinary hospital may include outdoor boarding incidental to treatment.

Waiting Space. A defined area for temporary stacking or parking of a vehicle, where the automobile engine is not turned off, for the purpose of receiving service through a drive-through service window or similar arrangement.

Wall, Obscuring. An obscuring structure of definite height and location constructed of wood, masonry, landscaping, earth, concrete, or similar materials or combination of materials.

Wall, Parapet. An extension of a building wall above the roof that may serve to screen roof-mounted mechanical equipment.

Wall, Retaining. A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Chapter, all supporting members, posts, stringers, braces, pilasters or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed or painted, tinted or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted or designed thereon.

Warehouse, Miniature or Self-Storage. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes.
2. The substrate is predominantly un-drained hydric soil.
3. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following.

1. Contiguous to an inland lake or pond, or a river or stream;
2. Not contiguous to an inland lake, pond, river or stream, and more than five acres in size;
3. Not contiguous to an inland lake or pond, or a river or stream; and five acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the landowner.

Wind Energy Conversion System. A wind energy conversion system that converts wind energy into electricity through the use of wind turbine generator, including the turbine, blades, and tower as well as related electrical equipment, but not including wiring to connect the wind energy system to the grid. For purposes of this Chapter, the term wind energy system shall include an anemometer tower or wind turbine generator tower. Terms related to wind energy systems are defined as follows:

1. *Anemometer*. A device to measure wind speed.
2. *Blade.* The aerodynamic surface that catches the wind.
3. *Rotor*. The rotating part of a wind turbine, either the blades and blade assembly, or the rotating portion of a generator.
4. *Shadow flicker.* The alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

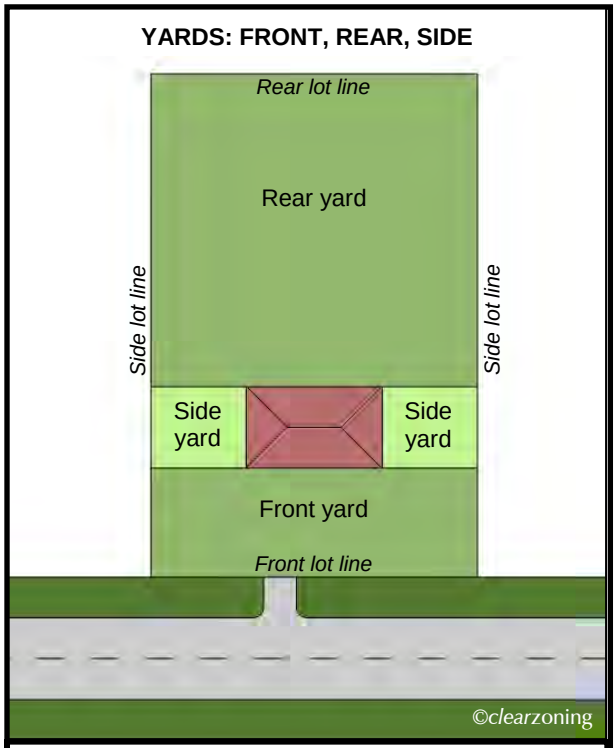
Wine Shop (Specialty). A retail establishment licensed by the State of Michigan where more than 10% of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under 21% by volume for consumption off the premises, however no more than 10% of the gross floor area shall be dedicated for the storage, display, and sale of beer.

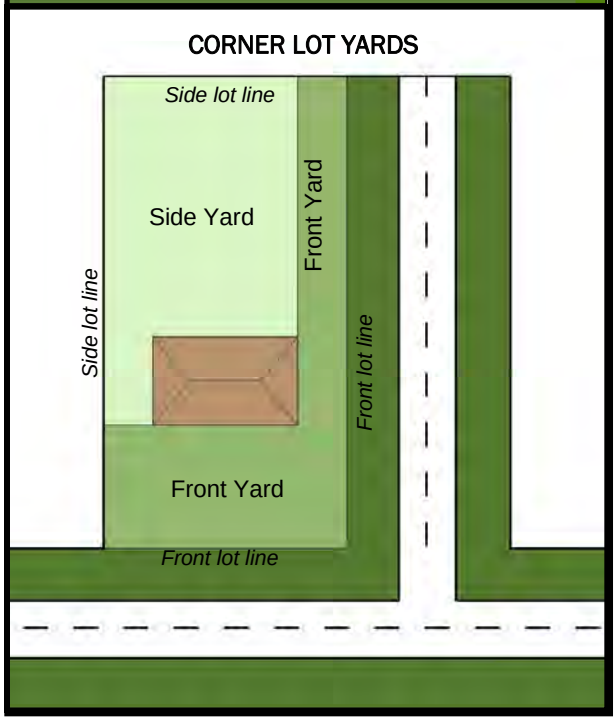
Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

1. **Attached Wireless Communications Facilities (Antennae).** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. **Collocation.** The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennae within the City.
3. **Wireless Communication Support Structures (Towers).** Structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yards. The space on the same lot with a main building, open, unoccupied, and unobstructed from the ground upward, except as otherwise provided in this Chapter and as defined herein. ✍

1. ***Front Yard.*** That yard extending the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building line.
2. ***Rear Yard.*** That yard extending the full width of the lot, the depth of which is the least distance between the rear lot line and the rear of the main building.





3. *Side Yard.* That yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard is measured horizontally at 90 degree angles with the side lot line, from the nearest point of the side lot line to the drip line of the structure.
4. *Waterfront Yard.* That yard which has frontage on the water; waterfront yards shall be considered front yards and subject to all pertinent regulations.

Zoning District. A specifically delineated area with uniform regulations and requirements governing the use, placement, spacing, and size of land and buildings.

Zoning Permit. The written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration or use of a building in conformity with this Chapter.

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Article 3.0
Zoning Districts

Article 3.0 Zoning Districts

3.1	Districts Established
3.2	Zoning Map
3.3	District Boundaries
3.4	Design and Development Requirements
3.5	Street, Alley and Railroad Rights-of-Way
3.6	Zoning of Annexed Areas
3.7	Zoning of Vacated Areas
3.8	Prohibited Uses
3.9	Principal Permitted Uses in Districts
3.10	Land Uses Subject to Special Conditions
3.11	Notes to District Standards
3.12	R-3 Development Requirements
3.13	MFRD Development Requirements
3.14	MHPD Development Requirements
3.15	HCHSD Development Requirements
3.16	B-2 Development Requirements
3.17	B-3 Guidelines to Consider for Development
3.18	B-4 and FS Development Requirements
3.19	I-1 Development Requirements
3.20	I-2 Development Requirements
3.21	PSP Development Requirements
3.22	Exceptions to Height Limitations
3.23	Exceptions to Lot Area of Width Requirements
3.24	Other Projections Into Yards
3.25	Access Through Yards
3.26	Rubbish and Waste Material
3.27	Buildings Under Construction
3.28	Restoration of Unsafe Buildings
3.29	Essential Services

3.0 Zoning Districts

3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Marshall is hereby divided into the following districts:

1. R-1 Residential Estate District
2. R-2 Suburban Residential District
3. R-3 Traditional Residential District
4. MFRD Multiple Family Residential District
5. MHPD Manufacture Housing Park District
6. POSD Professional Office Service District
7. HCHSD Health Care and Human Services District
8. B-2 Local Business District
9. B-3 Neighborhood Commercial District
10. B-4 Regional Commercial District
11. FS Freeway Services District
12. I-1 Research and Technology District
13. I-2 General Industrial District
14. PSP Public/Semi-Public Services District
15. River District Overlay
16. Hospital Campus Overlay District
17. PUD Planned Unit Development

Digital User Note: Click on a district heading to go directly to the corresponding district regulations.

3.1.1 R-1 Residential Estate District

A. PURPOSE

The purpose of this residential district is to provide a pleasant and attractive living environment, which is consistent with the existing development as well as in areas proposed for new residential development, respects the unique natural environment, and is accessible to public water and sanitary sewer services. The R-1 district is intended to be a setting for a predominance of low-density and large-lot housing, typically in transitional locations between more intense suburban residential development and rural or open lands.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single-family detached dwellings** § 4.1
ii. **Single-family attached dwellings** § 4.1
iii. **Two-family dwellings** § 4.11
iv. Municipal or publicly owned and operated parks, and playgrounds
v. Residential cluster housing developments
vi. **Home occupations** in which customers or patrons do not visit the site for the delivery of goods or services § 4.2
vii. Adult foster care family homes
viii. **Small solar energy systems** § 4.53.1
ix. **Medium solar energy systems (non-residential uses only)** § 4.53.2
x. **Electric vehicle charging stations, level 1 & 2** § 4.50
xi. Family adult day care and child care homes.
xii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Private non-commercial recreation areas or centers** § 4.3
ii. **Cemeteries** § 4.5
iii. **Institutional uses** § 4.6
iv. Adult foster care small group home
v. Adult foster care large group homes
vi. **Group adult day care** and **child care homes** § 4.7
vii. **Home occupations** in which customers or patrons visit the site for the delivery of goods or services § 4.2
viii. Recreation centers
ix. Plant nurseries and greenhouses
x. Private stables for the keeping of horses and ponies for private use.
xi. **Farms** § 4.9
xii. **One permanent or temporary structure solely for the sale of produce grown on the land used for agricultural purposes** § 4.8
xiii. **Golf courses** § 4.10
xiv. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

R-1 Residential Estate District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	12,000 sq ft
Minimum lot width:	80 ft

Lot Coverage

Maximum lot coverage:	30%

Setbacks

Minimum front yard setback:	35 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	10 ft

Building Height

Maximum building height:	35 feet or 2.5 stories

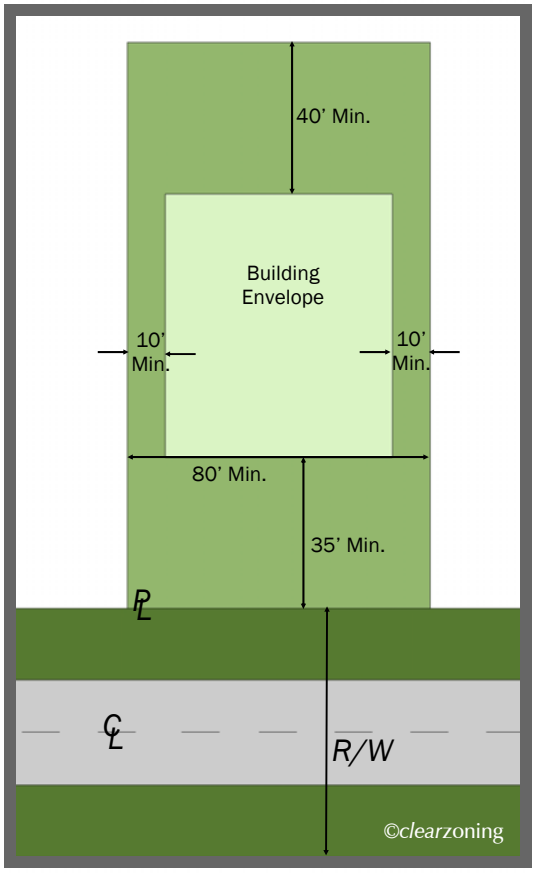
Floor Area

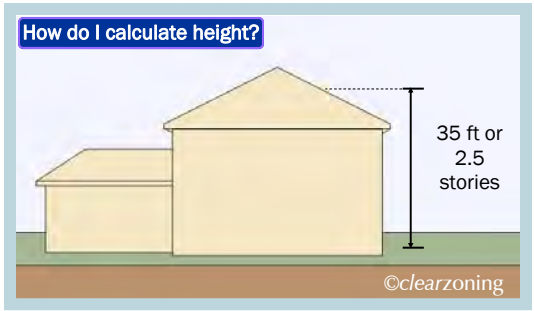
Minimum floor area per unit:

First floor:	800 sq ft
More than one-story:	1,200 sq ft

Notes:

For additions to the above requirements, refer to **Section 3.11.2 : C, F, G, H and I**.





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Essential Services § 3.29

4. Use Standards
- Storage and Repair of Vehicles § 4.48
- Storage and Parking of Commercial Vehicles and Recreational Equipment § 4.49
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Location and Number of Permitted Dwellings on a Lot § 5.6
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.2 R-2 Suburban Residential District

A. PURPOSE

The purpose of this residential district is to provide a pleasant and attractive living environment that is consistent with the existing development as well as in areas proposed for new residential development. The Suburban Residential district is intended to be a setting for primarily low density, single-family detached dwellings on moderately sized parcels that are smaller in size than those permitted in the R-1 (Residential Estate) district, but which will serve as a transition between the higher density of the R-3 (Traditional Residential) district and the very low density housing development and rural nature of the R-1 (Residential Estate) district.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single-family detached dwellings** § 4.1
ii. **Single-family attached dwellings** § 4.1
iii. **Two-family dwellings** § 4.11
iv. Municipal or publicly owned and operated parks, and playgrounds
v. Residential cluster housing developments
vi. **Home occupations** in which customers or patrons do not visit the site for the delivery of goods or services § 4.2
vii. Adult foster care family homes
viii. Family adult day care and child care homes.
ix. **Small solar energy systems** § 4.53.1
x. **Medium solar energy systems (non-residential uses only)** § 4.53.2
xi. **Electric vehicle charging stations, level 1 & 2** § 4.50
xii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. Funeral Homes, not including crematoriums
ii. Recreation centers
iii. **Private non-commercial recreation areas or centers** § 4.3
iv. **Cemeteries** § 4.5
v. **Institutional uses** § 4.6
vi. Adult foster care small group home
vii. **Group adult day care** and **child care homes** § 4.7
viii. **Home occupations** in which customers or patrons visit the site for the delivery of goods or services § 4.2
ix. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

R-2 Suburban Residential District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	9,000 sq ft
Minimum lot width:	65 ft

Lot Coverage

Minimum lot coverage:	30%

Setbacks

Minimum front yard setback:	30 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	8 ft

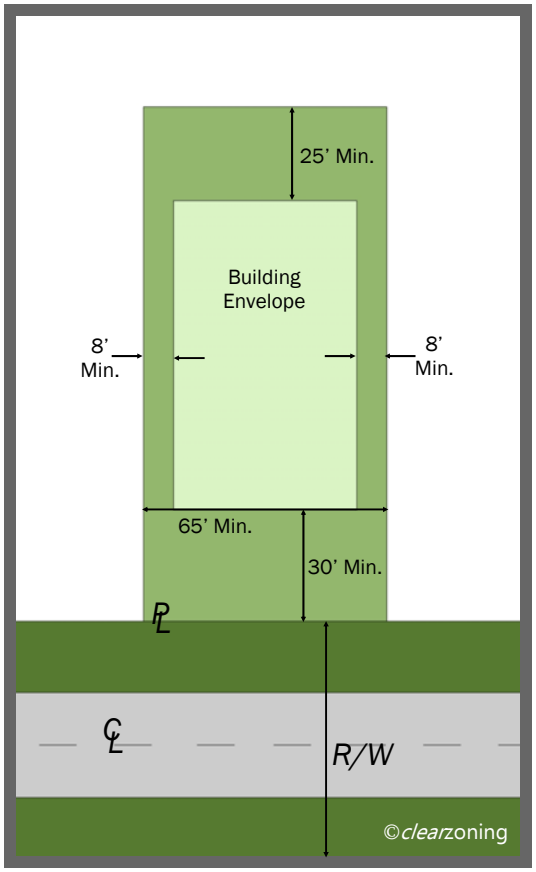
Building Height

Maximum building height:	35 ft or 2.5 stories

Floor Area

Minimum floor area per unit:

First floor:	672 sq ft
More than one-story:	1,000 sq ft



Notes:
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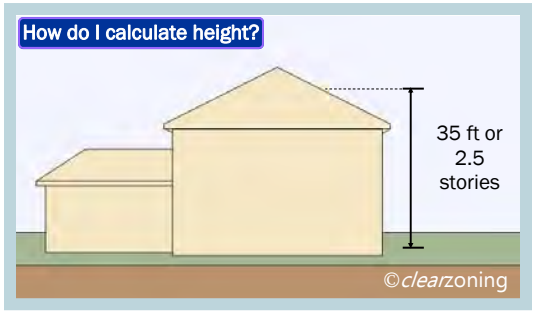


The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Essential Services § 3.29

4. Use Standards
- Storage and Repair of Vehicles § 4.48
- Storage and Parking of Commercial Vehicles and Recreational Equipment § 4.49
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Location and Number of Permitted Dwellings on a Lot § 5.6
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.3 R-3 Traditional Residential District

A. PURPOSE

The purpose of this district is to provide a pleasant and attractive residential living environment of a medium density, primarily on previously platted residential lots served with community water and sanitary sewer facilities characterized by compact, concentrated development patterns. It is the further intent of this district to provide for such uses as schools, churches, libraries, parks, playgrounds, and other public and semi-public uses, along with accessory apartments, two-unit dwellings, and other uses to coexist on a limited and structured basis. This district is further characterized by small parcel size, street oriented dwellings with front porches, sidewalks, two-story construction and reduced building setback and lot width provisions. The Traditional Residential district serves as a transitional area within the historic center of the city, located between more suburban residential land uses and the city's central business district.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single-family detached dwellings** § 4.1
ii. **Two-family dwellings** § 4.11
iii. Municipal or publicly owned and operated parks, and playgrounds
iv. **Home occupations** in which customers or patrons do not visit the site for the delivery of goods or services § 4.2
v. Adult foster care family homes
vi. Family adult day care and child care homes.
vii. **Small solar energy systems** § 4.53.1
viii. **Medium solar energy systems (non-residential uses only)** § 4.53.2
ix. **Electric vehicle charging stations, level 1 & 2** § 4.50
x. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. Funeral Homes, not including crematoriums
ii. Recreation centers
iii. **Attached or detached accessory apartments** § 4.4
iv. **Private non-commercial recreation areas or centers** § 4.3
v. **Institutional uses** § 4.6
vi. Adult foster care small group home
vii. **Group adult day care** and **child care homes** § 4.7
viii. **Home occupations** in which customers or patrons visit the site for the delivery of goods or services § 4.2
ix. **Bed and breakfast inns** § 4.12
x. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

R-3 Traditional Residential District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	4,000 sq ft
Minimum lot width:	50 ft

Lot Coverage

Minimum lot coverage:	35%

Setbacks

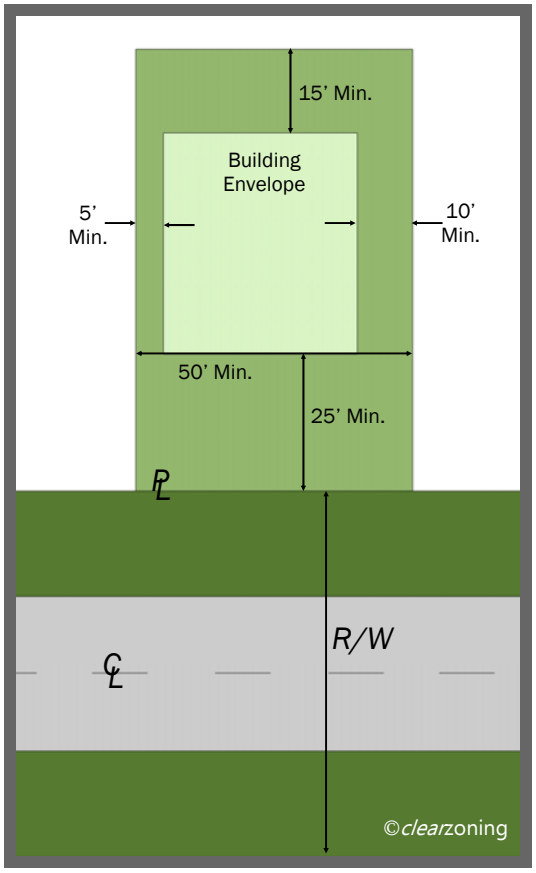
Minimum front yard setback:	25 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	
One side:	5 ft
Total of two sides:	15 ft

Building Height

Maximum building height:	35 ft or 2.5 stories

Floor Area

Minimum floor area per unit:	
First floor:	672 sq ft
More than one-story:	1,000 sq ft



Notes:
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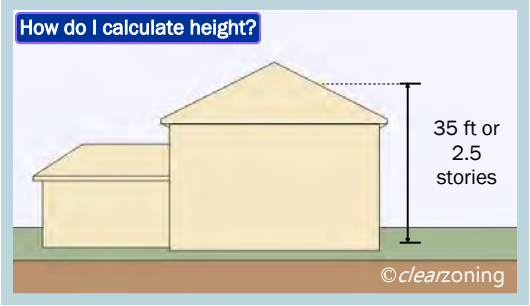


The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- R-3 Development Requirements § 3.12
- Essential Services § 3.29

4. Use Standards
- Storage and Repair of Vehicles § 4.48
- Storage and Parking of Commercial Vehicles and Recreational Equipment § 4.49
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Location and Number of Permitted Dwellings on a Lot § 5.6
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.4 MFRD Multiple Family Residential District

A. PURPOSE

The Multiple Family Residential (MFRD) district is designated to provide sites for concentrated multiple-family dwellings and related uses, as opposed to sites for individual accessory or upstairs apartments, which will serve as zones of transition between low density residential and commercial districts. The district is intended to provide areas for townhouse and apartment style housing adequately serviced by public water and sewer facilities. This district is also intended to have direct or convenient access to a major thoroughfare, and not to require traffic to use minor streets for primary access.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single-family detached dwellings** § 4.1
ii. **Single-family attached dwellings**; and **two-family dwellings** § 4.11
iii. Multiple-family dwellings, including but not limited to apartments, apartment houses, townhouses, and efficiency units
iv. Housing for the elderly
v. **Institutional uses** § 4.6
vi. Municipal or publicly owned and operated parks, playgrounds, and recreation centers
vii. **Home occupations** in which customers or patrons do not visit the site for the delivery of goods or services § 4.2
viii. **Small solar energy systems** § 4.53.1
ix. **Medium solar energy systems (non-residential uses only)** § 4.53.2
x. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50
xi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Private non-commercial recreation areas or centers** § 4.3
ii. Adult foster care large group homes and congregate facilities.
iii. **Boarding houses** § 4.11
iv. **Bed and breakfast inns** § 4.12
v. **Group adult day care** and **child care homes** § 4.7
vi. **Child care centers** § 4.33
vii. **Home occupations** in which customers or patrons visit the site for the delivery of goods or services § 4.2
viii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

D. DEVELOPMENT STANDARDS*

Lot Size

Minimum lot area:	None specified
Minimum lot width:	100 ft

Lot Coverage

Minimum lot coverage:	50%

Setbacks

Minimum front yard setback:	40 ft**
Minimum rear yard setback:	30 ft**
Minimum side yard setback:	
One side:	10 ft**
Total of two sides:	30 ft**

Building Height

Maximum building height:	45 ft or 3 stories

Floor Area

Minimum floor area per unit:	500 sq ft

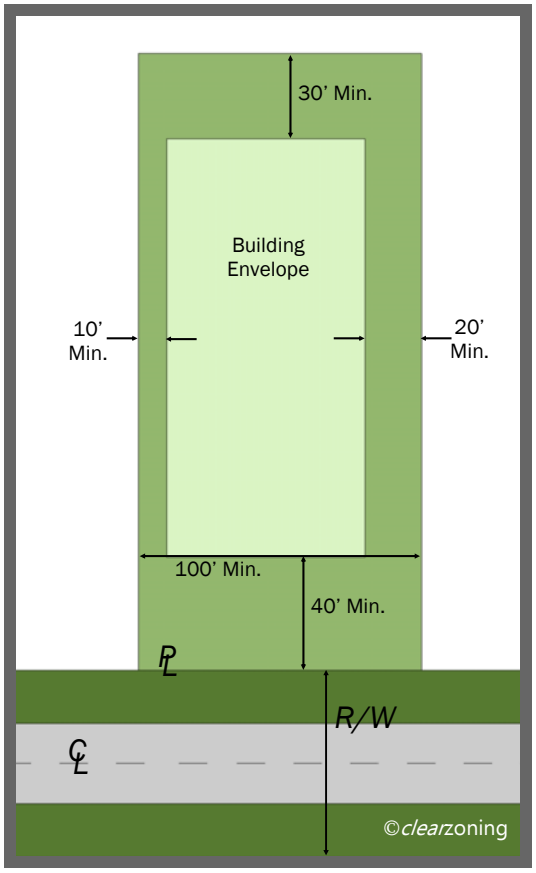
Notes:

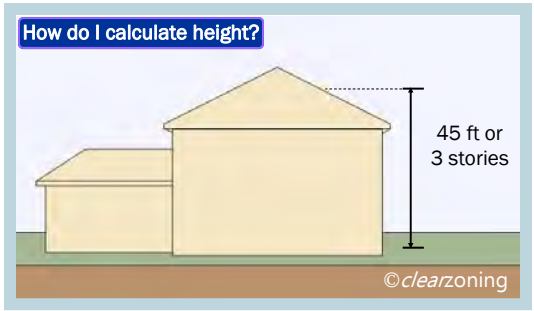
* Alterations and additions to a single-family home in the MFRD district shall follow the requirements in the schedule of regulations for the nearest single-family residential district.

**Multiple-family dwellings which have all off-street parking provided behind the dwelling and have the main entrance to the building facing a public street may reduce required minimum yard setbacks as follows:

3.14.D Reduced Minimum Yard Setback			
Front	Sides		Rear
	One Side	Total of Two	
5 feet	10 feet	30 feet	30 feet

For additions to the above requirements, refer to Section 3.11.2 : C, D, G, H, and I.





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- MFRD Development Requirements § 3.13
- Essential Services § 3.29

4. Use Standards

- Storage and Repair of Vehicles § 4.48
- Storage and Parking of Commercial Vehicles and Recreational Equipment § 4.49
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards

- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Location and Number of Permitted Dwellings on a Lot § 5.6
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior lighting § 5.17

6. Development Procedures

- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.5 MHPD Manufactured Housing Park District

A. PURPOSE

1. The Manufactured Housing Park (MHPD) district is intended to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, P.A. 96 of 1987, as amended (M.C.L.A. §§ 125.2301 et seq.) and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with community and recreational facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with and not adversely impact adjacent land uses.
2. The regulations and rules established by the State of Michigan Mobile Home Commission Act, P.A. 96 of 1987, as amended and the Manufactured Housing Commission General Rules (M.C.L.A.§§125.1101 et seq.) govern all manufactured housing parks. Where regulations of this subchapter and Chapter exceed the state law or general rules, they are intended to promote the health, safety and welfare of the city's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Chapter for comparable residential developments in the city.
3. Further, the district is intended to meet the needs of the different age and family groups in the community, to provide for standards that ensure adequate light and air to windows and for privacy and open spaces to serve the residents of these districts, to prevent traffic congestion, and to reduce hazards to life and property.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Single-family detached manufactured dwellings** § 3.14
ii. **Small solar energy systems** § 4.53.1
iii. **Electric vehicle charging stations, level 1 & 2** § 4.50

C. ACCESSORY USES AND STRUCTURES

i. **Clubhouses and private swimming pools for the exclusive use of residents and their guests** § 3.14
ii. **Temporary use of one unit as a model** § 3.14
iii. **Carports, community garages, or parking lots** § 3.14

D. DEVELOPMENT STANDARDS

Lot Size

Minimum park area:	15 acres, excluding adjacent parcels proposed for expansion
Minimum lot size:	5,500 sq ft

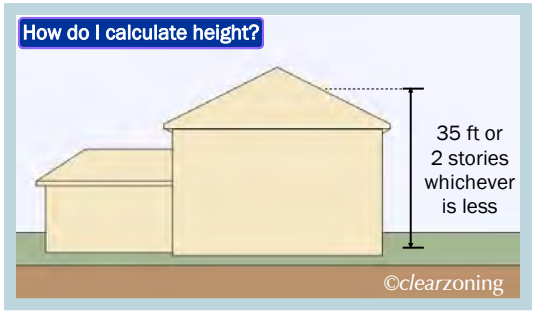
Setbacks

Minimum front yard setback:	See Section 3.14
Minimum rear yard setback:	See Section 3.14
Minimum side yard setback:	See Section 3.14

Building Height

Maximum building height:	
Community or similar Buildings:	35 ft or 2 stories, whichever is less
Storage or service buildings	15 ft or 1 story

See Section 3.14



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- MHPD Development Requirements § 3.14
- Essential Services § 3.29

4. Use Standards
- Storage and Repair of Vehicles § 4.48
- Storage and Parking of Commercial Vehicles and Recreational Equipment § 4.49
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.6 POSD Professional Office Service District

A. PURPOSE

The Professional Office Service district (POSD) is designed to accommodate uses such as offices, financial institutions and personal services, and is intended to serve as a transitional zone between residential and commercial districts. Permitted uses are intended to be predominantly non-residential uses of an administrative or professional nature necessary to the normal conduct of a community's activities.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Medical and dental offices and clinics
ii. General office
iii. Studios or schools for arts and crafts, photography, music or dancing
iv. Barber shops, beauty shops, and hair stylists
v. **Therapeutic massage** § 4.13
vi. **Mixed-use development** § 4.23
vii. **Small solar energy systems** § 4.53.1
viii. **Medium solar energy systems** § 4.53.2
ix. **Electric vehicle charging stations, level 1 ,2 & 3** § 4.50
x. **Mobile food vending** § 4.51
xi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Banks and financial institutions with accessory drive-through facilities** § 4.14
ii. **Institutional uses** § 4.6
iii. Funeral Homes, not including crematoriums
iv. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities
v. **Wind energy conversion systems** § 4.54
vi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

POSD Professional Office Service District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	65 ft

Lot Coverage

Maximum lot coverage:	60%

Setbacks

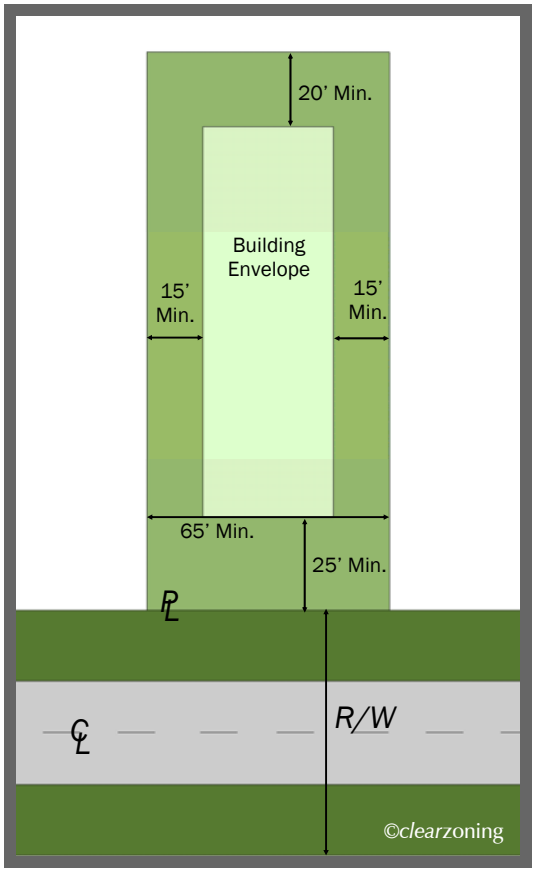
Minimum front yard setback:	25 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	15 ft

Building Height

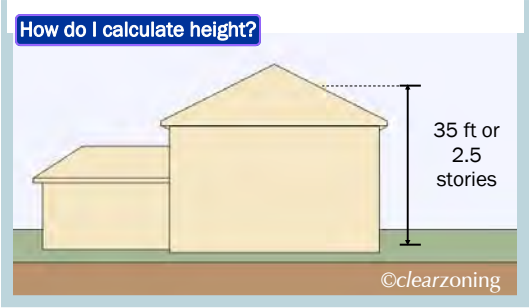
Maximum building height:	35 ft or 2.5 stories,

Floor Area

Minimum floor area per unit:	672 sq ft



Notes:
For additions to the above requirements, refer to **Section 3.11.2 : A, B, G and I.**



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.7 HCHSD Health Care and Human Services District

A. INTENT

The Health Care and Human Services (HCHSD) district is designed to accommodate the unique needs and characteristics of acute care hospitals. The mix of permitted uses and special land uses is intended to promote an integration of uses, thereby curtailing rising health care costs resulting from the duplication of equipment in diverse locations; reducing traffic through residential neighborhoods as would be required by multiple destinations; eliminating multiple parking lots through central parking facilities; and promoting the viability of the city's downtown area and B-3 (Neighborhood Commercial) district.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Medical, dental and optical offices and clinics
ii. Nursing homes, retirement homes, licensed daycare facilities
iii. General office
iv. **Mixed-use development** § 4.23
v. Housing for the elderly
vi. Studios or schools for arts and crafts, photography, music or dancing
vii. Barber shops, beauty shops, and hair stylists
viii. **Therapeutic massage** § 4.13
ix. **Small solar energy systems** § 4.53.1
x. **Medium solar energy systems (rooftop systems only)** § 4.53.2
xi. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50
xii. **Accessory structures and uses** customarily incidental to any principal use permitted by this Section, including dispensaries, ambulance facilities, restaurants and fitness centers and other uses typically associated with an inpatient acute care hospital § 4.15

C. SPECIAL LAND USES

i. **Bed and breakfast inns** § 4.12
ii. **Hotels** § 4.34
iii. Parking lots and structures
iv. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	65 ft

Lot Coverage

Maximum lot coverage:	None specified

Setbacks

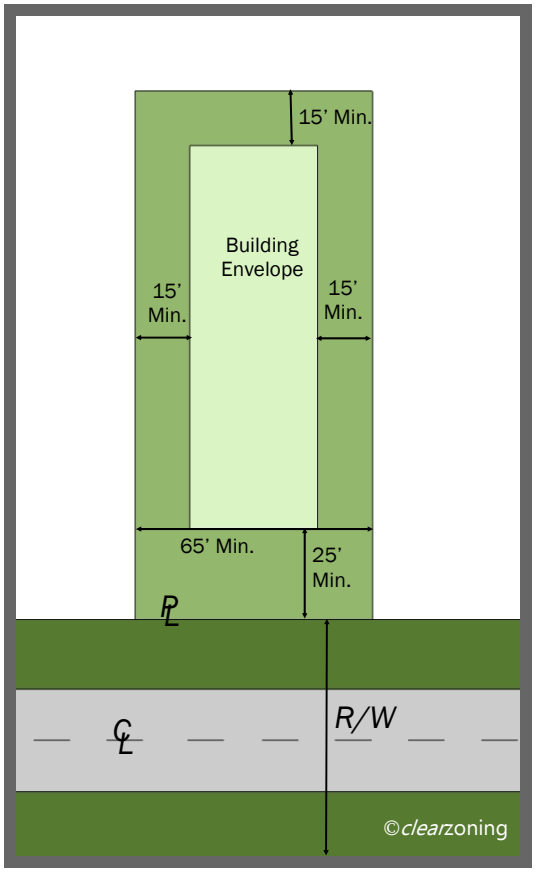
Minimum front yard setback:	25 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	15 ft

Building Height

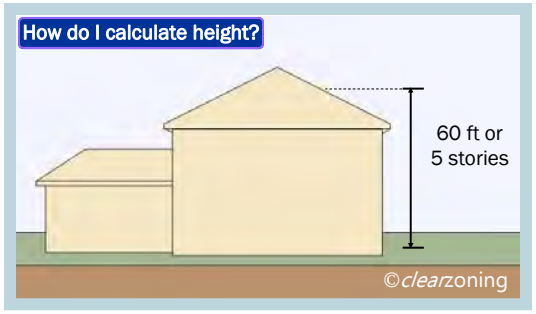
Maximum building height:	60 ft or 5 stories

Floor Area

Minimum floor area per dwelling unit:	672 sq ft



Notes:
-The Health Care and Human Services district observes a front yard facing west, a rear yard facing east, and two side yards facing north and south. This district shall be exempt from other provisions of the ordinance affecting front, side, rear setbacks and how they pertain to parking.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- HCHSD Development Requirements § 3.15
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory structures and uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.8 B-2 Local Business District

A. INTENT

The B-2 (Local Business) district provides for a mix of commercial and office uses potentially in one building. It provides for a transition between the Professional Office Service and Neighborhood Commercial district. This is accomplished by limiting the size of the building and type of uses that are allowed in the more intense business districts and by screening them from the residential uses or districts. These uses are better served by being located on a secondary or major thoroughfare.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. General office (up to 5,000 sq ft)
ii. Medical and dental offices and clinics
iii. **Business service establishments** § 4.21
iv. **Commercial greenhouses, nurseries, and garden centers** § 4.16
v. Pick-up/drop-off dry cleaners and coin laundromats
vi. **Gas station, including those combined with convenience stores, but excluding automobile service stations** § 4.17
vii. Convenience stores
viii. Studios or schools for arts and crafts, photography, music or dancing
ix. Pubs, taverns, bars, cocktail lounges, and nightclubs
x. Fitness centers
xi. **Personal service establishments** § 4.18
xii. Newspaper offices and publishers, and copy centers
xiii. **Restaurants (excluding drive-in restaurants and those with drive-through facilities)** § 4.19
xiv. Pool/video arcades
xv. **Retail establishments** § 4.20
xvi. Veterinary clinics, indoor only
xvii. **Mixed-use development** § 4.23
xviii. **Therapeutic massage** § 4.13
xix. Housing for the elderly
xx. Funeral homes, not including crematoriums
xxi. Accessory outdoor sales and display, up to 5% of gross floor area or 2,500 sq ft, whichever is less
xxii. Barber shops, beauty shops, and hair stylists
xxiii. **Small solar energy systems** § 4.53.1
xxiv. **Medium solar energy systems** § 4.53.2

B. PRINCIPAL PERMITTED USES (continued)

xxv. **Electric vehicle charging stations, level 1 ,2 & 3** § 4.50
xxvi. **Mobile food vending** § 4.51
xxvii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Restaurant with accessory drive-through facilities** § 4.14
ii. **Plant materials nursery** § 4.25
iii. **Veterinary hospitals and clinics with outdoor pens, boarding, or other similar uses** § 4.22
iv. **Adult- and sexually-oriented businesses** § 4.26
v. Wholesale stores up to a maximum of 60,000 square feet usable floor area.
vi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

B-2 Local Business District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	50 ft

Lot Coverage

Maximum lot coverage:	60%

Setbacks

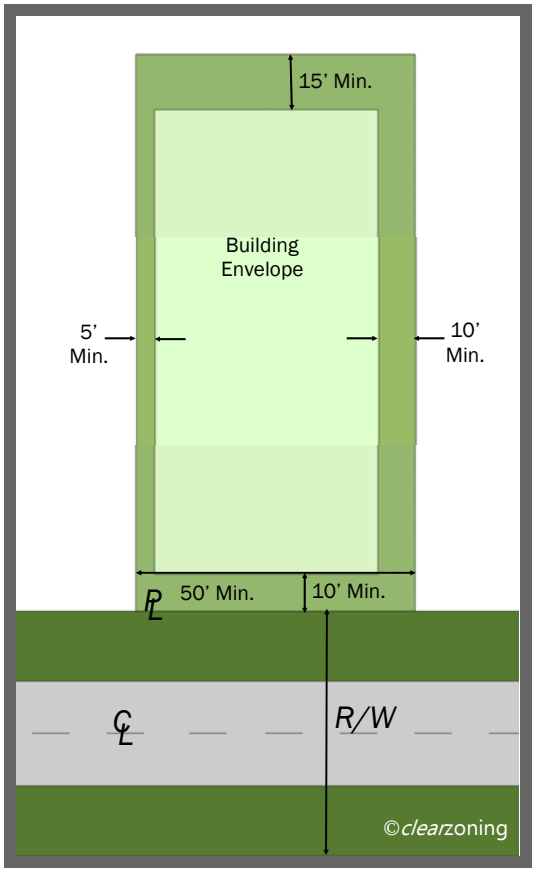
Minimum front yard setback:	10 ft
Minimum rear yard setback:	15 ft
Minimum side yard setback:	
One side:	5 ft
Total of two sides:	15 ft

Building Height

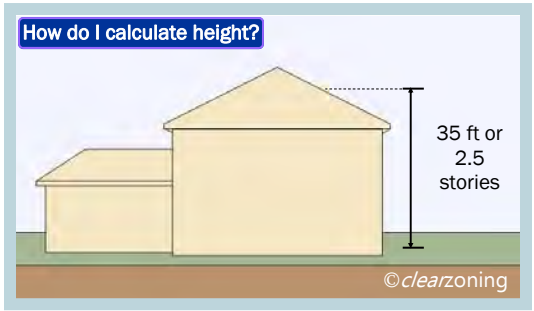
Maximum building height:	35 ft or 2.5 stories

Floor Area

Minimum floor area per unit:	672 sq ft



Notes:
For additions to the above requirements, refer to Section 3.11.2 : A, B and I.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- B-2 Development Requirements § 3.16
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Donation Collection Bins § 4.56
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.14
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.9 B-3 Neighborhood Business District

A. INTENT

1. The B-3 (Neighborhood Commercial) district is established for the purpose of accommodating a concentration of entertainment, restaurant, retail, and service establishments in the historic center of the city while allowing existing historical residential homes to remain. Collectively, the uses permitted in this district are intended to provide a convenient and attractive center of civic and commercial activity for the city.
2. This district is intended to provide a harmonious relationship between residential uses and variety of retail businesses, restaurant, or entertainment uses. The B-3 district may also accommodate limited locations for institutional, office, residential, and service uses and accessory residential uses that conform to the intended character of the district and do not conflict with existing or planned uses.
3. Neighborhood Commercial district is further designed and intended to encourage a traditional, compact, and consolidated pattern of commercial and mixed-use developments; maintain a lively social environment in an economically viable downtown with a wide variety of uses in a pedestrian-oriented setting; and promote developments where the physical, visual and spatial characteristics that retain and enhance the visual character of the downtown.
4. Further, it is recognized by the city that the B-3 district includes an irreplaceable collection of architecturally or historically significant buildings both commercial and residential. The attractiveness and economic vitality of the city's downtown area is, in part, a reflection of the shape, placement, and character of the built environment. Accordingly, it is the further purpose of this subchapter to encourage preservation of the downtown's unique heritage and architectural character, and ensure that the city's appearance, character, and economic well-being are respected. Uses that create objectionable noise, glare, odors, or other nuisances shall be prohibited.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Business service establishments within a completely enclosed building
ii. **Bed and breakfast inns** § 4.12
iii. Pick-up/drop-off dry cleaners
iv. General office
v. Medical and dental offices and clinics
vi. **Therapeutic massage** § 4.13
vii. Newspaper offices and publishers, and copy centers.
viii. Personal service establishments within a completely enclosed building
ix. **Institutional uses** § 4.6
x. **Open air market** § 4.29
xi. Retail businesses (excluding drive-in or drive-through facilities)
xii. Pool/video arcades
xiii. **Retail establishments** § 4.20 excluding drive-in or drive-through facilities)
xiv. **Restaurants** **(excluding drive-in restaurants and those with drive-through facilities)** § 4.19

B. PRINCIPAL PERMITTED USES (continued)

xv. **Mixed-use development** § 4.23
xvi. **Outdoor displays of merchandise in the public right-of-way** § 4.30
xvii. Studios or schools for arts and crafts, photography, music or dancing
xviii. Brewpubs, retail wine stores and tasting outlets
xix. Pubs, taverns, bars, cocktail lounges, and nightclubs
xx. Live/work studios for artist and creative businesses
xxi. Barber shops, beauty shops, and hair stylists
xxii. **Small solar energy systems** § 4.53.1
xxiii. **Medium solar energy systems (rooftop systems only)** § 4.53.2
xxiv. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50
xxv. **Mobile Food Vending** § 4.51
xxvi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

B-3 Neighborhood Business District

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

C. SPECIAL LAND USES

i. **Single-family homes within existing residential structures** § 4.31

ii. Parking lots and structures.

iii. Indoor recreational centers

iv. Bus passenger stations

v. **Hotels** § 4..34

vi. Open-air business uses not otherwise permitted in subsection B

vii. **Laundromats (self-service or coin-operated)** § 4.32

viii. Funeral Homes, not including crematoriums

ix. **Adult day care** § 4.33

x. Adult foster care large group homes

xi. **Child care centers** § 4.33

xii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

3.1.9 B-3 Neighborhood Business District

D. DEVELOPMENT STANDARDS*

Lot Size

Minimum lot area:	None Specified
Minimum lot width:	None specified

Lot Coverage

Maximum lot coverage:	100%

Setbacks

Minimum front yard setback:	None specified*
Minimum rear yard setback:	None specified
Minimum side yard setback:	None specified*

Building Height

Maximum building height:	45 ft or 3.5 stories**

Floor Area

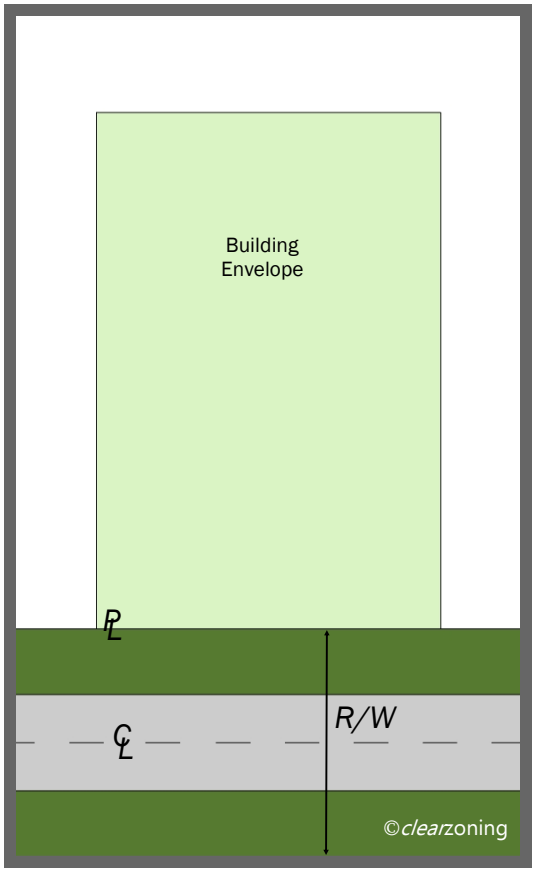
Minimum floor area per unit:	None specified

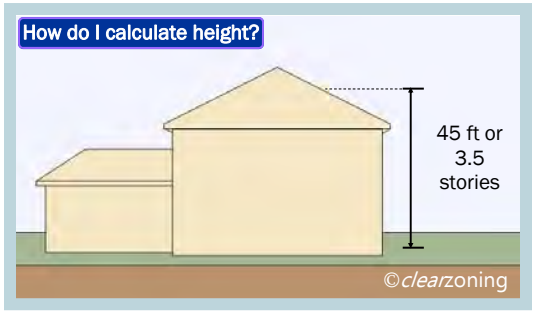
Notes:

* New or infill buildings in the B-3 district shall be set back from any public street right-of-way a maximum of ten feet. In no case shall new or infill buildings in this district be set back further than the established building line of adjacent buildings in the district, as determined by the Planning Commission.

**An additional height not to exceed 15 feet shall be permitted over an area not to exceed 5% of the total roof surface for mechanical equipment and its covering. Except that a building that was destroyed by fire or other catastrophe shall be allowed to rebuild to the same height and foot print as it was before such catastrophe occurred unless encroaching into a public right-of-way.

-For additions to the above requirements, refer to Section 3.11.2 : A, B, and E.





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- B-3 Guidelines to Consider for Development § 3.17
- Essential Services § 3.29

4. Use Standards

- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards

- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures

- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

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3.1.10 B-4 Regional Commercial District

A. INTENT

The B-4 Regional Commercial district is intended to alleviate undue traffic congestion, promote efficient traffic flow, and provide an appropriate location for commercial and service oriented uses which serve the needs of persons traveling and to a lesser extent the community's immediate population.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Medical and dental offices and clinics
ii. General office
iii. Newspaper offices and publishers, and copy centers
iv. **Hotels** § 4..34
v. **Retail establishments** § 4..20
vi. **Rental establishments whose principal activity is the rental of automobiles** § 4..24
vii. **Gas stations, including those combined with convenience stores or repair centers** § 4.17
viii. Convenience stores
ix. Fitness and recreation centers
x. **Mixed-use development** § 4.23
xi. **Commercial greenhouses, nurseries, and garden centers** § 4.16
xii. **Personal service establishments** § 4.18
xiii. Pool/video arcades
xiv. Automobile wash facilities
xv. Pick-up/drop-off dry cleaners and coin laundromats
xvi. New and used car salesroom, showroom or office, indoor only
xvii. **Restaurants (not including drive-in or drive-through facilities)** § 4.19
xviii. Brewpubs, retail wine stores and tasting outlets
xix. Pubs, taverns, bars, cocktail lounges, and nightclubs
xx. Studios or schools for arts and crafts, photography, music or dancing
xxi. Housing for the elderly
xxii. **Small solar energy systems** § 4.53.1
xxiii. **Medium solar energy systems** § 4.53.2
xxiv. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50

B. PRINCIPAL PERMITTED USES (continued)

xxv. **Mobile food vending** § 4.51
xxvi. **Veterinary hospitals and clinics with outdoor pens, boarding, or other similar uses** § 4.22
xxvii. Barber shops, beauty shops, and hair stylists
xxviii. Accessory outdoor sales and display, up to 5% of gross floor area or 2,500 sq ft, whichever is less
xxix. Business service establishments
xxx. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Outdoor sales space for exclusive sale of automobiles, mobile homes, and campers** § 4.24
ii. **Restaurant with accessory drive-through facilities** § 4.14
iii. **Wholesale stores, home improvement centers, lumberyards, and building supply businesses, which may include accessory outdoor sales and display areas** § 4.24
iv. **Plant materials nursery** § 4.25
v. Funeral Homes, not including crematoriums
vi. **Outdoor display areas and other open-air business uses** § 4.24
vii. Pawnshops
viii. **Child care centers** § 4.33
ix. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

B-4 Regional Commercial District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	100 ft

Lot Coverage

Maximum lot coverage:	60%

Setbacks

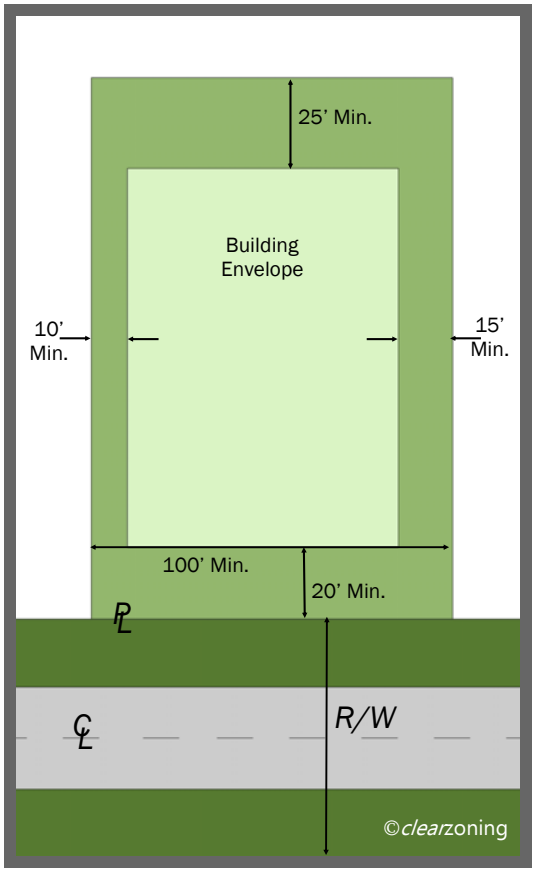
Minimum front yard setback:	20 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	
One side:	10 ft
Total of two sides:	25 ft

Building Height

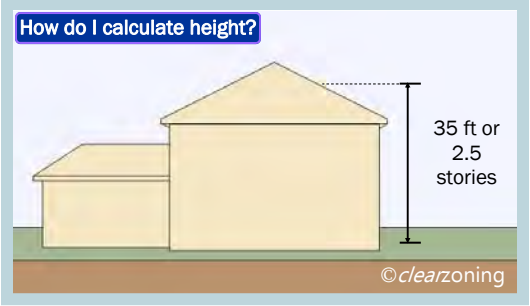
Maximum building height:	35 ft or 2.5 stories

Floor Area

Minimum floor area per unit:	None specified



Notes:
For additions to the above requirements, refer to Section 3.11.2 : A, B and I.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- B-4 and FS Development Requirements § 3.18
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Donation Collection Bins § 4.56
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.11 FS Freeway Service District

A. INTENT

The FS Freeway Service district is designed to provide for those servicing the needs of automobile highway traffic at the interchange areas of feeder roads and freeway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the freeway and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the application of this district.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. **Gas stations, including those combined with convenience stores or repair centers** § 4.17
ii. Parking lots and structures
iii. Bus passenger stations
iv. **Hotels and motels** § 4.34
v. Big box retail
vi. Convenience stores
vii. Retail establishments to serve the needs of the freeway traveler: including such facilities as gift shops, retail wine stores and tasting outlets
viii. Pool/video arcades
ix. **Restaurants with or without drive-through facilities** § 4.14
x. **Mixed-use development** § 4.23
xi. **Small solar energy systems** § 4.53.1
xii. **Medium solar energy systems** § 4.53.2
xiii. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50
xiv. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Wind energy conversion systems** § 4.54
ii. **Wireless communication facilities** § 4.47
iii. **Accessory structues and uses** customarily incidental to the above permitted uses § 4.15

FS Freeway Service District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	None specified

Lot Coverage

Maximum lot coverage:	None specified

Setbacks

Minimum front yard setback:	75 ft
Minimum rear yard setback:	75 ft
Minimum side yard setback:	75 ft

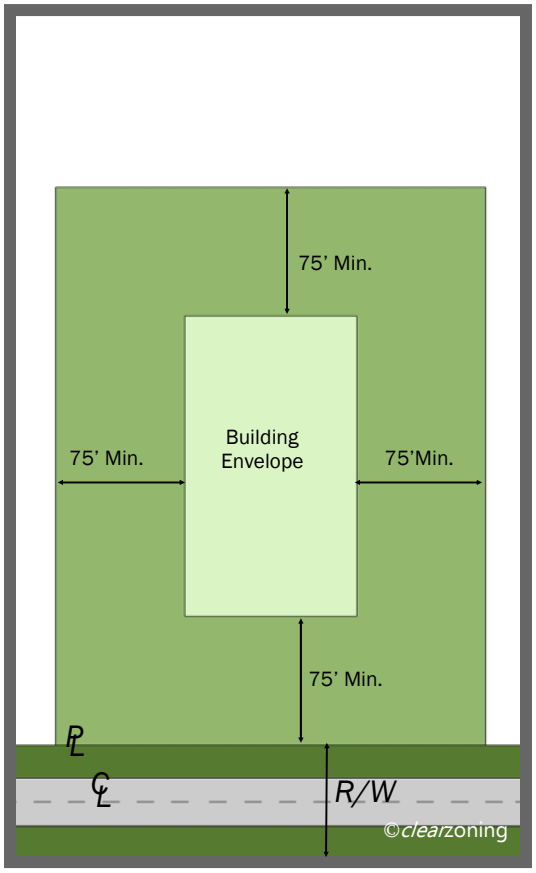
Building Height

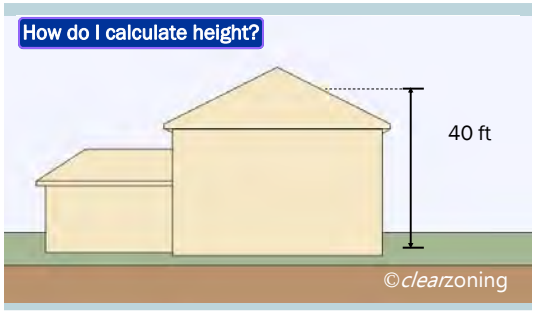
Maximum building height:	40 ft

Floor Area

Minimum floor area per unit:	None specified

Notes:
For additions to the above requirements, refer to Section 3.11.2: A, B and I.





The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- B-4 and FS Development Requirements § 3.18
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.12 I-1 Research and Technical District

A. INTENT

1. The purpose of the I-1 Research and Technical district is to support economic development that is an asset to the community, neighborhood, and landowners through creative site design and the protection of certain areas for research, testing, warehousing, assembly and limited industrial uses. It is further the intent of this subchapter to ensure that the nature of the industrial uses do not create serious problems of compatibility or nuisances with adjacent land uses. The I-1 district is not intended for the processing of raw material in bulk form, nor for intensive industrial or manufacturing processes involving the storage and shipment of bulk raw materials.
2. Further objectives of this subchapter include:
   A. Accommodating select commercial activities that may be appropriate near industrial uses and which may serve the immediate needs of the industrial uses and those employed therein.
   B. Ensuring that the nature, scale, and function of those permitted uses pose no significant or unusual risk to the public health, safety, and welfare.
   C. Ensuring that the nature, scale, and function of uses generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances; and do not emit harmful radiation or pollution into the air, water, or ground.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Light manufacturing and equipment servicing
ii. Assembly and packaging of products
iii. **Compounding, manufacturing, and processing or treatment of materials or products, when not adjacent to a residential district** § 4.45
iv. **Packaging of previously prepared goods and materials** § 4.36
v. **Laboratories for research and testing, and experimental product development facilities** § 4.35
vi. **Warehousing (indoor)** § 4.37
vii. **Machine shops** § 4.38
viii. **Printing, lithographic, blueprinting, and similar processes** § 4.39
ix. Convenience stores
x. Facilities for on and off-premise dry cleaning, laundry, and industrial laundry pickup stations.
xi. Utility services and municipal uses such as water treatment plants, reservoirs, sewage treatment plants, public utility structures, substations, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and public works maintenance facilities (excluding outdoor storage)
xii. **Recycling collection facilities** § 4.52.2

B. PRINCIPAL PERMITTED USES (continued)

xiii. **Recycling processing facilities** § 4.52.3
xiv. **Wireless communication facilities** § 4.47
xv. **Small solar energy systems** § 4.53.1
xvi. **Medium solar energy systems** § 4.53.2
xvii. **Electric vehicle charging stations, level 1, 2 & 3** § 4.50
xviii. **Retail establishments, banks, and convenience stores meant to serve users of the industrial park** § 4.20.4
xix. **Mobile food vending** § 4.51
xx. Parks
xxi. **Accessory restaurants, cafeteria facilities, medical facilities, fitness centers and recreational facilities** § 4.40
xxii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

I-1 Research and Technical District

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

C. SPECIAL LAND USES

i. Transportation centers, including truck and bus terminals and truck repair and maintenance facilities

ii. Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing and polishing § 4.41

iii. Compounding, manufacturing, and processing or treatment of materials or products, when adjacent to a residential district § 4.45

iv. Self-storage or mini-storage warehouses § 4.42

v. Commercial greenhouses, nurseries, and garden centers § 4.16

vi. Crematoriums

vii. Junk yards § 4.52.1

viii. Large solar energy systems § 4.53.3

ix. Wind energy conversion systems § 4.54

x. Outdoor storage yards for principal uses permitted in the district § 4.43

xi. Adult and child care centers, day use § 4.33

xii. Ice manufacturing and storage, including cold storage plants

xiii. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities

xiv. Child care centers § 4.33

xv. Accessory dwelling units § 4.44

xvi. Accessory structures and uses customarily incidental to the above permitted uses § 4.15

3.1.12 I-1 Research and Technical District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	100 ft

Lot Coverage

Maximum lot coverage:	40%

Setbacks

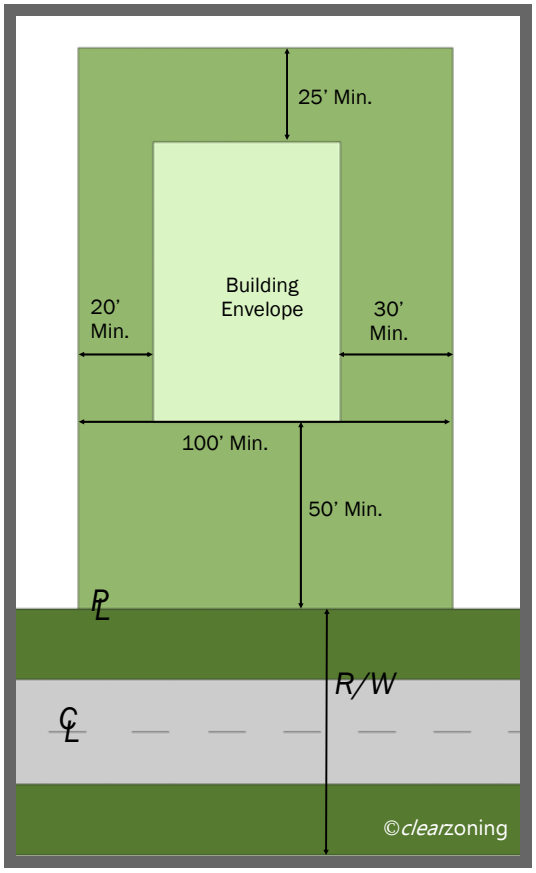
Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	
One side:	20 ft
Total of two sides:	50 ft

Building Height

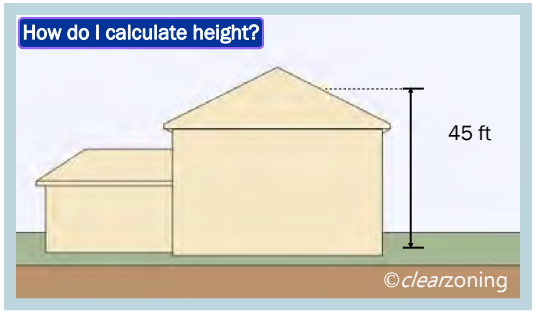
Maximum building height:	45 ft

Floor Area

Minimum floor area per unit:	None specified



Notes:
For additions to the above requirements, refer to Section 3.11.2: A, B, I and J.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- I-1 Development Requirements § 3.19
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Donation Collection Bins § 4.56
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

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3.1.13 I-2 General Industrial District

A. INTENT

The I-2 General Industrial district is intended to accommodate the city's most intensive industrial, manufacturing, and distribution activities in a manner compatible with surrounding uses. The further intent of this subchapter is to provide for large scale or specialized industrial operations, and the manufacturing, processing and compounding of semi-finished or finished products from raw or previously prepared materials. Limitations upon the degree of noise, smoke, glare, waste and other features of industrial operations have been provided to avoid adverse impacts on the community.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Light manufacturing and equipment servicing
ii. Assembly and packaging of products
iii. **Compounding, manufacturing, and processing or treatment of materials or products, when not adjacent to a residential district** § 4.45
iv. **Packaging of previously prepared goods and materials** § 4.36
v. **Laboratories for research and testing, and experimental product development facilities** § 4.35
vi. **Warehousing and wholesaling (indoor)** § 4.37
vii. **Machine shops** § 4.38
viii. **Printing, lithographic, blueprinting, and similar processes** § 4.39
ix. **Assembly, fabrication, manufacture, packaging, or treatment of goods** § 4.46
x. Convenience stores
xi. Facilities for on and off-premise dry cleaning, laundry, and industrial laundry pickup stations.
xii. Utility services and municipal uses such as water treatment plants, reservoirs, sewage treatment plants, public utility structures, substations, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and public works maintenance facilities (excluding outdoor storage)
xiii. **Recycling collection facilities** § 4.52.2
xiv. **Recycling processing facilities** § 4.52.3
xv. **Wireless communication facilities** § 4.47
xvi. **Small solar energy systems** § 4.53.1
xvii. **Medium solar energy systems** § 4.53.2

B. PRINCIPAL PERMITTED USES (continued)

xviii. **Electric vehicle charging stations, level 1, 2 & 3** § 4.50
xix. **Retail establishments, banks, and convenience stores meant to serve users of the industrial park** § 4.20.4
xx. **Mobile food vending** § 4.51
xxi. Parks
xxii. **Accessory restaurants, cafeteria facilities, medical facilities, fitness centers, and recreational facilities** § 4.40
xxiii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

I-2 General Industrial District

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

C. SPECIAL LAND USES

i. Transportation related services including; truck and bus terminals and truck repair and maintenance facilities

ii. **Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing and polishing** § 4.41

iii. **Compounding, manufacturing, and processing or treatment of materials or products, when adjacent to a residential district** § 4.45

iv. **Self-storage or mini-storage warehouses** § 4.42

v. Power plants or central stations

vi. Steel fabrication plants for large stampings such as automobile chassis

vii. Lumber and planing mills

viii. Packaging, treatment or processing of food products, slaughterhouses, and rendering plants

ix. Canning factories and chemical plants

x. Ice manufacturing and storage, including cold storage plants

xi. Breweries, distilleries, wineries, bottling works, and **microbreweries** § 4.28

xii. Dry cleaning plants (central) and industrial laundries

xiii. Crematoriums

xiv. **Large solar energy systems** § 4.53.3

xv. **Wind energy conversion systems** § 4.54

xvi. **Outdoor storage yards for principal uses permitted in the district** § 4.43

xvii. **Adult and child care centers, day use** § 4.33

xviii. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities

xix. **Accessory dwelling units** § 4.44

xx. **Adult- and sexually-oriented businesses** § 4.26

xxi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

3.1.13 I-2 General Industrial District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	200 ft

Lot Coverage

Maximum lot coverage:	40%

Setbacks

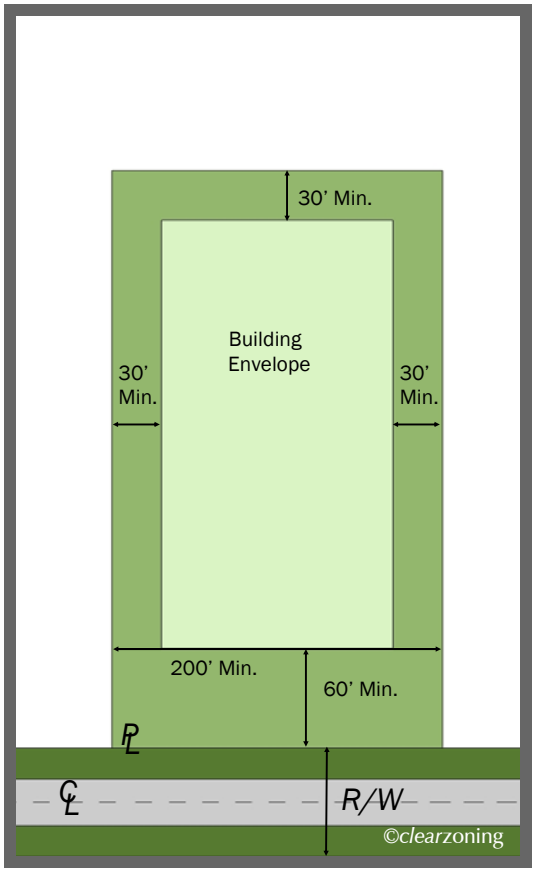
Minimum front yard setback:	60 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	30 ft

Building Height

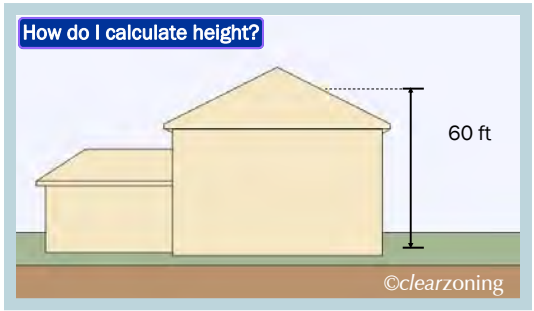
Maximum building height:	60 ft

Floor Area

Minimum floor area per unit:	None specified



Notes:
For additions to the above requirements, refer to Section 3.11.2: A, B and I.



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts
- I-2 Development Requirements § 3.20
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Donation Collection Bins § 4.56
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner lot, Side Yard Width to the Side Street Line § 5.7
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

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3.1.14 PSP Public/Semi-Public Services District

A. INTENT

The PSP (Public/Semi-Public Services) district is hereby established for the purpose of accommodating public areas and land uses available to the residents and businesses of the city, and to provide areas for off-street parking as an accessory use to private land uses in certain adjoining zoning districts. This district is intended to be reserved for dedicated areas of open space, government buildings and uses, and institutional and recreational uses.

User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

i. Public and municipal uses

ii. Off-site, off-street parking facilities accessory to a principal use permitted in an adjoining zoning district

iii. **Institutional uses** § 4.6

iv. Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and publicly owned or operated pedestrian malls, parks, trails, playgrounds, and playfields

v. **Open air markets** § 4.29

vi. Housing for the elderly

vii. **Small solar energy systems** § 4.53.1

viii. **Medium solar energy systems** § 4.53.2

ix. **Electric vehicle charging stations, level 1 , 2 & 3** § 4.50

x. **Mobile food vending** § 4.51

xi. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

C. SPECIAL LAND USES

i. **Outdoor storage yards for principal uses permitted in the district** § 4.43

ii. Golf courses, public or privately owned or operated

iii. Power plants and central stations

iv. Airports and heliports, public or privately owned or operated

v. **Private non-commercial recreation areas or centers** § 4.3

vi. **Cemeteries** § 4.5

vii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	None specified
Minimum lot width:	None specified

Lot Coverage

Maximum lot coverage:	60%

Setbacks

Minimum front yard setback:	25 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	15 ft

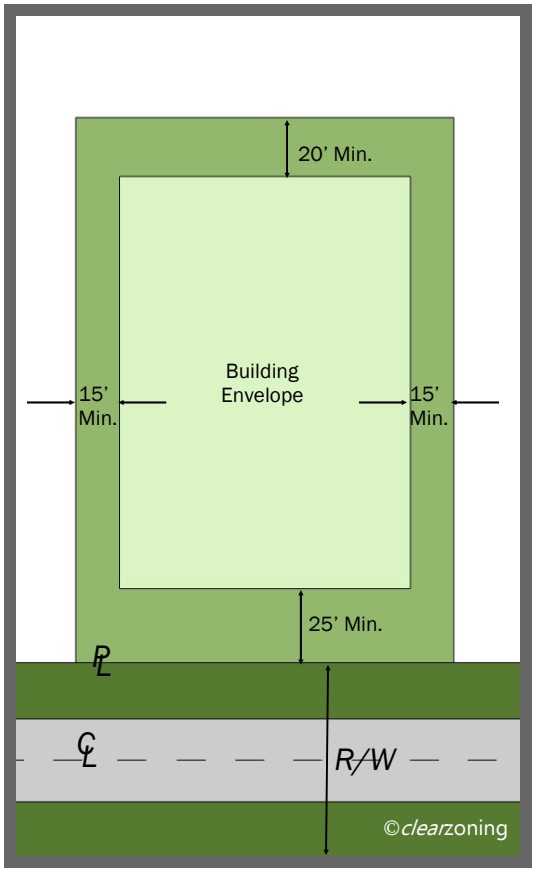
Building Height

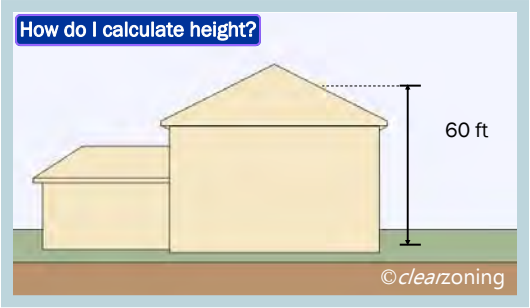
Maximum building height:	60 ft

Floor Area

Minimum floor area per unit:	None specified

Notes:
For additions to the above requirements, refer to Section 3.11.2: A, B and I.





The above drawings are not to scale.

SELECTED REFERENCES

. Zoning Districts
- PSP Development Requirements § 3.21
- Essential Services § 3.29

4. Use Standards
- Special Events § 4.55
- Other Similar Uses § 4.27

5. Site Standards
- Signs § 5.1
- Accessory Structures and Uses § 5.2
- Temporary Construction Structures and Uses § 5.3
- Swimming Pools, Private or Public § 5.4
- Frontage on Streets Required § 5.5
- Corner Lot, Side Yard Width to the Side Street Line § 5.7
- Unlawful Dwelling § 5.8
- Compliance with Yard Requirements § 5.9
- Corner Clearance § 5.10
- Building Grades and Grading of Land § 5.11
- Protection of Excavations § 5.12
- Fences, Walls, Hedges, or Similar Structures § 5.13
- Parking, Loading, and Access Management § 5.14
- Landscaping and Screening Standards § 5.15
- Sidewalks § 5.16
- Exterior Lighting § 5.17

6. Development Procedures
- Condominium Development Standards § 6.1
- Special Land Uses § 6.2
- Site Plan Review § 6.3

3.1.15 River District Overlay

A. PURPOSE

The River district is established for the purpose of accommodating a concentration of entertainment, restaurant, retail, industrial and office uses combined with residential and loft dwellings. Collectively, the uses permitted in this district are intended to provide a controlled atmosphere conducive to community recreation, cultural events, and artistic enjoyment.
The goal of the River District is to provide a harmonious relationship between residential and commercial uses which hold periodic outdoor events or festivals accessory to their principle use. All uses in the district will conform to the character of the district, the surrounding residential districts, and not conflict with existing or planned uses.
This mixed-use district will complement downtown Marshall. It is designed to accommodate a lively social and recreational environment with a wide variety of uses in a pedestrian-friendly, walkable setting. Development of the River District will take advantage of the natural and man-made resources in the area including Marshall's riverwalk.

B. DIMENSIONAL REQUIREMENT

New buildings shall be regulated by the dimensional regulations of the underlying zoning district.

C. PERMITTED USES

In addition to the uses permitted in the underlying zoning district, the following uses are permitted. In the event of a conflict between the provisions of this Chapter and the underlying zone, the provisions of this Chapter apply:

1. Live/work studios for artists and creative businesses. At least 400 square feet per dwelling unit shall be used exclusively for living purposes
2. Retail sales of goods and services
3. Studios or schools for arts and crafts, photography, music or dancing
4. Open air markets § 4.29
5. Mixed-use development

D. PROHIBITED USES

1. Adult- and sexually-oriented businesses

E. DESIGN AND DIMENSIONAL STANDARDS

1. Setbacks:
   A. Minimum front yard setback: 10 ft*
   B. Maximum front yard setback: 20 ft*
   C. Minimum side yard setback: 0 ft
   D. Minimum rear yard setback: per underlying zoning district

*The intended purpose of the 10 to 20-foot build-to zone is to provide an opportunity to create public spaces, outdoor dining or display areas, and landscaping while maintaining a consistent building line along streets.

2. The following design standards shall apply to all new development within the River District:
   A. Parking for any use within the River District shall be located in the rear or side yard.
   B. Any street-facing façade of a building in the River District shall feature an entryway and shall be no less than 30 percent windows between two and eight feet above grade.
   C. Projecting signs shall be permitted within the River District, subject to the standards of Section 5.1.

Hospital Campus Overlay District

A. PURPOSE

1. The Hospital Campus Overlay (HCO) district is designed to establish and define an overlay district. The HCO district is established for the purpose of accommodating a concentration of health care uses, retail uses associated with principal Hospital uses, and residential dwellings within a campus-like setting. The goal is that expansion of health care services and related structures will take place within the boundary of the HCO district which the Marshall City Council has determined to be appropriate for Hospital expansion. The Marshall City Council desires to, by adoption of this ordinance, encourage growth and viability of the hospital, which is expected to provide related employment, growth and expansion of the tax base, and provision of high quality health care for the residents of the City of Marshall and surrounding areas.
2. The HCO district is intended to provide a harmonious relationship between residential, health care, cultural and commercial uses. This mixed-use district will complement Downtown Marshall. It is designed to accommodate a lively social, residential and commercial campus-like environment and promote easily accessible health care services in a pedestrian-friendly setting, with convenient parking for those who drive to the district.
3. Expansion of health care and supporting uses within the HCO district is anticipated as health care services and related uses continue to expand. Street closures may also be a component of the district, subject to City Council approval. The HCO provides the regulatory framework to permit expansion of health care and supporting uses.

B. PRINCIPAL PERMITTED USES IN THE HCO DISTRICT

No building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, principal uses subject to special conditions, principal uses subject to special approval, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section; provided, however, that the following uses shall be permitted within the HCO district, in addition to the uses permitted in the underlying district:

1. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists, home health services, therapy, diagnostic or treatment centers, hospital related services and other health care providers.
2. Nursing homes, retirement homes and other residential uses dependent upon or directly related to medical care such as convalescent care, skilled nursing, group homes for the disabled and overnight accommodations, and licensed daycare facilities.
3. Off-street parking.
4. Accessory structures and uses that are customarily incidental to any principal use permitted by this Section.

C. PERMITTED ACCESSORY USES.

Accessory uses that are customarily incidental to any principal use permitted by this Section shall be permitted. Accessory uses specifically include restaurants and food service within health care buildings and retail trade, including gift stores, florists, and other retail ancillary to and located within a hospital campus.

3.1.16 Hospital Campus Overlay District

D. LAND USES SUBJECT TO SPECIAL CONDITIONS IN THE HCO DISTRICT.

In the HCO district, the following uses shall be considered conditional and shall require special land use approval and shall comply with any applicable special land use permit requirements of Section 6.2.

1. Retail Pharmacies.
2. Home health services.
3. Home medical equipment facilities.

E. DIMENSIONAL REQUIREMENTS.

Dimensional requirement shall be regulated by the underlying district as specified in Section 3.1; provided, however, that the following requirements shall apply to development within the HCO district:

1. Surface Parking Setbacks.
   A. Lots abutting residentially used property:

3.16.E.1.A Surface Parking Lots Abutting Residentially UsesdProperty Minimum Yard Setback	
Front	10 feet
Side	10 feet
Rear	10 feet

   B. Lots abutting non-residentially used property:

3.16.E.1.B Surface Parking Lots Abutting Non-Residentially Used Property Minimum Yard Setback	
Front	0 feet
Side	0 feet
Rear	0 feet

   C. See Section 3.1.16.G Design Regulations for Hospital Campus Overlay for Parking Lot Screening Requirements.

2. Minimum Yard Setbacks (for buildings and structures).
   A. For a non-residentially used lot abutting a residential district, the following minimum setbacks shall apply to all non-residential uses:

3.16.E.2.A Building and Structure Minimum Yard Setbacks for Non-Residentially Used Lots Abutting a Residential District	
Front	20 feet*
Side	20 feet*
Rear	20 feet*
* If a zoning lot is separated from a residential district by a street, there shall be a ten (10)-foot minimum setback on the side of the zoning lot facing the residential district.	

   B. For a non-residentially used lot abutting or located within an HCHSD (Health Care and Human Service district), POSD (Professional Office Service), B-2 (Local Business) or B-3 (Neighborhood Commercial), the following setbacks shall apply:

3.16.E.2.B Building and Structure Minimum Yard Setbacks for Non-Residentially Used Lots Abutting an HCHSD, POSD, B-2 or B-3 District	
Front	0 feet
Side	0 feet
Rear	0 feet

3. Building Height.
   A. Building Height and Grade are defined by Section 2.2.
   B. Maximum building height for any building constructed within that area of the Hospital Campus Overlay district north of the location of Prospect Street upon the adoption of this Section shall be 35 feet.
   C. Maximum building height for any building constructed within that area of the Hospital Campus Overlay district south of Prospect Street shall be sixty-five (65) feet and shall not exceed 5 stories.
   D. At any location within the Hospital Campus Overlay district, an additional building height of no more than fifteen (15) feet may be permitted for mechanical equipment and roof appurtenances. All rooftop mechanical equipment shall be screened from view by a parapet wall or other decorative screening method based on the goal of completely obscuring the view of the rooftop equipment by a 5'10" tall person standing at grade level within 100' of the building.
   E. Any new building constructed within the HCO district that abut residentially zoned property, north of Prospect Street or west of Madison Street, shall have a minimum step-back requirement of 10 feet for the first story after the first 24 feet of elevation above average grade. This step-back requirement for additional stories shall be 10 feet back for every story, at a maximum of 16 foot in height, measured from the roof of the previous story for all sides of the building that directly abut residentially zoned property.
4. Maximum Lot Coverage. Maximum lot coverage shall be regulated by application of required minimum setbacks, not by a specified percentage.

F. APPLICATION OF REGULATIONS.

Land that is located within the HCO district, as reflected on the Zoning Map, is subject to the regulations of the underlying zones unless specifically modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter, an underlying zone, and any other provisions of the zoning ordinance, the provisions of this Chapter apply.

G. DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY.

1. Definition Note: For the purpose of this subsection 3.1.16.H only, the term "abutting" does not apply to property that is across a street, alley or road easement from the subject property, except as otherwise noted below.
2. Landscaping and Buffer Treatment. The following provides a description and related standards for various landscape and buffer treatment types in the HCO district. Also refer to the HCO district Edge Zones graphic.
   A. Garden edge/buffer: a garden edge/buffer area shall be provided when a nonresidential use abuts a residentially used lot that is not in the HCO district.
      i. The objective of the garden edge/buffer is to screen hospital structures, noise, and light that emanates from vehicles, buildings and site lighting fixtures, while providing an aesthetically pleasing, diversely vegetated viewscape and safe walking environment for pedestrians.
      ii. Site amenities and landscape features shall be designed to be compatible with abutting neighborhood character.

iii. Landscaping shall provide tree canopy shading of paved surfaces in accordance with subsection 5.15.7, supplemented with additional plantings along internal walkways, and landscaping or walls or fence to screen views of driving and parking surfaces in accordance with subsection 5.15.9.

iv. A minimum of 1) an evergreen buffer of closely spaced trees, 2) a decorative six-foot (6') high fence or 3) a six-foot (6') high decorative screen wall is required in the HCO district when abutting residentially zoned property. Large canopy deciduous trees spaced a minimum of forty lineal feet, on average, and sized at three-inch caliper or greater shall supplement evergreen and/or wall/fence requirements to provide screening at varying heights. When abutting a street, the street frontage edge requirements in subsection 3.1.16.G.2.B shall be met.

v. For locations where noise buffering is determined by the Planning Commission to be necessary, the use of a six-foot (6') high decorative screen wall instead of other screening options noted in (4) above shall be provided. The wall shall be supplemented with large canopy deciduous trees (three-inch minimum caliper) planted every forty (40) lineal feet, on average, along the perimeter where the wall is placed to improve the overall appearance and visual height of the screening. The Planning Commission may approve a six-foot (6') high landscaped berm in lieu of a decorative wall when it determines that it would be a more appropriate screening technique directly adjacent to residentially-zoned property. The berm shall also include other plantings to provide an effective visual screen at varying heights.

vi. Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO district.

vii. Full cut-off lighting at no more than a maximum height of 25 feet shall be used throughout the development site, and house-side shields shall be used to prevent light spillover onto residentially-zoned properties.

viii. If used, retaining walls should be designed to reduce their visual impact while maximizing safety elements. Masonry, concrete or other textured material with terracing and landscaping shall be used to reduce the visual impact of retaining walls.

B. Street frontage edge. A street frontage edge shall be provided when a nonresidential use is located across the street from a residentially used lot that is not in the HCO district. See Section 5.15.8 Method of Screening for minimum city street right-of-way screening requirements.

i. The objective of the street frontage edge is to minimize the visual impact of structures and parking in the HCO district from residential areas located across a street.

ii. Site amenities and landscape features shall be designed to be compatible with adjacent neighborhood character.

iii. Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO district.

iv. Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.

v. Landscaping and signage are encouraged at HCO district entrances to provide visual emphasis and ease of identification for both drivers and pedestrians.

vi. Parking lots and vehicular circulation areas shall be screened by a hedgerow, decorative fence or decorative wall per Section 5.15.8. The area from the ground to a minimum height of three feet shall be totally obscured from the public street. If a wall or fence is provided, the setback area shall contain a planting strip abutting the wall or decorative fence. Small shrubs, ornamental grasses, and small, flowering plants are appropriate in these locations. Parking spaces directly abutting the perimeter of a street frontage edge shall have landscape islands planted with large (three-inch caliper minimum) deciduous trees. These islands, required by subsection 5.15.7.B, should be strategically placed within the parking lotto provide a dual benefit of shading parking spaces and enhancing the perimeter buffer of the HCO district.

C. Transition edge. A transition edge shall be provided when a non-residential use is located adjacent to or across the street from a non-residentially used lot.

i. The objective of the transitional edge is to allow for minimally screened HCO district structures and parking.

ii. Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO district.

iii. Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.

iv. Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 5.15.8. Alleys are exempt from screening.

D. Interior edges. An interior edge shall be provided for all non-residentially used lots on both sides of Madison Street, Prospect Street, Mansion Street, and High Street, south of Mansion, unless such street is closed or vacated. See Section 5.15.6 for minimum interior landscaping requirements and Section 5.15.7 for minimum parking lot landscaping requirements.

i. The objective of the interior edge is to provide clear sight lines to publicly accessible spaces in a safe environment.

ii. Low shrubs and pruned trees shall be utilized to provide high visibility and accessibility near sidewalks, public entrances into buildings and parking areas.

iii. Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 5.15.7.

iv. Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO district.

v. Overhead walkways over streets may be permitted to interconnect buildings and parking structures and to enhance pedestrian safety, providing they are a minimum height of 15' clear from the road surface.

vi. Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.

3.1.17 PUD Planned Unit Development

A. PURPOSE.

The intent of the Planned Unit Development (PUD) district is to permit flexibility in regulations for development that includes a mix of land uses or is proposed for a site containing unique natural or historic features that the developer and city desire to preserve. The standards of this subchapter are intended to encourage innovative design and create opportunities that may not be obtainable through the more rigid standards of the other zoning districts. The provisions of this subchapter are designed to promote land use substantially consistent with recommendations of the city's master plan and the character of the surrounding area. To further this purpose, modifications and departures from generally applicable district regulations and other Chapter provisions may be allowed by the City Council as part of an approved PUD, after recommendation by the Planning Commission.

B. SCOPE.

Approval of a planned unit development (PUD) application shall require an amendment to the zoning ordinance to revise the official zoning map. The provisions of this subchapter may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the application meets the standards of Section 3.1.17.C. These regulations are not intended as a device for ignoring the more specific standards of the city, or the planning upon which the standards are based. The PUD process shall not be used for the sole purpose of increasing the use or development intensity, nor in situations where the same land use objectives can be accomplished by the application of conventional zoning standards.

C. QUALIFYING CONDITIONS.

Planned unit development (PUD) applications shall meet the following qualification standards:

1. A PUD shall include sufficient contiguous land area to conform to the purpose and applicable regulations of this subchapter and Chapter, adequately serve the needs of all permitted uses in the development, and ensure compatibility between abutting uses and zoning districts.
2. The PUD shall include one or more of the following elements:
   A. A complementary mixture of uses or housing types within a unique, high quality design;
   B. Significant natural or historic features that will be preserved; or
   C. A nonconforming use or structure, functionally obsolete building, or recognized brownfield site that will be redeveloped.
   D. One-half acre except for the B-3 district.
3. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the city, where the benefit would otherwise not be feasible.
4. The PUD site shall have direct frontage on and access to a public street classified as a collector or arterial street by the city, county, or state road authority having jurisdiction.
5. The proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities.
6. The PUD site shall have the capacity to accommodate the intended development and the development shall not place an unreasonable burden upon surrounding land or landowners.
7. The proposed development shall be consistent with the intent of the master plan for land use.
8. The PUD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

D. CONCEPTUAL PUD PLAN REVIEW.

Applicants are encouraged to meet informally with city staff to discuss a proposed planned unit development (PUD) concept, site issues, application of Chapter standards, and city land development policies and procedures, prior to submitting plans for formal review.

1. Planning Commission review. Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the following minimum information:
   A. Ownership interest. Declaration of all persons with an ownership interest in the land on which the PUD project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
   B. Proposed uses. The proposed uses to be permitted within the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
   C. Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including the location of existing streets and sidewalks adjacent to the development, arrangement of interior streets, sidewalks, pathways, and access drives, proposed connections to abutting streets and sidewalks, and designation of any street(s) for private ownership or dedication to the public.
   D. Structures and improvements. The proposed layout of structures, parking areas, and other improvements.
   E. Drainage. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas.
   F. Natural features. The locations and gross land area of wetland areas, wetland buffers, well head protection areas, floodplain, and significant natural features such as tree stands, unusual slopes, streams, and water drainage areas shall be provided.
2. Comments not binding. Comments and suggestions by the city regarding a conceptual PUD plan shall constitute neither an approval nor a disapproval of the plan, nor shall the city be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.
3. Fee. The city may charge a fee for such meetings or conceptual reviews to cover administrative costs.

E. APPLICATION REQUIREMENTS.

Applications for planned unit development (PUD) approval shall be submitted by the owner of an interest in land for which PUD approval is sought, or by the owner's designated agent. The PUD application and development plan shall be prepared in the manner specified in this subchapter.

1. Submittal. The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator.
2. Incomplete applications. PUD applications found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant without further review.
3. Required information. The following written documentation and graphical information shall be included as part of any PUD application:
   A. A completed application form and application fee.
   B. Proof of ownership of the property to be utilized in the subject site or evidence of a contractual ability to acquire the property, such as an option or purchase agreement.
   C. A complete and current legal description for the property to be used in the subject site and size of property in acres.
   D. A site analysis map illustrating the location of existing buildings and structures, right-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over 12 inches in caliper; significant natural and historic features; existing drainage

patterns, surface waterbodies, floodplain areas and wetlands; topography at two foot contour intervals; and surrounding land uses, zoning and buildings within 300 feet of the subject site.

E. A preliminary development plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, proposed setbacks, roadways, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and storm water management.

i. Building footprints, structures, parking areas, drives and pedestrian paths shall also be shown on the preliminary development plan.

ii. If a multi-phase PUD is proposed, the land area and details of proposed uses in each phase shall be identified.

F. A list identifying all anticipated deviations from Chapter regulations otherwise applicable to the proposed uses.

G. Such information as shall be necessary to show eligibility under Section 3.1.17.C.

H. Any other information which the Planning Commission or City Council may require to determine if the proposed project meets eligibility criteria, or may request to aid in their review of the proposed project.

I. The Planning Commission may require submittal of a traffic impact study or PUD impact assessment to assist in determining the specific impacts and necessary mitigation measures for large or intensive PUD projects.

F. PUD REVIEW PROCEDURES.

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) applications per the standards of this subchapter and Chapter. The PUD rezoning request and preliminary development plan shall be subject to review and approval in accordance with the following:

1. Technical review. Prior to Planning Commission consideration, the PUD application and development plan shall be distributed to appropriate city officials and staff for review and comment. The Zoning Administrator may also submit the application and development plan to applicable outside agencies and designated city consultants for review. The applicant shall be responsible for any fees charged by the outside agencies or city consultants.

2. Public hearing. Upon receipt of a complete PUD application, a public hearing shall be scheduled and held before the Planning Commission in accordance with Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006). The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements for amendment of the official zoning map.

3. Planning Commission recommendation. After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from city staff or officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this subchapter and Chapter, and shall submit a report on the public hearing and the Planning Commission's recommendation to the City Council in accordance with the following:

A. Tabling. Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.

B. Recommendation of approval. Upon determination that the PUD application and development plan are in conformance with the standards of this subchapter and Chapter, the Planning Commission may recommend to the City Council that the PUD rezoning application and preliminary development plan be approved.

C. Recommendation of approval subject to conditions. The Planning Commission may recommend approval of the PUD rezoning application and preliminary development plan to the City Council, subject to reasonable conditions deemed necessary to:

i. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.

ii. Ensure compatibility with adjacent uses of land.

iii. Promote the use of land in a socially and economically desirable manner.

iv. Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.

v. Achieve the intent and purpose of this subchapter and Chapter.

D. Recommendation of denial.

i. Planning Commission may recommend to the City Council that the PUD application be denied upon determining that the PUD application or development plan:

a. Fails to meet the PUD eligibility standards of Section 3.1.17.C;

b. Fails to conform with specific provisions of this subchapter or Chapter;

c. May be injurious to the public health, safety, welfare or orderly development of the city; or

d. Is otherwise not in conformance with the intent of this subchapter.

ii. A written record shall be provided to the applicant and the City Council listing the reason(s) for such denial.

4. City Council consideration and action. Following receipt of a recommendation from the Planning Commission on the PUD rezoning application and preliminary development plan, the City Council shall consider the application and take final action to approve or deny the PUD. The City Council may also send the PUD application back to the Planning Commission for further consideration.

A. The City Council may impose such conditions on any approval as deemed necessary to ensure conformance with the purpose and regulations of this subchapter and Chapter.

B. The City Council may cause to have legal documents, covenants or contracts prepared and may require the execution thereof by the applicant to ensure compliance with the approved PUD rezoning, preliminary development plan or conditions of PUD approval.

C. The City Council may require that the developer furnish a letter of credit or other financial guarantee in a form and amount acceptable to the city staff to ensure compliance with the approved PUD rezoning, preliminary development plan or conditions of PUD approval.

5. Final PUD site plan review and approval.

A. After the PUD rezoning and preliminary development plan have been approved by the City Council, the applicant shall submit a detailed site plan for review and approval by the Planning Commission per Section 6.3.

B. If the Planning Commission determines that the detailed site plan or proposed use(s) are not consistent with the approved PUD, the applicant shall be directed to amend the final site plan to conform to the approved PUD, or to submit a request to amend the PUD per Section 3.1.17.N.

G. EFFECT OF PUD APPROVAL.

1. Approval of a planned development application shall constitute an amendment to the zoning ordinance. The approved PUD rezoning, preliminary development plan, and any conditions of approval shall constitute an inseparable part of the zoning amendment, and all improvements and land uses shall conform to the approved PUD.

2. Upon City Council approval, the subject property shall be designated on the official zoning map and a notice of the adoption of the zoning map amendment shall be published per the requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006).

H. EXPIRATION OF PUD APPROVAL.

Upon approval by the City Council, the PUD rezoning and preliminary development plan shall remain valid for a period of two years.

1. If a final site plan for the project is not submitted within two years of PUD approval, the land shall revert to the prior zoning classification(s).
2. If a final site plan is submitted and approved by the Planning Commission within two years following approval of the PUD rezoning, the PUD rezoning shall remain valid for an additional five years. If the project is not completed within five years from the date of final site plan approval, the land shall revert to its prior zoning.
3. The City Council may grant one extension of such approval for up to 365 calendar days upon written request and determination that conditions have not changed in a manner that would impact the approved PUD site design or permitted uses.

I. PHASING.

Approval of a PUD application by the City Council confers on the applicant and any subsequent owners of the PUD parcel, the right to develop the PUD parcel in accordance with the overall density, dwelling unit mix, and final plan of the approved PUD. Where phasing of the development is planned, a separate site plan review shall be required for each phase in accordance with Section 6.3. The uses and final site design for each phase shall be substantially consistent with the approved PUD rezoning and preliminary development plan. For all residential uses, the plan shall identify the number, type and density of dwelling units per acre by phase.

J. DEVELOPMENT REQUIREMENTS.

The following development requirements and use standards shall apply to any proposed planned unit development (PUD), and shall be incorporated into any proposed preliminary concept plan and final PUD site plan:

1. Applicability of Chapter regulations in a PUD. Except where specified in this subchapter or authorized as a deviation by the City Council, all other provisions of this Chapter shall apply to PUD projects. Limited deviations from Chapter requirements may be granted by the City Council as a part of the PUD approval, subject to the following:
   A. Recommendation from the Planning Commission.
   B. A determination that such action will result in a higher quality of development not feasible under the applicable Chapter standards.
2. General PUD design standards. Any PUD shall comply with the following project design standards.
   A. The uses and design of the PUD shall be harmonious with the character of the surrounding area, in terms of density, intensity of use, size and height of buildings, architecture, and other impacts.
   B. The development shall be designed to promote preservation of any significant natural, historical, and architectural features on the site and the integrity of the land.
   C. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.
   D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Sidewalks shall be provided where appropriate.
   E. The uses and design shall be consistent with the available capacity of the existing street network and utility systems; or the applicant shall, as part of the approval, provide for upgrading of the infrastructure to the extent required to accommodate the PUD.

3. Permitted uses in a PUD. Any principal or accessory use or combination of uses permitted in any zoning district in the city may be permitted as part of an approved PUD, subject to the following limitations:
   A. The specific list of proposed PUD permitted uses shall be subject to Planning Commission recommendation and City Council approval.
   B. Any use or combination of uses otherwise permitted by this Chapter may be prohibited within a PUD, or additional conditions or limitations may be imposed on any permitted use, in accordance with the purpose and regulations of this subchapter and Chapter.
   C. All permitted uses shall be established and maintained in accordance with the approved PUD plan, the regulations of this subchapter, and any conditions of PUD approval.
   D. Adult- and sexually-oriented businesses, as defined in Chapter 118 of the city code of ordinances, shall be prohibited within any PUD.
4. Residential development standards. The following standards shall apply to any proposed PUD that includes a residential component:
   A. Dwelling unit computations. The total number of dwelling units permitted within the residential component of a PUD shall be determined as follows:
      i. Subtract the following areas from the gross land area of the PUD site to determine the net residential development area:
         a. Areas within existing or proposed street rights-of-way and drainage or utility easements, excluding private access driveways;
         b. Areas devoted to approved non-residential uses within the PUD; and
         c. Areas identified as regulated wetlands or permanently inundated by water.
         d. Those areas deemed un-developable, as determined by the City Council after recommendation from the Planning Commission.
         e. Common open space areas permanently set aside for preservation and parkland donated to and accepted by the city as part of the proposed PUD shall be considered allowable areas for calculations of dwelling unit density.
      ii. Determine the maximum number of dwelling units permitted in the PUD by multiplying the net development area by the maximum permitted dwelling unit density permitted by right in the underlying zoning district.
   B. Density averaging. Where the proposed PUD is located in more than one zoning district, the density permitted by right in each underlying zoning district shall be calculated separately. The maximum permitted dwelling unit density in the PUD may be averaged over the entire PUD site to accommodate natural or man-made features.
   C. Minimum required open space and recreation areas. A minimum of 20% of the of the net residential development area of the PUD shall be set aside as permanent common open space or recreation area, except where previously approved site plans within a multi-phase PUD include sufficient open space or recreation areas available to all uses of the PUD.
      i. Such required open space shall be dedicated for use by the residents of the PUD, and shall include a passive or active recreational component.
      ii. The proposed open space shall conform to the standards of Section 3.1.17.K to be eligible to receive density credit under this Section.
      iii. The City Council may require that no individual area intended to satisfy the requirements of this division shall be less than one acre in size, after recommendation from the Planning Commission.
   D. Optional increase in PUD permitted density. An increase in the maximum permitted dwelling unit density may be approved for a PUD project by the City Council after recommendation by the Planning Commission, provided that the PUD developer can demonstrate compliance with one or more of the following criteria:

i. A density increase of up to 20% may be permitted where 25% or more of the gross land area of the PUD is dedicated to open space. The proposed open space shall conform to the standards of Section 3.1.17.K to be eligible to receive density credit under this Section.

ii. A density increase of up to 5% may be permitted for each contiguous two acre wooded area preserved as open space, provided that the wooded area shall consist of at least 40 trees per acre having a minimum caliper of one and three-fourths inches at 42 inches height from the surrounding ground level.

E. Standards per type of development area. Unless waived or modified in accordance with the procedures and standards set forth in this subchapter, the dimensional and other standards of the following residential districts shall apply to uses within a PUD:

i. For areas zoned or planned for detached single-family housing, the standards of the R-3 (Traditional Residential) district shall apply.

ii. For areas zoned or planned for other than detached single-family housing, the standards of the MFRD (Multiple Family Residential) district shall apply.

iii. For all other circumstances, applicable development standards shall be determined by the City Council, after recommendation by the Planning Commission.

F. Non-residential development standards. Non-residential uses in a PUD shall comply with the applicable regulations for each individual use, as specified in this Chapter. Where conflicts exist between provisions, the regulations applicable to the most dominant use shall apply.

K. OPEN SPACE PRESERVATION.

The following standards and requirements shall apply to any common open space areas within a planned unit development (PUD):

1. The area within 20 feet of a building shall not be considered as common open space.
2. Open space areas shall consist of a minimum of 4,000 square feet of continuous area.
3. Open space shall not include existing or proposed street rights-of-way, parking areas or buildings.
4. Open space areas shall not have a boundary dimension of less than 15 feet.
5. Common open space areas may not be located with a 100-year flood plain or any natural water body.
6. Such areas shall be permanently preserved, maintained, and dedicated for use as open space through the use of a conservation easement or similar device satisfactory to the City Attorney. Requirements and limitations on the use of such common open space areas shall be addressed in an open space agreement prepared by the applicant and subject to city approval.

   A. The agreement shall include:

   i. Legal description of lands within the project area.

   ii. Legal description of lands to be retained as required common open space, and lands for which the developer wishes to obtain a density increase per the standards of this subchapter.

   iii. Details of any conservation easement, including what entity, organization or agency will accept and maintain the easement.

   iv. A plan for permanent maintenance of the proposed open space.

   B. The agreement shall be binding upon the city, and the grantor and grantee of all lots or parcels within the project area.

   C. Upon PUD approval, the applicant shall record the open space agreement at the Calhoun County Register of Deeds office, and shall provide proof of such recording to the Zoning Administrator.

7. Any amendments to the recorded open space agreement shall be subject to City Council approval, and shall be recorded at the Calhoun County Register of Deeds office.

L. COMPLIANCE REQUIRED.

Planned unit development (PUD) approval runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD shall remain in effect unless the applicant submits a request to amend or terminate the PUD, or the PUD terminates pursuant to the provisions of Section 3.1.17.H or Section 3.1.17.M.

1. It shall be the responsibility of the developer and landowner(s) or operators of an approved planned unit development (PUD) project to develop, improve, operate and maintain the PUD site, permitted uses, structures, and all improvements in accordance with the provisions of this subchapter and Chapter and all conditions of PUD and site plan approval.
2. Failure to comply with the provisions of this subchapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.
3. The Zoning Administrator shall inspect the development at each stage to verify compliance with the conditions of the approved PUD or approved site plans, as applicable.

M. RESCINDING APPROVAL.

The City Council may, after recommendation of the Planning Commission, rescind approval of a PUD or any portion thereof upon determination that the PUD site, permitted uses, structures or improvements have not been improved, constructed or maintained in compliance with this subchapter and Chapter and all conditions of PUD approval. Such action shall be subject to the following:

1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the Michigan Zoning Enabling Act (Act 110 of 2006), at which time the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. Determination. Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the owner or designated agent.
3. Reverts to previous zoning. Any portion of a rescinded PUD shall immediately revert to the status and requirements of the underlying zoning district, without benefit of the PUD provisions.

N. AMENDMENTS AND APPEALS.

The Zoning Board of Appeals shall not have the authority to consider appeals of PUD determinations. Proposed changes to an approved PUD shall be subject to the same review and approval procedures and standards as a new PUD application.

3.2 ZONING MAP.

The boundaries of the zoning districts are hereby established as shown on the official zoning map for the City, which is hereby made an integral part of this Chapter. All references, notations and information shown on the zoning map shall be as much a part of this Chapter as if fully described herein.

3.3 DISTRICT BOUNDARIES.

The boundaries of zoning districts, as shown on the official zoning map, unless otherwise shown, shall follow lot lines or the center lines of streets, roads or alleys, or the extension thereof, railroad right-of-way lines and the corporate limits of the City. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals.

3.4 DESIGN AND DEVELOPMENT REQUIREMENTS.

All uses shall comply with all applicable provisions of this Chapter and other City codes and ordinances. No structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Chapter and other City codes and ordinances.

3.5 STREET, ALLEY AND RAILROAD RIGHTS-OF-WAY.

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

3.6 ZONING OF ANNEXED AREAS.

Wherever any area is annexed to the City or the boundaries of the City are otherwise extended through a development agreement to include additional land area, zoning classification of the land area brought in shall be subject to the following:

1. Land that is brought into the City from another governmental jurisdiction shall be classified to whatever district of this Chapter most closely conforms with the zoning designation of the other governmental unit.
2. The City Council may adopt a new official zoning map for the land area following a public hearing and recommendation from the Planning Commission, per Section 7.1.
3. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to extension of the City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

3.7 ZONING OF VACATED AREAS.

Any street, alley, railroad right-of-way or other public way or portion thereof within the City not otherwise classified within the boundaries of a zoning district on the official zoning map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

3.8 PROHIBITED USES.

Uses that are not specifically listed as a principal or special condition use permitted by this Chapter in a zoning district, or not otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

3.9 PRINCIPAL PERMITTED USES IN DISTRICTS.

Within each zoning district there are uses that, when developed in accordance with sound planning and site plan principles, are consistent with the purpose and objectives of the district. For the purpose of this Chapter, these uses shall be known as principal permitted uses as set forth in the individual districts, and shall be allowed within that particular district subject to the development requirements of this Chapter.

3.10 LAND USES SUBJECT TO SPECIAL CONDITIONS.

1. Within each zoning district it is recognized that there are uses, because of their unique characteristics which cannot be properly classified in any particular district or districts without consideration in each case of the impact of such uses upon neighboring land, and of the public need for the particular use at the particular location. Such uses may be consistent with the purpose and objectives of the particular zoning district only in specific locations, under specific conditions and when developed in accordance with sound planning and site plan principals.
2. Uses subject to special conditions (special land uses) may be permitted as set forth in the individual districts, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2.

3.11 NOTES TO DISTRICT STANDARDS

1. Applicability. The notes contained in Section 3.11.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of individual notes to each district is provided in the tables on the following pages.
2. Notes to district standards:
   A. Except as otherwise specified, all side yards abutting residentially zoned land shall have a minimum distance of twice the one yard requirement.
   B. All rear yards abutting residentially zoned land shall have a minimum distance of 50 feet between the principal building and rear property line.
   C. Parking shall not be permitted in any required front yard, except within an approved driveway.
   D. The Planning Commission may waive these standards if it determines it is necessary to allow flexibility in the siting and construction of new buildings in the district.
   E. Apartments shall comply with the applicable standards for the MFRD district. Single-family detached dwellings shall comply with the applicable standards for the R-3 district. All other uses shall comply with the applicable standards for the B-3 district.
   F. The total floor space in all buildings on the lot may not exceed one and one-half times the total net lot area (floor area ratio of 1.5).
   G. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
   H. In all residential districts, the width of side yards which abut a street upon which other residential lots front shall not be less than the required front yard setback for homes which front upon such side street.
   I. No rear yard setback is required where such property abuts a public alley, providing that accessory buildings in the rear yard shall meet the required setback.

34-3.11.2 Applicability of Notes to District Standards														
Note to District Standard	R-1	R-2	R-3	MFRD	MHPD	POSD	HCHSD	B-2	B-3	B-4	FS	I-1	I-2	PSP
A						✓		✓	✓	✓	✓	✓	✓	✓
B						✓		✓	✓	✓	✓	✓	✓	✓
C	✓	✓	✓	✓										
D			✓	✓										
E									✓					
F	✓	✓	✓											
G	✓	✓	✓	✓		✓								
H	✓	✓	✓	✓										
I	✓	✓	✓	✓		✓		✓		✓	✓	✓	✓	✓
J												✓		

J. During the site plan approval, the Planning Commission shall approve a site plan with a front yard setback, for a zoning lot in the I-1 district, of not less than 20 feet, provided all of the following conditions are met:

i. The zoning lot subject to site plan approval is part of an approved platted subdivision or site condominium.

ii. The subdivision or site condominium is at least 15 acres.

iii. The subdivision or site condominium has at least three lots.

iv. The subdivision or site condominium is subject to restrictive or protective covenants containing development or construction standards regulating the exterior appearance or placement of structures.

v. The front, side, and rear yard setbacks are a minimum of 20 feet.

vi. The site plan prohibits loading, storage, and parking within the front yard.

3.12 R-3 DEVELOPMENT REQUIREMENTS

To ensure compatibility with the character of existing buildings in the neighborhood and the purpose of the R-3 district, all principal and accessory buildings and structures in the R-3 district shall be subject to the following development requirements:

1. Building design and composition. Principal and accessory buildings and structures shall be subject to the following design and composition standards:

A. Wherever the lot is rectangular in shape, all exterior walls of a building greater than six feet in length shall be constructed parallel to or perpendicular to the side lot lines of the lot.

B. The main entrance to a dwelling shall be located on the front building facade, unless otherwise required for barrier-free access.

C. Accessory buildings and attached garages shall have a front yard setback that is at least ten feet greater than the front setback of the principal building.

D. In the event that a new dwelling is proposed to be constructed on the rear portion of a lot that has frontage on two streets and an alley, the front of such new dwelling shall face the street on which the dwelling is addressed.

E. The minimum pitch of the roof of any building shall be four to twelve (4:12), and the maximum pitch of the roof of any building shall be twelve to twelve (12:12).

F. Additions to existing dwelling units may be constructed with a pitch that matches any roof pitch of the existing dwelling unit. The roof pitch of a dormer, turret or similar architectural feature shall not exceed twenty-four to twelve (24:12).

2. Front yard paving and hardscape materials. A maximum of 50% of the front yard of a lot may be covered with an improved surface such as concrete pavers, brick pavers, flagstone, rock or gravel which shall include driveways, and sidewalks located on the property.

3. Access. Where a lot has frontage along an alley, access to any new off-street parking area shall be from the adjoining alley. Alley access shall not be required where a detached garage is proposed to be accessed from an existing driveway curb cut from a public street, or when alley access is determined to be hazardous by the Street Superintendent.

4. Site design. Off-street parking areas shall be set back from all streets right-of-way a minimum distance equal to the principal building's front yard setback or at least 20 feet, whichever is less. This provision shall not apply to single-family dwellings and shall not preclude temporary parking in driveways.

5. Established building line. Each lot shall have a front yard with a minimum depth measured from and perpendicular to the street right-of-way. Where a front yard of greater or less depth than specified exists in front of a dwelling on the same side of the street in the same block, the depth of the front yard of any dwelling thereafter erected or placed on a lot in such block shall not be less, but need not be greater, than the average depth of the front yards of existing dwellings.

3.13 MFRD DEVELOPMENT REQUIREMENTS

To ensure compatibility with the intent and purpose of the MFRD district, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements:

1. The maximum number of multiple-family or attached dwelling units shall not exceed 12 units per acre. Single-family detached dwellings and customary accessory structures shall conform to the area, height, width, and setback standards of the R-3 (Traditional Residential) district, as specified in Section 3.1.4.D.

2. Internal streets may be public or private, subject to the following:

   A. All public streets shall meet minimum platting requirements.

   B. Private streets shall have a minimum right-of-way of 66 feet.

   C. Street shall be surfaced with concrete, bituminous asphalt or other approved hard surface.

   D. A typical cross section shall be submitted to the City for approval.

3. In any multiple-family or multiple group development, no building shall be closer than 25 feet to the adjacent boundary line; 50 feet from an R-1, R-2 or R-3 district boundary; and 50 feet from a public right-of-way line.

4. In any multiple-family or multiple-group development, 40% of the net site area shall be placed in open space, of which 120 square feet per dwelling shall be developed open space.

   A. An area dedicated and improved for active recreation shall be required as part of the net open space requirement, and shall be designed to meet a cross section of the recreation needs of the residents of the development.

   B. Required perimeter yard setbacks for the development may be included as open space.

   C. The net open space area shall not include off-street parking and loading areas or dedicated rights-of-way or access easements.

3.14 MHPD DEVELOPMENT REQUIREMENTS.

Manufactured housing parks within a Manufactured Housing Residential district (MHRD) shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended (M.C.L.A. §§ 125.2301 et seq.), the Manufactured Housing Commission General Rules, and the following minimum requirements:

1. Plan review. The preliminary plan for a manufactured housing park shall be submitted to the City and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the City officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60-day review period. A copy of the state-approved final construction plan shall be submitted to the City prior to the start of construction on the site.
2. Minimum manufactured housing site size. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under subsection 9 of this Section, or the Manufactured Housing Commission rules.
3. Setbacks. Manufactured houses shall comply with the following minimum setbacks:
   A. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
   B. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
   C. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
   D. Fifty feet from any permanent building.
   E. One hundred feet from any baseball, softball or similar recreational field.
   F. Seven feet from the back of curb or edge of pavement for an internal road.
   G. Seven feet from an adjacent home site's parking space or off-site parking bay.
   H. Seven feet from a common sidewalk.
   I. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
   J. Fifty feet from the edge of any railroad right-of-way.
4. Roads. Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public street by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.
5. Parking. Each manufactured housing site shall be provided with two parking spaces per the Manufactured Housing Commission Rules.
6. Common storage areas. If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.
7. Sidewalks. Concrete sidewalks having a minimum width of three feet shall be provided on at least one side of internal manufactured housing park streets. In addition, a four foot wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.

8. Accessory buildings and facilities. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.

   A. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the City.

   B. Storage accessory to a manufactured home. Storage sheds with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

9. Open space. Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of open space (R125.1946), which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan.

10. Perimeter screening. Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

11. Screening along public rights-of-way. A landscaped screen shall be provided along all public streets abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three feet in height, planted so as to provide a continuous screen at maturity.

12. Alternative screening. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

13. Parking lot landscaping. Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

   A. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

   B. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

   C. Planting islands shall have a minimum width of five feet and a minimum area of 100 square feet. A minimum of one deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

14. Trash disposal. The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

15. Awnings. Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

16. Sewer service. Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

17. Water service and storm drainage systems. Internal water supply and drainage systems shall conform to the requirements of Part 2 - 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.
18. Telephone and electric service. All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.
19. Fuel oil and gas. Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
20. Operational requirements.
    A. Permit. It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.
    B. Violations.
        i. Whenever, upon inspection of any manufactured housing park, the Building Official finds that conditions or practices exist which violate provisions of this Section, the Building Official shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).
        ii. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
    C. Inspections. The Building Official or other authorized City agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section.
    D. License. A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Labor and Economic Growth.
21. Sale of mobile homes.
    A. The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.
    B. New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by an authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.
22. Mailbox clusters. The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

3.15 HCHSD DEVELOPMENT REQUIREMENTS

Land in this district shall be adjacent to the B-3 (Neighborhood Commercial) district and permitted development sites shall not be bisected by a street.

3.16 B-2 DEVELOPMENT REQUIREMENTS

Buildings in the B-2 district shall possess architectural variety while also enhancing the overall cohesiveness of the district's character and appearance, as determined by the Planning Commission. Building heights, story levels, window sizes and proportions, architectural features, and building materials shall be consistent with or complementary to existing and planned buildings in the immediate vicinity. Except as otherwise noted, buildings and uses in the B-2 district shall comply with the following:

1. Street trees. On every site involving new development or redevelopment, street trees shall be provided within the road right-of-way in accordance with the provisions of Section 5.15.8.D. The Planning Commission may waive the requirement of street trees upon determining that such plantings would be impractical due to inadequate right-of-way, excessive reduction in sidewalk width or other factors. Landscaping shall comply with the provisions of Section 5.15.
2. Screening. Screening shall be provided for new or expanded uses in this district in accordance with the following:
   A. Such uses shall be screened from the street rights-of-way and abutting residential uses by a landscaped berm, buffer strip, or greenbelt meeting the requirements of Section 5.15.8.
   B. Such uses shall be screened from a single-family residential district by a building housing a permitted use, or a screen wall meeting the requirements of Section 5.15.8.
   C. The Planning Commission may waive these requirements upon determining that the screening would serve no good purpose or that there is adequate existing screening between uses and districts.

3.17 B-3 GUIDELINES TO CONSIDER FOR DEVELOPMENT

1. The purpose of guidelines is not to prevent change in the district or to impose conditions, but to guide owners or their designers toward the vision the Marshall community has for its downtown. The roof shape, the texture, the scale, the details, and the color of the proposed building all contribute to the look and feel of the district. However, compatible contemporary designs rather than duplications are encouraged. The following principles should be taken into account:
   A. When economically feasible, the height of the proposed building should be compatible with the height of buildings on the block or the street. The height of features not intended for human occupancy, such as chimneys, steeples, spires, and cupolas may exceed existing heights on an individual basis.
   B. Encourage architectural details that compliment the architectural details of contributing structures in the district.
   C. Encourage exterior colors that are compatible with the natural materials and the paint colors of contributing buildings in the district.
   D. Encourage contemporary construction that does not directly copy from historic buildings in the district but is compatible with them in height, proportion, roof shape, material, texture, scale, detail, and color.
   E. The Planning Commission may consider, when reviewing a site plan, those documents approved by other City boards and commissions.
2. Where an applicant wishes to present a site plan, taking these principles into consideration, the Planning Commission may approve a site plan that varies from the strict application of this Chapter to accomplish the objectives of the applicant's plan.

3.18 B-4 AND FS DEVELOPMENT REQUIREMENTS

To ensure compatibility with the intent and purpose of the B-4 and FS districts, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements:

1. Barriers. All development in the B-4 and FS districts shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier designed to limit vehicle ingress and egress to planned access points.
2. Accessways. Each separate use, groupings of buildings or grouping of uses on a single zoning lot shall not have more than two accessways from a feeder road. Such accessways shall not be located closer than 300 feet to the point of intersection of a freeway entrance or exit ramp baseline and the feeder road centerline.
   A. Where the ramp baseline and feeder road centerline do not intersect, no driveway curb cut or similar vehicular access point from the public right-of-way shall be located closer than 300 feet from the point of tangency of the ramp baseline and the feeder road pavement.
   B. A marginal access road may be required by the Planning Commission to service uses fronting on a feeder road under multiple ownerships, or where direct vehicle access cannot be provided in compliance with the minimum 300-foot separation distance.

3.19 I-1 DEVELOPMENT REQUIREMENTS

To ensure compatibility with the intent and purpose of the I-1 (Research and Manufacturing) district, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements:

1. Screening. The Planning Commission may require use areas or facilities permitted in the I-1 district to be screened from street rights-of-way or abutting residential districts or uses in accordance with Section 5.15.8.
2. Parking and loading. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding uses.
3. Access. Vehicular access for employees, delivery vehicles, and trucks shall be coordinated or shared with adjoining uses where feasible and shall be designed to minimize impacts on public streets and surrounding uses.
4. Machines permitted. Permitted machines shall be installed and operated so as not to emit or allow noise, odor, fumes, dust, smoke, glare or radioactive material exceeding detectable limits within any residential district in the City.
5. Source of power. Power for any manufacturing or heating process or activity shall be derived only from electrical energy, smokeless fuels, such as gas or oil, or smokeless solid fuels containing less than 20% of the volatile content on a dry basis.
6. Building design standards. All exterior building facades shall be of the same finish material as the front facade of the main building unless façade is of brick, stone, decorative masonry, or other similar material. All materials used shall be recognized as finished materials.
7. Impact assessment. In the event, the proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. An impact assessment may be requested describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. If requested, the impact assessment shall include the following:
   A. The assessment shall also describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater.
   B. The assessment shall include proposed mitigation measures to be employed, which shall be subject to Planning Commission approval.
   C. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

3.20 I-2 DEVELOPMENT REQUIREMENTS

To ensure compatibility with the intent and purpose of the I-2 (General Industrial) district, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements:

1. Setbacks. To protect the public health, safety, comfort, and welfare and minimize land use conflicts, it may be required that intensive industrial uses be set back a minimum of 500 feet from any residential district or use.
2. Screening. All uses shall be screened from street rights-of-way and abutting residential districts or uses in accordance with Section 5.15.8.
3. Parking and loading. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding uses.
4. Access. Vehicular access for employees, delivery vehicles, and trucks shall be coordinated or shared with adjoining uses where feasible, in the determination of the Planning Commission, and shall be designed to minimize impacts on public streets and surrounding uses.
5. Impact assessment. The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use.
   A. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
   B. The assessment shall include proposed mitigation measures to be employed, which shall be subject to Planning Commission approval.
   C. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

3.21 PSP DEVELOPMENT REQUIREMENTS

To ensure compatibility with the intent and purpose of the PSP (Public/Semi-Public Services) district, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements:

1. Minimum setbacks. The following minimum setbacks shall apply to all structures, parking lots, and similar site improvements in the PSP district, where the zoning lot is contiguous to a residentially zoned district or existing residential use that has a common frontage in the same block:
   A. A minimum front yard setback distance from all street rights-of-way shall be provided equal to the minimum required setback for the residential district, or a minimum of 25 feet, whichever is greater.
   B. The land within the required setback area shall be planted with shrubs, trees, or lawn maintained in a healthy, growing condition and neat, orderly appearance.
2. Screening. Where a zoning lot in the PSP district is contiguous to a residentially zoned district or the side or rear lot lines of an existing residential use, screening shall be provided along the district or lot boundaries in accordance with Section 5.15.8.
3. Accessory private off-street parking facilities. Private off-street parking areas shall be accessory to and for use in connection with one or more permitted principal uses located in an adjoining zoning district and shall be subject to the following:
   A. Parking lots shall be contiguous to a multiple-family residential or non-residential district. Parking areas may be approved when adjacent to such districts, or on the end of a block where such areas front on a street that is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between the PSP district and above listed districts.
   B. Parking areas shall be used solely for parking of private passenger vehicles, and shall not be used as an off-street loading area.

C. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

D. No building other than those for shelter or attendants shall be erected upon the premises and they shall not exceed 15 feet in height.

3.22 EXCEPTIONS TO HEIGHT LIMITATIONS.

1. Elevator and stairway towers; ventilation fans or mechanical equipment; firewalls or parapet walls; skylights; individual domestic radio and television reception antennae; wireless communication facilities; scenery lofts; steeples; chimneys; grain elevators; silos; gas containers; industrial production facilities for flour mills, steel mills and refineries; and similar structures may be erected above the height limits herein prescribed. No such structures shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.
2. No such structure may be erected to more than twice the applicable height limits of the district in which it is located. No such structure shall have a total area greater than 25% of the roof area of the building. Such structures shall be screened by a solid wall, landscaping or architectural features compatible in appearance with the principal building. The Planning Commission may require an additional building setback from street rights-of-way and lot boundaries, up to one additional foot of setback for each foot of additional height above the maximum permitted in the zoning district.

3.23 EXCEPTIONS TO LOT AREA OR WIDTH REQUIREMENTS

Lots of record existing prior to the adoption or amendment of this Chapter with less than the required minimum lot area or width for the zoning district in which such lot is located may be used for any use permitted within the district. In areas not served by public or other approved public water or sewage facilities, the minimum lot area required by this Chapter shall be increased to include any additional area deemed necessary by the Health Department to ensure a safe water supply and adequate sewage disposal.

3.24 OTHER PROJECTIONS INTO YARDS

Limited projections into required yard setbacks shall be permitted in any zoning district, subject to the following:

1. Cornice, sill, chimney or fireplace. A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection which shall be a part of the main building) may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front or rear yard not more than 36 inches. Chimneys or fireplaces may project into a required front, side or rear yard not more than two feet, provided the width of such side yard, is not reduced to less than five feet.
2. Fire escape. A fire escape may extend or project into any front, side or rear yard not more than four feet.
3. Open stairway or balcony. An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required rear yard not more than six feet and such balcony may extend into a required front yard not more than six feet.
4. Porch. In the R-3 (Traditional Residential Neighborhood) district an unenclosed platform or landing which does not extend or project into any required front, side or rear yard not more than eight feet is exempted from yard requirements provided that the width of a side yard is not reduced to less than five feet. An overhang, canopy, or portico may be placed over the open porch, but it shall not be enclosed.
5. Overhangs. Overhangs on a principal building of two feet or less may project into a required side, rear, front, or front yard setback

3.25 ACCESS THROUGH YARDS

Walks, terraces, access drives or other pavement serving a like function shall be permitted in any required yard.

3.26 RUBBISH AND WASTE MATERIAL.

It shall be unlawful throughout the City to openly store, collect or place garbage, discarded building materials, tires, refuse, junk, inoperable and unlicensed motor vehicles, or other similar materials, except upon land owned and operated as a solid waste site in accordance with applicable state or federal law.

3.27 BUILDINGS UNDER CONSTRUCTION.

A building that is lawfully under construction for which a building permit has been issued at the time of adoption of this Chapter shall be allowed to be completed. The adoption or amendment of this Chapter shall not require any changes to the plans, construction or designated use of such buildings, provided that construction is diligently carried through to completion without more than one interruption exceeding 30 days.

3.28 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Inspector, or required compliance with his or her lawful order.

3.29 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intent hereof to exempt such essential services from the application of this chapter, with the following exceptions:

1. Public utility transformer stations, substations, and gas regulator stations shall be subject to the following:
   A. A front yard setback of not less than 50 feet shall be provided, and two side yards and a rear yard shall be provided, each shall not be less than 25 feet in width.
   B. The site shall be enclosed by a wall that effectively screens the view of the use from property used for residences, public walkways and rights-of-way; or another suitable screening as determined by the Zoning Administrator in accordance with the standards of Section 5.15.8.
   C. Such uses shall not include outdoor storage yards.
2. Buildings 100 square feet or less and 12 feet in height or less shall be reviewed and approved by the Zoning Administrator and are subject to the accessory building requirements of the district in which they are located. Buildings associated with essential services not meeting the above criteria shall be subject to the height and setback requirements of the district and a site plan shall be reviewed and approved by the Planning Commission.
3. In the B-3 district, essential services are permitted only when conducted within a completely enclosed building and shall not include storage yards.

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Article 4.0
Use Standards

Article 4.0 Use Standards

4.1 Single-Family Dwelling, Detached
4.2 Home Occupations
4.3 Private Recreation Facilities
4.4 Accessory Apartments
4.5 Cemeteries
4.6 Institutional Uses
4.7 Group Child Care Homes
4.8 Permanent or Temporary Structure Solely for the Sale of Produce
4.9 Farms
4.10 Golf Courses
4.11 Two-Family and Boarding Houses
4.12 Bed and Breakfast Inns
4.13 Massage Therapy
4.14 Drive-In and Drive-Through Facilities
4.15 Accessory Structures and Uses
4.16 Commercial Greenhouses, Nurseries, and Garden Centers
4.17 Gas Stations, Repair Centers, and Public Garages
4.18 Personal Service Establishments
4.19 Restaurants
4.20 Retail Establishments
4.21 Business Service Establishments
4.22 Veterinary Hospitals and Clinics
4.23 Mixed Use Development
4.24 Open-Air Businesses, Outdoor Display Areas, and Dealership Sales Lots
4.25 Plant Materials Nursery
4.26 Adult- and Sexually- Oriented Businesses
4.27 Other Similar Uses
4.28 Microbreweries
4.29 Open Air Market
4.30 Outdoor Display of Merchandise in the Public Right-of-Way
4.31 Single-Family Homes in the B-3 District
4.32 Laundromats (Self Service or Coin Operated)
4.33 Adult and Child Care Centers
4.34 Hotels and Motels
4.35 Laboratories for Research and Testing, and Experimental Product Development Facilities
4.36 Packaging of Previously Prepared Goods and Materials
4.37 Indoor Storage and Warehousing of Finished Products
4.38 Machine Shops
4.39 Printing, Lithographic, Blueprinting, and Similar Processes
4.40 Restaurants, Cafeteria Facilities, Medical Facilities, Fitness Centers, and Recreational Facilities
4.41 Electroplating, Heat-Treating, Metal Plating, Stamping, Pressing, Casing, Buffing, and Polishing
4.42 Self-Storage Warehouses
4.43 Outdoor Storage Yards, General
4.44 Accessory Residential Dwellings

Article 4.0 Use Standards (continued)

4.45 Compounding, Manufacturing, Packaging, Or Treatment of Goods
4.46 Assembly, Fabrication, Manufacturing, Packaging, Or Treatment of Products from Previously Prepared Materials
4.47 Wireless Communication Facilities and Services
4.48 Storage and Repair of Vehicles
4.49 Storage and Parking of Commercial Vehicles and Recreational Equipment
4.50 Electric Vehicle Infrastructure
4.51 Mobile Food Vending
4.52 Recycling and Related Uses
4.53 Solar Energy Systems
4.54 Wind Energy Systems
4.55 Special Events
4.56 Donation Collection Bins

4.0 Use Standards

4.1 SINGLE-FAMILY DWELLING, DETACHED

Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing park, shall comply with the following standards:

1. All structures have overhangs of not less than one foot as measured horizontally from the side of the structure to the outside edge of the eave and gable end.
2. The exterior dimension of any building shall not be less than 24 feet in width and depth.
3. No structure shall have exposed wheels, towing mechanism, or undercarriage.
4. New dwellings shall be placed or constructed with a primary entrance on the front façade.
5. Dwelling units not located in a manufactured home park shall be permanently attached to a perimeter foundation with the same perimeter dimensions as the dwelling per R125.1943 of the Manufactured Housing Commission General Rules.

4.2 HOME OCCUPATIONS

Home occupations are permitted as either a permitted or special land use in the R-1, R-2, R-3, and MFRD districts subject to the following:

1. Home occupations shall be conducted entirely within the dwelling or permanent accessory structure on the property and carried on by the inhabitants thereof, not involving more than one employee other than members of the immediate family residing on the premises.
2. Home occupations shall be incidental and secondary to the use of the dwelling for dwelling purposes.
3. Home occupations shall not change the residential character of the principal dwelling or zoning lot, and shall not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, heat or other hazards or conditions created or exacerbated by the home occupation.
4. No article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation.
5. There shall be no change in the exterior appearance of the structure or premises to accommodate the home occupation, or the other outdoor visible evidence of conduct of the home occupation and there shall be no external or internal alterations not customary in residential areas.
6. The following activities shall be prohibited: Outdoor storage of materials, equipment, machinery, and vehicles; signs not otherwise permitted for the principal residential use; and delivery of materials except by common ground carrier.
7. For home occupations in which customers or patrons visit the site for the delivery of goods, the Planning Commission may regulate the hours of operation.
8. A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises. For the purposes of this Section, a commercial vehicle shall be defined as one with any sign, markings, address, telephone number, or other form of display that advertises or is associated with a home occupation on that premises.

4.3 PRIVATE RECREATION FACILITIES

Private recreation areas or centers are permitted as a special land use in the R-1, R-2, R-3, MFRD and PSP districts and shall be subject to the following:

1. No building shall be located within 100 feet of a dwelling.
2. A restaurant with a bar shall be allowed as an accessory use for the members use only subject to the following condition: The area used for such purposes shall be located in the main building and shall not exceed 50% of the ground floor area, excluding those areas incidental to the operation of the accessory use, such as the kitchen and storage areas.

3. Accessory uses and structures shall be located not less than 35 feet from any property line or street right-of-way.
4. Access shall be directly from and onto a major thoroughfare or regional arterial, and not through a residential neighborhood.
5. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major or secondary thoroughfare as designated on the major thoroughfare plan.
6. Front, side, and rear yards shall be a minimum of 80 feet wide, and shall be landscaped in accordance with Section 5.15 as it pertains to trees, shrubs, and grass. In no instance shall decorative walls or fences as allowed under Section 5.15.8.C be allowed in lieu of the trees, shrubs, and grass.
7. Swimming pools shall be installed in accordance with the Michigan Building Code as amended from time to time and shall not be located within the 80 foot setback adjacent to a residential building.

4.4 ACCESSORY APARTMENTS

Attached or detached accessory apartments subject to the following:

1. The use shall be accessory to a principal dwelling on the same lot, which shall be occupied by the landowner;
2. The use shall be limited to one accessory apartment per site; and
3. Accessory apartments as defined in Section 2.2 may be located within a single-family dwelling or a detached garage. Accessory apartments within a detached garage shall have a minimum side yard and rear yard setback of ten feet.

4.5 CEMETERIES

Cemeteries are permitted as a special land use in the R-1, R-2, and PSP districts and shall be subject to the following:

1. Crematoriums shall be prohibited within or directly abutting a residential district.
2. All buildings or structures shall be located according to the policies suggested by the Parks, Recreation, and Cemetery Board and as approved by the City Council for all public and private cemeteries.

4.6 INSTITUTIONAL USES

Institutional uses, as defined in Section 2.2, are permitted as a special land use in the R-1, R-2, R-3, POSD districts, and as a permitted use in the B-3, MFRD and PSP districts, subject to the following in addition to any other requirements provided for elsewhere in this Chapter:

1. Height. The principal building's height shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet except in a R-1, R-2, or R-3 district, provided that the minimum required front, side and rear yard setbacks shall be increased above the minimum required by one foot per foot of building height exceeding the district maximum. The highest point of chimneys, church spires, cupolas, domes, and similar structures may be erected to a height exceeding the maximum height allowed in the schedule of regulations for the district in which it is located, provided that no such structure shall occupy a total area greater than 20% of the roof area of the building.
2. Refuse and garbage. Any refuse and garbage collection area or devices shall comply with Chapter 50 of the City Code of Ordinances.
3. Screening. Screening shall be provided in accordance with Section 5.15.8 where the site abuts a residential district or use.
4. Accessory facilities. Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and similar uses incidental to the principal use shall be permitted, subject to the requirements of this Chapter. Other uses on the site, such as retreat facilities or conference centers, schools, accessory dwellings, and similar uses shall meet the requirements of this Chapter for such uses.

5. Frontage and access. Such uses shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial (major street) or major thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
6. Impact studies. The Planning Commission may require a traffic impact study for institutional uses that have a seating capacity of over 500 persons. The Planning Commission may require an assessment of the impacts of a proposed institutional use in the B-3 (Neighborhood Commercial) district on existing or planned retail, restaurant, and entertainment uses in the district, for the purpose of determining whether the proposed use would be in accordance with the intent and purpose of the B-3 district.

4.7 GROUP CHILD CARE HOMES

Group child care homes are permitted as a special land use in the R-1, R-2, R-3, and MFRD districts and shall be subject to the following:

1. Licensing. In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.
2. Outdoor play area. A minimum of 150 square feet of outdoor play area shall be provided per child, at the maximum licensed capacity of the child care home, in the rear yard area of the child care home premises. The outdoor play area shall be suitably fenced and screened.
3. Pick-up and drop-off. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public street.
4. Separation requirements. New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the City overall.
5. Hours of operation. Child care homes shall operate a maximum of 16 hours per day.

4.8 PERMANENT OR TEMPORARY STRUCTURE SOLELY FOR THE SALE OF PRODUCE

In the R-1 district, one permanent or temporary structure solely for the sale of produce grown on the land used for agricultural purposes shall be permitted as a special land use provided adequate vehicular access and off-street parking is provided as determined by the Planning Commission.

4.9 FARMS

In the R-1 district, farms are permitted as a special land use subject to the following:

1. Farming activities shall be limited to parcels of land separately owned outside the boundaries of a plat.
2. Farms shall have an area of not less than five acres.
3. Farms shall be subject to local, county and state health and sanitation ordinances, laws, and regulations.
4. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants.
5. The slaughtering of animals except such animals as have been raised or maintained on the premises for a minimum of one year and are for the use and consumption by persons residing on the premises.

4.10 GOLF COURSES

In the R-1 district, golf courses , which may or may not be operated for profit, shall be permitted as a special land use subject to the following:

1. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas that will encourage pedestrian and vehicular traffic safety.
2. Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize adverse impacts upon adjacent uses. All principal or accessory buildings shall be set back not less than 200 feet from any property line abutting residentially zoned lands. Where topographic conditions are such that the building(s) would be screened from view, the Planning Commission may modify this requirement.
3. Lighting of a golf course for use after daylight hours shall be prohibited.

4.11 TWO-FAMILY, BOARDING HOUSES AND TOURIST HOME.

Two-family dwellings and boarding houses shall be subject to the following:

1. The size and architectural design shall be in harmony with the surrounding neighborhood and shall not be detrimental to the future use or development of adjacent lots.
2. Any refuse and garbage collection area or devices shall comply with Chapter 50 of the City Code of Ordinances.
3. The Planning Commission may limit the density of such units in a single neighborhood upon determining that additional uses of this type would undermine the purpose

4.12 BED AND BREAKFAST INNS

Bed and breakfast inns are permitted as a special land use n the R-3, MFRD, and HCHSD districts, and as a permitted use in the B-3 district, all subject to the following:

1. The bed and breakfast operations shall be accessory to and located within the principal residence on the site. Accordingly, the bed-and-breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than 50% of the gross floor area of the principal building shall be used for bed and breakfast sleeping rooms.
2. A maximum of six bed and breakfast sleeping rooms shall be permitted per principal dwelling. The Planning Commission may limit the number of sleeping rooms based on site or building limitations, and principles of good design.
3. The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
4. There shall be no separate cooking facilities for the bed and breakfast operation, other than those that serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility. Restaurants open to the general public, gift shops, retail stores, and public meeting rooms shall be prohibited.
5. Each dwelling utilized as a bed and breakfast inn shall comply with all applicable provisions of the State Construction Code, Building Code, Electrical Code, Plumbing Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code enforced by the City.
6. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses, as required by the Planning Commission under Section 5.15.8. Off-street parking in the front yard shall be prohibited.
7. No structure either on the premises of the bed and breakfast inn or on lots adjacent thereto shall be removed to provide parking for the bed and breakfast inn.
8. Duration of stay of guests shall be limited to a maximum of seven consecutive days.
9. All bed and breakfast operations shall maintain a guest register, which shall be subject to inspection during reasonable hours by the Zoning Administrator or City Clerk.

10. A bed and breakfast operation shall also comply with Chapter 110, § 110.69 of the City Code of Ordinances for licensing of a bed and breakfast operation.

4.13 MASSAGE THERAPY

Massage therapy clinics and uses shall be permitted in the POSD, HCHSD, B-2, and B-3 districts, subject to the following:

1. Accessory use. In addition to districts where therapeutic massage is permitted as a principal use, hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, chiropractors, osteopaths, psychologists, clinical social workers or family counselors licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use. Beauty salons, barbershops, and retail stores selling physical therapy supplies shall also be permitted to provide massage therapy services as an accessory use.
2. Certification. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the City.
3. Adult massage parlors prohibited. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

4.14 DRIVE-IN AND DRIVE-THROUGH FACILITIES

In the B-2 and B-4 districts, drive-in or drive-through facilities are permitted as a special land use. Drive - through facilities are a permitted use in the FS district. All shall be subject to the following:

1. When a drive-in or drive-through establishment adjoins property located in any residential district, screening shall be provided along the boundary of the residential district in accordance with Section 5.15.8.
2. The entire parking area shall be paved with a permanent surface of concrete or plant-mixed bituminous material and shall be graded and drained in accordance with this Chapter. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved area by a raised concrete curb, six inches in height.
3. Adequate ingress and egress shall be provided as prescribed in this Chapter.
4. The site plan shall be submitted to the Public Safety Department for review and recommendation as to suitability of access location and design, lighting, and other safety-related site design elements.

4.15 ACCESSORY STRUCTURES AND USES

Accessory structures and uses that are customarily incidental to any principal use permitted are permitted by this district, subject to the following:

1. Permitted accessory uses shall be maintained in conjunction with an existing permitted use on the premises.
2. Such accessory uses shall not constitute, create or increase a nuisance condition, or adversely impact a permitted use of adjoining or nearby premises.

4.16 COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS

Commercial greenhouses, nurseries, and garden centers, up to a maximum of 10,000 square feet usable floor area are permitted in the B-2 and B-4 districts when accessory to a principal use. Such uses are permitted as special land uses in the I-1 district with no limits on square footage.

4.17 GAS STATIONS, REPAIR CENTERS, AND PUBLIC GARAGES.

The following regulations and requirements are provided for gas stations and repair centers located in any zoning district to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion that may result from the unrestricted and unregulated construction and operation of gas stations and repair centers; and to regulate and control the adverse effects which these and other problems incidental to such uses may exercise upon adjacent and surrounding areas.

1. Scope. All gas stations and repair centers erected after the effective date of this Chapter shall comply with this Section. No gas station or repair center existing on the effective date of this Chapter shall be altered so as to provide a lesser degree of conformity with this Section than existed on the effective date of this Chapter.
2. Minimum area and frontage. A gas station or repair center shall be located on a lot having a frontage along the principal street of not less than 150 feet and having a minimum area of 15,000 square feet.
3. Setbacks. A gas station or repair center building housing an office and/or facilities for servicing, greasing or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 50 feet from any side or rear lot line directly adjoining a residentially zoned district. Where the side or rear line abuts an open public alley, the structure may be constructed on such property line.
4. Driveways. All driveways providing ingress to or egress from a gas station or repair center shall comply with the standards of this Chapter, and shall not be more than 30 feet wide at the property line. Not more than one curb opening shall be permitted per street frontage. No driveway or curb opening shall be located nearer than 20 feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than 30 feet to any other driveway, as measured along the property line.
5. Curbs and paving. A raised concrete curb, six inches in height, shall be erected around the perimeter of the paved area of the lot, except for driveway openings. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas, which shall be separated from all paved areas by a raised concrete curb, six inches in height.
6. Equipment location. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline and fuel pumps shall be located not less than 15 feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
7. Number of pumps. A gas station or repair center located on a lot having an area of 15,000 square feet shall include not more than four double gasoline and fuel pumps or eight single gasoline and fuel pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline and fuel pumps or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.
8. Screening. Where a gas station or repair center adjoins property located in any residential district, screening shall be provided along the boundary of the residential district in accordance with Section 5.15.8. Where the use is separated from the residential district by an alley, screening shall be provided along the alley lot line.
10. Prohibited locations. No gas station, repair center, or public garage shall be located nearer than 200 feet, as measured from any point on the property line, to any school, playground, church, hospital or other such use where large numbers of people congregate.
11. Outdoor storage and parking. All repair work shall be conducted completely within an enclosed building. There shall be no storage of vehicle components and parts, trash, supplies or equipment outside of a building. Outdoor storage or parking of vehicles or trailers, other than private passenger automobiles, shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day.
12. Removal of underground storage tanks. All underground gasoline storage tanks shall be removed from the premises after an automobile service station use has been abandoned or terminated for more than 365 consecutive calendar days, subject to compliance with applicable state laws or regulations regarding storage tank removal.

13. Service centers may include facilities for storage, minor repair or servicing, engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement, wheel balancing and alignment, but not recapping or re-grooving; installation or replacement of mufflers and tail pipes, water hoses, fan belts, brake-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

4.18 PERSONAL SERVICE ESTABLISHMENTS

Personal service establishments are permitted in the B-2 district within a completely enclosed building, provided that each occupies a maximum of 4,000 square feet usable floor area.

4.19 RESTAURANTS

1. In the B-2 and B-3 districts, restaurants (excluding drive-in restaurants and those with drive-through facilities) are permitted, where the patrons are served while seated within the building occupied by such establishment.
2. In the B-3 district, outdoor eating areas accessory to a permitted restaurant establishment are permitted provided they comply with Chapter 90 of the City Code of Ordinances and any other governmental agencies having jurisdiction.

4.20 RETAIL ESTABLISHMENTS

1. In the B-2 district, retail establishments whose principal activity is the sale or rental of merchandise within a completely enclosed building are permitted up to a maximum of 60,000 square feet of usable floor area, including supermarkets and planned commercial centers with up to eight different uses.
2. In the B-3 district, retail sales in which both a workshop and retail outlet or showroom are required, such as or similar to a plumbing shop, interior decorating, upholstering, printing, specialty food stores, and home appliance are permitted uses, provided that not more than 50% of the usable floor area shall be used for servicing, repairing, or processing activities. Retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
3. In the B-4 district, retail establishments whose principal activity is the sale or rental of merchandise are permitted within a completely enclosed building, including supermarkets and planned commercial centers
4. In the I-1 and I-2 districts, accessory retail sales of products or services produced or assembled as part of the principal industrial, technical or research use of the zoning lot, together with related accessories or similar supporting goods or services are permitted uses. Such accessory retail uses shall occupy no more than 10% of the gross floor area of all principal buildings on the lot.

4.21 BUSINESS SERVICE ESTABLISHMENTS

In the B-2 district, business service establishments of an office, showroom or workshop nature, such as a decorator, upholsterer, caterer, exterminator or building contractor, and similar establishments that require retail outlets such as floor covering are permitted, except that no outdoor storage of equipment or materials shall be permitted.

4.22 VETERINARY HOSPITALS AND CLINICS

In the B-2 district, veterinary hospitals and clinics with outdoor pens, boarding, or other similar uses are permitted as a special land use, except when located next to a residential district. In the B-4 district, they are a permitted use, except when located next to a residential district

4.23 MIXED-USE DEVELOPMENT

In the POSD, HCHSD, B-2, B-3, B-4 and FS districts, mixed-use development, with business, commercial, or service uses on the ground floor, residential, and office uses on upper floors, is a permitted use subject to the following:

1. No residential use may be located on the first floor.
2. No floor used for business or office uses may be located above a floor used for residential purposes.
3. A separate, private entrance shall be provided for the residential uses.

4.24 OPEN AIR BUSINESSES, OUTDOOR DISPLAY AREAS, AND DEALERSHIP SALES LOTS

In the B-2, and B-4 districts open air businesses, and outdoor display areas for sale, exhibition, rental or leasing of equipment, machinery, automobiles and other motor vehicles, recreational vehicles and trailers, boats, building supplies, hardware and other items are permitted as a special land use and shall be subject to the following:

1. Location requirements. All sales activity and the display of all merchandise shall be limited to the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in a street right-of-way or required setback area.
2. Setback requirements. Open air businesses and outdoor display areas shall be set back a minimum of ten feet from any parking area, driveway or access drive, and 20 feet from any residential district or use.
3. Sidewalk standards. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation. A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
4. Maintenance standards. Open-air businesses and outdoor display areas shall be kept clean, litter-free, with outdoor waste receptacles provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
5. Surface. Sales and display areas shall be provided with a permanent, paved surface of bituminous asphalt, concrete or similar paving materials, and shall be graded and drained so as to dispose of all surface water. All areas for display of motor vehicles, recreational vehicles, and similar items shall be paved.
6. Screening. Such uses and associated site improvements shall be separated from any required parking areas by landscaping, a decorative wall or other architectural feature, and shall be screened from street rights-of-way and abutting residential districts or uses in accordance with Section 5.15.8.
7. Hours of operation. Operational hours for open-air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.

4.25 PLANT MATERIALS NURSERY

In the B-2 district, plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies is permitted as a special land use, subject to the following:

1. The storage or display of all materials or products shall meet all setback requirements for structures within the district.
2. All loading and parking shall be provided off-street in accordance with this Chapter.
3. Outdoor storage of any soil, fertilizer, or other loose, unpackaged materials shall be prohibited.

4.26 ADULT- AND SEXUALLY- ORIENTED BUSINESSES

In the B-2 and I-2 districts, adult- and sexually-oriented businesses are permitted as a special land use, as defined in and subject to the standards of Chapter 118 of the City of Marshall code of ordinances.

4.27 OTHER SIMILAIR USES

In recognition that every potential land use cannot be specifically addressed in this chapter, land uses may also be permitted in a given zone if the Zoning Administrator determines that the use is similar to a permitted or special land use within the respective zone; the use is not specifically listed as either a permitted or special land use in any other zone; and, the use is not specifically prohibited by this chapter.

The Zoning Administrator shall select the use listed in that zone which most closely resembles the proposed use and the proposed use shall comply with all requirements and standards applicable to that similar use. The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a zone shall be considered an expansion of the use regulations.

The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Zoning Administrator to be a similar use shall thereafter be included in the enumerations of permitted or special land uses in that zone. The Zoning Administrator may elect to take any request for interpretation of the use regulation to the Planning Commission for a determination.

4.28 MICROBREWERIES

In determining the 60,000 barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

4.29 OPEN AIR MARKET

1. In the B-3 and PSP districts, open air markets are permitted as approved by the City Council for location and hours of operation.
2. In the River District Overlay, open air markets are a permitted use subject to the following:
   A. Each event, sale, or festival may last no longer than one calendar day.
   B. Event, sale, or festival may take place between the hours of 8:00 a.m. and 9:00 p.m. Sunday through Thursday and 8:00 a.m. through midnight Friday through Saturday.
      i. Outdoor set-up for event, sale, or festival may start as early as 7:00 a.m., seven days a week.
      ii. Outdoor tear-down for event, sale, or festival should be completed by 10:00 p.m., Sunday through Thursday, and 1:00 a.m., Friday through Saturday.
   C. Business owner shall insure for adequate parking. Parking requirements as outlined in Section 5.14.5 shall apply with the following exceptions:
      i. Use of other adjoining business' parking areas is permitted with permission from the business owner.
      ii. Use of gravel parking for events is acceptable.
      iii. For uses that are permitted but not defined in Section 5.14.5, the standard of one parking space per three expected guests shall be used.
   D. All outdoor events, sales, and festivals shall have a setback of 20 feet from the street right-of-way and railroad tracks.
   E. All dumpsters, portables restrooms and the like shall conform to the screening standards in Section 5.15.8 and must be removed from the property within three days of the conclusion of the event.
   F. Approval for events, sales, or festivals not conforming to the River District Overlay regulations shall conform to the standards and processes in Section 4.55.

G. For an event, sale, or festival involving more than 100 vehicles, owner must obtain clearance through the Department of Public Safety.

H. Owner is responsible for any excessive noise produced during the event, sale, or festival and must follow the requirements outlined in § 134.02 of the City of Marshall Code of Ordinances.

4.30 OUTDOOR DISPLAY OF MERCHANDISE IN THE PUBLIC RIGHT-OF-WAY

In the B-3 district, outdoor displays of merchandise in the public right-of-way are permitted, subject to the following:

1. Shall comply with Chapter 90 of the City Code of Ordinances.
2. Merchandise shall be for display only and shall not have sharp edges, open flames, barbed wire or otherwise represent a health or safety hazard to customers or pedestrians.
3. No outdoor display shall cause damage, discoloration or any alteration to the structure or appearance of the sidewalk, street trees, planters, street furniture, or other public facilities.
4. The party responsible for the outdoor display shall provide evidence of insurance coverage naming the City as an additional insured party in an amount acceptable to the City.
5. Businesses located on Michigan Avenue shall also obtain approval from the Michigan Department of Transportation.

4.31 SINGLE-FAMILY HOMES IN THE B-3 DISTRICT

In the B-3 district, single-family homes converted to commercial uses, may be converted back to a residential use on the existing lot, improved, and expanded in conformance with Section 3.1.10.D as a special land use.

4.32 LAUNDROMATS (SELF SERVICE OR COIN OPERATED)

In the B-3 district, laundromats (self-service or coin-operated) are permitted as a special land use, provided that such devices exhaust directed to the rear of the building only.

4.33 ADULT AND CHILD CARE CENTERS

In the B-3, I-1 and I-2 districts, adult and child care centers are permitted as a special land use, subject to the following:

1. The Planning Commission shall find that the facility does not result in an excessive number of such facilities in the City in relation to the evidence of need.
2. Adequate off-street parking shall be provided. All such uses shall provide adequate drop-off and waiting space so that pickup vehicles are not required to stand in a public right-of-way.
3. The site layout shall be designed to insure pedestrian safety by separating outdoor activity or play areas from parking and driveways.
4. Area requirements for child care facilities:
   A. There is provided and maintained a minimum of 75 square feet of indoor or outdoor play area per child and provided that such total area shall not be less than 1,500 square feet.
   B. Outdoor play areas shall be enclosed with a fence not less than 60 inches in height and screened from any adjoining lot or use.
   C. Pick-up and drop-off areas shall be provided, with the location(s) and layout subject to Planning Commission approval.

5. Area requirements for adult care facilities. In addition to the following standards, day care providers are encouraged to meet the standards outlined by the National Adult Day Services Association.
   A. Required indoor areas: A minimum of sixty (60) square feet of multipurpose space shall be provided for each participant, exclusive of office space, storage, restrooms, hallways, and other service areas unless they are commonly used by participants. The facility shall also provide a supervised rest area for participants, separate from activities areas.
   B. A minimum of fifty (50) square feet of supervised outdoor recreation space shall be provided for each participant utilizing the outdoor recreation area at any given time. Such outdoor space shall offer sufficient seating areas and shade for participants.

4.34 HOTELS AND MOTELS

1. Motels are permitted in the FS district, hotels are permitted in the B-4 district and permitted as a special land use in the B-3 district and HCHSD, provided that each living unit shall contain not less than 250 square feet of floor area or exceed 10%; and provided further that, no guest shall establish permanent residence for more than 30 consecutive days in any one calendar year.
2. In the HCHSD, units may not exceed eight.

4.35 LABORATORIES FOR RESEARCH AND TESTING, AND EXPERIMENTAL PRODUCT DEVELOPMENT FACILITIES

In the I-1 and I-2 districts, laboratories for research and testing, and experimental product development facilities are permitted uses when enclosed entirely within a building.

4.36 PACKAGING OF PREVIOUSLY PREPARED GOODS AND MATERIALS

In the I-1 and I-2 districts, packaging of previously prepared goods and materials is a permitted use, but not including the bailing of discards such as iron or other metal, wood (including pallets), lumber, glass, paper, rags, cloth, or other materials not generated on site.

4.37 INDOOR STORAGE AND WAREHOUSING OF FINISHED PRODUCTS

In the I-1 and I-2 districts, indoor storage and warehousing of finished products are permitted uses, excluding the storage of bulk petroleum, hazardous materials, or related products, garbage, or rubbish.

4.38 MACHINE SHOPS

In the I-1 and I-2 districts, machine shops are a permitted use, provided no vibration from the operations shall be perceptible beyond the boundaries of the zoning lot.

4.39 PRINTING, LITHOGRAPHIC, BLUEPRINTING, AND SIMILAR PROCESSES

In the I-1 and I-2 districts, printing, lithographic, blueprinting, and similar processes are permitted uses when used to manufacture product and product sales and servicing but excluding freestanding retail copy and printing centers offering only carry-in/carry-out service.

4.40 RESTAURANTS, CAFETERIA FACILITIES, MEDICAL FACILITIES, FITNESS CENTERS, AND RECREATIONAL FACILITIES

In the I-1 and I-2 districts, accessory restaurants, cafeteria facilities, medical facilities, fitness centers, and recreational facilities are permitted for employee use and provided as an incidental use within the same principal building as a permitted principal industrial, technical or research use on the property.

4.41 ELECTROPLATING, HEAT-TREATING, METAL PLATING, STAMPING, PRESSING, CASING, BUFFING, AND POLISHING

In the I-1 and I-2 districts, electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing and polishing are permitted uses, subject to appropriate measures to prevent obnoxious conditions or nuisance.

4.42 SELF-STORAGE WAREHOUSES

In the I-1 and I-2 districts, self-storage warehouse facilities shall be subject to the following:

1. Use standards. Self-storage-warehouses shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:
   - A. Such storage shall be incidental to the main use of enclosed storage.
   - B. Such storage shall be located to the rear of the lot and subject to any additional screening, as determined by the Planning Commission.
   - C. All such recreational vehicle and equipment storage shall be operable and licensed to operate on the highways of the State of Michigan.
2. Screening. All storage facilities shall be screened from adjacent uses and street rights-of-way in accordance with Section 5.15.8.
3. Manager or caretaker's residence. A manager or caretaker's residence shall be permitted accessory to a self-storage warehouse use.

4.43 OUTDOOR STORAGE YARDS, GENERAL

In the I-1, I-2, and PSP districts, general outdoor storage shall be permitted as a special land use subject to the following:

1. Setbacks. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
2. Screening. Storage areas shall be screened from all street rights-of-way and abutting uses in accordance with Section 5.15.8. The Planning Commission may permit the use of a screen wall up to ten feet or fence up to eight feet in height, upon determination that the additional height is necessary to adequately screen the proposed use.
3. Use standards. All outdoor storage areas shall further comply with the following:
   - A. No materials shall be stored above the height of the required wall or fence.
   - B. No junk or junk vehicles shall be stored, and no trailer, manufactured home or truck trailer shall be stored or used for storage.
   - C. Stored materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals. The Planning Commission may require stored materials to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.
   - D. The Planning Commission may require outside storage areas to be paved or surfaced with hard surface material, and may require installation of a storm water drainage system.

4.44 ACCESSORY RESIDENTIAL DWELLINGS

In the I-1 and I-2 districts, residential dwelling accessory to a permitted principal industrial, technical or research use of the zoning lot and containing only quarters for an on-site manager, caretaker or watchman are permitted as a special land use.

4.45 COMPOUNDING, MANUFACTURING, PACKAGING, OR TREATMENT OF GOODS

In the I-1 and I-2 district, assembly, fabrication, manufacture, packaging, or treatment of food products (except for the butchering and animal slaughtering), candy, pharmaceuticals, cosmetics and toiletries, hardware and cutlery, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, electronic instruments and devises, electronic consumer products, and pottery and figurines or other ceramic products using only previously pulverized clay and kilns fired only by electricity or natural gas, apparel and leather goods, textile goods, and furniture and fixtures are permitted uses when not abutting residential and permitted as special land uses when abutting residential.

4.46 ASSEMBLY, FABRICATION, MANUFACTURING, OR TREATMENT OF PRODUCTS FROM PREVIOUSLY PREPARED MATERIALS

In the I-2 district, assembly, fabrication, manufacture or treatment of products from previously prepared materials, including bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell textiles, wax, wire, wood (excluding power saw and planing mills), and yarns are permitted uses.

4.47 WIRELESS COMMUNICATION FACILITIES[1] AND SERVICES

1. The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the City that are necessary for the operation of wireless communications systems.
   A. In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the City, it is the further intent of this Section to:
      i. Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
      ii. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
      iii. Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
      iv. Minimize the adverse impacts caused by these facilities on the public health and safety of persons and property within the City, as well as to minimize the adverse aesthetic impacts caused by these facilities.
   B. It is not the intent of this Section to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different providers.
2. Principal permitted and accessory uses. The following wireless communication facilities shall be permitted as an accessory use subject to review and approval by the Zoning Administrator:
   A. Attached wireless communication facilities in all districts at locations where a wireless communication facility currently exists, provided that the existing structure or facility shall not:
      i. Increase in height by more than 20 feet or 10% of its original height, whichever is greater.
      ii. Increase in width by more than the minimum necessary to permit collocation.
      iii. Existing equipment area compound will not increase by more than 2,500 square feet.
   B. Collocation of an attached wireless communication facility on a structure previously approved for collocation by the Planning Commission.

   The following wireless communication facilities shall be permitted as a principal use subject to site plan approval per Section 6.3 and the standards of this Section:

   C. Wireless communication facilities located on monopole support structures of no more than 175 feet in height in the I-1 or I-2 districts, provided that the monopole shall have a holding capacity of not less than three wireless communication facilities.
   D. Collocation not meeting Section 4.47.2 A. or B. shall be subject to MCL 125.3514.

3. Permitted uses subject to special conditions. Wireless communication facilities may be permitted as a use subject to special conditions, subject to the standards of Section 6.2 and the following:

   A. I-1 or I-2 districts. Wireless communication facilities with monopole tower support structures with a height of greater than 175 feet may be permitted in the I-1 or I-2 districts as a special land use, subject to the following:

      i. Wireless communication facilities shall no located no closer than 500 feet to any residential zoning district,

      ii. Wireless communications facilities shall be located no closer than the height of the support structure to the right-of-way of any interstate, limited access highway or major thoroughfare.

      iii. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

      iv. Wireless communication facilities may be attached to a utility pole located within a right-of-way, provided that the existing pole is not modified to materially alter the structure or result in an impairment of sight lines or other safety interests.

   B. Other zoning districts. Wireless communication facilities may be permitted in all other zoning districts as a special land use, subject to the following:

      i. The applicant must demonstrate to the Planning Commission's satisfaction that all locations otherwise permitted by this Section cannot reasonably meet the coverage or capacity needs of the applicant.

      ii. Such wireless communication facilities shall be located on a priority basis only on the following sites:

         a. Governmentally owned sites;

         b. Religious or other institutional sites;

         c. Public or private school sites; or

         d. Public parks and other large permanent open space area when compatible.

      iii. Wireless communication support structures in such locations shall be of an alternative or stealth design such as incorporation into a steeple, water tower, bell tower, flagpole or other form compatible with the existing character of the proposed site, adjacent neighborhoods, and the general area, as determined by the Planning Commission.

4. Required information. The following information shall be provided for all new or altered wireless communication facilities:

   A. Site plan. A site plan shall be prepared in accordance with Section 6.3, showing drawings for all proposed attached wireless communication facilities or wireless communication support structures.

   B. Demonstration of need. The applicant shall demonstrate the need for the proposed wireless communication support structure due to a minimum of one of the following:

      i. Proximity to an interstate or limited-access highway or major thoroughfare.

      ii. Proximity to areas of population concentration.

      iii. Proximity to commercial or industrial business centers.

      iv. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.

      v. Other specific reasons.

   C. Service area and power. As applicable, a description of the existing and planned service areas, wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.

   D. Map of nearby facilities. A map showing existing or proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within a seven mile radius which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the City, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.

E. Data on nearby facilities. For each location identified by the applicant/provider, the applicant shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:

i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

ii. Evidence of property owner approvals.

iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.

F. Fall zone certification. To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall. The fall zone or collapse distance as cited in the certification shall be the minimum setback required from a property line or occupied structure. In the absence of an engineer's certification, the minimum setback shall equal 75 feet or the height of the tower, whichever is greater.

G. Description of security for removal. A performance guarantee shall be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this Section. The security shall be in the form of a performance bond or dedicated escrow account placed with the City for coverage of stated purposes, and may be required as part of a development agreement between the City and the applicant. The security shall be a promise of the applicant and owner of the property to remove the facility in accordance with the requirements of this Section, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the City in securing removal.

H. FCC and FAA approval. The applicant shall provide proof of approval for the location and design of the wireless communication facility from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and Michigan Aeronautics Commission (MCC).

I. Lot area. All wireless communication facilities shall be located on a minimum of a one-half acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided upon application for approval.

J. Screening. All existing vegetation shall be shown on the site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the provisions of this Chapter for the district in which it is located.

K. Security information. All wireless communication sites shall be fenced with appropriate material with a minimum height of six feet and a maximum height of eight feet. All accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.

5. Compatibility of support structures. Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.

6. Maximum height. The maximum height of wireless communication support structures shall be the lesser of 250 feet, the minimum height demonstrated to be necessary by the applicant, or such lower heights as required and approved by the Federal Aviation Administration.

A. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs that might result in lower heights.

B. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.

7. Setbacks from all zoning districts. Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located. But in no case shall the required setback be less than 75 feet. Wireless facilities shall be set back not less than 500 feet from any residential district.

8. Variances. The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact or to meet the required collocation standards. The Zoning Board of appeals may also grant variances for the height of a support structure of up to 50 feet only in cases where a variance would permit additional collocations.
9. Compatibility of accessory structures. Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which they are located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
10. Appearance of support structures. The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.
11. Federal and state requirements. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. Furthermore, if more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the City. The cost of testing and verification of compliance shall be borne by the operator of the antenna.
12. Lighting. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The Planning Commission may require a height reduction to eliminate the need for lighting unless the applicant provides adequate technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
13. Collocation. All wireless communication support structures shall accommodate a minimum of three, but no more than six attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.
    A. When collocation is not feasible. Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to any of the following reasons:
        i. The planned equipment would exceed the structural capacity of the support structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
        ii. The planned equipment would cause interference affecting the function of other equipment on the structure, as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
        iii. Support structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs, as documented by a qualified and licensed professional engineer.
    B. Determining feasibility of collocation. Collocation shall be deemed to be feasible when all of the following are met:
        i. The applicant/provider will pay market rent or other market compensation for collocation.
        ii. The site is able to provide structural support, considering reasonable modification or replacement of a facility.

iii. The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.

iv. The height of the structure necessary for collocation will not be increased beyond maximum height limits.

C. Refusal to permit collocation. If a party who owns or controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible collocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

i. If a refusal to permit a feasible collocation requires the construction or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section.

ii. The party refusing to permit a feasible collocation shall be prohibited from receiving approval for a new support structure within the City for a period of five years from the date of the failure or refusal to permit the collocation.

iii. Such a party may seek and obtain a variance from the Zoning Board of Appeals if, and to the limited extent, the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

D. Collocation offer required. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. If, during a period of 30 days after the notice letters are sent to potential users, a user requests in writing to collocate on the new support structure, the applicant shall accommodate the request(s) unless collocation is not feasible based on the criteria of this Section.

E. Administrative review of collocation. Applications for collocation on existing, approved structures shall be reviewed administratively. Colocation of new wireless communications antennas and equipment is eligible for approval by the Zoning Administrator within fourteen (14) days of receipt of a complete application package and applicable fees, if all of the following standards are satisfied:

i. The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound

ii. The existing wireless communications support structure or existing equipment compound is in compliance with the City of Marshall zoning ordinance or was approved by the City of Marshall Planning Commission.

iii. The proposed colocation will not do any of the following:

a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original approved height, whichever is greater.

b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit colocation.

c. Increase the area of the existing equipment compound to greater than 2,500 square feet.

d. The proposed colocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission.

14. Removal. When a wireless communication facility has not been used for 180 consecutive calendar days, the party who owns or controls such a facility shall notify the City in writing of its discontinued use and shall undertake removal of all or parts of the wireless communication facility by the users or owners or their successors of the facility and owners of the property on which the facility is located within 90 days of notifying the City.

A. The removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.

B. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.

C. If the required removal of the wireless communication facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice sent by certified mail, the City may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.

15. Radio frequency emission standards. Wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

16. Effect of approval. Final approval for a wireless communication support structure shall be effective for a period of 180 calendar days. One extension of up to an additional 180 calendar days may be granted, provided that a written request is submitted prior to the expiration date.

4.48 STORAGE AND REPAIR OF VEHICLES

The repair, restoration, storage or maintenance of vehicles in any residentially zoned district shall be subject to the following: inoperable vehicles, vehicle parts, equipment, tools, and supplies shall be stored in accordance with § 73.31 of the City Code of Ordinances.

4.49 STORAGE AND PARKING OF COMMERCIAL VEHICLES AND RECREATIONAL EQUIPMENT

Outside storage of motor homes, travel trailers, folding-type trailers, pickup campers, snowmobiles on trailers, boats, and similar recreational equipment on all lots zoned or used for residential purposes shall be subject to the following:

1. Outside storage accessory to a principal building and use. Recreational equipment as defined in Section 2.2 may be stored, parked or placed on a lot zoned or used for residential purposes and occupied by a principal residential building and use, or on a lot contiguous to an occupied lot under the same ownership, subject to the following:

   A. A maximum of three but not more than one of each unit type may be stored or parked outside, provided that the ownership of such units shall be in the name of a member of the immediate family of the lot's owner, tenant or lessee.

   B. Such outside storage shall be located in a rear yard, and shall be parked on a paved or gravel surface with a maximum width of 12 feet and screened from adjacent lots by a six foot fence that complies with or landscaping of the same height along a side and rear lot line.

   C. Such units shall not be closer than ten feet to any structure and five feet to any lot boundary, unless otherwise provided by this Section.

   D. The combined area covered by the dwelling, accessory structures, and the area covered by the outside storage of such units shall not exceed 40% of the net lot area.

   E. Recreational equipment may be stored, parked or placed within any front yard or within a public right-of-way where on-street parking is permitted for a period not exceeding 48 hours for loading and unloading or normal maintenance and cleaning.

   F. In the case of through lots, parking shall be permitted in the effective rear yard, as determined by the Zoning Administrator, provided the parked vehicle meets the front and side yard principal building setback requirements for the zoning district and subsection 1.B of this Section.

G. In the case of through lots on a corner (i.e. lots with frontage along three streets), parking shall be allowed only in the side yard. The Zoning Administrator may permit parking in the effective rear yard, upon determination that such parking would be allowed in the adjacent lot.

2. None of such units or any recreational equipment parked or stored outside shall be connected to electricity, water, gas or sanitary facilities for living, lodging or housekeeping purposes and none of the same shall be used for living, lodging or housekeeping purposes, except for not more than seven days within any 60 day period, or as otherwise authorized under the City's Code of Ordinances.
3. All recreational equipment and vehicles shall be maintained in good condition, shall be operable and shall have a current license or registration.
4. The parking and/or storage of buses and converted buses in excess of 18 feet in length and boats in excess of 30 feet in length shall be prohibited. A suitable covering shall be placed over all boats whenever stored outside.
5. No recreational equipment may be parked or stored on a vacant residentially zoned lot, except as otherwise authorized under subsection 1.A of this Section.
6. Detachable camper tops shall not be stored in any residential district except in accordance with this Section. Camper tops not installed on a licensed and operable vehicle shall be placed on the ground and stabilized.
7. A recreational equipment officially designated for barrier-free use in accordance with state law, and used as the regular means of transportation by or for a handicapped person may be parked within any required setback area.
8. Commercial vehicles of over one ton shall not be parked or stored at any time on a lot zoned or used for residential purposes. Open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks or semi-trailers, bulldozers, earth carriers, cranes or similar equipment or machinery shall be prohibited, except while in use for approved construction on the lot.

4.50 ELECTRIC VEHICLE INFRASTRUCTURE

1. General.
   A. All charging station installations shall be subject to building and electrical permits.
   B. An electric vehicle charging space may be included in the calculation for minimum parking spaces that are required for the principal use.
   C. No minimum number of electric vehicle charging spaces is required.
   D. When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted.
   E. Usage Fees: An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.
   F. Retail Charging Stations as a Primary Use: If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered a gasoline service station for zoning purposes. Installation of charging stations shall be subject to special land use approval and located in zoning districts which permit gasoline service stations.
   G. Charging Stations Accessory to Residential Uses: Charging stations located at single-family, multiple -family, and mobile home park dwellings shall be designated as restricted use only.
   H. Data Collection: To allow for maintenance and notification, the City of Marshall shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information.
2. Locational Standards for multiple family residential, non-residential development, and public rights-of-way.

A. Electric vehicle charging stations located in the public right-of-way shall be located adjacent to the parking space at the beginning or end of a block face, which shall be designated as the electric vehicle charging space.

B. Developments with three or more electric vehicle charging spaces, including public parking lots, shall provide at least one barrier-free electric vehicle charging space.

C. Where possible, electric vehicle charging spaces should be located adjacent to each other in order to reduce the amount of electrical infrastructure necessary to serve them.

D. Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Michigan accessibility code or other applicable accessibility standards.

3. Design Standards for multiple family residential, non-residential development, and public rights-of-way.

A. Electrical infrastructure serving the charging station shall be located underground

B. Solar panel canopies are permitted; these canopies shall cover only the electric vehicle charging space or spaces. Canopies must provide a clearance height of not less than 14 feet.

C. Where charging station equipment is installed, adequate site lighting shall be provided.

D. Charging station outlets and connector devices shall be no less than thirty six inches (36") and no higher than forty eight inches (48") from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.

E. Adequate charging station equipment protection, such as concrete filled steel bollards, shall be used. Nonmountable curbing may be used in lieu of bollards, if the charging station is set back a minimum of twenty four inches (24") from the face of the curb.

4. Signage.

A. Each charging station space shall be posted with signage approved by the City of Marshall indicating the charging station space is only for use by electric vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

B. Directional signs conforming to the federal Manual of Uniform Traffic Control Devices are permitted in accordance with the sign provisions of this Ordinance, Section 5.1.

C. Information on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information shall be provided on the charging station equipment.

5. Battery Handling and Storage. Electric vehicle batteries shall be properly managed in accordance with local, state and federal law. After an electric vehicle has been involved in an accident, or the battery has sustained damage, and where the electric vehicle is being stored or disposed of, its battery systems must first be properly de-energized according to manufacturer specifications.

4.51 MOBILE FOOD VENDING

Mobile Food Vending is permitted as a temporary land use, subject to the following conditions:

1. Location. Mobile food vending is permitted in the B-2, B-3, B-4, I-1, I-2, POSD, and PSP districts on private property that is vacant or used for non-residential purposes, subject to the following:

A. The vendor must provide approval of the property owners.

B. Mobile food vending units shall be located and maintained on a dust-free surface and shall not be placed on existing landscaped areas.

C. Mobile food vending units shall not be located in sensitive environmental areas such as wetlands or floodways.

D. Location of the unit on a lot must be situated to minimize adverse impacts to adjacent properties. Operations shall not obstruct the visibility of motorists, parking lot circulation, emergency access, access to or along a public street, alley, sidewalk, or trail. Customer queuing may be allowed on a public sidewalk provided a minimum of 6 feet of unobstructed sidewalk around the line of customers is maintained.

2. Number of Vendors. No greater than one food truck per 1,500 square feet of dust-free surface shall operate on a site. However, if there are more than two mobile food vending units on a parcel at any one time, the following shall apply:

   A. A designated on-site manager is required to direct traffic flow and maintain the site as described in this Section, and

   B. A restroom shall be provided within 200 ft of the vending area.

3. Duration. A mobile food vending unit may be allowed to park at an approved location up to once per week if the applicant has satisfied all of the requirements of this Section. A vendor may seek a new approval for a location on a different property in the City within the same calendar year.

4. Goods available. Mobile food vending units may only sell food and non-alcoholic beverages. Sales of alcoholic beverages are prohibited. No others goods or services may be sold from a mobile food vending unit.

5. Trash and upkeep. Mobile food vending units and the area upon which they are temporarily located shall be kept in good repair and free of refuse and debris. A trash receptacle shall be provided by the mobile food unit and emptied daily, or more frequently to meet demand. The trash or recycling receptacle must be removed from the site when the mobile food unit departs.

6. Hours of operation. Mobile food vending units shall not be in operation between the hours of 10 p.m. and 7 a.m. The Zoning Administrator may extend operating hours upon finding that such extension will not negatively impact adjacent uses.

7. Parking. Mobile food vending units shall not occupy any parking spaces required for the existing use of the property. The City may take into consideration seasonal variation in parking demand and building occupancy when making this determination. There shall be at least three parking spaces for the mobile food vending unit provided and maintained on a dust-free surface.

8. Site amenities permitted. Mobile food vending units may provide seating for up to twelve customers within 30 ft of the mobile food vending unit. Such seating shall not occupy any required parking spaces and shall be kept in good repair. One additional parking space shall be provided for every two seats. This requirement may be waived or modified by the approving body if it finds there is ample parking nearby. Mobile food vending units shall only serve customers on foot; drive-thru mobile food vending is not permitted.

9. Signage. Mobile food vending units may be painted with signage but shall not have any signs or other objects that otherwise attract attention projecting from the unit. The sole exception is that one a-frame sandwich board sign up to 6 square feet in area may be provided on the subject site. No additional site signage is permitted.

10. Sound. Sound amplifying equipment is prohibited.

11. Lighting. Mobile food vending units shall be lit with available site lighting. No additional exterior lighting is permitted unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line.

12. Temporary restroom facilities. Temporary restroom facilities, if provided, shall only be placed on the subject property from one day before until one day after the approved mobile vending dates. Any temporary restroom facility shall be placed a minimum of 100 ft from a single family residential use, as measured from the property line.

13. Permits. Administrative approval is valid for the calendar year in which it is issued (January 1 to December 31) with the exception that permits issued on or after November 1 shall be valid through the following calendar year. A permit applies to a single approved location. Other permitting requirements are as follows:

A. The mobile food vendor shall obtain and comply with all additional required permits and licenses as applicable.

B. The mobile food vendor must demonstrate that the operation will be mobile and not limited to a fixed location or series of fixed locations.

C. The applicant must demonstrate that operations will not obstruct the public way or constitute a health hazard or other hazards.

4.52 RECYCLING AND RELATED USES

1. Junk Yards. Junk yards are permitted as a special land use in the I-1 district, subject to the following standards:

   A. Junk yards shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body. The landscaped greenbelt shall be located between the fence or wall and the property line.

   B. There shall be no burning on the site.

   C. A junk yard shall not be located adjacent to an existing residential use.

   D. Junk yards shall not be located in a floodplain.

   E. All machinery and accessory buildings shall comply with the setback standards of the district.

   F. Junk yards shall comply with City performance standards for noise, dust, fumes, and vibrations.

   G. All industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

   H. The operator shall not permit automotive fluids or similar hazardous materials to contaminate soil or groundwater. Plans shall demonstrate that all areas for dismantling are conducted within an enclosed building with floor drains connected to an approved holding tank.

   I. Junk and other items stored outdoors shall not be stored in piles or stacks taller than the height limit for accessory structures in the district.

   J. A report shall be submitted to the Fire Chief detailing all hazardous or flammable materials used, stored, collected for recycling or disposal, or associated in any other way with the operations on-site.

   K. A spill prevention plan shall be submitted for review by the Fire Chief that details the procedures to be followed in the event of a spill of any hazardous material, whether or not said material was included in the report submitted subject to number 11 above.

   L. Hours of operation shall fall between 7:00 am and 10:00 pm.

2. Recycling Collection Facilities. Recycling collection facilities are permitted in the I-1 and I-2 districts, subject to the following standards:

   A. Outdoor storage areas shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body. The landscaped greenbelt shall be located between the fence or wall and the property line.

   B. Outdoor storage areas shall have an approved all-weather surface.

   C. Items stored outdoors shall not be stacked higher than the obscuring fence or wall.

   D. Items stored outdoors shall be covered or kept in containers.

   E. Garbage shall not be stored on site for longer than necessary; all nonrecyclable materials shall be kept in dumpsters, to be emptied on a weekly basis, at a minimum.

   F. All machinery and accessory buildings shall comply with the setback standards of the district.

   G. Drop-off areas shall be attended during business hours and kept free of debris.

   H. Recycling collection facilities shall not be located in a floodplain.

   I. Hours of operation shall fall between 7:00 am and 10:00 pm.

3. Recycling Processing Facilities. Recycling processing facilities are permitted in the I-1 and I-2 districts, subject to the following standards:
   A. Recycling processing facilities may include recycling collection facilities, subject to the standards of Section 4.52.2.
   B. Outdoor storage areas shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body. The landscaped greenbelt shall be located between the fence or wall and the property line.
   C. Outdoor storage areas shall have an approved all-weather surface.
   D. Items stored outdoors shall not be stacked higher than the obscuring fence or wall.
   E. Items stored outdoors shall be covered or kept in containers.
   F. Garbage shall not be stored on site for longer than necessary; all nonrecyclable materials shall be kept in dumpsters, to be emptied on a weekly basis, at a minimum.
   G. All machinery and accessory buildings shall comply with the setback standards of the district.
   H. Drop-off areas shall be attended during business hours and kept free of debris.
   I. All industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
   J. Loading docks or loading areas shall be screened from residential properties by a greenbelt and masonry screen wall or fence.
   K. Recycling processing facilities shall not be located in a floodplain.
   L. Hours of operation shall fall between 7:00 am and 10:00 pm.

4.53 SOLAR ENERGY SYSTEMS

1. Small Solar Energy Systems. Small solar energy systems may be installed and operated in all districts, provided the systems meet setback and other standards, as provided in this Section:
   A. Small solar energy systems may be approved through the issuance of a Building Permit provided the application meets setback and other standards, as provided in this Section, and provided solar panels are roof mounted. If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Site Plan approval to the Planning Commission.
   B. All ground mounted solar panels require approval by the Planning Commission. Ground-mounted solar panels are not permitted on residential lots less than one quarter acre in size or in the B-3 district.
   C. Approval by the Planning Commission is required for all small solar energy systems that do not meet A and B above.
   D. The requirement for a complete, professionally-prepared site plan shall not apply to applications proposing 1) only roof mounted solar panels or 2) proposing ground mounted panels that do not exceed 2,000 square feet in total area in non-residential districts, 400 square feet in area on residential lots between one quarter acre and two acres in size, or 1,000 square feet in area on residential lots larger than two acres. When a full site plan is not required, a sketch plan shall be submitted. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance. The sketch plan may be drawn on an aerial or satellite photograph.
   E. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line. Mechanical equipment shall be screened from any street or neighboring residence by a decorative fence, evergreen screening, or combination thereof. Screening requirements may be waived or reduced by the Building Department or Planning Commission, as applicable, where it is determined that existing vegetation or other features of the landscape accomplish the same.

F. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this Section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

G. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

H. Roof-mounted small solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:

i. Solar panels shall not project beyond the edge of a roof or below the eave.

ii. The total area of solar panels shall not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area shall not exceed the total area of that slope.

I. Ground mounted photovoltaic solar energy systems, where the solar panels are attached to the ground by a pole, metal frame or other similar support structure, shall comply with existing setbacks and height limit for accessory structures in the district but in no instance shall the panels exceed twenty (20) feet in height, measured from grade to the top of the panel. Ground mounted small solar energy systems shall further comply with the following standards:

i. Ground-mounted systems shall not be located in the required front yard. In the I-1 and I-2 districts, ground-mounted systems may be located in the non-required front yard.

ii. The maximum ground area occupied by solar panels and associated paved surfaces shall be 3,500 square feet

iii. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.

iv. Panels shall not be located closer than their height to the property line.

v. Panels shall be screened from residential districts and public rights of way by a greenbelt, a six-foot decorative fence, or combination thereof.

2. Medium Solar Energy Systems. Medium solar energy systems may be installed and operated in the PSOD, B2-, B-4, FS, I-1, I-2 and PSP districts, provided the systems meet setback and other standards, as provided in this Section. Medium solar energy systems may be installed and operated by non-residential uses only in the R-1, R-2, and R-3 districts. In the MFRD, HCHS and B-3 districts, medium solar energy systems may be installed on rooftops only. Medium solar energy systems shall be subject to the following standards:

A. Medium-sized solar energy systems shall be approved through the Site Plan approval process, which requires action by the Planning Commission. A professionally prepared site plan shall be required.

B. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line. Mechanical equipment shall be screened from any street or neighboring residence by a decorative fence, evergreen screening, or combination thereof. Screening requirements may be waived or reduced by the Building Department or Planning Commission, as applicable, where it is determined that existing vegetation or other features of the landscape accomplish the same.

C. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this Section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

D. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

E. Roof-mounted medium solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:

i. Solar panels shall not project beyond the edge of a roof or below the eave.

ii. The total area of solar panels shall not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area shall not exceed the total area of that slope.

F. Ground-mounted medium solar energy systems shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: in all zones abutting a residential district or residential use, the setbacks shall be at least 50 feet from all property lines adjoining said district(s) or use.

G. Ground-mounted solar facilities shall meet the height limit requirements for accessory structures of the district in which they are located, measured from grade to the top of the panel, but in no instance shall the panels exceed twenty (20) feet in height in the R-1, R-2, and R-3 districts.

H. Ground mounted medium solar energy systems shall further comply with the following standards:

i. Ground-mounted systems shall not be located in the required front yard. In the I-1 and I-2 districts, ground-mounted systems may be located in the non-required front yard.

ii. The maximum ground area occupied by solar panels and associated paved surfaces shall be 1 half-acre.

iii. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.

iv. Panels shall not be located closer than their height to the property line.

v. Panels shall be screened from residential districts and public rights of way by a greenbelt, a six-foot decorative fence, or combination thereof.

3. Large Solar Energy Systems. Large solar energy systems are permitted as a special land use in the I-1 and I-2 districts, subject to the following standards:

A. Large solar energy systems shall meet all the requirements of Section 4.55.2 Medium Solar Energy Systems, provided that all large solar energy systems shall be treated as a special land use in the I-1 and I-2 districts. The following additional standards and exceptions apply:

i. Where a principal building is present, the large solar energy system shall not be located in the front yard.

ii. In addition to screening requirements, the site of a large solar energy system shall be secured by a fence.

iii. There shall be no maximum ground area, provided that all setbacks and other standards of Section 4.55.2 are met.

B. In reviewing the application, the Planning Commission shall particularly focus on the ability of the use to be in harmony with the surrounding area and the intent and policies of the Master Plan. Potential impact on neighboring properties in terms of glare, stormwater runoff, property values, aesthetics, and screening shall be considered by the Planning Commission in determining whether the use is appropriate on the subject property.

4.54 WIND ENERGY SYSTEMS[10]

Wind energy conversion systems shall be permitted as a special land use in the POSD, FS, I-1 and I-2 districts, subject to the following:

1. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system provided, however, this standard shall not apply to an anemometer tower. No wind energy system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year.
2. The site area for a wind energy system shall be a minimum of five (5) acres or the amount of land required to meet the setback standards of this Section, whichever is greater.
3. Height is measured from the ground at the base of the wind energy system and the highest point of the wind energy system with the blade in the uppermost vertical position.
4. The maximum height of a wind energy conversion system is 150 feet. The Planning Commission may approve up to 200 feet if the additional height will preserve natural features that would otherwise be removed to help increase wind velocity.
5. The lowest point of the arc created by a rotating wind vane or blade on a wind energy system shall be no less than twenty (20) feet above finished grade.
6. A tower shall be set back at least three times the height of the tower from the property line. Spacing between towers shall be equal to four times the height of the tallest tower.
7. Sound levels shall not exceed sixty five (65) decibels on the dB(A) scale at any property line.
8. Lighting is prohibited unless required by the FAA.
9. The system shall not produce vibrations perceptible to humans at or beyond the property line.
10. On-site transmission lines shall be located underground.
11. Existing natural features and vegetation on the site shall be preserved to the maximum extent possible.
12. Screening of the property shall be provided along adjacent roadways and residential property lines. This requirement may be waived by the Planning Commission if it determines that existing features of the property accomplish the required screening.
13. Where a building is present, the wind energy conversion system shall not be located in the front yard.
14. Wind energy systems shall meet applicable state and federal requirements, including the National Electric Safety Code.
15. Wind energy systems shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
16. Wind energy systems shall use a monopole mast with a galvanized steel finish or neutral paint color such as medium gray. If the site lies on a bird or insect migration route, the Planning Commission may consider permitting an alternate color.
17. The special land use application and site plan must be accompanied by a soil report showing that the proposed foundation is adequate to keep the structure stable in the existing soil of the site.
18. One sign no greater than four square feet shall be posted on the tower base with emergency contact information for the wind system operator.
19. The applicant shall provide a shadow flicker model for any proposed wind energy systems.
20. An application for a wind energy system shall be accompanied by a hazard prevention plan addressing, at a minimum: fire hazards, fire mitigation, hazardous fluids, and collapse characteristics of the system.

22. Any wind energy system that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Any tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Planning Commission, shall be found to be in violation of the special land use permit. The owner of any wind energy system that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the City of such abandonment or violation. The site shall be returned as near as possible to its original condition.
23. In order to ensure proper removal, a performance bond equal to reasonable removal costs shall be filed by the applicant.
24. These regulations apply to technology available at the time of adoption.

4.55 SPECIAL EVENTS

1. Standards. The following standards shall apply to all temporary special event structures and uses (including carnivals, circuses, farmer markets, flea markets):
   A. Seasonal sales events may be allowed on any lot with a permitted principal building. Seasonal sales may also be allowed on a vacant lot when providing the minimum setback for buildings, structures and parking required for the appropriate zoning district. In no case shall the setbacks for buildings, structures and parking be less than ten feet.
   B. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event.
   C. Special standards for temporary uses and seasonal or special events.
      i. Approval for these types of uses shall be by City Council. The City Council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficient parking. City Council may require site improvements, such as fencing, and restrict hours of operation to help ensure compatibility with surrounding land uses.
      ii. The applicant shall provide information establishing a reasonable liability insurance coverage is carried, as determined by the City's insurance carrier.
      iii. Farmers markets that are to occur on a regular schedule shall be permitted only in districts zoned commercial or on public land. City Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one calendar year, provided the number of dates and a schedule are established at the time of application.
      iv. A sketch plan shall be provided illustrating, if applicable, any or all of the following:
         a. A description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on public streets.
         b. Property lines.
         c. Adjacent uses and zoning districts.
         d. Existing and proposed buildings and structures.
         e. Location of any areas for storage such as inventory not being displayed.
         f. Parking layout
         g. Boundaries of proposed sales areas.
         h. The location and size of any proposed signs (off-premise signs shall also be mapped).
      v. All equipment, materials, goods, poles, wires, signs and other items associated with the temporary uses shall be removed from the premises within five days of the end of the event. Following the five day period, the City shall use the escrow fee to clear such items from the property.
      vi. The length of a temporary use or sales event shall not exceed seven days, except that the City Council may permit sales during October, November or December for up to 60 days.

2. Review and approval standards. Except as otherwise noted above for carnivals, circuses, and similar events as defined by the Zoning Administrator, shall be reviewed and approved for a temporary use or seasonal event by the Zoning Administrator. Where appropriate, the Zoning Administrator shall consult with the Director of Public Safety and Utilities and Infrastructure regarding public safety and traffic concerns. If the request is denied, the Zoning Administrator shall state the reasons for denial in writing and provide a copy to the applicant.
   A. The proprietor of the temporary use or seasonal event may be required to deposit a cash bond or similar type of escrow, in an amount established by City Council, prior to the issuance of a permit. The escrow shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Chapter and any other applicable ordinances.
   B. May need review by other governmental agencies having jurisdiction over the proposed temporary use such as sidewalk cafes, sidewalk sales, or other similar uses.

4.56 DONATION COLLECTION BINS

1. The intent of this section is to facilitate Donation Collection Bins in the city so that they remain, clean, safe and do not create hazards to pedestrians or to vehicular traffic.
2. Donation Collection Bins are prohibited unless the Donation Collection Bin Operator has first obtained a Donation Collection Bins Permit Application and Affidavit and Acknowledgment of Owner Giving Permission to Locate a Donation Collection Bin on Real Property.
   A. Donation Bin Collection permits are valid for a one (1) year period and are renewable annually.
   B. A maximum of six (6) Donation Collection Bins permits will be issued on an annual basis with preference given to continuing permit owners in good standing.
   C. A maximum of one (1) Donation Collection Bins permit will be issued per Donation Collection Bin Operator.
3. Donation Collection Bins are allowed in the B-2 Local Business district, B-4 Commercial Business district, 1-1 Research and Technical district and I-2 General Industrial district.
4. Donation Collection Bins shall conform to the following standards:
   A. Donation Collection Bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti. Donation Collection Bins are required to be placed on a paved or concrete surface. Bins must be level and stable.
   B. Donation Collection Bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
   C. Donation Collection Bins shall have a 12" x 12" identification plate with the name, mailing address, email address, website and phone number of the operator, as well as whether the Donation Collection Bin is owned and operated by a for-profit company or a not-for-profit company. Signage shall conform to Section 5.1. .
   D. The Donation Collection Bin Operator and Property Owner shall maintain, or cause to be maintained, the area surrounding the bins, free from any junk, noxious odor, debris and donated items.
   E. Donation Collection Bins shall be located on a parcel where there is a functioning, permitted use.
   F. Up to two Donation Collection Bins on a single lot of record are permitted if the two Donation Collection Bins are side by side and are no more than one foot apart.
   G. The total size of a Donation Collection Bin shall not exceed 7 feet in height, five feet in width and four feet in depth.
   H. Donation Collection Bins shall not cause a visual obstruction to vehicular or pedestrian traffic. Any Donation Collection Bins shall be placed greater than ten feet from: (i) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance; (ii) a public right-of-way; (iii) a driveway; or (iv) a side or rear property line of adjacent property used for residential purposes.

I. Donation Collection Bins shall not be placed in a designated fire lane or blocking a building entrance or exit.

5. Upon determination of the Zoning Administrator that a Donation Collection Bin has been placed or is being maintained in violation of this Chapter, an order to correct the offending condition shall be served by certified mail on the Donation Collection Bin Operator and Property Owner of the parcel in which the Donation Collection Bin has been placed. The order shall describe the offending condition and the actions necessary to correct the condition. The order shall provide that the offending condition be corrected within three (3) business days after mailing or an appeal from the order with the Zoning Board of Appeals must be filed, pursuant to § 156.403 Administrative Appeals. If a violation is neither remedied nor appealed within the given time period set forth by the order, the Zoning Administrator shall permanently revoke the Donation Collection Bin permit and transmit notification to the Public Works Superintendent who thereafter shall impound the Donation Collection Bin that has been determined to be in violation of this Chapter.

6. Unless the Donation Collection Bin and its contents are being held as evidence in a criminal prosecution, the owner of a Donation Collection Bin may, within sixty (60) days of impoundment, recover the Donation Collection Bin and its contents upon payment of an impound fee of $50.00, plus labor for removing the bin and a storage charge of $1.00 per day that the Donation Collection Bin is in the possession of the city.

Article 5.0
Site Standards

Article 5.0 Site Standards

5.1	Signs
5.2	Accessory Structures and Uses
5.3	Temporary Construction Structures and Uses
5.4	Swimming Pools, Private or Public
5.5	Frontage on Streets Required
5.6	Location and Number of Permitted Dwellings on a Lot
5.7	Corner Lot, Side Yard Width to the Side Street Line
5.8	Unlawful Dwelling
5.9	Compliance with Yard Requirements
5.10	Corner Clearance Area
5.11	Building Grades and Grading of Land
5.12	Protection of Excavations
5.13	Fence, Walls, Hedges, or Similar Structures
5.14	Parking, Loading, and Access Management
5.15	Landscaping and Screening Standards
5.16	Sidewalks
5.17	Exterior Lighting

5.1 SIGNS

1. Intent. These regulations establish rules and standards for the construction, location, maintenance and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by City, county, state or federal government agencies are not regulated by this Section. The execution of these regulations recognizes that the purpose of this Chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this Chapter and any future additions, deletions and amendments:
   - A. General. Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare;
   - B. Public Safety. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
   - C. Protect Aesthetic Quality of Districts and Neighborhoods. Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and skyglow through selection of fixture type and location, lighting technology, and control of light levels;
   - D. Free Speech. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
   - E. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;
   - F. Business Identification. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;
   - G. Foster Economic Development. Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City; and,
   - H. Recognize Unique Areas. Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.
2. General Sign Regulations.
   - A. General Requirements. The following regulations shall apply, unless otherwise specifically stated in this Chapter, to all signs erected or located in any zoning district within the City.
     - i. All signs shall conform to all applicable codes and ordinances of the City and, where required, shall be approved by the Building Inspector and have a license and permit issued.
     - ii. Signs not visible from any street, alley or publicly-owned property are exempt from the provisions of this Chapter and do not require a sign permit.
     - iii. A sign shall not be placed in, upon or over any public street, public right-of-way, alley or other publicly-owned land, except as otherwise expressly permitted by this Chapter.
     - iv. Only signs established and maintained by the City, county, state or federal governments or expressly permitted by this Chapter shall be permitted in a public street right-of-way, dedicated public easement or upon publicly-owned land.

v. No public or commercial pole, utility pole or other supporting member located in a public right-of-way shall be used for the placement of any sign unless specifically designed and approved for the use.

vi. No sign shall be located on or attached to any tree or other natural feature.

vii. A sign shall not be erected in any place where it may, by reason of its position, shape, color or other characteristic, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, obstruct the view of any intersection or entrance to any public street or alley, or constitute a public nuisance.

viii. No sign shall employ animated or moving parts, except as otherwise permitted in this Section.

ix. No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; except as otherwise provided for in this Chapter.

x. No sign shall exhibit statements, words or pictures of an obscene or pornographic nature.

xi. No sign shall emit a sound, odor or visible matter such as smoke or vapor.

xii. All signs with a sign height of greater than two feet shall be set back the lesser of three feet from a street right-of-way line or 15 feet from any front, side or rear property line unless attached to a building or permitted within the public street right-of-way.

xiii. Signs affixed to the ground shall not obstruct vision above a height of two feet from the established street grades within a clear vision zone. A clear vision zone is the triangular area formed by the intersection of any street right-of-way lines and a point along each right-of-way line 25 feet from the point of the intersection.

xiv. All signs, except directional signs, awning signs, wall signs and window signs, must be set back 15 feet from the intersection of the edge of an access drive and a street right-of-way line.

xv. Signs required by any federal, state or municipal statute or ordinance shall be exempt from the provisions of this Chapter and shall not be included when calculating sign area.

xvi. Any commercial message lawfully established on a sign may be replaced with a non-commercial message provided that the regulations of this Chapter are otherwise met.

xvii. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels and any other element) shall be removed within 30 days of the property becoming abandoned.

B. Signs Not Requiring a Permit. The following signs shall be permitted without a permit, pursuant to the applicable regulations in this Section:

i. Address signs.

ii. Banner signs.

iii. Construction signs less than six square feet in area and less than six feet in height.

iv. Directional signs.

a. On premises.

b. Off premises, temporary signs.

v. Flag signs.

vi. Incidental signs.

vii. Murals.

viii. Nameplate signs.

ix. Political and Expressive signs.

x. Real estate signs.

xi. Temporary signs in residential districts.

xii. Water tower signs.

xiii. Window signs displayed for less than 90 days.

C. Prohibited Signs. The following signs are prohibited:

i. Balloon signs.

ii. Portable signs, except as otherwise permitted in this ordinance.

iii. Roof signs.

iv. Vehicle signs.

v. Snipe signs.

vi. Pennant signs.

vii. Feather and flutter signs.

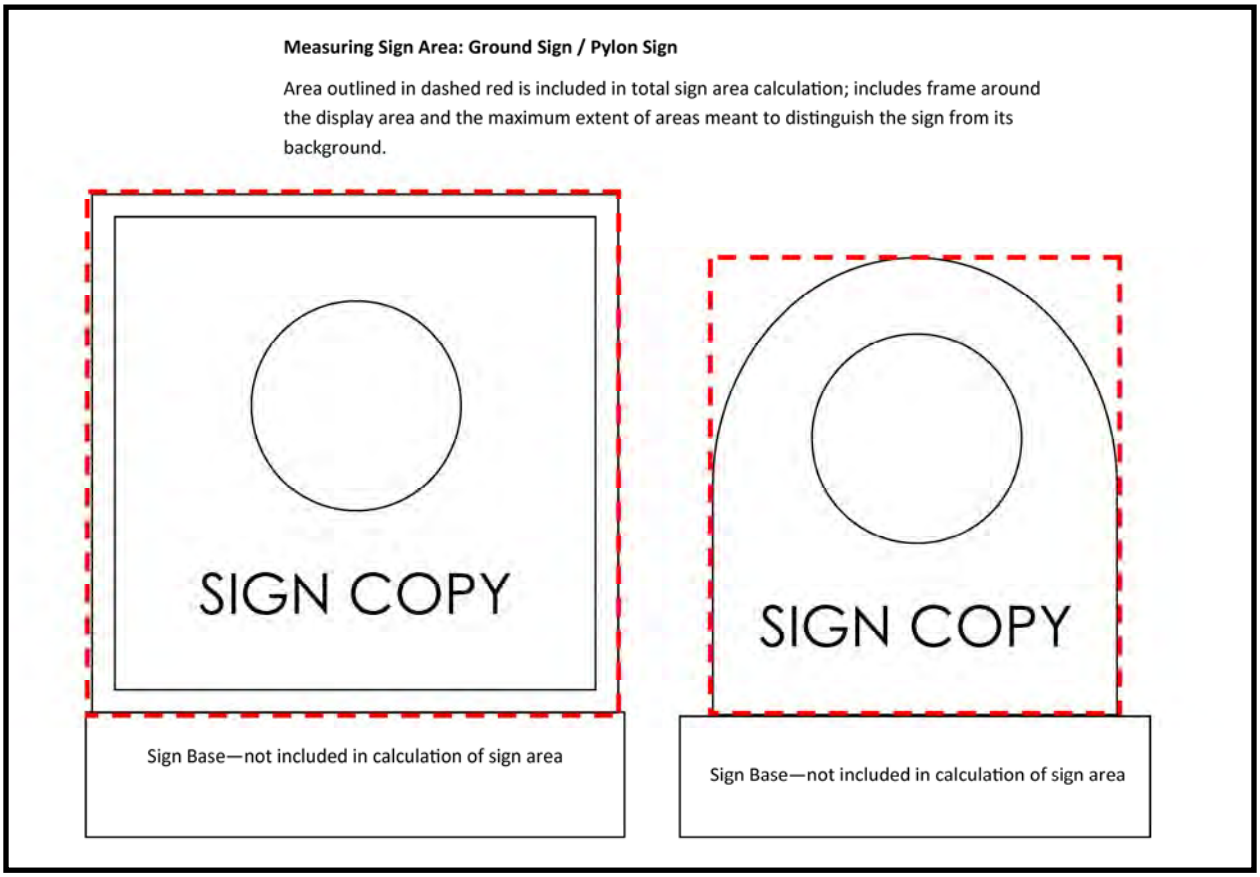
viii. Any sign which requires a permit and is erected without a permit.

ix. Any sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.

x. Signs which simulate or imitate in size, color, lettering or design, any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead or confuse the public with respect thereto or obstruct the public view thereof.

xi. Any signs not permitted under this Chapter.

D. Measuring Sign Area.✍



i. The sign area shall include the surface area which encloses the extreme limits of sign copy, together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

ii. A double faced sign, as defined in this Chapter, shall be considered as having one face and the area of one face shall be included in computing the sign area.

E. Measuring Sign Height. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by two. Any filling, berming, mounding or excavating solely for the purpose of locating the sign shall not be included in the calculation of average grade.

F. Addresses. Address signs shall be visible and legible from the public right-of-way.

G. Illumination of Signs.

i. Where illumination of signs is permitted by this ordinance, three methods of illumination are permitted:

a. Internal Illumination. Where a sign is internally illuminated, no portion of the surface of the sign shall be transparent.

b. External Illumination. Where a sign is externally illuminated, the source of illumination shall be directed downward and shielded from directing glare onto neighboring properties or into the public right-of-way.

c. Halo Illumination (Backlighting). Where a sign is backlit, forming a halo of light around the sign copy on the surface behind the sign, the source of illumination shall not be visible from neighboring properties or the public right-of-way.

3. Signs by Type, as Permitted by District.

5.1.3 Signs by Type, as Permitted by District[1]				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
A. R-1, R-2 and R-3 districts				
i. Banner [1]	24 square feet	6 feet when not attached to a building	1	N
ii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	4 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iii. Construction Signs over 6 square feet or 6 feet in height [1]	12 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
iv. Directional [1]	4 square feet per sign	6 feet	5	N
v. Directional, Temporary Off-Site	4 square feet per sign	3 feet	1	N
vi. Flag Sign [1]	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental [1]	6 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Ground; Changeable copy permitted [1, 2]	32 square feet; no more than 25% changeable copy	4 feet.	1	Y
ix. Nameplate	2 square feet per sign	N/A	1	N
x. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xi. Real Estate	6 square feet	5 feet	1 per frontage	N
[1] These sign types are permitted for non-residential uses only, except that a ground sign may be permitted at a subdivision, condominium development, or multiple family residential street entrance. [2] Electronic and animated signs are not permitted in these districts.				
B. MFRD and MHPD districts				
i. Banner [1]	24 square feet	6 feet when not attached to a building	1	N
ii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	4 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
B. MFRD and MHPD districts (continued)				
iii. Construction Signs over 6 square feet or 6 feet in height [1]	12 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
iv. Directional [1]	4 square feet per sign	6 feet	5	N
v. Directional, Temporary Off-Site	4 square feet per sign	3 feet	1	N
vi. Flag Sign [1]	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental [1]	6 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Marquee [1]	Total 5% of ground floor wall area	Shall not project above the eave or roofline of the marquee	2	Y
ix. Ground; Changeable copy permitted for non-residential uses [1, 2]	32 square feet; no more than 25% changeable copy	4 feet	1	Y
x. Nameplate	2 square feet per sign	N/A	1	N
xi. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xii. Real Estate	6 square feet	5 feet	1 per frontage	N
xiii. Wall [3]	Total 5% of ground floor wall area, up to 100 square feet	Shall not project above the eave or roofline (1 story buildings), or the first floor cornice or 2nd floor window sill (multi story buildings)	1	Y
[1] These sign types are permitted for non-residential uses only, except that a ground sign may be permitted at a subdivision, condominium development, or multiple family residential street entrance, and incidental signs are permitted for multifamily developments. [2]Electronic and animated signs are not permitted in these districts. [3] Wall signs are not permitted for single family residential uses.				
C. POSD district				
i. Awning	12 Square Feet	N/A	1 per awning	Y
ii. Banner	32 square feet	6 feet when not attached to a building	1	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
C. POSD district (continued)				
iii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iv. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
v. Directional	4 square feet per sign	6 feet	5	N
vi. Flag Sign	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental	16 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Marquee	Total 5% of ground floor wall area	Shall not project above the eave or roofline of the marquee	2	Y
ix. Ground; Changeable copy permitted	32 square feet; no more than 25% changeable copy	9 feet	1 per frontage on a thoroughfare	Y
x. Nameplate	2 square feet per sign	N/A	1 per tenant	N
xi. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xii. Real Estate	24 square feet	8 feet	1 per frontage	N
xiii. Wall	Total 5% of ground floor wall area, up to 100 square feet	Shall not project above the eave or roofline	1 per frontage	Y
xiv. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y
xv. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
D. B-3 district				
i. Awning	12 Square Feet	N/A	1 per awning	Y
ii. Banner	32 square feet	6 feet when not attached to a building	1	N
iii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iv. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
v. Directional	4 square feet per sign	6 feet	5	N
vi. Flag Sign	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental	6 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Marquee; Changeable copy permitted with Planning Commission approval	Total 25% of ground floor wall area	Shall not project above the eave or roofline of the marquee	2	Y
ix. Nameplate	2 square feet per sign	N/A	1 per tenant	N
x. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xi. Projecting	6 square feet	Shall not project above the eave or roofline (1 story buildings), or the first floor cornice or 2nd floor window sill (multi story buildings)	1; or 1 per 8 feet of frontage for multi-tenant buildings	Y
xii. Real Estate	24 square feet	8 feet	1 per frontage	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
D. B-3 district (continued)				
xiii. Sandwich Board	12 square feet	4 feet	1 per establishment or 1 per 20 feet of frontage in multi-tenant buildings	Y
xiv. Wall; Changeable copy permitted with Planning Commission approval	Total 25% of ground floor wall area, up to 200 square feet; additional 50% for side entrance; additional 100% for rear entrance (75% where side entrance is also present)	Shall not project above the eave or roofline (1 story buildings), or the first floor cornice or 2nd floor window sill (multi story buildings)	1 per frontage	Y
xv. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y
xvi. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N
E. B-2 and B-4 districts				
i. Awning	12 Square Feet	N/A	1 per awning	Y
ii. Banner	32 square feet	6 feet when not attached to a building	1	N
iii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iv. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
v. Directional	4 square feet per sign	6 feet	5	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
E. B-2 and B-4 districts (continued)				
vi. Flag Signs	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental	16 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Marquee	Total 25% of ground floor wall area	Shall not project above the eave or roofline of the marquee	2	Y
ix. Ground; Changeable copy permitted	48 square feet; 72 square feet for multi-tenant centers; 72 total square feet where more than one ground sign is present; no more than 25% changeable copy	9 feet	1 per frontage on a thoroughfare	Y
x. Nameplate	2 square feet per sign	N/A	1 per tenant	N
xi. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xii. Real Estate	24 square feet	8 feet	1 per frontage	N
xiii. Sandwich Board	12 square feet	4 feet	1 per establishment or 1 per 20 feet of frontage in multi-tenant buildings	Y
xiv. Wall	Total 25% of ground floor wall area, up to 200 square feet	Shall not project above the eave or roofline	1	Y
xv. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y
xvi. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Aermit Required
F. FS district				
i. Banner	32 square feet	6 feet when not attached to a building	1	N
ii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iii. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
iv. Directional	4 square feet per sign	6 feet	5	N
v. Flag Signs	80 square feet	25 feet when ground-mounted	1	N
vi. Incidental	16 square feet (total of all signs)	6 feet	Limited by total permitted area	N
vii. Ground; Changeable copy permitted	48 square feet; 72 square feet for multi-tenant centers; 72 total square feet where more than one ground sign is present; no more than 25% changeable copy	9 feet	1 per frontage on a thoroughfare	Y
viii. Nameplate	2 square feet per sign	N/A	1 per tenant	N
ix. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
x. Pylon; Changeable copy permitted	100 square feet; 200 square feet for multi-tenant centers; no more than 25% changeable copy	30 feet	1	Y
xi. Real Estate	24 square feet	8 feet	1 per frontage	N
xii. Wall	Total 25% of ground floor wall area, up to 200 square feet	Shall not project above the eave or roofline	1	Y

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
F. FS district (continued)				
xiii. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y
xiv. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N
G. I-1 and I-2 districts				
i. Awning	12 Square Feet	N/A	1 per awning	Y
ii. Banner	32 square feet	6 feet when not attached to a building	1	N
iii. Billboard	200 square feet; up to 25% changeable copy	20 feet	1 per 1,000 feet of right-of-way frontage	Y
iv. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
v. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
vi. Directional	4 square feet per sign	6 feet	5	N
vii. Flag Signs	80 square feet	25 feet when ground-mounted	1	N
viii. Incidental	24 square feet (total of all signs)	6 feet	Limited by total permitted area	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	AMax. Surface Display Area	BMax. Height	CNumber	Permit Required
G. I-1 and I-2 districts (continued)				
ix. Marquee	Total 25% of ground floor wall area	Shall not project above the eave or roofline of the marquee	2	Y
x. Ground; Changeable copy permitted	48 square feet; 72 square feet for multi-tenant buildings; 72 total square feet where more than one ground sign is present; no more than 25% changeable copy	9 feet	1 per frontage on a thoroughfare	Y
xi. Nameplate	2 square feet per sign	N/A	1 per tenant	N
xii. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xiii. Real Estate	24 square feet	8 feet	1 per frontage	N
xiv. Wall	Total 25% of ground floor wall area, up to 200 square feet	Shall not project above the eave or roofline	1	Y
xv. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y
xvi. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N
H. HCHSD district				
i. Awning	12 Square Feet	N/A	1 per awning	Y
ii. Banner	32 square feet	6 feet when not attached to a building	1	N

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
H. HCHSD district (continued)				
iii. Construction signs less than six square feet in area and less than six feet in height	6 square feet	6 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	N
iv. Construction Signs over 6 square feet or 6 feet in height	32 square feet	8 feet	1 total (either less than 6 sq ft or more than 6 sq ft)	Y
v. Directional	4 square feet per sign	6 feet	5	N
vi. Flag Signs	80 square feet	25 feet when ground-mounted	1	N
vii. Incidental	24 square feet (total of all signs)	6 feet	Limited by total permitted area	N
viii. Marquee	25% of marquee surface, up to 10 square feet	Shall not project above the eave or roofline of the marquee	2	Y
ix. Ground; Changeable copy permitted	250 sq ft total of all signs; no more than 25% changeable copy for any	11 feet	No limit; total sign area shall not exceed 250	Y
x. Nameplate	2 square feet per sign	N/A	1 per tenant	N
xi. Political/Expressive	6 square feet/total of all signs: 24 square feet	3 feet	Limited by total permitted area	N
xii. Real Estate	24 square feet	8 feet	1 per frontage	N
xiii. Wall	Total 5% of ground floor wall area, up to 250 sq ft	Shall not project above the eave or roofline	No limit; total sign area may not exceed 250 sq ft	Y
xvi. Window, Permanent	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	Y

5.1.3 Signs by Type, as Permitted by District[1] (continued)				
Sign Type	Max. Surface Display Area	Max. Height	Number	Permit Required
H. HCHSD district (continued)				
xv. Window, Temporary	Temporary and permanent window signs together may occupy a total of 25% of all ground floor window area	N/A	Limited by total permitted area	N

NOTES TO TABLE:

1. The standards summarized in this table are for reference purposes only. See the standards for each sign type in this section for full regulations. In the event of inconsistency between this table and the standards elsewhere in this section, the standards elsewhere shall control.

4. Specific Sign Regulations.
   A. Awning Signs. Awning signs are permitted in the B-2, B-3, B-4, POSD, I-1, and I-2 districts, subject to the following:
      i. There shall be no more than one sign per awning.
      ii. Sign area shall not exceed 12 square feet.
   B. Billboard Signs. Billboard signs are permitted in the I-1 and I-2 districts, subject to the following:
      i. Billboard signs shall not exceed 200 square feet per side.
      ii. The height of a billboard sign shall not exceed 20 feet.
      iii. Billboard signs shall not be located closer than 1,000 feet to each other.
      iv. Where a billboard sign includes a changeable copy area, such as panels for advertising fuel prices, said area shall not exceed 25% of the total sign area.
   C. Changeable Copy Signs. Changeable copy signs are permitted as follows:
      i. Any changeable copy area shall be part of a permanent ground or pylon sign, except in the B-3 district, where the Planning Commission may permit changeable copy areas on wall signs and marquee signs.
      ii. The changeable copy sign area of any sign shall not exceed 25% of the sign area.
      iii. The changeable copy sign area shall be counted as part of the total sign area allowed.
      iv. Changeable copy signs include animated signs and electronic signs with changeable messages, including fuel price signs. The illumination average of any electronic sign shall be limited to 2,000 nits during daylight hours, and shall be reduced to 250 nits from a half hour before sunset to a half hour after sunrise. Animated signs shall be subject to the following:
         a. Animated signs shall be turned off from midnight to 5:00 a.m.; excluding businesses open during this time period.
         b. No animated sign will be allowed in the same yard that directly abuts or is across the street from a residential property.
         c. The rate of change for an animated sign shall not exceed once per 12 seconds where the speed limit is less than 45 miles per hour and once per 10 seconds where the speed limit is 45 miles per hour or greater.

D. Directional Signs. Directional signs are permitted in all districts subject to the following:

i. Permanent directional signs:

a. The maximum height of an on-premises directional sign shall be six feet.

b. The number of directional signs per parcel shall not exceed five.

c. Directional signs shall not exceed four square feet in area.

d. Permanent directional signs are permitted only for non-residential uses.

ii. Off-premises temporary directional signs, including but not limited to directional signs for a real estate open house, garage/yard sale, or auction sale:

a. The maximum height of a temporary off-premises directional sign shall be three feet.

b. Temporary off-premises directional signs shall not exceed four square feet in area. Temporary off-premises directional signs shall be permitted to remain on private property for a maximum of six days.

c. Temporary off-premises directional signs may be placed in the right-of-way, provided they are at least five feet from the back of curb or the pavement where there is no curb, and that they are not located in the clear vision triangle of any driveway or roadway. Signs shall be removed within three days of posting.

E. Flag Signs. Flag signs are permitted in all districts subject to the following:

i. Flag signs shall not exceed 80 square feet.

ii. Flag signs shall be displayed in one of two ways:

a. Affixed to a permanent pole affixed to the ground. Said pole shall not exceed 25 feet in height.

b. Affixed to a permanent or temporary pole that is attached to a mounting point on the ground floor exterior wall of a building. Where such a flag sign extends over a sidewalk, there shall be not less than 8 feet of clearance from the lowest part of the flag to the surface of the sidewalk.

iii. Flag signs shall be maintained in good condition.

iv. Up to three flag signs are permitted per parcel, provided that in no case shall the total area of all flag signs exceed 80 square feet.

v. Flag signs are permitted only for non-residential uses.

F. Ground Signs. Ground signs are permitted in all districts except for the B-3 district and HCSD districts, subject to the following:

i. Ground signs shall have a maximum height of nine feet in non-residential districts and four feet in residential districts. The area of a ground sign shall not exceed 24 square feet in residential districts and 48 square feet in non-residential districts. Ground signs for multi-tenant commercial developments shall be permitted a maximum sign area of 72 square feet.

ii. Ground signs in residential districts shall only be permitted for non-residential uses or to identify a subdivision, condominium development, or multiple family residential street entrance.

iii. Where a property fronts on two thoroughfares, one ground sign per frontage shall be permitted, provided that the total area of the ground signs does not exceed 72 square feet.

iv. Ground signs are not permitted where a pylon sign exists on the premises.

v. Ground signs are permitted In the HCHSD district, provided that the total area of all ground signs may not exceed 250 square feet, and the height of a ground sign may not exceed 11 feet. There shall be no more than five ground signs in total in the district.

vi. Ground signs are not permitted in the B-3 district.

G. Incidental Signs. Incidental signs are permitted in all districts subject to the following:

i. The total square footage of incidental signs on a property shall not exceed 6 square feet in the R -1, R-2, R-3, MFRD, MHPD and B-3 districts, 16 square feet in the B-2, B-4, FS, and POSD districts, or 24 square feet in the I-1, I-2 and HCHSD districts and the HCOD overlay district.

ii. The height of any incidental sign shall not exceed six feet, except where an incidental sign is mounted on a building, fence or other structure, in which case, the sign shall not protrude beyond the eave or upper edge of the structure.

iii. Incidental signs are not permitted for single-family residential uses.

H. Marquee Signs. Marquee signs are permitted in the MFRD, MHPD, POSD, B-2, B-3, B-4, I-1, I-2, and HCHSD districts, subject to the following:

i. A maximum of two sides of a marquee may feature a sign.

ii. The combined size of all signs on a marquee shall not exceed the total maximum allowable area for a wall sign on the same building.

iii. Marquee signs shall not project more than 12 inches from the mounting surface.

iv. Marquee signs are permitted only for non-residential uses.

v. In the HCHSD district, marquee signs may occupy up to 25% of the vertical surface of the side of the marquee on which the sign is mounted, or 10 square feet, whichever is less.

I. Murals. Murals are permitted in the B-2, B-3, B-4, and POSD districts, as well as the River District overlay district.

J. Nameplate Signs. Nameplate signs are permitted in all districts, subject to the following:

i. Nameplate signs shall not exceed two square feet in area.

ii. Nameplate signs shall be mounted on the ground floor of the façade where the primary entryway is located.

K. Projecting Signs. Projecting signs are permitted in the B-3 district, subject to the following:

i. Number allowed:

a. One sign per building.

b. A building having multiple commercial tenants is permitted more than one projecting sign on street frontage, provided the number of projecting signs does not exceed one for each eight feet of building frontage.

ii. Locations, size, lighting, and height restrictions:

a. Projecting signs shall not project more than 36 inches from the face of the building or wall.

b. Projecting signs shall not extend above the roof or eave line of a one story building. On multi-story buildings, projecting signs shall be located below the first floor cornice or window sill of the second floor window if no cornice is present.

c. Signs shall maintain a minimum clearance of 8 feet from the sidewalk to the bottom of the sign.

d. Projecting signs shall be mounted a minimum of 4 feet from each building edge or lot line as defined by a common wall between the businesses.

e. Projecting signs shall not exceed 6 square feet in area.

f. Projecting signs shall not be free swinging, so as to pose a danger to the public during high winds.

g. Projecting signs shall not be lighted, internally or externally.

h. Where an establishment fronts on two or more streets, a projecting sign shall only be permitted on the frontage where the main entryway is located.

L. Pylon Signs. Pylon signs are permitted in the FS district, subject to the following:

i. Pylon signs shall have a maximum height of 30 feet.

ii. The area of a pylon sign shall not exceed 100 square feet.

iii. No portion of the sign area shall be within nine feet of the ground.

iv. No portion of the ground support shall exceed a combined width of 36 inches.

v. A pylon sign shall not be permitted where a ground signs exists on the premises. The maximum sign area for a multi-tenant commercial development shall be 200 square feet.

vi. One pylon sign shall be permitted per zoning lot.

M. Temporary Signs.

i. General Requirements:

a. Temporary Off-Premises Directional Signs. See Directional Signs.

b. Temporary Signs in Residential Districts.

(1) Temporary signs shall not exceed three feet in height, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.

(2) No temporary sign shall exceed six square feet in area, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.

(3) The total area of all temporary signs displayed concurrently on one parcel shall not exceed 24 square feet.

(4) Temporary signs shall not be placed on the exterior wall of a residential structure or accessory structure.

c. Temporary Signs in Non-Residential Districts.

(1) Temporary signs shall not exceed six feet in height, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.

(2) No temporary sign shall exceed six square feet in area, except as otherwise permitted by the Requirements for Specific Types of Temporary Signs.

(3) The total area of all temporary signs displayed concurrently on one parcel shall not exceed 32 square feet.

(4) Temporary signs shall not be placed within the clear vision triangle.

ii. Requirements for Specific Types of Temporary Signs:

a. Banner Signs. Banner signs are permitted in all districts, subject to the following:

(1) No more than five such signs shall be displayed for any given event or purpose.

(2) No more than one such sign shall be displayed concurrently on any property or parcel.

(3) The maximum area of a banner sign is 32 square feet in non-residential districts and 24 square feet in residential districts.

(4) Where a banner sign is not attached to a building, the maximum height of the banner is 6 feet.

(5) Banner signs shall be removed within two days of the conclusion of the advertised event.

(6) In no event shall a banner sign remain posted for more than 42 days.

(7) No zoning lot shall display a banner sign for greater than 126 days in a calendar year.

(8) Banner signs are not included in the computation of maximum permanent sign area for a site.

(9) Banner signs are permitted only for non-residential uses.

b. Construction Signs. Construction signs are permitted in all districts, subject to the following:

(1) One construction sign is permitted per site.

(2) Construction signs shall have a maximum height of 8 feet.

(3) Construction signs shall not exceed 32 square feet in size in non-residential districts or 12 square feet in residential districts.

(4) Construction signs shall not be erected until a building permit is obtained for the project, if required, or until construction begins, whichever is later.

(5) Construction signs shall be removed when construction is complete or when real estate signs are erected on the property, whichever occurs first.

(6) Construction signs 6 square feet in area or greater or greater than 6 feet in height shall require a permit.

(7) Construction signs 6 square feet in area or greater or greater than 6 feet in height are permitted only for non-residential uses.

c. Political Signs and Expressive Signs. Political and expressive signs are permitted in all districts, subject to the following:

(1) It shall be unlawful to place or display a political or expressive sign on any property owned or under control of the City of Marshall, the County of Calhoun, the State of Michigan, the United States of America, any school district, any utility, or within any right-of-way easement located on private property, unless otherwise permitted by law.

(2) No political or expressive sign shall exceed 6 square feet in area or 3 feet in height.

(3) The total square footage of all political or expressive signs on a given parcel shall not exceed 24 square feet at any time.

(4) It shall be unlawful to display or place a political sign which is in violation of the requirements of the Michigan Campaign Finance Act (MCL 169.201 et seq.), as amended from time to time.

d. Real Estate Signs. Real estate signs are permitted in all districts, subject to the following:

(1) One real estate sign is permitted per street frontage;

(2) Real estate signs shall not exceed 6 square feet in area in residential districts or 24 square feet in area in non-residential districts. An additional two square feet is permitted for attachments such as, but not limited to, announcements that the property is sold, reduced or pending, information regarding the property, or the agent's name.

(3) Including attachments, the height of a real estate sign shall not exceed 5 feet in a residential district or 8 feet in a non-residential district.

(4) One temporary real estate "open house" sign may be located on the premises being sold. Temporary real estate open house signs shall be erected no more than ten days prior to the day(s) of the open house and shall be removed within one day after the open house.

(5) Real estate signs shall be removed within 5 days of completion of the sale, signing of a lease agreement or other similar action, as determined by the City.

e. Sandwich Board Signs. Sandwich board signs are permitted in the B-2, B-3, and B-4 and HCHSD districts, subject to the following:

(1) One sandwich board sign shall be permitted per business in a building, provided that the spacing standards below are met.

(2) Sandwich board signs shall not exceed 12 square feet in area per side.

(3) The height of a sandwich board sign shall not exceed 4 feet.

(4) The width of a sandwich board sign shall not exceed 3 feet.

(5) Sandwich board signs shall not be illuminated.

(6) Sandwich board signs shall be located a minimum of three feet from the back of curb of the adjacent street or maneuvering lane. A pedestrian lane a minimum of four feet wide shall separate the sign from the building.

(7) Sandwich board signs shall not be moored or anchored to any object, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.

(8) Sandwich board signs shall be placed as near to the entryway of the promoted establishment as possible, and not further than ten horizontal feet from the center of the entryway, as measured along the building façade.

(9) No sandwich board sign shall be placed less than 20 feet from another sandwich board sign.

(10) Sandwich board signs shall be permitted only during operating business hours or from the hours of 8:00am to 10:00pm, whichever is less, and must be stored inside when the establishment is not open to the general public.

(11) Sandwich board signs shall not include moving parts or attachments, including, but not limited to, balloons, pinwheels, streamers, pennants, flags, or similar adornments.

(12) Sandwich board signs must be professionally constructed of weather-proof, durable material, and kept in good repair.

N. Wall Signs. Wall signs are permitted in the MFRD, MHPD, B-2, B-3, B-4, POSD, FS, I-1, I-2, and HCHSD districts, subject to the following:

i. Wall signs shall not project outward from the surface of the wall more than 12 inches. No sign attached to the wall of a building shall be erected so as to extend above the top of the wall or beyond the edge of the wall of the building to which it is attached.

ii. Each property is permitted one or more wall signs and/or marquee signs. Total sign area:

a. Shall not be greater than the maximum sign area permitted for the property;

b. Shall not be more than 5% of the ground floor wall area of the wall to which it is attached for buildings in the MFRD, MHPD, and POSD districts and the HCOD overlay district.

c. Shall not be more than 10% of the ground floor wall area of the wall to which it is attached for buildings in the HCHSD district, up to a maximum of 250 square feet for all walls.

d. Shall not be more than 25% of the ground floor wall area of the wall to which it is attached for buildings in the B-1, B-2, B-3, B-4, I-1, I-2 and FS districts. In a commercial development with more than one tenant, the total sign area of all wall signs and/or marquee signs may exceed 25%, provided that no sign for any tenant shall exceed 25% of that tenant's ground floor store frontage.

5.1.4.N Maximum Wall Sign Area

	R1, R2, R3	*MFRD, MHPD*	*POSD*	*B-3*	*B-2, B-4, FS*	*I-1, I-2*	*HCHSD*
Maximum wall sign area	NA	100 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.	200 sq. ft.	250 sq. ft.

iii. In the B-3 zoning district, a public side entrance(s) shall be entitled to an additional 50% of sign area on that side of the building.

iv. A public rear entrance(s) in the B-3 zoning district shall be entitled to an additional 100% of sign area on the rear of the building unless the premises also has a public side entrance(s) in which event the rear shall be limited to an additional 75% of sign area.

v. Wall signs are not permitted for single-family residential uses.

O. Water Tower Signs. Water tower signs are permitted on any water tower.

P. Window Signs. Window signs are permitted in the B-2, B-3, B-4, POSD, FS, I-1, I-2, and HCHSD districts, subject to the following:

i. The total area of all window signs shall not exceed 25% of all ground floor window area.

ii. No window sign shall exceed the maximum sign area square footage permitted on the property.

iii. Window signs include all signage positioned near or applied to a window and visible from the public right-of-way or property line, including, but not limited to, signs painted directly onto the window pane, decals, static clings, and posters placed in a window. Sign area shall be calculated to the fullest extent of the limits of sign copy, regardless of the opacity of the window sign. Open/closed signs placed in a window shall be considered incidental signs and shall not require a permit. However, they shall be included in the total area of all window signs.

iv. Window signs intended to be displayed for a period of greater than 90 days shall require a permit.

5. District-Specific Regulations.

A. R1, R2, R-3, MFRD, MHPD, B-3. Home occupations located in single family dwelling units shall be permitted a single nameplate sign, to be affixed on the ground floor of the street-facing façade. No other signs shall be permitted for any single family dwelling unit. Home occupations located in attached or multi-family dwelling units are not permitted a sign.

B. River District Overlay. Live/work units shall be permitted a single nameplate sign.

6. Signs Permitted Subject to Special Conditions.

A. The Planning Commission may, through granting a special use sign permit, approve signs that exceed the number, sign area or height permitted by the other provisions of this Chapter for sites that exceed two acres in area and have more than 200 feet of public street frontage, provided the applicant furnishes the surveys, site plans and other information as may be reasonably required by the Commission for proper consideration of the matter.

B. The Planning Commission shall notify all parties having an interest in property within 300 feet of the affected site of the time and place of any hearing or meeting which may be held relative to the application.

C. The Commission may impose such conditions or limitations granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this Chapter.

D. In reviewing the application, the Commission shall consider the following standards as a basis for establishing size, setback and placement of signs:

i. Visibility of vehicular and pedestrian traffic off-site and at the site, visibility and legibility of signs for drivers and/or pedestrians and the impact upon the visibility of traffic signals or regulatory devices in the public street right-of-way.

ii. Negative impact of proposed signs upon adjacent properties and their signage and the impact of lighting and appearance of signs upon nearby residential zoned property.

iii. Particular site characteristics such as yard areas, landscaping, topography, location of buildings, site use and number of street frontages.

7. Non-Conforming Signs.

A. A sign lawfully erected prior to the adoption of this Chapter or any applicable amendment thereto which does not meet the standards of this Chapter may be continued as a legal non-conforming sign, except as hereinafter provided. A legal non-conforming sign shall not:

i. Be substantially altered in content unless the use to which it applies remains the same after the change in the words or symbols;

ii. Be substantially altered in structure so as to change the shape, size, location, type or design of the sign; or

iii. Be reestablished or continued after the activity, business or use to which it applied has been discontinued for 180 days or longer.

iv. "Substantially altered" does not refer to normal maintenance, such as painting, or a change in message panels.

v. A non-conforming sign may remain as long as the sign is properly maintained and is not detrimental to health, safety, and welfare. If damaged beyond normal maintenance, the sign shall not be repaired/replaced except in conformity.

B. If the owner of the premises on which a sign is located changes the use of the premises, or changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this Chapter.

8. Administration and Enforcement.

A. Enforcement.

i. The sign provisions of this ordinance shall be administered and enforced by the Building Inspector(s) or their designee.

ii. The Building Inspector(s) or their designee may enter at any reasonable time upon the premises where any sign is located. All sign violations shall be considered civil infractions. No criminal penalty shall be attached for violations except where a police officer has actually observed a criminal violation being committed.

B. Permits. No person shall erect, place, relocate, alter or add to any sign for which a permit is required without obtaining a permit.

C. Plans and Specifications. No person shall erect or alter any sign, except in accordance with the plans and specifications approved by the Building Inspector.

D. Application and Permit Fee. Application for sign permits shall show the name and address of the owner of the sign and the person responsible therefore and the location, type, sign height and sign area of the sign and shall contain a drawing or other rendering of the proposed sign. The application and permit fee shall be filed with the Building Inspector for investigation. If the Inspector finds that the sign conforms to all provisions of this Chapter a permit shall be issued. The Inspector shall make a finding within ten business days of filing the application or within 30 calendar days of the filing of the application if the code official requires an interpretation or the application shall be deemed approved as submitted.

E. Fees. The fee for sign permits shall be as adopted and amended from time to time by resolution of the City Council.

F. Inspection.

i. After being erected, each sign for which a permit is required, shall be approved and inspected by the Building Inspector for zoning compliance.

ii. If, upon any inspection by the Building Inspector, a sign is found to be unsafe or in a condition that does not comply with the provisions of this Chapter, the Building Inspector shall give notice of the condition to the owner or the person responsible. Within 30 days thereafter, the necessary repairs shall be made in order to bring the sign into compliance with this Chapter.

iii. If the Inspector finds a sign to be in such an unsafe condition that immediate repairs or the removal thereof are required, the Building Inspector shall take such precautions as may be necessary to protect the safety of the public in the use of the streets the cost of which shall be the responsibility of the owner.

G. Maintenance.

i. Signs, including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this Chapter.

ii. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Enforcement Officer and / or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.

iii. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this Section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.

iv. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 successive days.

v. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.

vi. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 30 successive days.

vii. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.

H. Nuisance. Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this Chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.

I. Signs Within Fire Limits. No person shall erect a lighted or mechanical sign within the fire limits of the City unless the sign and supports therefore be entirely constructed of fire-resistant materials and complies with the provisions of the City's Fire Code.

J. Obstruction Hazard. No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage, or at a horizontal distance of less than ten feet from any fire hydrant or traffic light.

K. Appeals. The Zoning Board of Appeals is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by the Inspector in connection with the enforcement of this Section. The Zoning Board of Appeals shall also have the power to authorize a variance from the strict application of this Section where the strict application would result in peculiar or exceptional practical difficulties to the person owing or having the beneficial use of the property. The relief may be granted provided it is without substantial detriment to the public good and without substantially impairing the intent and purpose of this Section. In considering applications, the Board shall follow the procedures contained in Section 7.8 of the Zoning Ordinance.

5.2 ACCESSORY STRUCTURES AND USES

Accessory structures, except as otherwise permitted in this Chapter, shall be subject to the following:

1. General standards. Accessory structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building within the same zoning district.

   A. No accessory structure or use shall be placed upon, occupied or utilized on a lot unless the principal building is occupied or utilized except as provided for in this Chapter. No accessory structure shall be constructed upon or moved to any parcel of property until a principal building is under construction for which a building permit has been issued.

   B. Where an accessory structure, such as a porch, deck or garage, is attached to a principal building the accessory structure shall be subject to and comply with all regulations of this Chapter applicable to the principal building such as Section 3.1. and this Section.

   C. Such accessory structure shall not be utilized as a separate housekeeping unit or as a place of business except as allowed under Section 4.4.

2. In a residential district an accessory structure shall comply with the following:

   A. In no instance shall an accessory structure exceed a maximum of 30% of the required rear yard, plus 40% of any non-required rear yard.

   B. In no instance shall an accessory structure exceed the ground floor area of the principal building.

   C. In no instance shall all the principal building and accessory structures square footages combined, exceed the maximum lot coverage allowed under Section 3.1 for the district in which the structure is located.

3. No detached accessory structure in a residential, multiple-family, commercial, or industrial district shall exceed 15 feet in height, except as follows:
   A. A detached accessory structure shall not exceed two stories or 25 feet in height on those properties occupied with two-story dwellings and where 50% of all properties within 200 feet of such property are occupied with two-story dwellings.
   B. In an industrial district, an accessory structure may not exceed two stories or 25 feet unless approved by the Zoning Board of Appeals.
4. An accessory structure having a two foot overhang shall be subject to the following:
   A. Shall not be located closer than five feet to a side or rear lot line or public street right-of-way measured from the foundation. In the case of an easement, the easement shall become the setback for the accessory structure and in no instance shall any part of the accessory structure project into the easement.
   B. Be located closer than ten feet to any principal building measured from the foundation.
   C. The side and rear yard setback shall be increased one foot for every one foot of overhang beyond two feet.
   D. No accessory building shall be located in an easement.
5. A detached accessory structure in a residential district less than 200 square feet and does not have a permanent foundation, may be located one foot from any lot line, except for a front yard setback.
6. No accessory structure may be closer than four feet to any other accessory structure except for an accessory structure that complies with subsection 5 of this Section.
7. Accessory structures shall be erected in a rear yard, except an accessory structure may be allowed in a non-required side yard, when set back a minimum of 75 feet from the front lot line and meets the side yard setback for the district in which it is located as specified in Section 3.1.
8. No accessory building, structure or use shall be erected in any yard with public street right-of-way frontage, including all such sides of a corner lot.
9. In no instance shall such an accessory structure be nearer than five feet to any adjoining lot line, except that on a corner lot the entrance to a garage shall not be less than eight feet from the lot line adjacent to the side street, except as otherwise permitted herein.
10. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on such streets in the same block or adjacent blocks.
11. In the case of an accessory building located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, such accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
12. Additional standards. The following additional standards shall apply to attached garages, accessory mechanical equipment, and flagpoles:
   A. Attached garages. Accessory garages structurally attached to a principal dwelling in any residential district shall meet the requirement of Section 3.1 for principal building in the district in which it is located.
   B. Attached garages of fireproof construction may be erected to extend beyond the established building line for the dwelling in those areas which are being developed according to a common plan that includes the construction of attached garages in this configuration.
   C. Residential mechanical equipment - of four tons or less may be located within three feet of a side or rear lot line, in no instance shall such equipment be located in a front yard or front yard setback.
   D. Commercial or industrial mechanical equipment - such as blowers, ventilating fans, exhaust fans, and air conditioning units greater than four tons located adjacent to a residential district shall be placed such that they will not have an adverse impact on the residential use due to noise and odors. An exhaust hood outlet for food service establishments shall not vent towards any adjacent residential use or district.

E. Flagpoles. Flagpoles on the building or on the ground shall not exceed the maximum height allowed in the zoning district. Flagpoles shall be set back a minimum distance from all lot lines ten feet or the maximum extension of the largest flag intended to be displayed on the pole, whichever is greater. Flags may be illuminated, provided the source of illumination shall be designed, arranged, and shielded to prevent glare onto adjacent properties, telescopes, and adverse affects on motorist visibility on adjacent rights-of-way.

F. Egress window wells. Egress window wells required for emergency egress from a basement shall maintain a minimum of three feet to a side lot line and may be allowed to project into a front yard setback no more than five feet.

13. Accessory structures and uses in non-residential districts. In non-residential zoning districts, accessory structures and uses such as parking attendant, guard shelters, gate houses, and transformer buildings may be located in the front or side yard of industrial districts and may occupy any of the ground area that the principal building is permitted to cover or as otherwise allowed under this Chapter.

5.3 TEMPORARY CONSTRUCTION STRUCTURES AND USES

The following standards shall apply to all structures used for construction purposes on a development site:

1. A zoning permit for such structure shall be required, prior to installation.
2. No temporary structure shall be used as a dwelling unit.
3. The placement of temporary structures shall be in conformance with the requirements of this Chapter.
4. Temporary structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities related to construction activity on the same lot.
5. Temporary structures shall be removed from the lot within 15 days after an occupancy permit is issued by the City for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

5.4 SWIMMING POOLS, PRIVATE OR PUBLIC

Private or public outdoor swimming pools, hot tubs, and similar facilities constructed in, on, or above the ground shall be permitted as an accessory use in all zoning districts subject to those requirements in Section 5.2, and shall comply with all applicable provisions of the State Construction Code for pools and hot tubs and any other governmental agencies having jurisdiction.

5.5 FRONTAGE ON STREETS REQUIRED.

No dwelling unit shall be built, moved or converted upon a lot having a frontage of less than 20 feet upon a public street that has been certified for maintenance by the City, or upon an approved private street or other permanent easement giving access to a public street.

1. No zoning permit shall be issued for any new construction or building additions located on any lot in the City that does not abut on a public street or highway or have access to a public street or highway.
2. All access to a public street or upon a private street or other permanent easement giving access to a public street shall be hard surfaced with concrete or plant-mixed bituminous material, and shall meet the standards of Section 5.14.

5.6 LOCATION AND NUMBER OF PERMITTED DWELLINGS ON A LOT.

No residential dwelling shall be erected upon the rear of a lot. Principal buildings in the R-1, R-2, and R-3 districts shall be set back no further than the average front setback of 50% of existing buildings upon the same block on the same side of the street, as determined by the Zoning Administrator. No lot occupied by a dwelling in the R-1, R-2, or R-3 district may contain more than one principal building or use, unless otherwise provided by this Chapter.

5.7 CORNER LOT, SIDE YARD WIDTH TO THE SIDE STREET LINE.

The minimum side yard setback for a principal building to the side street lot line of a corner lot shall equal the minimum front yard setback depth required for the zoning district in which the lot is located. In no case shall the side yard width be less than the greatest side yard setback allowed under the schedule of regulations.

5.8 UNLAWFUL DWELLINGS.

The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district shall be prohibited unless otherwise allowed by this Chapter. No dwelling unit shall be erected in an industrial district. However, the sleeping quarters of a watchman or a caretaker may be permitted in an industrial district in conformity with the specific requirements of the particular district.

5.9 COMPLIANCE WITH YARD REQUIREMENTS.

In determining compliance with the minimum open space requirements of this Chapter, the Zoning Administrator shall include any adjacent area of land owned by the developer that lies within an easement for a City or county drain. If the development parcel is bisected by a drain, the Zoning Administrator shall include the entire easement area, provided that such surface area shall not be utilized for permanent structures or improvements. Areas lying within a drain easement shall not account for more than 20% of the total required open space.

1. No perimeter yard or other open space required for one building to comply with provisions of this Chapter shall be used to provide a required yard or open space for any other building.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Chapter. Existing nonconforming lots of record shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the Chapter.
3. In any residential district, the front and rear yard requirements of a double frontage lot shall be the same as prescribed for any other lot in the zoning district.

5.10 CORNER CLEARANCE AREA.

1. No structure, fence, wall, hedge, planting, tree or other obstruction to vision shall exceed two feet in height from grade within a triangular section of land on that part of a corner lot formed by the two street right-of-way lines and a line connecting them at points 25 feet from the intersection of such street right-of-way lines. This standard shall not apply to the B-3 (Neighborhood Commercial) district. The Planning Commission may grant an exception to the height requirement of no more than one foot upon finding that pedestrian and vehicle safety has not been compromised.
2. In any district branches of trees within such areas shall be trimmed to not less than six feet above the finish grade except for those branches overhanging into the City right-of-way shall be not less than ten feet above finish grade.

5.11 BUILDING GRADES AND GRADING OF LAND.

A minimum sloping grade of one foot above the street level, or other grade as established by the City, shall be required of all buildings having a front yard.

1. No premises shall be filled or grades established so as to discharge the surface runoff on abutting property in such a manner that will cause inconvenience or damage to adjacent properties.
2. The grade at any lot boundary shall be developed and maintained in accordance with the Michigan Building Code as amended and subject to inspection and approval.

5.12 PROTECTION OF EXCAVATIONS.

The construction, maintenance or existence within the City of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells that are reasonably likely to constitute a danger or menace to the public health, safety or welfare shall be prohibited. This Section shall not prevent any excavation under a permit issued pursuant to this Chapter or the State Construction Code enforced by the City, where such excavation is properly protected, warning signs are properly posted, and construction is progressing in a timely manner.

5.13 FENCE, WALLS, HEDGES OR SIMILAR PLANTINGS, OR STRUCTURES.

Fences, walls and hedges may be permitted in any yard, or along the edge of any yard, subject to the following:

1. Maximum height. In a residential district, the height of fences and walls shall not exceed six feet in height in any side or rear yard. In all districts no fence, wall, planting, or hedge shall be over four feet along a property line in a front yard or front yard setback.
   A. Fences, walls, and hedges within corner visibility areas shall be further regulated by Section 5.10 unless otherwise allowed for in this Chapter.
   B. In an industrial district, a fence may be permitted up to eight feet in height along the side or rear lot line.
   C. A maximum of one additional foot for barbed wire is allowed in an industrial district with the yes facing inside of the lot line.
   D. Barbed wire or any other material deemed hazardous shall be prohibited in a residential district.
2. Obstructions prohibited. No fence shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways. No fence or wall shall be erected within any public right-of-way.
3. Orientation. A finished side of a fence in any yard shall face outwards away from the property on which they are placed.
4. Exemptions. Electronic fences (such as those used to contain animals) buried beneath the ground shall not be regulated by this Section or a temporary fence to enclose a garden located in a rear yard only.
5. Trees, shrubs, flowers or plants shall be permitted in any front, side, or rear yard, in conformance with subsection 1 of this Section or as regulated by Section 5.10.
6. Other specified structures. Walls, driveways, arbors, curbs, retaining walls, mailboxes, name plates, lamp posts, bird baths, and structures of a like nature shall be permitted in any front, side or rear yard provided they do not exceed the height allowed in subsection 1 of this Section for front yard fences or Section 5.10.
7. Other standards. The following additional standards shall apply to all fences, walls, and hedges in any zoning district:
   A. Fences may be placed up to a lot line. No parts of any fences, including foundations, may extend beyond any lot line unless agreed to in writing by the owner of the adjacent property.
   B. If a fence exists in the rear or side yard of an adjacent lot, only one other fence may be placed along the adjoining boundaries of such adjacent lot. Areas between abutting fences must be maintained in accordance with this Chapter and the City's Code of Ordinances.
   C. No chain link fence, wire fence, or wire shall be erected in any front yard within a residential district, unless enclosing a retention pond approved by the Planning Commission.
   D. The use of electric current or charge on any fence or part thereof is prohibited.
   E. Orange plastic fencing, snow fencing, cyclone fencing, silt fencing, or similar type fencing shall be prohibited in a residential district unless required during construction to comply with other governmental agencies or regulations or to enclose a garden and removed upon completing of said project and for gardens by November 1st of the current year.

F. A decorative entry fence of six feet in height, including a light fixture or decorative object is allowed for a distance of six feet in any direction that gradually slopes to a height of four feet or less, in a front yard or front yard setback, erected parallel to the property line that abuts a residential walkway leading up to an entry of a residential building or driveway and complies with Section 5.10 and does not constitute a traffic hazard.

5.14 PARKING, LOADING, AND ACCESS MANAGEMENT

1. Purpose. The purpose of this subchapter is to regulate the parking, loading, and access of automotive vehicles in all zoning districts. The number of automobiles presently used in the City by both residents and visitors, and the probability of future increases make these regulations necessary for public safety, health, and convenience purposes to ensure that the public streets are preserved primarily for the movement of vehicles. This subchapter is intended to provide for an appropriate ration of parking and loading standards to floor space, while minimizing the amount of impervious surface to lessen the generation of stormwater runoff.
2. Scope. With the exception of areas designated on the official zoning map as being parking exempt, there shall be provided in all districts at the time of erection or enlargement of any main building or structure, off-street automobile parking space with adequate access to all spaces. The number and character of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to occupancy, as hereinafter prescribed.
3. Deferment of Required Parking Spaces.
   A. The Planning Commission, without proof of unnecessary hardship, may defer the requirements of this subchapter upon determination from the evidence presented by the property owner that the intended use will not require parking or loading facilities to the degree required by this subchapter. The proposed site plan shall show the location and layout of the deferred parking area which shall remain undeveloped to permit construction of the required parking should the use of the building change or a change in circumstances indicate that additional parking is required. At that time, a new site plan shall be submitted pursuant to Section 6.3.2.
   B. In addition, the property owner shall sign a development agreement which shall be recorded with the deed binding on future owners that the open space is retained for future parking and shall not be developed or sold for development except in conformance with the approved site plan.
   C. If a new site plan is submitted to develop the area reserved for deferred parking, the Planning Commission must evaluate the impact of the new development on existing parking when considering the new site plan. The Planning Commission may consider the reductions in parking requirements provided for in Section 5.14.4.C.
4. General Regulations. The following regulations shall apply in all zoning districts.
   A. Location of spaces. Off-street parking for other than single-family or two-family residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant during site plan review. The property owners shall execute an agreement authorizing the use of off-site parking spaces. The applicant shall provide notice to the City a minimum of 30 days prior to an agreement being rescinded or modified and a new agreement or site plan in compliance with Section 6.3.2 shall be submitted for review and approval by the City.
   B. Irrevocable use of spaces. All required off-street parking spaces shall be stated in an application for site plan review and shall be reserved irrevocably for such use, unless otherwise provided in this Chapter. Minimum required off-street parking spaces shall not be displaced by any other use unless equal parking facilities are provided elsewhere, or the parking requirements of the site change.
   C. Reduction of space area. Off-street parking existing at the effective date of this Chapter in connection with the operation of an existing use shall not be reduced to an amount less than that required for a similar new use except as allowed under Section 5.14.3.

D. Collective use of spaces. The City recognizes that different types of uses may have different peak usage times. Therefore, two (2) or more non-residential buildings or uses may collectively provide the required off-street parking, in which case the required number of parking space for the uses calculated individually may be reduced for the following:

i. Reduction in required spaces.

a. Non-Residential Buildings or Uses. Where peak operating hours do not overlap or patrons can access more than one use from the parking lot, the Planning Commission may grant a reduction in the required number of spaces of up to 25% or

b. Institutional uses. Institutional uses shall be permitted to provide for up to 75% of required off-street parking through the shared use of off-site parking spaces accessory to another institutional use or other non-residential use with non-overlapping peak operating hours. Such off-site spaces shall be located within 500 feet of a primary public entrance, as measured along lines of public access.

ii. Agreement. A signed agreement between all parties concerned shall be provided to the City for the collective use of parking spaces.

iii. Municipal and community parking areas. The provisions of this subchapter may be met by participation in a municipal or community parking program designed to serve a larger area, provided plans for such community parking have been approved by the Planning Commission.

E. Similar use. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a similar listed use, as determined by the Planning Commission.

F. Screening. Off-street parking areas shall be effectively landscaped, and screened on any side which adjoins or faces a residential district or street right-of-way, per Section 5.15.8.B.

G. Setbacks. No part of any off-street parking area shall be closer than ten feet to any street right-of-way line or the lot boundary of any residential, school, hospital, or other institutional use.

H. The number of required off-street parking spaces for new uses or buildings and additions to existing buildings shall be determined in accordance with the schedule set forth in the Section 5.14.5.D Schedule of minimum required parking by use. Parking requirements listed in Section 5.14.5.D Schedule of minimum required parking by use shall not include off-street stacking spaces for drive-through facilities as set forth in Section 5.14.7 or loading spaces as set for in Section 5.14.9.

I. Prohibited activities. The storage of merchandise, refuse storage and receptacles, or other materials, and the storage or repair of unregistered or unlicensed vehicles or inoperable vehicles or other machinery shall be prohibited in areas serving as parking spaces. No repairs, service or display of vehicles for purposes of sale shall be permitted, and no motor vehicle shall be parked or stored for longer than 48 hours within a parking lot unless otherwise permitted by law.

5. Minimum Number of Spaces Required. The following standards shall apply to the determination of the required minimum and maximum number of off-street parking spaces by type of use in all zoning districts:

A. Fractional units. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

B. Maximum number of spaces permitted. To minimize excessive areas of pavement that contribute to higher rates of stormwater runoff, exceeding the minimum parking space requirements of this Section by more than 20% shall be prohibited. The Planning Commission may waive this provision to allow additional parking spaces upon determining that such parking is necessary, based on documented evidence, to accommodate the use on a typical day.

C. Units of measurement. The usable floor area (UFA) shall be used to determine the required number of off-street parking and loading spaces, unless otherwise noted.

i. Usable floor area (UFA) shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems, lavatories, and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85% of the gross floor area .

ii. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of anticipated employees during the peak shift. An employee for the purposes of meeting the requirements of this Section shall include hourly, salaried, and contracted workers.

D. Schedule of minimum required parking by use. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

5.14.5.D Schedule of Minimum Required Parking by Use		
Use		Minimum Spaces Required
A. Residential		
i.	Residential, one family and two family	Two per dwelling unit
ii.	Multiple-family residential	One and one-half per efficiency or one-bedroom dwelling unit, plus two per unit with two or more bedrooms
iii.	Bed and breakfast inn	One per sleeping room permitted within the principal dwelling
iv.	Manufactured housing parks	Two per manufactured home site
v.	Housing for the elderly	One per two units, plus one per employee
B. Institutional		
i.	Place of worship	One (1) for each four (4) fixed seats or each eight (8) feet of pews or benches
ii.	Government offices	One space per 850 square feet of usable floor area
iii.	Hospitals	One per bed, plus one per employee on duty based upon maximum employment shift
iv.	Homes for the aged and convalescent homes	One (1) per three (3) beds or two (2) rooms, whichever is less, plus one per employee on duty based upon maximum employment shift
v.	Libraries, museums and noncommercial art galleries	One (1) per 250 square feet of usable floor area.
viii.	Elementary and middle schools, senior high schools, trade schools, colleges and universities	One (1) per four (4) persons allowed within the maximum occupancy load as established by the building code
ix.	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy as established by the building code
x.	Public recreation centers	Five (5) per 1,000 square feet of usable floor area.

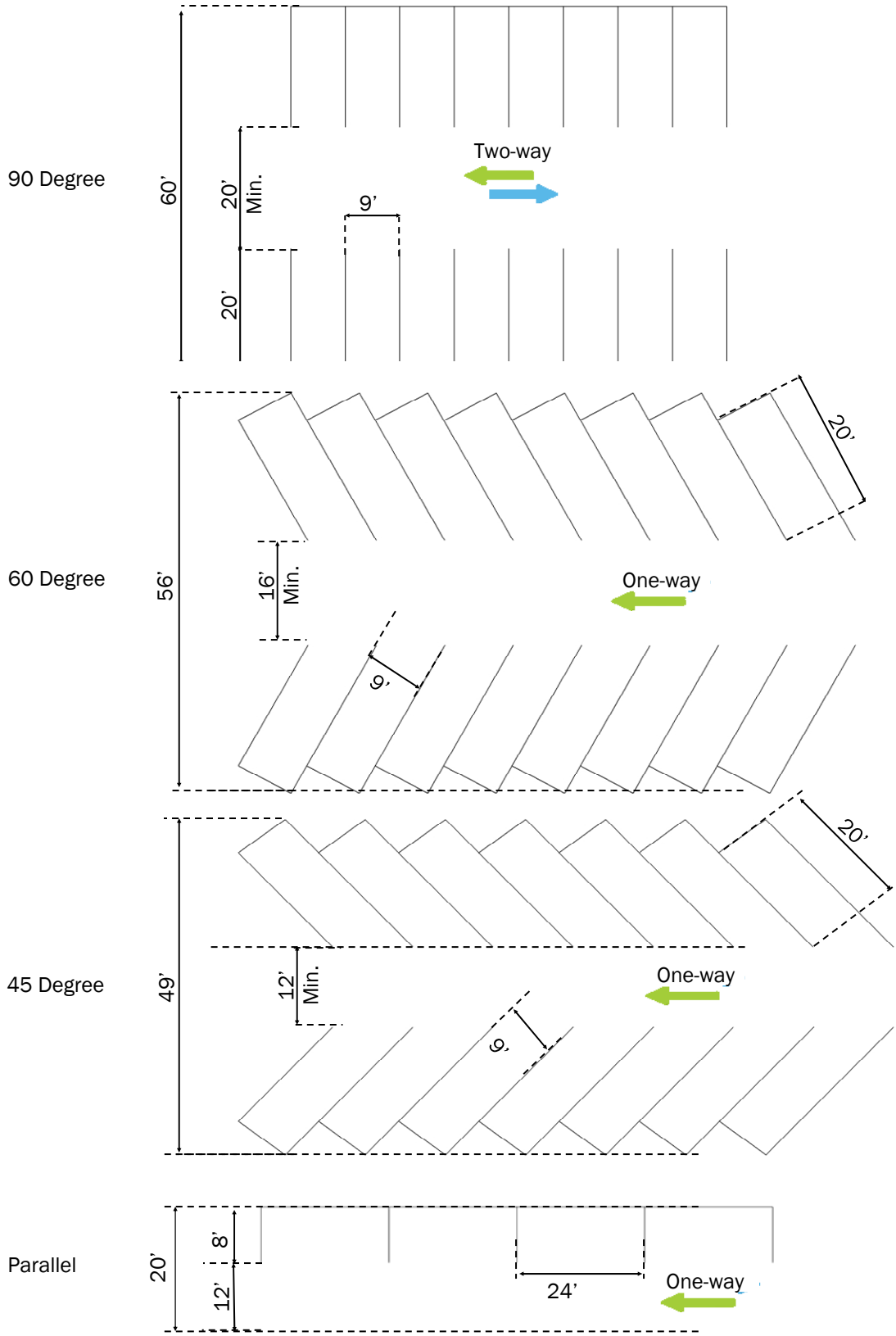
5.14.5.D Schedule of Minimum Required Parking by Use (continued)		
Use		Minimum Spaces Required
C. Business and Commercial		
i.	Retail use or service establishment except as otherwise specified herein	One for each 200 square feet of usable floor area, plus required stacking spaces where drive-thru lanes are present*
ii.	Shopping centers	One per 200 square feet of usable floor area.
iii.	Supermarket	One per 175 square feet of usable floor area
iv.	Beauty parlor or barber shop	Three spaces per of the first two beauty or barber chairs, plus one space per additional chair
v.	Personal health and beauty service establishment, including therapeutic massage, tanning beds, personal fitness	One per 200 square feet of usable floor area
vi.	Automobile wash (automatic)	One (1) for each employee based upon maximum shift, plus required stacking and drying spaces*.
vii.	Automobile wash (self-service or coin operated)	One (1) for each five (5) stalls, plus required stacking and drying spaces*.
viii.	Automotive fueling stations with or without convenience store	One per on-duty employee based upon maximum employment shift, plus one per fueling location. Additional parking shall be provided for any accessory retail use as required for such use.
ix.	Automotive service and repair stations with or without fueling stations	Two per lubrication stall, rack, pit, or service bay; and one per employee based on the largest shift. Additional parking shall be provided floor any accessory retail use as required for such use.
x.	Dry cleaners	One per 500 square feet of usable floor area, plus required stacking spaces where drive-thru lanes are present*
xi.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One per 800 square feet of usable floor area and one per employee
xii.	Laundromats and coin-operated dry cleaners	One for each four washing or dry-cleaning machines
xiii.	Mortuary establishments and funeral homes	One per four persons allowed within the maximum occupancy load as established by the building code
xiv.	Motel, hotel or other commercial lodging establishments	One per occupancy unit, plus one for per employee, plus parking for restaurants and cocktail lounges, ballrooms or meeting rooms as required by such use
* See Section 5.14.7.M. for stacking space requirements		

5.14.5 Off-Street Parking Spaces (continued)		
Use		Minimum Spaces Required
C. Business and Commercial (continued)		
xv.	Motor vehicle sales and service establishments	One per 200 square feet of usable floor area of sales room and one per one service stall in the service room
xvi.	Nursery school, day nurseries, or child day care centers	One for every 5 children of licensed, authorized capacity, plus one for every 4 employees
xvii.	Open air business establishments	One per 500 square feet of lot area for retail sales and retail uses
xviii.	Recreational vehicle sales and service establishments, trailer sales and rentals, boat showrooms	One per 400 square feet of usable floor area of the sales room
xix.	Restaurants, carry-out only	One per 150 square feet of usable floor area, with a minimum of six parking spaces, plus required drive-thru stacking spaces*
xx.	Restaurants, fast-food	One per 85 square feet of usable floor area, plus required drive-thru stacking spaces*
xxi.	Restaurants, dine-in; and other establishment for sale and consumption on the premises of beverages, food or refreshments	One per four seats, based upon the maximum seating capacity, plus one per on-duty employee based upon maximum employment shift
xxii.	Studios, dance, health, music and other similar places of instruction and recreation	One per four persons allowed within the maximum occupancy load as established by applicable fire, building or health codes
xxiii.	Ballrooms, catering halls, exhibition halls or assembly halls without fixed seating	One for each forty-five (45) square feet of usable floor area
xxiv.	Service establishments, except otherwise specified	One per 400 square feet of usable floor area
* See Section 5.14.7.M. for stacking space requirements		
D. Offices		
i.	Banks and other financial institutions	One per 250 square feet of usable floor area
ii.	Business offices or professional offices	One per 300 square feet of usable floor area
iii.	Immediate care medical facility / clinic	Two per examination room, plus one space per laboratory or recovery room, plus one space per employee on duty based upon maximum employment shift
iv.	Professional offices of doctors, dentists, or similar professions	One for each 50 square feet of usable floor area in waiting rooms and one for each examining room, dental chair or similar use
v.	Veterinary clinics or hospitals	One per 215 square feet of usable floor area

5.14.5 Off-Street Parking Spaces (continued)		
Use		Minimum Spaces Required
E. Recreation and Entertainment		
i.	Batting cages	One per cage, plus one per employee
ii.	Driving ranges	One per four tees, plus one per employee
iii.	Golf courses open to the general public	Four per one golf hole and one per employee, plus spaces required per accessory use, such as a restaurant or bar
iv.	Miniature or "Par-3" golf courses	Three per hole plus one per employee
v.	Bowling alleys	Four per bowling lane plus spaces for accessory food service, office, and retail uses
vi.	Health, fitness, and exercise centers	One per four persons allowed within the maximum occupancy load as established by the building code
vii.	Marinas, public or private	One and one-half per moor or slip
viii.	Movie theaters	One per four seats , plus one per two employees
ix.	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One per four persons allowed within the maximum occupancy load as established by applicable fire, building or health codes
x.	Swimming pools	One per four persons allowed within the maximum occupancy load as established by applicable fire, building or health codes
xi.	Tennis or racquet clubs	Four per court, plus one per employee, if a spectator area is provided, one space per three seats shall be required
F. Industrial		
i.	Industrial, research or laboratory uses not otherwise specified herein, where established for a known user	Five, plus one per employee based upon the maximum number of employees per shift or overlapping shifts plus one per 275 square feet of usable floor area for office areas
ii.	Industrial, research or laboratory buildings established on speculation, or where the end user or number of anticipated employees is not known	Five, plus one per 2,000 square feet of GFA for the industrial, research or laboratory uses, plus one per 275 square feet of usable floor area for office areas
iii.	Research and development facilities, laboratories, and technical centers	One per 425 square feet of usable floor area for the research/laboratory uses, plus one per 300 square feet of usable floor area for any offices or other accessory uses
iv.	Self-storage or mini-warehouses	Two for the caretaker's dwelling, plus one per 275 square feet of usable floor area in the principal building
v.	Warehouses and wholesale establishments and related accessory offices	Five, plus one per employee in the largest working shift

6. Barrier-Free Parking Requirements. Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the Michigan Building Code.
7. Stacking Spaces for Drive-Through Facilities. Off-street stacking spaces shall be provided on the same zoning lot for any use that includes an accessory drive-through lane or facility or otherwise serves customers in their automobiles, subject to the following:
   A. Required waiting spaces shall be provided on the same zoning lot for any use that includes an accessory drive-through lane or facility or otherwise serves customers in their automobiles.
   B. Drive-through lanes shall be separate from the circulation roads and lanes necessary for ingress to and egress from the property.
   C. Drive-through lanes shall not use any space that is necessary for adequate access to parking spaces.
   D. Drive-through lanes where vehicle stacking and waiting occur shall not be permitted in the front yard.
   E. Drive-through lanes and associated by-pass lanes shall be setback at least 10 feet from the side and rear lot lines.
   F. Drive-through lanes located adjacent to a street shall be buffered by a minimum 10 foot wide landscaped planting adjacent to the right-of-way as specified in Section 5.15.8.
   G. Drive-through lanes shall provide one (1) by-pass lane to allow unobstructed travel for vehicles to pass those waiting to be served.
   H. Drive-through lanes shall have a minimum width of nine (9) feet.
   I. Drive-through lanes shall have a minimum length of twenty (20) feet per required vehicle stacking space.
   J. Drive-through lanes shall have a minimum centerline turning radius of twenty-five (25) feet.
   K. Drive-through lanes shall be striped, marked or otherwise distinctly delineated.
   L. Drive-through lanes shall have a minimum stacking space in accordance with the following standardards:
   M. Drive-Through Stacking Space Requirements
      i. Restaurant with drive-thru. Eight (8) spaces per service lane, at least five (5) of which must be in advance of the ordering station.
      ii. Financial institutions. Four (4) spaces per service lane, inclusive of the vehicle at the window
      iii. Drug stores, dry cleaners, and other commercial uses. Three (3) vehicles inclusive of the vehicle at the window.
      iv. Vehicle wash (coin/hand held wand stall. Three (3) vehicles in advance of the washing bay and one (1) vehicles beyond the washing bay for drying.
      v. Vehicle wash (automatic). Six stacking spaces per service lane, plus two upon exiting each conveyor system for post-washing detail.
      vi. Other uses For uses not listed, the planning commission shall make a determination of the minimum required stacking at the time of site plan review, based upon review of information submitted by the applicant, city staff, and consultants.
   N. Such spaces shall be located entirely within a non-residential zoning district, and shall not include the use of any public space, street, alley, sidewalk or right-of-way.
8. Off-Street Parking Layout, Construction, and Maintenance Standards. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING LAYOUTS



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5.14.8 Minimum Off-street Parking Dimensions				
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0 parallel parking	12'	8'	24'	40'
45	12' (one-way)	9'	20'	49'
60	16' (one-way)	9'	20'	56'
90	20' (two-way)	9'	20'	60'

A. Backing directly onto a street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows shall be prohibited.

B. Adequate ingress and egress to the parking lot by means of clearly limited and defined maneuvering lanes and access drives shall be provided for all vehicles. Entrance to such area shall be only from a public street, an adjoining principal use or an adjoining alley.

C. Ingress and egress to a parking lot accessory to a non-residential use shall not be across land in a R-1, R-2 or R-3 district.

D. Ingress and egress to a parking lot accessory to a non-residential use shall be set back at least 25 feet from the boundary of any residential district.

E. All maneuvering lanes shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

F. The entire parking area, including parking spaces and maneuvering lanes, required under this Chapter shall be provided with a dust-free surfacing of concrete or plant-mixed bituminous material according to the requirements of this Chapter and the Marshall City Code.

G. Parking areas must be landscaped in accordance with Section 5.15.8.

H. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets and sidewalks shall be provided and maintained. Where parking areas abut public sidewalks, a curb at least six inches high shall be placed thereon to prevent vehicle encroachment.

I. Off-street parking areas shall be drained so as to dispose of accumulated surface water without drainage onto adjacent property or toward buildings.

J. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare onto adjacent properties and prevent adverse impacts on motorist visibility.

   i. The source of illumination shall not be more than 15 feet above the parking surface in any residential district, or the B-2 (Local Business), B-3 (Central Business) or PSP (Public/Semi-Public Services) districts.

   ii. The source of illumination shall not be more than 20 feet above the parking surface in the POSD (Professional Office Service) district, B-2 (Local Business) District, and B-4 (Regional Commercial) district.

   iii. The source of illumination shall not be more than 25 feet above the parking surface in the I-1 (Research and Manufacturing) district and I-2 (General Industrial) district.

K. All illumination for such parking facilities shall not exceed one foot-candle at any lot or property line, nor shall is exceed 0.5 foot candles at a lot line adjacent to a single family residential district. The average to minimum foot candle ratio over the parking lot, drives, walkways, and similar illuminated areas shall not exceed 4:1.

L. Upon a determination by the Planning Commission that it is necessary due to the size and configuration of the lot, off-street parking shall be permitted to occupy a portion of the required front yard, provided that a minimum setback of ten feet shall be maintained between the nearest point of the off-street parking area and the right-of-way line. The ten-foot setback shall be unobstructed except for landscaping plant materials. Access driveways may extend through this setback. This provision applies to all non-residential development with front yard parking in all districts, as well as all multi-family development with front-yard parking in all districts.

9. Loading Space Requirements. For every building or addition to an existing building erected or occupied by a use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises adequate off-street loading spaces, as follows:

5.14.9 Off-Street Loading Spaces	
GROSS FLOOR AREA (square feet)	*MINIMUM LOADING AND UNLOADING SPACE REQUIRED*
10,000 - 20,000	One space
20,001 - 50,000	Two spaces
50,001 - 100,000	Three spaces
100,001 +	One additional space for each additional 100,000

A. Each such loading space shall be at least ten feet in width, 50 feet in length, and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall, or a greenbelt, berm, or buffer strip.

B. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent properties.

C. Loading spaces shall not be provided in the front yard, the front side of any building, or on any side facing and directly visible to a public street, unless the Planning Commission determines such a location is necessary due to the building's location or placement or existing street patterns.

D. Access to the loading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.

E. Loading spaces shall be covered with a pavement of concrete or plant-mixed bituminous material, and shall be graded and drained to a storm sewer so as to dispose of surface water in accordance and conformity with the requirements of the City.

F. The Planning Commission may waive the requirement for off-street loading spaces for existing buildings within a B-3 (Neighborhood Commercial) district under the following circumstances:

i. The rear of the building is built to the rear lot line and directly abuts a public alley.

ii. The layout and size of the existing building and parking area preclude the placement of a loading space within the site.

10. Parking in Residential Districts. Off-street parking for permitted principal uses in residential districts shall conform to the following regulations:

A. Required residential off-street parking for single-family or two-family residential uses shall be in accordance with § 70.008 of the City Code of Ordinances.

B. Driveways and driveway approaches shall meet the requirements of § 70.008 of the City Code of Ordinances.

11. Access Management Standards. The purpose of this Section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

    A. Application of standards. The standards of this Section shall be applied to streets classified as major traffic routes or arterials in the City's Master Plan or by county or state road authorities, as follows:

        i. The standards shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and Calhoun County.

        ii. The following traffic routes are under the jurisdiction of the Michigan Department of Transportation: I-94 Business Loop from exit 112 to I-69 and M-227 (S. Kalamazoo from Industrial Drive South and Industrial Drive from S. Kalamazoo to the I-94 Business Loop).

        iii. The standards shall apply to all uses, except permitted single-family and two-family dwelling units.

        iv. For expansion or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this Section is unreasonable, the standards shall be applied to the maximum feasible extent.

        v. The Planning Commission may approve suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

            a. The size of the parcel is insufficient to meet the dimensional standards.

            b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

            c. The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers (ITE).

            d. There is no other reasonable means of access.

    B. Number of driveways. Access to a parcel shall consist of a minimum of either one two-way driveway or a pair of one-way driveways for separate ingress and egress.

        i. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.

        ii. Two access points may be permitted for a corner lot where there is at least 100 feet of frontage on both streets and upon recommendation by the City Engineer or other governmental agency that the additional access point is required for traffic and pedestrian safety.

        iii. The Planning Commission may allow an additional access point where the property has continuous frontage of over 300 feet, provided that the applicant can demonstrate that additional access is necessary to support the use and upon a recommendation by the City Engineer or other governmental agency.

        iv. Where the property has continuous frontage of over 600 feet, a maximum of three driveways shall be allowed, provided that at least one such driveway shall be limited to right-turn-in/right-turn-out only.

    C. Shared access, joint driveways, parking lot connections and rear service drives. Shared use of access between two or more property owners shall be encouraged through use of driveways constructed along property lines, connecting parking lots, and rear service drives.

        i. The Planning Commission may require provision of shared access facilities as a condition of site plan approval under any of the following circumstances:

            a. Sites within one-quarter mile of major intersections.

            b. Sites having dual frontage.

            c. Sites where frontage dimensions are less than 300 feet.

d. Locations with sight distance problems.

e. Locations along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.

ii. Where a site is adjacent to a parking lot of a compatible use, or a rear service drive, a connection to the adjacent facility may be required by the Planning Commission.

iii. Where a site is adjacent to undeveloped property, the site shall be designed and constructed to accommodate future shared access, as determined by the Planning Commission.

iv. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

D. Adequate sight distance. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines. The Planning Commission may adjust driveway location where there is a concern regarding adequate sight distance.

E. Driveway spacing from intersections. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line. To preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:

i. For locations in the vicinity of intersections experiencing congestion [defined as peak hour operations below level of service (LOS) "C" for one or more movements] or a significant number of traffic accidents (five or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection.

ii. For locations within 200 feet of any intersection, driveways shall be spaced a minimum of 100 feet to the centerline of the driveway. Where this spacing cannot be provided, driveways limited to right-turn-in/right-turn-out only movements shall be permitted.

F. Driveway spacing from other driveways. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

5.14.11.F Minimum Driveway Spacing	
Posted Speed Limit (mph)	*Minimum Driveway Spacing*
25 mph	50 feet
30 mph	50 feet
35 mph	75 feet
40 mph	75 feet
45 mph	100 feet
50 mph	125 feet
55 mph	150 feet

G. Offsets. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be 100 feet, excluding when one or both driveways are limited to right-turn-in/right-turn-out only.

H. Traffic impact studies. The Planning Commission may require a traffic impact analysis to determine compliance with this Section and Chapter, for any use or development projected to generate more than 100 vehicular trips per day.

12. PRIVATE ROAD STANDARDS. The City discourages the use of private roads, but may allow private roads as a use subject to special conditions in accordance with Section 6.2 and this Section. The regulations for private roads contained herein shall not apply to platted subdivisions regulated by Chapter 155 of the City's Code of Ordinances, or internal access drives to parking within approved site plans for multiple-family or commercial developments. The following requirements shall apply to all private roads regulated by this Section:
    A. Before approving a private road, the City Engineer shall determine that there are unusual conditions or circumstances that would prevent the construction of a public road.
    B. Existing private roads, previously in a township brought into the City, shall be exempt from the requirements of this Section.
    C. An easement shall be provided of not less than 66 feet in width for roads and utilities. This easement shall be recorded with the Register of Deeds office, and a copy of the recorded easement provided to the Zoning Administrator.
    D. Lot frontage on an approved private road shall conform to the minimum requirements for the zoning district where the lot is located. All building construction and development on such lots shall conform to the standards of this Chapter.
    E. The maximum length of any private road shall not exceed the City standard for public roads.
    F. The surface, base material, and street signage shall be approved by the City.
    G. Issuance of a zoning permit for the placement of structures on lots on a private road shall not be considered a guarantee or warranty that adequate access is available for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.
    H. The applicant shall submit a joint maintenance agreement or master deed in recordable form that:
        i. Runs with the land;
        ii. Binds benefitting parcels; and
        iii. Allows the City to make any repairs or conduct any maintenance it deems necessary and charge the property owners or homeowners association served by the private road for such service.
    I. The applicant shall provide a recorded statement running with the land informing purchasers that the access road is private.
    J. All private roads shall be maintained in accordance with the standards of this Section and all conditions of approval.

5.15 LANDSCAPING AND SCREENING STANDARDS

1. Intent. The intent of this subchapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this subchapter are intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.
2. Scope. The standards of this subchapter are considered the minimum necessary to achieve the above intent. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property. The standards of this subchapter shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Chapter subject to site plan review under Section 6.3.

3. Requirements and Timing of Landscaping. All landscape plans, plant installations, and required plant materials shall conform to the following standards:

   A. Plan required. A separate landscape plan shall be included with any site plan application reviewed by the City, subject to the following:

      i. The plan shall be prepared at a minimum scale of one inch equals 40 feet.

      ii. The plan shall show the location, type, size, and spacing of all existing and proposed plant materials, and details and specifications describing planting techniques, installations, planting mixtures, mulch, material depths, seed blends, and other necessary information.

      iii. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.

      iv. Existing and proposed utilities shall be shown.

      v. All required and proposed walls, fencing, berms and other screening treatments shall be shown on the plan.

      vi. Protection measures for preserved trees during construction shall be shown in accordance with City standards.

      vii. The Planning Commission shall require landscape plans to be reviewed and sealed by a State of Michigan licensed landscape architect for parcels of one acre or more in size and may require it for other projects that may have a significant impact on surrounding residential districts.

   B. Installation methods. Landscaping shall be installed in a manner consistent with the standards of the American Nurserymen & Landscape Association (ANLA) and generally accepted planting procedures. Tree stakes, guy wires and tree wrap are to be removed after one year.

   C. Timing of installation. Required landscaping or screening shall be planted within 180 calendar days from the date of issuance of a certificate of occupancy, and shall be maintained in accordance with the standards of this subchapter and the approved landscape plan.

   D. Performance guarantee. The Zoning Administrator may require a performance guarantee to cover the cost of landscaping installation for development activity or construction completed in an off-planting season.

      i. Such guarantees shall be submitted to the City prior to the issuance of a certificate of occupancy to ensure installation of required landscaping in the next planting season.

      ii. The Zoning Administrator shall conduct an inspection of plant materials within three months of written notification of installation before releasing the performance guarantee.

   E. Maintenance. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free from refuse and debris.

4. Special Provisions for Existing Sites.

   A. Special provision shall be made for applying these standards to developed sites that existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement, a change in use or expansion, the objective of these standards shall be to gradually bring the site into compliance with the minimum standards of this subchapter in proportion to the extent of the expansion or improvement.

   B. Upgrades to landscaping or screening on an existing site shall conform to the following guidelines:

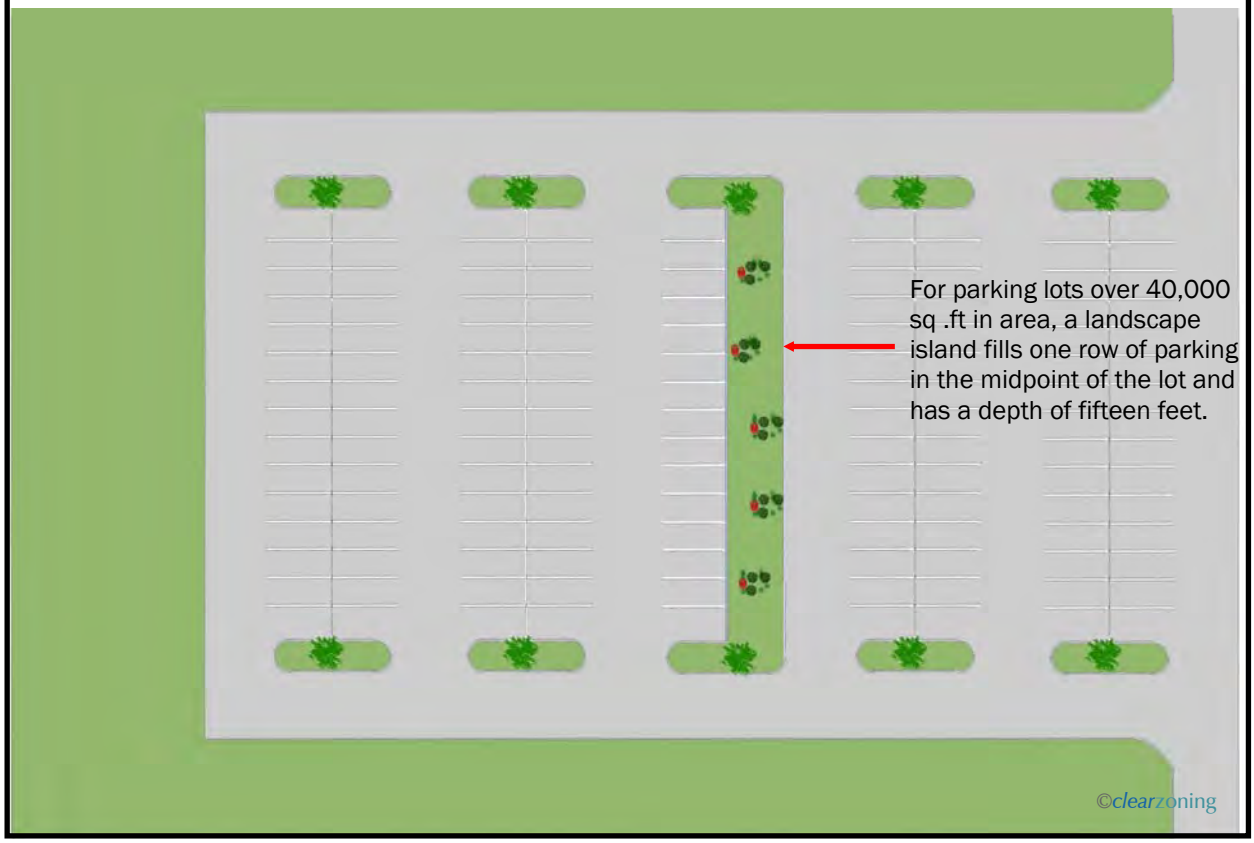
      i. Landscaping requirements for building expansions equal to or less than 300 square feet of gross floor area and/or projects that that do not propose any additional hard surfaced area for parking, may be limited to areas outside of the internal parking lot and site landscaping.

      ii. Landscaping along the street and as a buffer between adjacent land uses shall take priority over parking lot and site landscaping. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered.

5. Public Street Plantings - Street trees. On every site involving new development or redevelopment, deciduous street trees shall be provided along the fringe of the street right-of-way in conformance with § 99.06 of this Code of Ordinances.

6. Interior Landscaping. For every new development, except single-family detached dwellings and any use in the MHPD (Manufactured Housing Park) district or B-3 (Neighborhood Business) district, interior landscaping areas exclusive of any other required landscaping shall be provided, consisting of at least 5% of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following:
   A. One deciduous, ornamental tree or evergreen tree shall be provided for every 400 square feet of required interior landscaping area.
   B. One shrub shall be provided for every 250 square feet of required interior landscaping area.
   C. The interior landscaping area shall contain grass or other suitable living groundcover.
7. Parking Lot Landscaping. The following standards shall apply to all proposed parking lots with ten or more parking spaces, any existing parking lot containing ten or more parking spaces that is proposed to be expanded, and any existing parking lot on an existing site subject to Planning Commission review of a site plan per Section 6.3:
   A. Perimeter screening. Off-street parking areas shall be effectively screened on any side that adjoins or faces a residential district, existing residential use or street right-of-way, per Section 5.15.8.
   B. Landscaping within parking lots. Landscaping shall be provided and maintained within off-street parking lots, as follows:
      i. Landscape island endcaps and midpoint. Landscaping islands shall be required at the end of any row of parking. There shall be at least 20 square feet of landscape island per parking space. For parking areas in excess of 40,000 sq. ft., at least one midpoint landscape island, a minimum of fifteen feet deep, shall be placed in a parking row.

5.15.7 Landscape Islands



ii. Landscaping Island Standards. Landscaping islands shall have a minimum width of ten feet and a minimum area of 180 square feet, and shall be two (2) feet shorter than any adjacent parking space.

iii. Minimum Landscaping Required. A minimum of one deciduous canopy tree shall be provided within the boundaries of the parking lot for every ten parking spaces. The required trees shall be planted in landscaping islands within the parking lot. Up to 33% of parking lot trees may be planted within 15 feet of the back of curb or edge of a parking space and shall not be utilized to satisfy other requirements. Landscaping islands, in addition to the canopy tree, shall be planted with lawn, perennials, ornamental grasses, or shrubs with a maximum height of 30 inches. Planting materials shall cover a minimum of 25% of the island area with mulch shall be used around plantings where appropriate.

C. A parking space overhang of two feet may be used to widen a perimeter landscaped area and reduce the length of a parking space by two feet less than required by this Chapter.

D. Landscaping shall not obscure traffic signs or lighting, obstruct access to fire hydrants or interfere with adequate motorist sight distance.

E. Landscaped areas within and around parking lots shall be protected with concrete curbing.

F. Adequate area shall be provided for snow storage within the parking lot.

8. Methods of Screening. One or more of the following screening options shall be required on land abutting City street rights-of-way, and where otherwise required by this Chapter for screening purposes. The Planning Commission may also require one or more of the following screening methods to be used to screen or separate unlike land uses or to otherwise meet the intent of this subchapter or Chapter:

A. Greenbelt. Required greenbelts shall meet the following standards:

i. Width. The minimum greenbelt width shall be ten feet. The Planning Commission may reduce the required width to accommodate existing conditions or maintain the character of the zoning district. In such cases, the greenbelt requirement may be met through the provision of street trees per § 90.06 of the City Code of Ordinances.

ii. Required plantings. At least one deciduous tree and four shrubs per 40 lineal feet of street frontage.

a. The Planning Commission may permit one additional canopy tree in place of four required shrubs.

b. The greenbelt area shall contain grass or other suitable living groundcover.

B. Parking lot screening. All parking lots shall be separated from a public thoroughfare by a planted hedgerow or by a decorative masonry wall with planting strip or berm a minimum of thirty (30) inches high. The Planning Commission may accept existing vegetation to meet this requirement. The Planning Commission may also accept a combination of masonry posts, decorative fencing, shrubs and other plantings, when the design provides sufficient screening. When a hedge is proposed, it shall be planted in accordance with the provisions of this Chapter and maintained so as to form a continuous visual screen. The size and plant spacing shall be configured so that a continuous visual screen will be established within three (3) years of planting.

i. Hedgerow. Where headlights from parked vehicles will shine into the roadway, the Planning Commission may require use of a totally obscuring hedge with a minimum height of 24 inches and a maximum height of 36 inches.

ii. Decorative wall or fence with planting strip. This method shall consist of a planting strip abutting the base of a decorative brick wall, ornamental fence or wall and fence combination, subject to the following:

a. The decorative wall or fence shall have a minimum height of thirty (30) inches, and shall not exceed three feet in height above grade. Decorative posts shall be allowed to extend a maximum of six inches above the top of the fence

b. The planting strip shall abut the base of the wall or fence, and shall have a minimum width of six feet and a maximum height of 36 inches.

c. A mixture of trees and shrubs shall be planted along the entire length of the planting strip, at a minimum concentration of one tree and five shrubs per each 30 linear feet of planting strip or plantings determined by the Planning Commission to meet the screening requirements.

iii. Berms. Required berms shall consist of a combination of a raised earth mound and plantings meet the following standards:

a. Minimum height of two feet with a crest at least three feet in width. The height of the berm may meander if the intent of this subchapter is met and an appropriate screen is provided.

b. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3 ratio). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means that shall not exceed 30

c. At least one deciduous tree shall be provided for each 30 feet of berm length.

d. At least one shrub shall be provided for each 100 square feet of berm surface area, as calculated from a plan view.

C. Screening between B-3, Neighborhood Business and residential uses. The purpose of this method is to provide a low level, obscuring screen or barrier, without significantly inhibiting visibility, light, or safety, as a barrier to provide a separation between the residential district in the Neighborhood Business Commercial district and general public, and similar uses or conditions where the predominant impacts are at or below eye level. This method shall consist of a planting strip abutting the base of a decorative brick wall, ornamental fence or wall and fence combination, subject to the following:

i. The decorative wall or fence shall have a minimum height of thirty (30) inches , and shall not exceed four feet above grade. Decorative posts shall be allowed to extend a maximum of six inches above the top of the fence

ii. The planting strip shall abut the base of the wall or fence, and shall have a minimum width of ten feet.

iii. A mixture of trees and shrubs shall be planted along the entire length of the planting strip, at a minimum concentration of one tree and five shrubs per each 30 linear feet of planting strip.

D. Evergreen screen or buffer strip. A buffer strip may be required where a use abuts residential or other less intensive uses. The intent of the buffer strip is to have a minimum five foot high obscuring area along side or rear lot lines, and an appropriate landscaped strip along front lot lines. A buffer strip shall meet the following requirements:

i. Minimum width of ten feet.

ii. This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted in accordance with the plant spacing requirements of this Section. A staggered planting pattern is encouraged.

iii. The buffer planting area shall contain grass or other suitable living groundcover.

iv. A mixture of the following species or alternatives approved by the Planning Commission shall be incorporated into the evergreen screen or buffer strip:

E. Screen walls. Screen walls shall meet the following standards:

i. A solid masonry wall, ornamental on both sides and not less than six feet in height above grade. Such walls shall be constructed of the same materials as that of the main building, or be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the main building.

5.15.8.D Evergreen Screen or Buffer Strip Planting Materials		
Common Name	*Botanical Name*	*Plant Spacing (on-center in feet)*
Emerald Green Arborvitae	Thuja o. "Emerald Green"	5
Sea Green Juniper	Juniperus c. "Sea Green"	5
Spartan Juniper	Juniperus c. "Spartan"	5
Black Hills Spruce	Picea g. "Densata"	20
Norway Spruce	Picea abies	20
Serbian Spruce	Picea Omorica	15
White Fir	Abies Concolor	15
White Pine	Pinus Strobes	20

ii. Where vehicles, open-air displays, waste receptacles, or other site features exceed a six foot height, the wall shall be increased to a height adequate to completely screen such features, not exceeding ten feet.

iii. Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas. The required wall shall be stepped down to a three foot level for a minimum of ten feet on each side of the opening.

iv. Such walls shall be erected and maintained along the interior lot line or residential zoning district boundary line except where underground utilities interfere or where there is a desire to install landscaping in order to break up the wall. Where separated from the residential district by an alley, then the required wall shall be located along the alley lot line opposite the residential district.

v. Such walls shall be protected from possible damage inflicted by vehicles using the parking area by, a four foot green space or low level plantings with concrete curbing.

vi. Where there is an established wall height and material acceptable to the City on abutting lots, the wall shall be continued on the subject site.

vii. Such walls shall be constructed of durable, weather resistant, rustproof materials.

viii. Masonry walls may be constructed with openings that do not in any square section exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement.

9. Screening of Residential Districts and Uses. To provide adequate protective screening for residential areas adjacent to or near non-residential uses or districts, the following regulations shall apply:

A. Where a business or industrial district abuts directly upon a residential district unless provided for in Section 5.15.14, a landscaped greenbelt or other screening meeting the standards of Section 5.15.8

shall be provided and maintained along the entire district boundary length by the users of the business or industrially zoned property.

B. For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall, fence, or landscaping as required in the table below unless provided relief under Section 5.15.14.

C. The Planning Commission may approve an alternative screening method using one or more the methods in Section 5.15.8 upon finding the alternative will provide a similar screening effect or upon review wave the screening requirement when no good purpose would be accomplished by having such a screening.

5.15.9.B Screening of Residential Districts and Uses	
Use	*Required Height*
Off-street parking areas in any district	Six foot
Any use in the B-2, B-3, B-4, I-1 or I-2 districts	Six to eight foot
Open storage areas, loading or unloading areas or service areas in any district	Six to eight foot
Automobile washes, drive-in or drive-through restaurants	Six foot
Hospitals (ambulance and delivery areas)	Six foot
Utility buildings, stations or substations	Six foot

10. WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING. Waste receptacles such as dumpster (s) and ground mounted mechanical equipment excluding air conditioning units of four tons or less shall be located, screened, and secured in accordance with Section 5.15.4, except if a fence is used it shall be six feet in height, or as provided for in any other City Code of Ordinance.

11. PLANT MATERIAL VARIETY, SIZE, AND SEPARATION STANDARDS. Required landscaping shall comply with the following minimum plant material and plant variety standards. The Planning Commission may vary these standards when these established minimums will not serve the purpose and intent of this subchapter.

A. Species variety. The overall landscape plan shall not contain more than 33% of any one species. The use of a mixture of trees from the same species association shall be encouraged.

B. Plant size specifications. Required landscaping shall comply with the following minimum size standards at planting:

i. Deciduous canopy trees. Two and one-half inch caliper minimum trunk measurement at four feet off the ground, with a minimum eight feet in height above grade when planted.

ii. Evergreen trees. Six feet in height, with a minimum spread of three feet. The size of the root ball shall be at least ten times the caliper of the tree measured six inches above grade.

iii. Deciduous ornamental trees. One and one-half inch caliper minimum at three feet off the ground, with a minimum height of six feet above grade when planted.

iv. Shrubs. Minimum 30 inches in height above planting grade.

v. Groundcovers. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

a. Grasses, other than ornamental types, shall consist of species normally grown as permanent lawns in the region.

b. Rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Groundcovers shall be clean and free of weeds, noxious pests, and disease.

c. Steel, aluminum, or black plastic edging shall be used for any planting beds.

vi. Mulch material. Minimum of two and a maximum of four inches of biodegradable mulch or equivalent for planted trees, shrubs, and vines.

C. Suggested plant material. The plant material listed in Table 5.15.11.C is commonly available in hardiness Zone 5. The list of suggested plant material is to be used as a general guideline for plant selection but is not meant to be limiting.

5.15.11.C Suggested Plant Material
Evergreen Trees:
Fir
Pine
Spruce
Douglas Fir
Hemlock
Narrow Evergreen Trees:
Red Cedar
Juniper
Arborvitae
Large Deciduous Trees:
Oak
Tulip Tree
Beech
Lindens
Pear (Bradford, Chanticleer)
Hard Maple
Ginko (male only)
Honeylocust (seedless and thornless)
Small Deciduous Trees:
Flowering Dogwood
Hawthorn
Redbud
Magnolia
Hornbeam
Flowering Crabapple (disease resistant)

5.15.11.C Suggested Plant Material (cont.)
Large Shrubs - Deciduous:
Honeysuckle
Lilac
Privet (Amur, Regal)
Forsythia
Sargent Crabapple
Sumac (Staghorn)
Pyracantha
Bayberry
Dogwood (Red Osier, Grey)
Spiraea (Van Houtte)
Large Shrubs - Evergreen:
Yew (Irish, Hicks)
Juniper (Pfitzer, Sea Green)
Mungo Pine
Small Shrubs - Deciduous:
Compact Burning Bush
Privet (Lodense)
Sumac (Fragrant)
Cottoneaster (cranberry)
Potentilla
Spiraea (Little Princess)
Small Shrubs - Evergreen:
Yews
Mungo Pine
Low Juniper

5.15.11.C Suggested Plant Material (cont.)
Ground Cover:
Pachysandra
Spreading Juniper
Periwinkle
English Ivy

D. Specifications for specific locations. The following species shall be used within specified landscaped areas to ensure long-term health and growth:

5.15.11.D Specifications for Specific Locations
Trees and Shrubs for Parking Lots:
London Plane Tree
Snowdrift Crabapple
Sweetgum
Linden
Spirea
Junipers (Spreading)
Dwarf Callery Pear
Hawthorns
Honey Locust (thornless and seedless)
Species comparable to those above
Trees and Shrubs for Greenbelt and Interior Landscape Areas:
Amur Maple
Sweetgum
Goldenrain Tree
Hawthorns
London Plane Tree
Scarlet Oak
Pin Oak
European Linden
Honey Locust (thornless and seedless)
Little Leaf Linden
Zelkova
Junipers
Border Privet
Gingko

5.15.11.D Specifications for Specific Locations (cont.)
Trees and Shrubs for Greenbelt and Interior Landscape Areas:
Mugo Pine
Serbian Spruce
Mockorange
Euonymus
Cotoneaster
Snowdrift Crabapple
Hedge Maple
Bayberry
European Hornbeam
Viburnum
Dense Yew
Hicks Yew
Sugar Maple
Red Maple
Dwarf Callery Pear (Bradford)
Species comparable to those above
Salt Resistant Trees and Shrubs:
Pinus Nigra
Sweetgum
Black Locust
Juniper (sp.)
Bayberry
Honey Locust (thornless and seedless)
Species comparable to those above

5.15.11.D Specifications for Specific Locations (cont.)
Trees and Shrubs for Shady Areas:
Euonymus
Arborvitae (sp.)
Honey Locust (thornless and seedless)
Mahonia Aquifolium
Alpine Currant
Dogwood
Amelanchier
Mountain Laurel
Viburnum
Cotoneasters
Species comparable to those above

E. Prohibited plant materials. The following plant materials shall not be used for landscaping purposes, except where specified below:

i. The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, insect infestation, fruit bearing or other undesirable characteristics: Ash varieties, American Elm, Aspen, Ailanthus, and European Barberry.

ii. The following tree species shall not be permitted except where appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed structures: Box Elder, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa, Buckthorn, and European Alder.

F. Plant material spacing. Plant materials species grouped together shall meet the following on-center spacing requirements:

5.15.11.F Distance Between Plant Materials (in feet)						
Plant Material Types	Evergreen Trees	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	min. 10' max. 20'	min. 12'	min. 20'	min. 12'	min. 6'	min. 6'
Narrow Evergreen Trees	min. 12'	min. 5' max. 10'	min. 15'	min. 10'	min. 5'	min. 4'
Deciduous Trees	min. 20'	min. 15'	min. 20 ' max. 30'	min. 15'	min. 5'	min. 3'
Ornamental Trees	min. 12'	min. 10'	min. 15'	min. 8' max. 15'	min. 6'	min. 3'
Large shrubs	min. 6'	min. 5'	min. 5'	min. 6'	min. 4' max. 6'	min. 5'
Small shrubs	min. 5'	min. 4'	min. 3'	min. 3'	min. 5'	min. 3' max. 4'

12. General Layout and Design Standards. Plant materials shall conform to the American Standard for Nursery Stock of the American Nurserymen & Landscape Association (ANLA), and the following:
    A. Plant quality. Plant materials shall be hardy to the climate of the central lower Michigan area, free of and resistant to disease and insects, and nursery grown with orderly growth characteristics.
    B. Replacement required. Any plant material required by this Chapter that dies or becomes diseased shall be replaced within 30 days of written notice from the Zoning Administrator or within an extended time period as specified in said notice.
    C. Protection of landscaped areas. Landscaped areas shall be protected from vehicular encroachment by use of curbing. Landscaped areas shall be elevated above surrounding driveways or parking lots to a minimum height of six inches to protect plant materials from snow removal operations, salt, and other hazards.
    D. Salt-resistant species. Cul-de-sacs, site entrances, parking lots, street tree areas, and boulevard medians shall be landscaped with species tolerant of roadside conditions.
    E. Irrigation. All landscaped areas shall be provided with a readily available and acceptable water supply.
    F. Clearance and visibility. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, and adequate clearance for pedestrians and vehicles in accordance with Corner Clearance under Section 5.10 and the following:
        i. Required landscaping and screening elements shall not inhibit access to fire hydrants. Plantings within 15 feet of a fire hydrant shall be no taller than six inches.
        ii. Landscaping within the site shall provide adequate overhead clearance, maintain visibility to approved signs of adjacent uses, and preserve sight lines from rights-of-way and public property to streams, lakes, and other waterways.
13. Incentives to Preserve Existing Trees. The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Preserved trees shall be protected during construction through use of a fence around the drip line, with protection measures noted on the landscape plan.
    A. To obtain credit, a tree survey shall be submitted to the Zoning Administrator prior to clearing the site. The survey shall identify the tree by species, location, and caliper on the landscape plan.
    B. The preserved trees shall be of a high quality and at least two and one-half inches caliper.
    C. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site, as determined by the Planning Commission. Trees over 12 inches in caliper to be removed shall be noted on the landscape plan.
    D. Preserved trees receiving credit that are lost within two years after construction shall be replaced by the land owner with trees otherwise required.
    E. The credit for preserved trees shall be as follows.

5.15.13.E Credit for Preserved Trees	
Caliper of Preserved Tree	Numbers of Trees Credited
Over 12 inches	3
8 to 12 inches	2
2 ½ to 8 inches	1
Note: Caliper measurement for existing trees is the diameter at a height of four and one-half feet above the natural grade (Diameter at Breast Height, D.B.H.).	

F. The following existing trees are not eligible for preservation credits:

5.15.13.F Trees not Eligible for Preservation Credits
Type of Tree:
Box Elder
Ash varieties
Apple
Willows
Hawthorn
Poplars
Malus (sp.)
Hackberry

5.15.13.F Trees not Eligible for Preservation Credits (cont.)
Type of Tree:
Silver Maple
Locust (sp.)
Autumn Olive
Scotch Pine
Buckthorn
Red Pine
European Alder
Norway Maple

14. Waiver of Modification of Standards. The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping or screening to meet the intent of this subchapter and Chapter. In making such a determination to waive or reduce the landscape or screening requirements of this subchapter, the following circumstances shall be considered:
    A. Extent that existing natural vegetation provides desired screening.
    B. There is a steep change in topography that would limit the benefits of required landscaping.
    C. The presence of existing wetlands.
    D. Existing and proposed building placement.
    E. The abutting or adjacent land is developed or planned by the City for a use other than residential.
    F. Building heights and views.
    G. The adjacent residential district is over 200 feet away from the subject site.
    H. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

5.16 SIDEWALKS

1. Intent. The intent of this subchapter is to protect and promote public health, safety, and welfare by specifying standards for design, development, and maintenance of a comprehensive non-motorized system to allow for enhanced access. Sidewalks, walkways and pathways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system.
2. Site Plan Review. For all developments requiring site plan review, the proposed sidewalk or pathway shall be shown on the site plan, which shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.
3. Sidewalks (public ROW). Sidewalks shall be required along both sides of all streets of all subdivision plats, condominiums, and multiple-family developments. Sidewalks shall also be required along all local, collector and arterial streets as defined in Section 2.2, Street. Sidewalks may be required in other locations as part of site plan review where the planning commission determines that they are needed for pedestrian traffic, safety or connectivity.

A. Location. Sidewalks shall be installed one foot from the property line, within the dedicated street right-of-way, private street access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement. Sidewalks shall align horizontally and vertically with existing sidewalks on adjacent lots. The Planning Commission has discretion to waive or modify the location of the sidewalk when it is not practical or an alternate design is necessary due to the existing site conditions.

4. Sidewalks (internal). Pedestrian access and connectivity from public rights-of-way shall be required for all new site plans. ✍

A. Accessways shall be provided between public sidewalks and principal building entrances, except one -family residential dwelling units.

B. Accessways shall provide pedestrian access through parking lots from public sidewalks to building entries in a safe and efficient manner. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.

C. Pedestrian accessways may be included in the calculation of open space required by this Ordinance.

D. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.

E. All designated pedestrian areas which pass through a parking or circulation area shall be clearly marked through pavement striping, alternative paving material or a stamped pattern or texture in the pavement.

F. Walkways shall be a minimum of five (5) feet in width and installed in accordance with the City's engineering design standards.

G. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along walkways to provide ample lighting during nighttime hours. This may be waived when street or parking lot lighting fixtures are deemed by the Planning Commission to be sufficient to adequately illuminate adjacent walkways.

H. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.

5.16.4 Pedestrian Access and Connectivity from Public Rights-of-Way

I. Planning commission has discretion to waive or modify this requirement when it is not practical or may not result in any pedestrian activity.

5. Pathways. An off-road shared use, non-motorized path, with paved surface or boardwalk, separate from the public road, may be required by the Planning Commission when a wider multi-surface use is desired, there are environmentally sensitive areas that require an alternate type of construction and/or the pathway would serve as a connection to an existing trail system shall be provided where required by the non-motorized transportation plan or designated open space
6. Construction Standards. All sidewalks shall be concrete, at least five (5) feet wide and constructed to the specifications of the Department of Public Works. Pathways shall be a minimum of ten (10) feet, or as designated by the City.
7. Crosswalks. An inclined approach shall be required where sidewalks and pathways intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required at intersections.
8. Modification. The Planning Commission may modify these width and location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.
9. Maintenance. It shall be the duty of the property owner to maintain and keep clear of obstructions public sidewalks or pathways on or adjoining property.
10. Deferment. A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Marshall that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit or other form of acceptable financial security to cover the cost of the installation of the sidewalk.
11. Performance Guarantees. The City may request performance guarantees in accordance with Section 7.10 Performance Guarantees.
12. Installation of Residential Sidewalks. Required sidewalks may be installed for a residential lot in a new residential subdivision or condominium after construction of the dwelling unit if the developer has posted a performance guarantee to cover the cost of all sidewalk installation. A certificate of occupancy for the dwelling shall not be issued until the required sidewalk is installed.

5.17 EXTERIOR LIGHTING

Subject to the provisions set forth herein, open space and recreational uses, all non-single family residential parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

1. Permitted Lighting. Only downward-directed, fully shielded, concealed-source lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjacent properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists. Fixtures attached to canopies or eaves of a building or structure shall be recessed and flush with the surface of the structure. Low voltage, upward-directed lighting for flags, landscaping or other decorative feature, with the exception of searchlights, may be permitted by the Planning Commission.
2. Required Conditions:
   A. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare unto adjacent properties and prevent adverse impacts on motorist visibility.✍
   B. Soffit or canopy lighting shall be installed so the lens cover is recessed and the fixture is flush with the building.✍

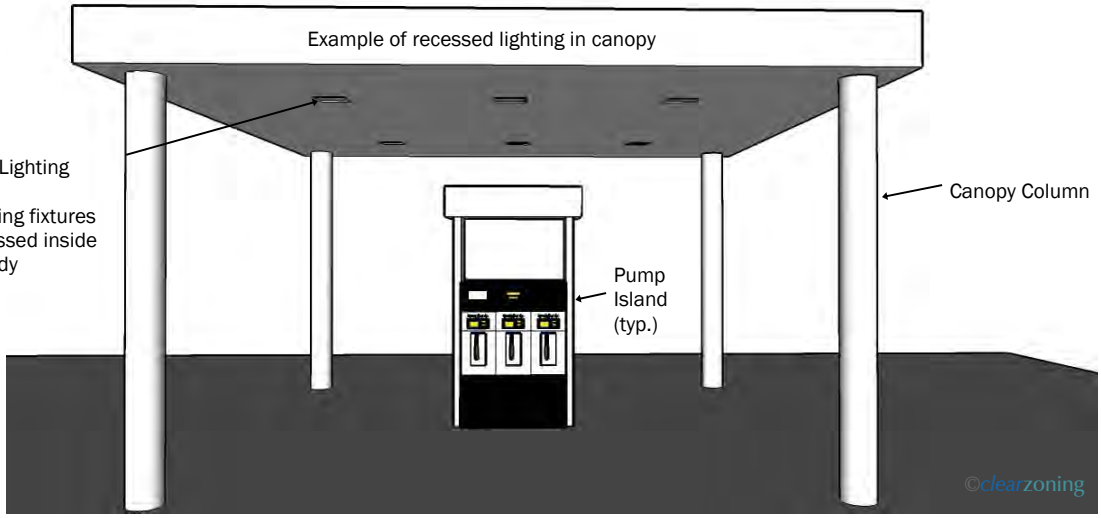
C. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of surface being lit. Illumination levels shall not exceed one foot-candle at any residential zoned or used lot or property line, nor ten foot-candle at any point within the site.

D. Height. Light fixtures shall be mounted in accordance with the following table. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture.

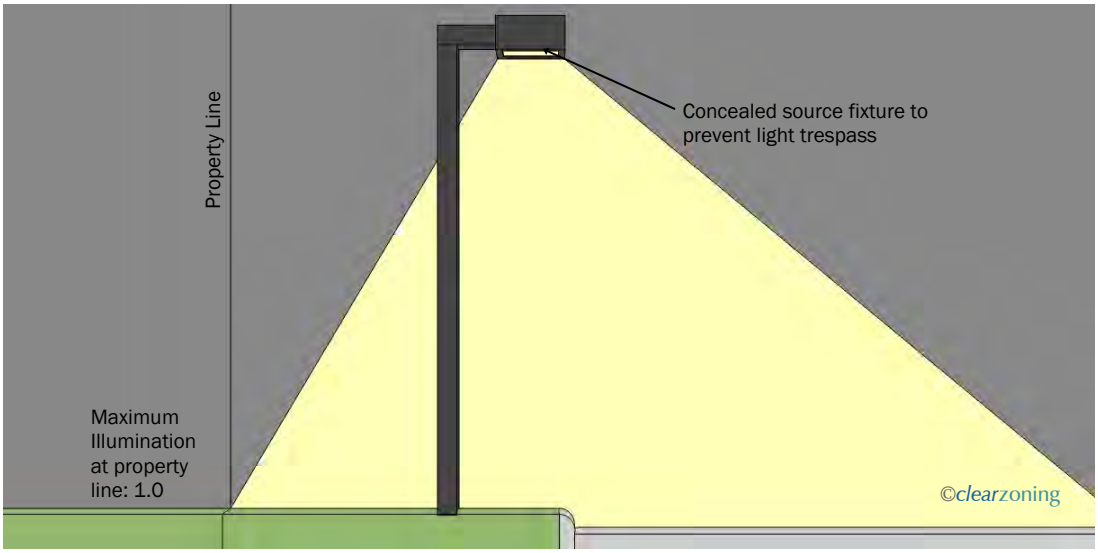
5.17.2.D Height to Top of Light Source	
District	*Height in feet*
B-3, PSP	15
POSD, B-4	20
I-1, I-2	25

3. Sign lighting. Sign illumination shall be in accordance with the regulations set forth in Section 5.1, Signs.
4. Subdivision Entrances. All subdivision and site condominium development road entrances shall be lighted and shall be subject to review by the Planning Commission.
5. Site Plan Requirements
   A. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.
   B. A detail of the lighting fixture, including manufacturer's specifications for shielding, wattage and illumination, shall be provided on a site plan. The location and height of all fixtures shall be noted on the site plan.
   C. A photometric plan shall be required showing all lighting levels and averages to determine compliance.
6. Modifications. The Planning Commission may modify the requirement for existing developed sites seeking modest expansions to bringing all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

5.17 PUMP ISLAND CANOPY LIGHTING



LIGHTING FIXTURE ORIENTATION AND SHIELDING



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Article 6.0
Development Procedures

Article 6.0 Development Procedures

6.1 Condominium Development Standards
6.2 Special Land Uses
6.3 Site Plan Review

6.1 CONDOMINIUM DEVELOPMENT STANDARDS.

1. The purpose of this Section is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Chapter, all other applicable City regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.
   A. Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Chapter as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the City's site development standards. The intent of this Section is to ensure that condominium subdivisions are developed in compliance with all applicable standards of this Chapter and the City's Code of Ordinances, except that the review procedures of this Section and Chapter shall apply.
   B. The intent of this Section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Section is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership. The condominium-related definitions contained in Section 2.2 are intended to make comparison possible between the definitions of this Chapter and the City's Code of Ordinances.
2. Application and authority. The following review process shall apply to all condominium projects within the City.
   A. Concurrently with notice required to be given to the City pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the City Clerk the following information with respect to the projects:
      i. All names, addresses, and telephone numbers of:
         a. Person, firms, corporations or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser;
         b. All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project; and
         c. The developer or proprietor of the project.
      ii. The total gross and net land area; and the legal description of the land, including tax identification numbers.
      iii. The intended use, including the number of lots, units or gross floor area of each use to be developed.
      iv. A copy of the proposed master deed.
   B. Condominium projects shall contain all information required by the Condominium Act (P.A. 59 of 1978, as amended).
   C. The information shall be filed with the Zoning Administrator at the time the information is filed with the City Clerk, and shall be kept current.
3. Approval of plans. All condominium plans shall be subject to Planning Commission review and approval in accordance with Section 6.3. In making a determination, the Planning Commission shall consult with City staff and attorney regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act (P.A. 59 of 1978, as amended).

4. Development and use standards. All condominium development shall conform to the requirements of this Chapter and the following:

   A. Streets.

      i. Internal streets within condominium projects shall comply with all street requirements adopted by the City.

      ii. To ensure a well-integrated local street network, the City may require all internal condominium development streets to be dedicated to the public. The Planning Commission shall require stub streets be provided for future extension to adjacent parcels.

   B. Easements. The condominium plan shall include all necessary public utility and public service easements granted to the City for the purpose of providing or maintaining public utility infrastructure and structures, pursuant to the adopted City engineering standards.

   C. Relocation of boundaries. The relocation of boundaries as defined in Section 148 of the Condominium Act (P.A. 59 of 1978, as amended) shall conform to all setback requirements of the district in which the project is located, and shall be submitted to the Planning Commission for review and approval. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

   D. Common elements. After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

   E. Encroachment. A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

   F. Conformance with subdivision regulations and construction standards. All condominium project plans shall conform to the plan preparation requirements, design layout, and construction standards as established within this Chapter or within the City's Code of Ordinances or within any adopted construction standards.

   G. Water and wastewater. The condominium project shall comply with and meet all federal, state, county, and City standards for a fresh water system and waste water disposal.

   H. Expansion and conversion. Expansion or conversion of a condominium project to additional land and new phase shall be subject to review and approval by the Planning Commission.

   I. Master deed. The project developer shall furnish the City with one copy of the proposed condominium master deed, one copy of bylaws and two copies of the condominium site plan.

      i. The proposed plan shall be reviewed for compliance with this Chapter and the City's Code of Ordinances.

      ii. An assessment mechanism shall be included in the master deed to guarantee adequate maintenance of common elements.

      iii. Master deeds submitted to the City for review shall not permit contraction withdrawal from responsibility for maintenance of common elements without re-submittal of the master deed to the City for review and approval.

      iv. Fees for these reviews shall be established by the City Council.

   J. As-built plan and occupancy. Submission of an as-built plan for a condominium unit shall be required prior to occupancy. The Building Official may allow occupancy of the project before all required improvements are installed, provided that a cash bond, letter of credit, or escrow fund is submitted to the City to provide for the installation of improvements without expense to the City.

   K. Final bylaws, consolidated master deed and site plan. Upon approval of the development the applicant shall furnish the City a copy of the approved bylaws. A copy of the master deed and proof of recording with the Calhoun County Register of Deeds office shall also be provided to the City. The approved site plan shall be provided in a paper format and electronic format acceptable to the City for incorporation into the City's geographical information system.

   L. Compliance with other statutes and ordinances. All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

6.2 SPECIAL LAND USES

1. Purpose.
   A. Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the City, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.
   B. This subchapter sets forth review procedures and standards for review and approval of special land uses. These procedures are instituted to provide an opportunity to use land or structure(s) for one or more activities that, under usual circumstances, could be detrimental to other permitted land uses. Such uses may be permitted under circumstances particular to the proposed location, subject to specific conditions or limitations that provide protection to adjacent land uses.
   C. These procedures are adopted to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Chapter, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, preserve the public health, safety, morals, and general welfare, and facilitate development in accordance with the land use objectives of the master plan.
2. Applications for Special Use Approval. Any person owning or having an interest in the subject property may file an application for one or more special land use permits, as provided for in this subchapter and the zoning district in which the parcel is situated. Application shall be submitted through the Zoning Administrator to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee, in accordance with the duly adopted schedule of fees to cover costs of processing the application.
3. Required Information. Every application shall be accompanied by the following information and data:
   A. Application and ownership information:
      i. The applicant's name and address.
      ii. A statement that the applicant is the owner of the property, acting on the owner's behalf, or a statement as to the nature of the applicant's interest in the property.
      iii. The name, address and current phone number of the owner of record, if the applicant is not the owner of record.
      iv. The address and parcel number of the property.
   B. Submittal of a site plan with any special use application, subject to the standards of Section 6.3. For developments less than an acre in size which do not abut residential property and do not propose any expansion of parking areas or building areas, staff may permit a site plan with reduced information requirements. In those cases, the applicant shall submit a scaled drawing accurately depicting the following minimum information:
      i. Property boundary and accompanying legal description.
      ii. Existing structures and uses thereof.
      iii. Location of all abutting streets, easements and similar public areas.
      iv. Existing zoning on the parcel and adjacent parcels.
   C. A detailed use statement describing all proposed activities for which the building and lot will be used, including proposed hours of operation, building capacity, and other characteristics of the use(s).
   D. The Planning Commission may require an analysis of the planning implications of the proposed use (s) or development. The analysis shall be carried out by planning, design, engineering and appraisal professionals and shall include, but need not be limited to the following topics:
      i. An analysis of the potential impacts of the proposed use(s) on abutting uses and the surrounding neighborhood, along with a description of proposed mitigation measures to address these impacts.

ii. Estimated population holding capacity and a brief analysis of the age structure of the estimated population for any residential land uses to be included in the proposed development, and a general description of the scope of any impacts on community facilities such as schools and parks.

iii. A traffic analysis that relates the trip-generating capacity of the proposed development to existing and projected traffic volumes and patterns on surrounding streets.

iv. An environmental assessment.

v. An analysis of project impact on municipal services and public utilities, including capacity in relation to proposed development, improvements necessitated by development and proposed means of financing needed improvements.

4. Planning Commission Public Hearing. The Planning Commission shall review the application for a special land use at its regular meeting upon publishing a notice and notifying property owners pursuant to Section 103 (General Provisions) of the Michigan Zoning Enabling Act (P.A. 110 of 2006).

5. Planning Commission Action. The Commission shall recommend approval, approval with conditions, or denial of the application based upon materials received and testimony recorded at the public hearing. Any motion by the Commission shall include a record of the recommended conditions to be imposed on the use, and the underlying findings supporting the Commission's determination. The conditions shall remain unchanged, unless an amendment to the special land use permit is approved in accordance with this subchapter. The Planning Commission recommendation shall then be forwarded to the City Council for final action.

6. City Council Action. Upon receiving the Planning Commission recommendation, the City Council shall consider and take final action on the special land use application. Any action by the City Council shall include a record of conditions imposed on the use, and the underlying findings supporting the final action.

7. Effect of Denial. No application for a special land use permit which has been denied by the City Council shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Administrator.

8. Issuance of Permit and Compliance by Applicant. Upon approval of the application for the special land use permit by the City Council, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for ensuring that any conditions attached to the approval of the special land use permit are followed and enforced. An applicant who is granted a special land use permit shall comply with the site plan review procedures contained in this subchapter.

9. Validity of Special Land Permit. Approval of a special land use permit shall be valid regardless of change of ownership, provided that the new owner complies with all terms and conditions. Said permit shall be placed on file with the Zoning Administrator.

   A. Where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically become null and void, and all rights hereunder shall terminate. Upon written application filed 30 days prior to the termination of the one year period, the Commission may authorize a single extension of the time limit for a further period of not more than one year.

   B. Any use for which a special land use permit may be granted shall be deemed a use permitted in the district in which such use is located, provided:

      i. Such permit was issued in conformity with the provisions of this subchapter;

      ii. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

10. Standards for Special Use Approval. Special land uses shall conform to all applicable requirements of this subchapter and Chapter. Approval of a special condition use shall be based upon the determination that the proposed use complies with all applicable requirements of this Chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:

   A. The proposed use shall be in accordance with the City Master Plan and the intent and purpose of this subchapter.

B. A documented and immediate need exists for the proposed use within the community.

C. The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

D. The proposed use shall be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands.

E. The proposed use shall be compatible with the natural environment.

F. The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

G. The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

11. Conditions, Safeguards and Performance Bond. Prior to granting any special land use permit, the City Council, on advice from the Planning Commission, may impose any additional conditions or limitations upon the establishment, location, design, construction, maintenance or operation of the use authorized by the special land use permit deemed necessary for protection of the public interest.

A. Said conditions and limitations may be for the purpose of:

i. Ensuring that public services and facilities can accommodate increased demands caused by the land use.

ii. Protecting the natural environment, conserving natural resources, and promoting the conservation of energy.

iii. Promoting uses of land in a socially and economically desirable manner.

iv. Ensuring compatibility with adjacent land uses.

B. Conditions imposed may include those which will:

i. Protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land under consideration, adjacent landowners and the community as a whole.

ii. Be related to a valid use of State of Michigan enabling legislation.

iii. Be related to purposes impacted by the land use.

iv. Be necessary to meet the purpose of this subchapter.

v. Be related to standards contained in this subchapter.

vi. Be necessary to ensure compliance with the standards of this subchapter.

C. In authorizing a special land use permit, the City Council may require that the developer furnish a performance bond, letter of credit or other financial guarantee in a form and amount acceptable to the City Attorney.

D. All plans, specifications and statements submitted with the application for a special land use permit shall become, with any changes ordered by the City Council, shall be considered part of the conditions of any special land use permit approval.

12. Compliance Required. It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Chapter and all conditions of special land use approval until the use is discontinued.

A. Failure to comply with the provisions of this subchapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.

B. The Zoning Administrator shall make periodic investigations of developments authorized by the special land use permit to determine compliance with all permits and ordinance requirements.

13. Rescinding Approval. Approval of a special land use may be rescinded by the City Council upon determination that the use has not been improved, constructed or maintained in compliance with this Chapter, approved permits, site plans, or conditions of special land use approval. Such action shall be subject to the following:
    A. Public hearing. Such action may be taken only after a public hearing has been held in accordance with Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
    B. Determination. Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the owner or designated agent.
14. Appeals. The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations. Any person aggrieved by the decision of the City Council in the granting or denying a special land use permit shall have the right to appeal said decision to the Circuit Court of Calhoun County.
15. Amendment of a Special Land Use Permit.
    A. Any person or agency that has been granted a special land use permit shall notify the Zoning Administrator of any proposed amendment to the special land use permit. The Zoning Administrator shall notify the Planning Commission in writing of the amendment. A copy of said amendment shall be placed in the original special use permit file. Amendments to a special land use permit shall be subject to the same review and approval procedures and standards as a new application for special land use approval.
    B. A major amendment to a special land use permit shall comply with the filing procedures contained in sections herein. An expansion or increase in intensity of use shall constitute a major amendment to a special land use permit. A major amendment to a permit may consist of, but shall not be limited to, the following actions:
        i. The addition of land to the legal description of original permit;
        ii. The establishment of another use or uses; and/or
        iii. The addition of more dwelling units.

6.3 SITE PLAN REVIEW

1. Purpose. The purpose of this subchapter is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Chapter and other applicable codes and ordinances. It is the further purpose of this subchapter to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby lots and uses, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.
2. Scope. In accordance with the purpose of this subchapter and prior to a building permit being issued, a site plan shall be submitted for review and approval by the Planning Commission for the following types of uses and development-related activities:
    A. Any use or development for which the submission of a site plan is required by any provision of this Chapter.
    B. All uses subject to special land use approval.
    C. Any use or development for which off-street parking areas are required under Section 5.14, except for single- and two-family dwelling units on a single lot
    D. All permitted use, new construction, development, or any change of use of land or structure(s) in any zoning district lying contiguous to or across the street from a single- or two-family residential district.
    E. All residentially related uses permitted in a one-family district such as, but not limited to institutional uses or public facilities.

F. Any new use, building addition, or accessory structure that requires additional off-street parking to that already provided on the site in accordance with Section 5.14.

G. Site plans for subdivisions and site condominium developments.

H. All uses not otherwise included within a specific use district.

I. Any use or development for which the Zoning Administrator determines that Planning Commission review of a site plan is necessary to determine compliance with the requirements and standards of this Chapter, in accordance with the purpose of this subchapter.

3. Minimum Site Plan Information Required. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Planning Commission for compliance with the minimum standards of this Chapter. The following information shall be included on the site plan:

A. Plans submitted for site plan review shall be stamped by a design professional licensed by the State of Michigan such as a landscape architect, architect, or civil engineer.

B. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 inches by 36 inches, not to exceed one inch equals 50 feet. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.

C. Date, north arrow scale, existing zoning, zoning of adjacent properties, legal description of the property, easements, and the names and addresses of the architect, planner, designer, or civil engineer responsible for the preparation of the site plan.

D. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and a boundary survey of the parcel.

E. The location, height and dimensions of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.

F. A finished floor elevation and exterior building elevation drawing shall be submitted with the site plan.

G. The location of all existing and proposed drives, walks and parking areas.

H. The location and right-of-way widths of all abutting streets and alleys.

I. The location and size of all existing and proposed sanitary sewer lines, water lines, and storm drainage facilities must be shown.

J. The location and size of all existing and proposed electric, natural gas, telephone, cable TV and solid waste disposal facilities must be shown.

K. The location, height area of illumination and fixture details of all existing and proposed lighting shall be provided. All lighting shall be located and oriented to have minimal impact on adjacent properties.

L. The size, height, location and illumination of all existing and proposed signs shall be provided to insure ordinance compliance.

M. The location of existing natural features such as wooded areas, floodplains, wetlands, drainage courses, and a topographic survey of spot elevations of the site.

N. Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in compliance with this Chapter.

O. The Planning Commission may waive any of the foregoing requirements determined unnecessary for site plan review purposes.

4. Site Plan Review Procedure. Site plans shall be reviewed in accordance with the following:

A. Pre-application meetings. To minimize time, costs and interpretation of City development requirements, applicants are encouraged to meet informally with the Zoning Administrator and other City officials to discuss a conceptual site plan, site issues and application of Chapter standards, prior to submitting site plans for formal review.

i. Any person may also request that a conceptual site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall have sufficient detail to permit the Planning Commission to determine relationships of the site to nearby land, adequacy of landscaping, open space, access, parking, and other facilities.

ii. Comments and suggestions by the City regarding a conceptual site plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions in preparing for formal submittal or review of a site plan.

B. Application submittal requirements. The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City. The site plan shall contain all of the information and site details required by Section 6.3.3. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.

C. Technical review. Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated City consultants for review and comment.

D. Planning Commission consideration of the site plan. The Planning Commission shall review the site plan, together with any reports and recommendations from City officials, staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Chapter and the standards of Section 6.3.12. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

i. Postponement. Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

ii. Denial. Upon determination that a site plan does not comply with the standards of this Chapter or would require extensive revisions to comply with such standards, the site plan may be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or the applicant's designated representative to attend two or more meetings shall be grounds for the Planning Commission to deny site plan approval.

iii. Approval. Upon determination that a site plan is in compliance with the standards and regulations set forth in this Chapter, the site plan shall be approved.

iv. Approval subject to conditions. The Planning Commission may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, ensure compatibility with adjacent land uses or otherwise meet the intent and purpose of this Chapter. Such conditions may include the need to obtain variances or approvals from other agencies.

E. Recording of site plan action. Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Planning Commission's action. The Zoning Administrator, Planning Commission Chair or Secretary shall mark and sign at least two copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. At least one copy shall be kept on file in the City, and one shall be returned to the applicant.

5. Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

6. Construction Plans. When detailed construction or engineering plans are required by the City, county or other agency with jurisdiction, the applicant shall submit copies of such plans to the City for review and approval. The Zoning Administrator or designated consultant shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

A. Where construction or engineering plans are not consistent with the approved site plan, the Zoning Administrator or designated consultant shall direct the applicant to revise the plans to conform to the approved site plan.

B. Where specific engineering requirements or conditions require an alteration from the approved site design, such construction or engineering plans shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

7. Approval of Phased Developments. The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

A. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.

B. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.

C. Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with Section 6.3.11.

8. Site Plan Resubmission. A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the Planning Commission shall review the amended site plan as if it were a new application, per Section 6.3.4.

9. Site Plan Expiration. Site plans shall expire 365 calendar days after the date of approval, unless the construction plan for the project has been submitted to the City for review. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one extension of final approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, the approved site plan remains in conformance with all applicable provisions of this Chapter and any required fees have been paid.

10. Rescinding Approval of Site Plans. Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:

A. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

B. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.

11. Revisions to Approved Site Plans.

A. The Zoning Administrator may administratively review and approve minor modifications to approved site plans that will not significantly alter or will conflict with the conditions of the site plan approval, materially alter the approved site design, increase the intensity of use or alter anticipated demand for public services. The Zoning Administrator shall provide a copy of any approved, minor modifications to the Planning Commission.

B. Revisions to an approved site plan not considered by the Zoning Administrator to be minor shall be reviewed by the Planning Commission as an amended site plan, per Section 6.3.4. A revised plan will be reviewed the same as a new application.

12. Standards for Site Plan Approval. The Planning Commission shall consider the following standards in the process of reviewing any site plan for approval:

A. Adequacy of information. The site plan information is complete, accurate, and in an understandable form that accurately depicts and describes the proposed development.

B. Site appearance and preservation. The site layout promotes the normal and orderly development of surrounding lots, and the development layout preserves, to the extent feasible, the site's natural, cultural, and historical features, such as but not limited to significant buildings, wetlands, topography, and woodlands.

C. Pedestrian access. Existing and proposed sidewalks or pedestrian pathways connect to existing and planned public sidewalks and pathways in the area, and comply with applicable barrier-free access standards.

D. Vehicular circulation. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets, and to promote safe and efficient traffic circulation.

E. Parking and loading. Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.

F. Building composition. Building design and architecture are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.

G. Screening. Adequate screening elements have been provided to buffer or separate unlike or conflicting land uses, and to screen off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from abutting residential districts and street rights-of-way.

H. Exterior lighting. All exterior lighting fixtures are designed and arranged to minimize glare and light trespass, prevent vision impairments, and maximize security.

I. Impact upon public services. The impact upon public services (including utilities, streets, police and fire protection, emergency access, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.

13. Compliance with an Approved Site Plan. It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.

A. Failure to comply with the provisions of this Section shall be a violation of this Chapter, and shall be subject to the penalties specified under this Chapter.

B. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

Article 7.0 Administration, Appeals and Enforcement

Article 7.0 Administration, Appeals and Enforcement

7.1 Amendments
7.2 Use of Buildings and Land
7.3 Permits Required for Excavations; Bonds
7.4 Moving of Buildings
7.5 Ownership of Two-Family Residential Buildings
7.6 Withholding of Approval
7.7 Nonconforming Uses, Lots, and Structures
7.8 Zoning Board of Appeals
7.9 Administration and Enforcement
7.10 Performance Guarantees

7.1 AMENDMENTS.

Amendments or supplements to the text of this Chapter or the boundaries of zoning districts shown on the official zoning map may be made from time to time by ordinance of the City Council in the manner provided by this Section and the Michigan Zoning Enabling Act (P.A. 110 of 2006).

1. Amendment procedure. Amendments may be initiated by the City Council on its own motion, by the Planning Commission, or by petition of a property owner or their designated representative. The procedure to be followed for initiating and processing an amendment shall be as follows.
2. Application. Each petition by one or more persons for an amendment shall include a complete and accurate application, along with the required fee established by City Council. For amendments to the official zoning map, the following information shall accompany the application and fee:
   A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
   B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
   C. The existing and proposed zoning district designation of the subject property and surrounding properties.
   D. A written description of how the requested amendment meets the criteria stated in this Section.
3. Community impact assessments. The Planning Commission or City Council may require submission of a general impact assessment by the applicant for any rezoning to assist in determining whether the proposed zoning change would have a negative impact upon traffic, public facilities, street capacity, neighborhoods, the downtown business district, historic structures, utilities, natural characteristics, populations density, or other concerns. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant. The minimum contents of this impact assessment shall be the following:
   A. Qualifications of preparer. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment, and a brief statement of their qualifications.
   B. Site description. An area plan or aerial photograph illustrating the entire site and nearby properties, overlaid with illustrations of adjacent land uses, zoning, public roads, utilities, significant woodlands, soil types, 100-year floodplains, drains and general topography. The area described shall be within one-quarter mile for sites up to 20 acres, and within one mile radius for larger sites.
   C. Conceptual site plan. Illustration of the general layout and phasing of proposed uses upon which the impact analysis is based.
   D. Land use impacts. Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how any proposed uses conform or conflict with existing and planned development patterns, neighborhoods, the downtown business district, historic structures, population density, and other land use concerns.
   E. Environmental impact. Description of any expected environmental impacts on site and area natural features, including any increases in light, noise or air pollution which could negatively impact adjacent properties. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control drainage, soil erosion, and sedimentation during and after construction. Documentation by a qualified wetland specialist shall be required wherever regulated wetland may be impacted by the proposed project.
   F. Impact on public facilities and services. Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to area fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.

G. Utility impacts. Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.

H. Other impacts. The Planning Commission or City Council may modify the scope of any community impact assessment, upon determining that certain information is not necessary for review or that additional information is needed to make a determination on the particular rezoning request.

4. Public hearing. A notice shall be given pursuant to Section 103 and Section 202 of the Michigan Zoning Enabling Act (110 of 2006).

5. Planning Commission recommendation. The Planning Commission shall review each proposal in terms of particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. Following review, the Planning Commission shall submit their recommendation and findings to the City Council.

6. City Council consideration. The City Council will act upon the request by granting approval, disapproval, or referral to the Planning Commission for additional study. Upon presentation of a protest petition meeting the requirements of this subsection, the proposed chapter amendment shall be passed only by a two-thirds vote of the City Council. The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one of the following:

   A. The owners of a least 20% of the area of land included in the proposed change.

   B. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

7. Effect of denial. No amendment application that has been wholly or in part denied shall be resubmitted until the expiration of one year or more from the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration.

8. Rezoning criteria. For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Council shall use the following as a guide:

   A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.

   B. The property cannot be reasonably used as zoned.

   C. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

   D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.

   E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.

   F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City.

   G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

   H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

   I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

   J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

9. Amendment in conformance with a court decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

7.2 USE OF BUILDINGS AND LAND.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged, for any purpose other than is permitted in the district in which the building or land is located. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

7.3 PERMITS REQUIRED FOR EXCAVATIONS; BONDS.

1. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products is not permitted in any zoning district, except under a permit issued by the agency having jurisdiction. Such uses of land shall be in accordance with a topographic plan, approved by the City, which shall be drawn at a scale of not less than 50 feet equals one inch, and shall show existing and proposed grades, topographic features, and such other data as required by the City.
2. Such permits may be issued by the City, upon the filing with the application of a cash bond or letter of credit sufficient to rehabilitate the property upon default of the applicant. This regulation shall not apply to normal soil removal for minor excavations related to basement, foundation, swimming pool or similar work, provided approvals or permits have been secured.

7.4 MOVING OF BUILDINGS.

No structure that has been wholly or partially erected on a lot shall be moved to or placed upon any other lot in the City until in compliance with § 150.095 of the City Code of Ordinances and the State Construction Codes or Michigan Rehabilitation Code for Existing Buildings and all fees are paid.

7.5 OWNERSHIP OF TWO-FAMILY RESIDENTIAL BUILDINGS.

Ownership of any two-family residential building shall be required to be retained under single ownership. Ownership of the building may not be divided, except through condominium approval in accordance with Section 6.1 and the Condominium Act (P.A. 59 of 1978, as amended). If more than one owner shall own the two-family building, each individual owner shall be responsible for the entire building and use thereof.

7.6 WITHHOLDING OF APPROVAL.

The Planning Commission, Zoning Board of Appeals, or City Council may withhold granting of approval of any use, site plan, planned unit development, special land use, variance, or other approval required by this Chapter for which they are authorized to approve, pending the approval of any other governmental agency as authorized by law.

7.7 NONCONFORMING USES, LOTS, AND STRUCTURES

1. Intent.
   A. It is recognized that there exists within the districts established by this Chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Chapter was passed or amended that would be prohibited or regulated under the terms of this or future amendments.

B. It is the intent of this subchapter to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this subchapter to be incompatible with permitted uses in the districts in which they are located. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

C. A nonconforming use of a structure, a land, or combination thereof shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from off premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

D. It is recognized that some pre-existing nonconforming uses or structures, while not in conformance with the requirements of the zoning district in which located, are not detrimental to the neighborhood where the activity or structure has been in use for many years and long accepted. An extension or expansion of such uses may, in some cases, not be detrimental to the neighborhood. Further, it is recognized that the continuation of a pre-existing nonconforming use as it presently exists may be quite detrimental to the neighborhood, but could be voluntarily changed to some other use by the property owner which, although not a use allowable in the zoning district, would be considerably less offensive than the present use; and, therefore, a desirable goal for improvement of the community.

E. Accordingly, it is the expressed intent of this Chapter to authorize wide latitude to the Planning Commission to aid in reviewing and resolving problems associated with nonconforming uses and structures, and to grant to the Planning Commission discretionary authority to provide for the reasonable resumption, restoration, reconstruction, extension or substitution of nonconforming uses or structures as legal special land uses when the requirements and standards set forth hereafter are satisfied.

2. General Standards. The following general standards shall apply to all nonconformities.

A. Structure and land in combination. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

B. Unlawful uses or structures. Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Chapter. Those uses or structures that cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Chapter shall be declared unlawful, and shall be immediately discontinued and removed.

C. Change of tenancy or ownership. There may be a change of tenancy, ownership, or management of any nonconforming use, structure or lot.

D. Acquisition of nonconforming uses. To accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the city, pursuant to Section 208(3) of the Michigan Zoning Enabling Act (P.A. 110 of 2006), may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity.

E. Application to previously filed plans. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved, provided it is completed within one year of such date.

F. Safety repairs. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by an official charged with protecting pubic safety, upon order of such official. However, if a nonconforming structure, or any portion of a structure containing a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the City to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

3. Nonconforming Lots.

A. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other restrictions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record (as defined in Section 2.2) at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet requirements for lot area or lot width, provided that the yard, lot and structures shall otherwise conform to the regulations of the district in which such lot is located.

B. If two or more lots or combination of lots with contiguous frontages in single ownership are of record at the time of adoption or amendment of this Chapter, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots shall be considered one parcel for the purposes of this Chapter. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements of this Chapter, nor shall any division of any parcel be made which creates a lot with width or area less than the requirements of this Chapter. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

C. Upon application, the Zoning Administrator may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Chapter, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Chapter.

4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. Alterations. No such structure may be enlarged or altered in a way that increases its nonconformity. Such structures may be enlarged or altered in a way that does not increase its nonconformity.

B. Relocation. Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after is relocated or moved.

C. Repairs. Nothing in this Chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Chapter.

i. Any nonconforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within 12 months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing nonconforming structure and the repairs have commenced within six months of the date the structure was damaged.

ii. Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the damaged structure is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

5. Nonconforming Uses. If a lawful use of a structure, or use of structure and land in combination, exists at the effective date of adoption or amendment of this Chapter, that would not be permitted in the district under the terms of this Chapter, the use may be continued so long as it remains otherwise lawful subject to the following provisions:

   A. Alterations. No nonconforming use of land, except residential dwellings, shall hereafter be enlarged, extended, reconstructed, moved or structurally altered beyond its present building confines. A nonconforming use of land may, however, be expanded or extended within its present building confines. Furthermore, a residential nonconforming use may be expanded or extended up to 25% of the ground floor area of the existing residence.

   B. Extension throughout building. Any nonconforming use may be extended through any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any additional land outside such building.

   C. Change of use. If no structural alterations are made, any nonconforming use may be changed to another nonconforming use of the same or a more restricted classification, subject to the following:

      i. The Zoning Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

      ii. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this subchapter.

      iii. Where a nonconforming use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

   D. Replacement by a conforming use. When a nonconforming use is replaced by a permitted use, all uses of the land or structure(s) shall thereafter conform to the regulations for the zoning district, and the nonconforming use shall not thereafter be resumed.

   E. Discontinuance or termination. When a nonconforming use is discontinued or ceases to exist for 365 calendar days, the use shall not thereafter be re-established or renewed except in conformance with the regulations of the district in which the land or structure is located.

      i. Structures occupied by seasonal uses shall be excepted from this provision.

      ii. Appeals for continuation of such uses shall be taken to and determined by the Zoning Board of Appeals.

         a. The owner of the property upon which the nonconforming use is located shall be entitled to submit proof of intent to the Zoning Board of Appeals to continue the use to rebut the presumption of abandonment; however, the burden of such proof shall rest upon the property owner.

         b. If the Zoning Board of Appeals determines that the owner did not intend to abandon the right of continuation of the nonconforming use, the owner shall be entitled to resume the use previously made.

   F. Repairs to a nonconforming use. Work may be done on any building devoted in whole or in part to any nonconforming use, including ordinary repairs, improvement, or modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation or wear. Such activities shall not increase the gross floor area, height, and ground floor area of the existing building. Repairs shall be in accordance with an approved and valid building permit, and the work has continued without interruption to completion.

   G. Compliance with other applicable standards. Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

      i. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.

ii. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the City to seek court approval to terminate or remove the use at the owner's expense.

6. Nonconforming Use Determinations. This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, with specific findings identified and a copy of the written record of the determination placed in the property file. Such determinations shall be subject to the following:

A. Standards for determining that a use is nonconforming. The Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three statements are true:

i. The use does not conform to the purpose and use regulations of the district where it is located.

ii. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.

iii. Evidence from a minimum of three of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Chapter:

a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.

c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.

d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.

e. Dated aerial photos from local, county, regional, state or federal government sources, or other sources accepted by the Zoning Board of Appeals.

f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for determining that a nonconforming use has ceased. The Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three of the following six statements are true:

i. Local, county or state government files or records show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

ii. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.

iii. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

iv. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.

v. Dated aerial photos show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to aerial photos from local, county, regional, state or federal government sources, or other sources accepted by the Zoning Board of Appeals.

vi. Other relevant information shows that the nonconforming use has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

7.8 ZONING BOARD OF APPEALS

1. Creation and Membership. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in Article VI of the Michigan Zoning Enabling Act (P.A. 110 of 2006), and in such a way that the purposes and objectives of this Chapter shall be observed, public safety secured, and substantial justice done.

   A. Membership. The ZBA shall consist of five members and two alternate members appointed by the City Council. The compensation of the appointed members of the ZBA may be fixed by the City Council. Appointments shall be as follows: One member appointed for a period of one year; two members appointed for a period of two years; and two members appointed for a period of three years, respectively; thereafter each member to hold office for the full three year term.

      i. The alternate members shall be appointed to serve for a term of three years. One of the two alternates may be a member of the City Council.

      ii. Any vacancies in the ZBA shall be filled by appointment by the City Council for the remainder of the un-expired term.

   B. Organization. The ZBA shall annually elect its own Chair to preside over meetings, along with a Vice-Chair and a Secretary.

   C. Alternate. The alternate member may sit as a regular member of the ZBA in the absence of a regular member, with the same voting rights as the regular member, except shall not serve as chair. The alternate may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Having been appointed, the alternate member shall serve in the case until a final decision has been made.

2. Meetings. All meetings of the Zoning Board of Appeals (ZBA) shall be held at the call of the Chair and at such times as such ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The City Clerk or designated representative shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four members of the ZBA shall constitute a quorum for the conduct of its business. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

3. Applications, Procedures and Jurisdiction. All applications and appeals to the Zoning Board of Appeals (ZBA) and actions by the ZBA shall be in accordance with the following:

   A. Applications. Applications to the ZBA shall be filed with the City, with payment of the appropriate review fee established by City Council. At a minimum, applications shall include the following:

      i. The applicant's name, address, and contact information; and the address and location of the property involved in the request.

      ii. Zoning classification of the subject parcel(s) and all abutting parcels.

      iii. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.

iv. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this subchapter for the type of request.

v. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

B. Hearings. The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

C. Written record. Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case.

D. Concurring vote required. The concurring vote of a majority of the total ZBA membership (three out of five members) shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; and to grant a variance from any non-use or dimensional standard of this zoning ordinance. The concurring vote of a two-thirds super-majority of the total ZBA membership (four out of five members) shall be necessary to grant a use variance from the use provisions of this Chapter.

E. Notices.

i. For a variance requested under Section 7.8.7 notice shall be given pursuant to Section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) as follows:

a. The notice shall be published in a newspaper of general circulation within the City.

b. Notice shall be sent by mail or personal delivery to the property owners for which approval is being considered and to all persons to whom real property is assessed within 300 feet of the property in question and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the tenant's name is not known, the term "occupant" may be used.

c. The notice shall do all the following:

(1) Describe the nature of the request.

(2) Indicate the property that is the subject of the request. The notice shall include a listing all existing street address within the property.

(3) State when and where the request will be considered.

(4) Indicate when and where written comments will be received concerning the request.

ii. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision under Section 7.8.4 or Section 7.8.5. A notice shall be given pursuant to Article VI, Section 602(5) of the Michigan Zoning Enabling Act (P.A. 110 of 2006) as follows:

a. The notice shall be published in a newspaper of general circulation within the City not less than 15 days before the public hearing.

b. Notice shall be sent to the person requesting the interpretation not less than 15 days before the public hearing.

c. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If the tenant's name is not known, the term "occupant" may be used.

F. Fees. The City Council may from time to time prescribe and amend by resolution reasonable fees to be charged to applicants for appeals to the ZBA. At the time the notice for appeal is filed the fee(s) shall be paid to the City Treasurer.

G. Jurisdiction. The ZBA shall have power to act on those matters where this Chapter provides for review. Such powers shall include:

i. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provision of this Chapter, subject to the provisions of Section 7.8.4.

ii. Interpretation of zoning ordinance provisions. To hear and decide requests for interpretations of zoning ordinance provisions or the official zoning map, subject to the provisions of Section 7.8.5 and 7.8.6.

iii. Variances. To authorize, upon an appeal, a variance from the strict application of the provisions of this Chapter, subject to the provisions of Section 7.8.7.

iv. Exceptions and other actions. To hear and decide requests for exceptions and other matters upon which this Chapter or the Michigan Zoning Enabling Act (P.A. 110 of 2006) specifically authorize the ZBA to act, subject to the provisions of Section 7.7.8.

4. Administrative Appeals. The Zoning Board of Appeals (ZBA) shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the zoning ordinance. Consideration of administrative appeals shall be subject to the following:

A. Standing to appeal. Such appeals may be taken to the ZBA by any person, firm or corporation; or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the ZBA by general rule, by filing with the Zoning Administrator and the ZBA a notice of appeal, specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.

B. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, the proceedings shall not be stayed other than by a restraining order issued by a court of record.

C. Review criteria for administrative appeals. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision, or determination:

i. Constituted an abuse of discretion;

ii. Was arbitrary or capricious;

iii. Was based upon an erroneous finding of a material fact; or

iv. Was based upon an erroneous interpretation of the zoning ordinance.

D. Actions. After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Chapter. In doing so, the ZBA shall exercise all authority granted by this Chapter to the person or body from whom the appeal is taken.

5. Interpretation of Zoning District Boundaries. Where an ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals (ZBA) shall have the power to interpret the zoning map in such a way as to carry out the intent and purpose of the City Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:

A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.

B. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.

C. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.

D. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the ZBA shall interpret the district boundaries.

6. Interpretation of Zoning Ordinance Provisions.

A. The Zoning Board of Appeals (ZBA) shall have the power to hear and decide requests for interpretations of zoning ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Chapter and master plan.

B. Further, in recognition that every potential use cannot be addressed in this Chapter, the ZBA shall have the authority to determine whether a proposed use not listed in this Chapter is similar to a principal or special land use permitted by this Chapter, subject to the following:

i. Prior to making such a determination, the ZBA must find that the principal or special land use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses.

ii. The ZBA may determine that the use is (or is not) similar to a use listed in this Chapter, or may recommend to the City Council that the proposed use be addressed through an amendment to this Chapter.

iii. If it is determined that there is no similar use listed in this Chapter, the use shall be prohibited.

iv. If it is determined that the proposed use is similar to a use listed in this Chapter, the proposed use shall comply with any conditions or special land use standards that apply to the listed use.

v. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Chapter, to protect the health, safety, or welfare, or to preserve the social and economic well being of adjacent residents and landowners, or the City as a whole.

7. Variances. The Zoning Board of Appeals (ZBA) shall have the authority to grant variances from specific requirements of this Chapter in accordance with Article VI of the Michigan Zoning Enabling Act (P.A. 110 of 2006) and the provisions of this subchapter. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Chapter.

A. Dimensional variances. The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Chapter shall require a finding of practical difficulties, based upon the following criteria:

i. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

ii. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

iii. The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.

iv. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

v. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

vi. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

B. Use variances. The granting of a variance from the use provisions of this Chapter shall require a finding of unnecessary hardship, based upon the following criteria:

i. The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the ZBA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.

ii. The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.

iii. The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the chapter and zoning district will be preserved, and the essential character of the area will be maintained.

iv. The hardship is not the result of the applicant's actions. Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

8. Exceptions. The Zoning Board of Appeals (ZBA) shall have the authority to hear and decide requests for exceptions on which this Chapter specifically authorizes the ZBA to pass. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Chapter, including the following:

A. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.

B. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

C. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

D. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the City, and for periods not to exceed 180 calendar days in developed sections.

E. Permit, upon proper application, temporary uses that do not require the erection of any capital improvement of a structural nature and are not otherwise permitted in the zoning district. This shall also exclude those temporary uses regulated by Section 5.3 and Section 4.57. The ZBA, in granting permits for the above temporary uses, shall do so under the following conditions:

i. Such temporary permits shall not exceed 365 calendar days. The ZBA may, upon written request, grant one extension of up to an additional 365 calendar days, provided that the use has been maintained in accordance with all conditions of approval, and that the City receives the request prior to the permit expiration date.

ii. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

iii. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

iv. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City, shall be made at the discretion of the ZBA.

v. In classifying uses as not requiring capital improvement, the ZBA shall determine that they are either de-mountable structures related to the permitted use of land; recreation developments such as, but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.

vi. The use shall be in harmony with the general character of the district.

vii. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Chapter. Further, the ZBA shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

9. Limitations of Authority. The following specific limitations shall apply to the authority of the Zoning Board of Appeals:

A. Expiration of approval. No order of the ZBA permitting the erection or alteration of a structure, or use of a structure or land, shall be valid for a period longer than 365 calendar days, unless a building permit for such erection or alteration is obtained within such period, or the use is lawfully established within such period.

B. Limitations on review. The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or City Council regarding amendments to this Chapter, special land uses or planned unit developments (PUD).

C. Code changes prohibited. The ZBA shall not have the authority to alter this zoning ordinance or Map.

7.9 ADMINISTRATION AND ENFORCEMENT

1. Administration. Authority and responsibility for the administration and enforcement of all provisions of this Chapter shall be as follows:

A. City Manager authority and responsibilities. The City Manager, as chief administrative official for the City, shall have the ultimate responsibility for administrative oversight and enforcement of this Chapter.

B. Zoning Administrator responsibilities. The Zoning Administrator and any other City officials or agents duly authorized administrative or enforcement officials shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Chapter, as delegated by the City Manager or as directed by the City Council for the purpose of implementing these regulations.

i. Under no circumstances shall the Zoning Administrator authorize changes to, vary from or ignore the terms of this Chapter in carrying out designated duties. The Zoning Administrator shall be required to administer and enforce the zoning ordinance precisely as written.

ii. The Zoning Administrator shall have the authority to approve zoning permits and take other actions as authorized by this Chapter, and to make inspections of buildings or premises necessary to carry out the administrative and enforcement duties of this Chapter.

iii. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or other approvals under this Chapter unless such plans have been determined to conform to all applicable provisions of this Chapter.

iv. The Zoning Administrator shall not refuse to approve a zoning permit upon determination that the permit applicant has complied with all conditions imposed by this Chapter, despite violations of private contracts, covenants or private agreements that may occur upon the approval of the permit.

2. Zoning Permits. It shall be unlawful for any person to commence excavation for any structure, commence the erection, addition, alteration or repair of any structure or parking area, or repair or move any structure. No land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon written order of the Zoning Board of Appeals, no such zoning permit shall be issued for any structure or use would be in violation of any provision of this Chapter.

A. Zoning permit application. Application for a zoning permit shall be filed in writing with the City signed by the person, firm, co-partnership or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. Prior to submitting an application for new construction, all corners of the property and the corners of the proposed structure(s) shall be staked. There shall be submitted with all applications for zoning permits one copy of a site or plot plan, giving accurate dimensions on either a scale drawing or a reasonably dimensioned sketch. All applications shall include the following information:

i. Legal description.

ii. Existing and intended use of the structure.

iii. Lines and dimensions of the lots to be used.

iv. Location upon the lot of all existing and proposed structures and any streets bordering the property.

v. Evidence of ownership of all property affected by the coverage of the permit.

vi. Evidence that all required federal, state and county licenses or permits have been secured where deemed necessary for zoning permit approval.

vii. Evidence that any public infrastructure complies with the City's construction standards.

viii. Written approval of the water supply and sewage disposal extensions, leads or facilities, when required, from the Calhoun County Health Department or the City Water and Waste Water Department.

ix. The Zoning Administrator may require additional information deemed necessary to determine compliance with provisions of this Chapter, and may waive portions of the foregoing requirements deemed unnecessary for such purposes.

B. Standards. The following standards shall apply to all zoning permits:

i. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special land use or other necessary zoning approval, including any conditions of approval.

ii. The Zoning Administrator shall issue a zoning permit within ten business days after determination that the proposed work conforms to all applicable provisions of this Chapter.

iii. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that fails or has not been determined to conform to all applicable provisions of this Chapter. When the Zoning Administrator refuses to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.

iv. The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Chapter, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

v. Zoning permits shall not be issued for lots or parcels with frontage on undeveloped major, local or private streets. The unimproved street shall be improved to City street standards prior to seeking permit approval to build on abutting lots.

vi. Any permit required by this zoning ordinance shall be displayed face out, within 24 hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work is completed.

C. Validity. Zoning permits shall be valid for one year from the date of issuance.

D. Exempt from zoning permit requirements. The following shall be exempted from zoning permit requirements: Fascia alterations; installation of siding, windows, doors and shingles; and replacements of existing or deteriorated materials, and ordinary maintenance repairs made on all

structures and outbuildings. This exemption does not eliminate the necessity for compliance with zoning ordinance provisions and other county, state, or federal permitting requirements.

3. Fees. The City Council may, from time to time, prescribe and amend, by resolution, reasonable fees to be charged to applicants seeking any zoning review or approval required under this Chapter. Before the application can be processed or considered by the City, applicants subject to these requirements shall deposit the required fee with the City Treasurer.
4. Certificate of Occupancy. It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the Building Official or designated representative shall have made an inspection of the premises and shall have approved the same for occupancy.
5. Enforcement. The standards and requirements of this Chapter reflect obligations to the community at large, and violations of this Chapter shall be considered a nuisance per se. The City's zoning official(s) shall, upon determining that any provision of this Chapter has been violated, take such necessary actions authorized by this Chapter to ensure compliance with the provisions of this chapter.
   A. Inspection of violation. The Zoning Administrator or designated enforcement official or agent shall investigate each alleged violation, and shall order a correction for all conditions found to be in violation of this Chapter.
   B. Correction period. All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or designated enforcement official or agent. The Zoning Administrator or designated enforcement official or agent may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Zoning Administrator or designated enforcement official or agent may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
6. Violations. Any person who violates any provision of this Chapter shall be subject to those remedies pursuant to § 10.99 of the City Code of Ordinances, as amended, plus costs and other sanctions, for each violation. Repeat offenses under this Chapter shall be subject to increased fines, as provided for in § 10.99 of the City Code of Ordinances, as amended.
   A. Each day on which any violation of this Chapter occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Chapter shall not exempt the offender from meeting the requirements of this Chapter.
   B. The Zoning Administrator and those public servants authorized by § 10.10 of the City Code of Ordinances are hereby designated as the authorized City officials to issue appearance tickets for violations of this Chapter.
   C. A violation of this Chapter is deemed to be a nuisance, per se. In addition to any remedies available at law, the City may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Chapter.

7.10 PERFORMANCE GUARANTEES

1. Intent and Scope of Requirements. To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Planning Commission or City Council may require that a performance guarantee be deposited with the City to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the City may require a performance guarantee include landscaping, berms, walls, lighting, driveways and parking, streets, acceleration/deceleration lanes, traffic control devices, storm drainage, sidewalks, exterior lighting and utilities and land reclamation activities, and other features and actions necessary to protect natural resources and health, safety, and welfare of the community. The performance guarantee shall not cover the principal building(s).
2. General Requirements. The performance guarantee shall meet the following requirements:
   A. The performance guarantee shall be in the form of an irrevocable bank letter of credit, cash escrow, or other form acceptable to the City.

B. The performance guarantee shall be submitted to the City at the time of issuance of the building permit authorizing the activity or project. If appropriate, based on the type of performance guarantee submitted, the City Treasurer shall deposit the funds in an interest-bearing account in a financial institution with which the City regularly conducts business.

C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements to be covered by the guarantee, and such estimate shall be verified as to amount by the City staff. The exact amount of the performance guarantee shall be determined by the City staff or Building Official. The form of the guarantee shall be approved by the City and Attorney.

D. The City shall determine the means of releasing portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the guarantee is held shall have been completed before any release shall be made.

E. A performance guarantee shall be required for all projects for which site plan review is required, except that in the case of a minor site plan amendment the Zoning Administrator shall determine whether a performance guarantee is needed.

F. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed, including administrative costs, by appropriating funds from the deposited security.

G. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

3. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained within the time stipulated in the guarantee, according to the approved plans, or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
August 1, 2016 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
James Schwartz, Director of Public Safety
Tom Tarkiewicz, City Manager

SUBJECT: N. Park Street – Conversion to Southbound One-Way

BACKGROUND: North Park Street will be repaved and a parking area will be added to the west side of the street with angled parking. Due to the width of the street and to limit the possibility of vehicle interactions while maneuvering into and out of the parking spaces the Director of Public Safety, James Schwartz and myself recommend the transition of the southern 150' of N. Park Street become a One-Way southbound street. Traffic would no longer be able to proceed northbound from Michigan Ave. onto N. Park Street.

The two impacted local businesses have been contacted and do not feel this change will be problematic to their businesses.

RECOMMENDATION: It is recommended that the City Council approve the Traffic Control Order (TCO) for the change of the southerly 150' of N. Park Street from two-way traffic to southbound one-way traffic only. The proper signage will be placed following the paving of the street, including one-way signage and Do Not Enter signs.

FISCAL EFFECTS: No Fiscal Effects.

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Kristin Bauer Director of Public Services	James Schwartz Director of Public Safety	Tom Tarkiewicz City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

City of Marshall, Michigan
Traffic Control Order

Order Number: 101 Effective Date: 08-02-2016

In according with the Uniform Traffic Code, as amended, adopted by the Marshall City Commission, April 13, 1959, as set forth under Section 2.53 thereof, it is hereby directed:

AMENDED:

To make Park Street a one way street southbound beginning 150 feet north of Michigan Ave. There will be a ONE WAY sign posted at 150 feet from the intersection of Michigan Ave and Park Street. There will be a DO NOT ENTER sign posted on Park Street at Michigan Ave to restrict turns northbound onto Park Street

Permanent Order

_____
City Traffic Engineer
James M. Schwartz

Date: August 1, 2016

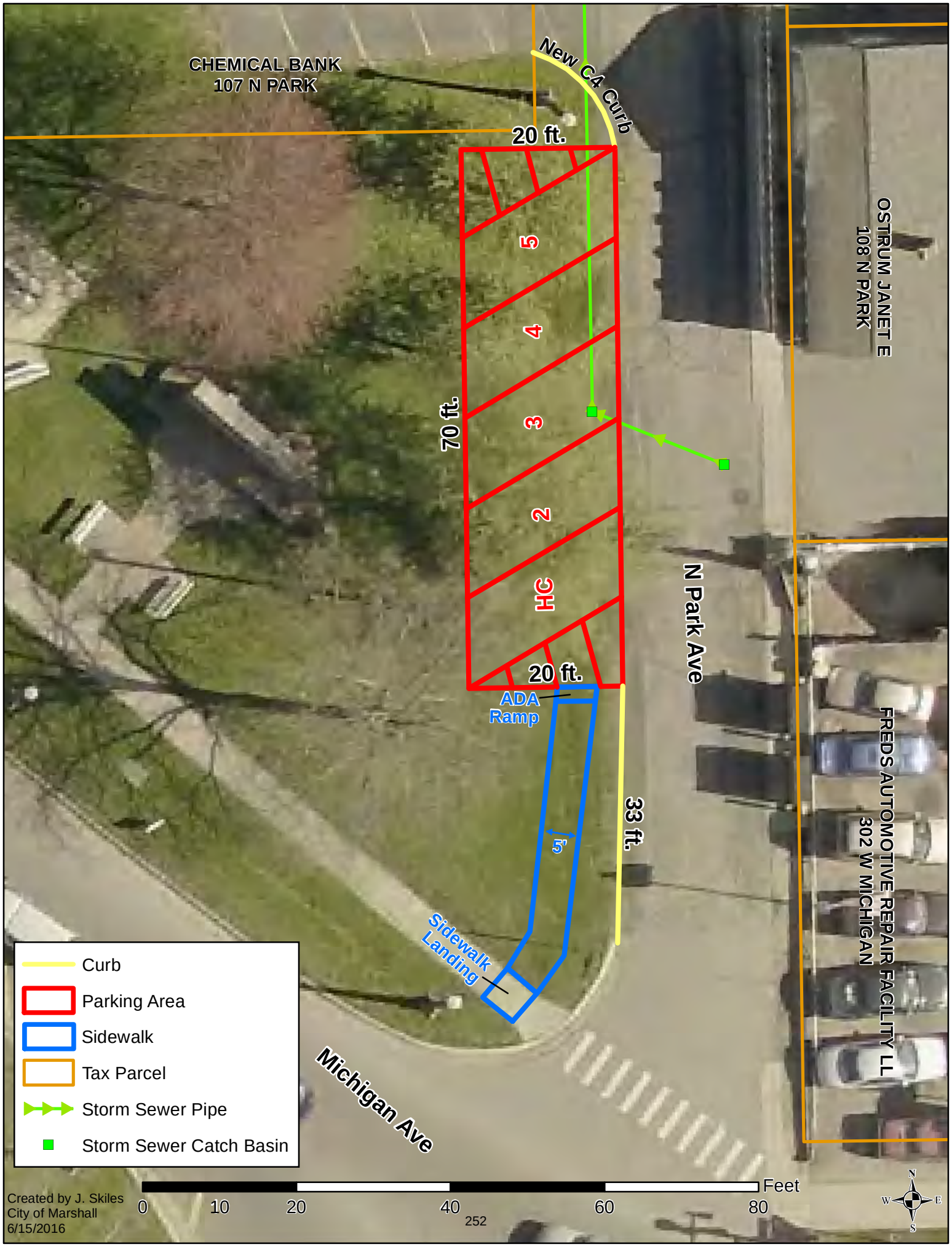
Temporary Order

_____
City Traffic Engineer
James M. Schwartz

Date: _____

Date: _____
Adopted by the Marshall City Council

pc: Street Superintendent
City Manager's Office



Created by J. Skiles
City of Marshall
6/15/2016

CALL TO ORDER

IN REGULAR SESSION Monday, July 18, 2016 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Reed.

ROLL CALL

Roll was called:

Present: Council Members: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

Also Present: Assistant City Manager Dean and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Council Member Gerten gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Williams, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of $668,400.50. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Miller, supported Schurig, to approve the Consent Agenda:

A. Minutes of the City Council Regular Session held on Monday, June 20, 2016;
B. Approve city bills in the amount of $ 1,550,515.45.

On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

Event Reports were provided for the Calhoun County Prayer Gathering and the "Kari On" 5K Race.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Cedar Street Right of Way:

Kristin Bauer provided background on the request to vacate the east 55' of the Cedar Street right of way between Montgomery Street and Warren Street.

Moved Miller, supported McNeil, to recuse Council Member Metzger from voting on the Cedar Street right of way due to conflict of interest. On a voice vote – **MOTION CARRIED**.

Mayor Reed opened the public hearing to hear public comment regarding the proposed vacation of a 55' section of Cedar Street right of way.

Hearing no comment, the hearing was closed.

Moved Miller, supported Williams, to approve the resolution to vacate the east 55' of the Cedar Street right of way between Montgomery Street and Warren Street and retain the easements for current utilities within the proposed vacated section. On a roll call vote – ayes: Gerten, McNeil, Metzger, Schurig, and Williams; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2016-28

RESOLUTION TO VACATE A SECTION OF CEDAR STREET

WHEREAS, a request has been received to vacate the east 55' of the right-of-way of Cedar Street between Montgomery Street and Warren Street in the plat of the Upper Village, City of Marshall, and

WHEREAS, the City has the authority to vacate streets within the City under Article 7, Section 31 of the Michigan Constitution of 1963, and under Section 4h of Michigan's Home Rule City Act, and Section 2.23 of the City of Marshall Charter, as amended, and

WHEREAS, the City has conducted hearings on vacating the said portion of the said street, and has determined that the police and fire departments believe that the vacation will not adversely affect public safety, and

WHEREAS, Notice of the Public Hearing for vacating the east 55' of the right-of-way of Cedar Street between Montgomery Street and Warren Street was published by the City of Marshall on June 25, 2016, with a notice of the hearing mailed via first class mail to all property owners of record for any property adjoining the parcel in question; and

WHEREAS, the City has determined that the street right of way recommended for vacation is not needed by the city by Department of Public Works or Public Safety Department.

NOW THEREFORE BE IT RESOLVED, the City of Marshall hereby vacates the east 55' of the right-of-way of Cedar Street between Montgomery Street and Warren Street and more particularly described as:

The east 55' of the right-of-way of Cedar Street between Montgomery Street and Warren Street dedicated to the public and now being vacated and reverted to adjoining land owner, being described more particularly as: The Easterly 55 feet of Cedar Street, between Montgomery Street and Warren Street, plat of the City of Marshall, Upper Village, as recorded in plat of Calhoun County Register of Deeds, reserving easements for all existing utilities.

BE IT FURTHER RESOLVED, that the vacated right-of-way shall become part of the adjacent property to the East of the vacated Cedar Street; and

BE IT FURTHER RESOLVED, that the city Clerk shall be, and hereby is, authorized for and on behalf of the city to execute and deliver any documents necessary or appropriate.

Dated: July 18, 2016

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 18th day of July, 2016.

Trisha Nelson, City Clerk

B. Changes to §156.003 and §156.224 Donation Bins:

Natalie Dean provided background regarding the proposed changes to the ordinance. On May 11, 2016, the Planning Commission considered staff and City Attorney suggested changes to the ordinance; a public hearing was held the same night as well.

Mayor Reed opened the public hearing to hear comment regarding the changes to §156.003 and §156.224 Donation Collection Bins ordinance.

Hearing no public comment, the hearing was closed.

Moved Metzger, supported McNeil, to accept the Planning Commission's recommendation and approve the changes to §156.003 and §156.224 Donation Collection Bins ordinance. On a roll call vote – ayes: Miller, Mayor Reed, Gerten, McNeil, and Metzger; nays: Schurig and Williams. **MOTION CARRIED.**

CITY OF MARSHALL
ORDINANCE #2016-06

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.003 DEFINITIONS AND SECTION 156.224 DONATION COLLECTION BINS.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§156.003** of the Marshall City Code, is hereby modified to delete the definitions:

DONATION COLLECTION BIN. A receptacle or container designed with a door, slot or other opening which is intended to receive items donated from the public such as clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

DONATION COLLECTION BIN OPERATOR. A person who owns, operates or otherwise is in control of donation collection bins to solicit collections of salvageable personal property.

Section 1a. That section **§156.224** of the Marshall City Code, is hereby modified to read:

A. Intent and definitions.

(1) The collection boxes ordinance is intended to be a regulatory enactment in the public's health, safety and welfare for the protection of all citizens who use collection boxes. The intent of this collection boxes article is to impose restrictions and conditions on all collection boxes in the city so that they are – and remain – clean and safe and do not create hazards to pedestrians.

(2) Definitions.

(a) *Collection box* means any metal container, receptacle, or similar object that is located on any parcel or lot of record within the city and that is used for soliciting and/or collecting the receipt of clothing, household items or other personal property. This term applies to all such containers regardless of whether the solicitation of property is made by a for-profit or non-profit entity. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

(b) *Director* means the Director of Community Services.

(c) *Operator* means a person who owns, operates or otherwise is in control of collection boxes to solicit collections of salvageable personal property.

(d) *Permittee* means a person over 18 years of age or an entity or that is issued a permit authorizing placement of collection box(es) on real property.

(e) *Property owner* means the person or entity that is an owner of real property where the collection box(es) are located.

(f) *Real property, property* or *land* means a lot of record located in the City of Marshall.

B. Collection box permit.

No later than 90 days from the effective date of this article, no person shall place, operate, maintain or allow any collection box on any real property in the City of Marshall without first obtaining an annual permit issued by the department of community services to locate a collection box.

C. Application for a permit.

(1) Any person desiring to secure a permit shall make an application to the department of community services.

(2) A permit shall be obtained for each collection box(es) proposed. A separate fee shall be paid for each collection box.

(3) The application for a permit shall be upon a form provided by the department and shall:

(a) Be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:

i. Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.

ii. Date of birth of individuals and date of establishment of an entity or the birthdate of an individual applicant.

iii. Whether the applicant has previously received a permit for a collection box in the city or operates a collection box or similar type receptacle without a permit in the city.

iv. The name, address, email and telephone number of a contact person for all matters relating to a collection box located in the city.

(b) Include the physical address of the real property where the collection box is proposed to be located.

(c) Include a scaled drawing sufficient to illustrate the proposed location of the collection box on the real property, the dimensions of the proposed collection box and that the location complies with the requirements of subsection 4.(a)(6) of this Ordinance.

(d) Include on a form provided by the director an affidavit from the property owner providing written permission to place the collection box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this article, if the applicant is not the owner of the real property where the collection box is to be placed. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.

(e) Include a nonrefundable fee in an amount established by resolution of city council.

(4) Within ten days of receiving an application for a permit, the director shall notify the applicant whether the permit is granted or denied. If the director denies an application, the director shall state in writing the specific reasons for denial.

(5) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

(6) A person shall be issued a permit by the director if the requirements of this article are satisfied.

(7) Upon approval, the City shall provide a permittee with 1 permit sticker for each approved permit. The sticker shall display the local unit's seal, a permit number, and an expiration date. The size of the sticker shall be 4 inches by 4 inches. The color of the sticker shall be the same color that the department of state uses for motor vehicle registration decals for that year. The permittee shall place the sticker in a conspicuous place on the front panel of the textile recycling bin. On request of the permittee, the local unit shall provide a replacement sticker for a fee of $10.00 if the original sticker is damaged or lost.

D. Requirements for a permit.

(1) A permittee shall operate and maintain, or cause to be operated and maintained, all collection boxes located in the city for which the permittee has been granted a permit as follows:

(a) Collection boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

(b) Collection boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(c) Collection boxes shall have in, at minimum, one-half-inch lettering visible from the front of each collection box the name, address, email, website and phone number of the operator, as well as whether the collection box is owned and operated by a for profit company or a not for profit company. The collection box shall not have information, advertising or logos other than those relating to the operator.

(d) Collection boxes shall be serviced and emptied as needed, but at least every 30 days.

(e) The permittee and property owner shall maintain, or cause to be maintained, the area immediately surrounding the collection boxes, free from any junk, debris, overflow items or other material. The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance.

(f) Collection boxes shall:

i. Not be permitted on any land used or zoned for residential purposes;

ii. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days;

iii. Not be less than 1,000 feet from another collection box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two collection boxes on a single lot of record are permitted if the two collection boxes are side by side and are no more than one foot apart and are owned by the same permittee;

iv. Not exceed seven feet in height, six feet in width and six feet in depth;

v. Not cause a visual obstruction to vehicular or pedestrian traffic;

vi. Not be placed closer than ten feet from: (i) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance; (ii) a public right-of-way; (iii) a driveway; or (iv) a side or rear property line of adjacent property used for residential purposes;

vii. Not cause safety hazards with regard to a designated fire lane or building exit;

viii. Not interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;

ix. Not encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space; and

x. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

E. Term of permit and renewal of permit.

(1) The permit year shall begin on July 1 in each year and shall terminate on June 30 of the next calendar year. An annual permit issued between July 1 and June 30 of the subsequent year shall expire on June 30 of the calendar year next following issuance of the permit.

(2) A collection box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the director.

(3) The director shall either approve or deny the renewal of a permit within ten days of receipt of the complete renewal application and payment of the renewal fee. Failure of the director to act before expiration of the permit shall constitute approval of the renewal of the permit.

(4) A permit renewal fee set by resolution of the city council shall be submitted with the application for renewal.

(5) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the director in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice to [of] intent to cancel the permit.

(6) The director shall approve the renewal of a permit if the director finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

(7) If the permit expires and is not renewed, the collection box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

E. Revocation of permit, removal of collection boxes and liability.

(1) The director shall have the right to revoke any permit issued hereunder for a violation of this article. Any of the grounds upon which the director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this article or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the director and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

(2) Upon revocation, the collection box shall be removed from the real property within ten days and, if not so removed within the time period, the city may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(3) A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

F. Appeal to Zoning Board of Appeals.

Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this article or in revoking a permit issued under this article may appeal the decision to the Zoning Board of Appeals. The appeal shall be made by filing a written notice of appeal not later than ten days after receiving notice of the decision of the director with the department of community development setting forth the grounds for the

appeal. The Zoning Board of Appeals may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the director.

G. Penalty and remedies.

(1) In addition to revocation of permit pursuant to subsection 6, any person violating the provisions of this article is guilty of a civil infraction.

(2) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this article, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this article shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

(4) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(5) No fines shall be imposed for a violation of this article until 90 days after its effective date. All collection boxes existing at the effective date of the article shall apply for a permit as required herein within 30 days of the effective date. Any collection boxes not in compliance with this article after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____day of _____, 2016.

_____ _____

Jack Reed, MAYOR Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on July 18, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

_____

Trisha Nelson, CITY CLERK

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Comcast Video Service Local Franchise Agreement:

Moved Williams, supported Metzger, to table consideration of the Comcast Video Service Franchise Agreement until the next meeting on August 1, 2016 and direct staff to meet with Comcast. On a voice vote – **MOTION CARRIED**.

B. Street Reconstruction Bids:

Moved Williams, supported Gerten, to approve the bid from Thompson Construction Co. of Coldwater, MI in the amount of $60,345.38 for the reconstruction of Turquoise Trail and No. Park Street, with a contingency amount of $9,654.62 for possible additional quantities, for a total project cost of $70,000. On a roll call vote – ayes: Schurig, Williams, Gerten, and Mayor Reed; nays: McNeil, Metzger, and Miller. **MOTION CARRIED.**

C. Shearman Park Bids:

Moved Gerten, supported Schurig, to approve the bid from Parrish Excavating, Inc. of Quincy, MI in the amount of $124,934.00 for the development of Shearman Park. On a roll call vote – ayes: Williams, Gerten, McNeil, Metzger, Miller, Mayor Reed, and Schurig; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. DDA/LDFA Appointments:

Moved Williams, supported Metzger, to approve the reappointment of Catherine Yates and JP Walters to the Downtown Development Authority and Local Development Finance Authority with terms expiring September 15, 2020. On a voice vote – **MOTION CARRIED**.

B. Planning Commission Appointment:

Moved Miller, supported Metzger, to approve the appointment of Jason Bomia to the Planning Commission with a term expiring November 1, 2018. On a voice vote

– MOTION CARRIED.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Tina Yost, candidate for Circuit Court Judge, spoke regarding her credentials and background for the position.

John Sims, candidate for Circuit Court Judge, spoke regarding his candidacy.

Robert Costa spoke regarding his desire to run for the City Council Ward 5 seat in the November election.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL

EXP CHECK RUN DATES 07/30/2016 - 08/31/2016
UNJOURNALIZED
OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
AA-35816	AIM ASPHALT, INC	ASPHALT REPAIR CORNER OF MAPLE & WARREN	2017.012	1,995.00
9937159117	AIRGAS USA LLC	CYLINDER RENTAL		101.65
Y25823	AIS CONSTRUCTION EQUI	SERVICE CALL ON BLOWER		546.82
SLS 10048078	ALEXANDER CHEMICAL CO	CAIROX FF	2017.009	2,795.94
1390	ALL RELIABLE SERVICES	2016 LINE CLEARANCE- TREE TRIMMING CONT	2016.226	2,383.36
1379	ALL RELIABLE SERVICES	2016 LINE CLEARANCE- TREE TRIMMING CONT	2016.226	3,174.44
86592	ALL-TRONICS INC	CONNECTED PANEL TO CENTRAL STATION MONI		172.00
86652	ALL-TRONICS INC	CHG DESTINATION FOR CRIME TIP CALLS		110.00
7001208524	AMERICAN WATER WORKS	AWWA MEMBERSHIP DUES - AARON AMBLER		300.00
7008191222	APPLIED INDUSTRIAL TE	BLOWER COUPLINGS		548.54
14-713147	ARROW UNIFORM	CUST #010198-03		153.28
14-713144	ARROW UNIFORM	CUST #010198-02		44.79
14-705640	ARROW UNIFORM	CUST #010198-02		49.52
14-705643	ARROW UNIFORM	CUST #010198-03		153.28
14-713145	ARROW UNIFORM	CUST #010198-04		55.42
14-713149	ARROW UNIFORM	CUST #010198-06		31.23
14-713150	ARROW UNIFORM	CUST #010198-05		30.02
14-713140	ARROW UNIFORM	CUST #010198-01		27.47
14-705646	ARROW UNIFORM	CUST #010198-05		30.02
14-705645	ARROW UNIFORM	CUST #010198-06		31.23
14-705635	ARROW UNIFORM	CUST #010198-01		27.47
14-705641	ARROW UNIFORM	CUST #010198-04		55.42
14-720610	ARROW UNIFORM	CUST #010198-04		55.42
14-720614	ARROW UNIFORM	CUST #010198-06		31.23
14-720615	ARROW UNIFORM	CUST #010198-05		30.02
14-720605	ARROW UNIFORM	CUST #010198-01		27.47
14-720612	ARROW UNIFORM	CUST #010198-03		153.28
14-720609	ARROW UNIFORM	CUST #010198-02		40.06
225-396890	AUTO VALUE MARSHALL	STARTER		122.23
225-396709	AUTO VALUE MARSHALL	O-RINGS, DEXRON MERCON		38.87
225-397157	AUTO VALUE MARSHALL	OUTER JOINTS		103.98
225-397214	AUTO VALUE MARSHALL	SOCKET, 1X1 IN 120		19.78
225-396608	AUTO VALUE MARSHALL	PURPLE CLEANER		275.09
225-396848	AUTO VALUE MARSHALL	ELECTRICAL TAPE		8.29
225-397281	AUTO VALUE MARSHALL	2 TON POWER PULL		41.59
225-397004	AUTO VALUE MARSHALL	OIL FILTER, STABILIZER		18.61
225-396478	AUTO VALUE MARSHALL	BAR LAMP		34.82
225-396892	AUTO VALUE MARSHALL	LWR RAD/COLLANT		16.09
225-396973	AUTO VALUE MARSHALL	SCREW CLAM, ANTI-FREEZE		15.71
225-396807	AUTO VALUE MARSHALL	DELCO STARTER		248.09
225-396886	AUTO VALUE MARSHALL	DELCO STARTER		(248.09)
225-397448	AUTO VALUE MARSHALL	ORANGE M, BLK LIGHTING		35.18
225-396607	AUTO VALUE MARSHALL	SUPER CLEAN DEGR		14.69
225-395465	AUTO VALUE MARSHALL	MINI HALOGEN		12.99
225-393445	AUTO VALUE MARSHALL	ISO 100 SAE 30/40		47.56
225-393726	AUTO VALUE MARSHALL	SEMI METALLIC PADS, PREMIUM ROTOR		275.07
225-393817	AUTO VALUE MARSHALL	WELDING HELMET		98.79
225-393886	AUTO VALUE MARSHALL	LED SST LAMP R		58.42
225-394139	AUTO VALUE MARSHALL	BLOWER SWITCH, PIGTAIL & SOCKET		33.98
225-394909	AUTO VALUE MARSHALL	PAINT & PRIMER		39.54
225-392224	AUTO VALUE MARSHALL	BLADERUNNER BELTS		169.77
225-393135	AUTO VALUE MARSHALL	SERPENTINE BELT, BELT TENSIONER ASSY, R		316.17
072016	BAKER TOOL RENTAL & S	MINI EXCAVATOR		175.00
16-0597	BATTLE CREEK TILE AND	PSB - CARPET & TILE		900.00
120527	BELL EQUIPMENT COMPAN	CASTER ASSY, SUPER DUTY		910.32
070716	BERON'S TREE SERVICE	TREE AT FOUNTAIN CIRCLE		400.00
82202614	BOUND TREE MEDICAL LL	MEDICAL SUPPLIES		996.80
82201255	BOUND TREE MEDICAL LL	MEDICAL SUPPLIES		46.05
82206093	BOUND TREE MEDICAL LL	PERSONAL PROTECTION KIT		15.38
5007-000014654	C & C LANDFILL	GARBAGE/LANDFILL		64.82
911GOVAGNCY2016000	CALHOUN COUNTY CONS D	2016 3RD QTR		26,842.92
3267	CB HALL ELECTRIC COMP	EXIT LIGHT IN FINANCE, BASEMENT LIGHT		426.00
3266	CB HALL ELECTRIC COMP	KETCHUM PARK BATHROOM LIGHTS		162.00
STREETS20160000008	CITY OF BATTLE CREEK	QRTRLY TRAFFIC SIGNAL JAN-MAR 2016		24.23
41555	CITY OF COLDWATER	BEAST (JAN - JUN 2016)		467.39
1600018782	CITY OF JACKSON	MCOLES LED, SPRING 2016 CONTRIBUTION		754.73
151102-5	CIVIL ENGINEERS INC	NORTH DR/MONROE ST THROUGH 06/23/16	2016.303	432.50
4692583	CNA SURETY DIRECT BIL	BOND/POLICY #04692583		320.00
57132	COGITATE INC	MMS STATE TRUNKLINE SUPPORT		155.00
IN75220	CORNERSTONE OFFICE SY	COPIER CONTRACT		9.50
135679	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		55.00
135871	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		79.04
135918	D & D MAINTENANCE SUP	JANITORIAL SERVICE AT DPW		173.33
135920	D & D MAINTENANCE SUP	JANITORIAL SERVICE AT PARKS		355.00
134829	D & D MAINTENANCE SUP	JANITORIAL SERVICES AT MRLEC - APRIL 20	2016.123	4,454.67
135917	D & D MAINTENANCE SUP	JANITORIAL SERVICES FOR MRLEC - JUNE 20	2016.123	4,454.67
135919	D & D MAINTENANCE SUP	JANITORIAL SERVICES AT PSB - JUNE 2016	2016.302	1,664.00
135833	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		200.25
136149	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		128.50

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
136152	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		170.12
134874	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		256.03
3100092	DAIKIN APPLIED	QTRLY MAINT AGREEMENT FOR MRLEC BLDG--J	2016.203	1,480.00
489126	DARLING ACE HARDWARE	POWERHOUSE PLUMBING SUPPLIES		61.57
488513	DARLING ACE HARDWARE	NUTS, BOLTS, KEYS		9.65
488426	DARLING ACE HARDWARE	PAINT FOR BREAK ROOM		47.99
489155	DARLING ACE HARDWARE	CM SCKT ST 9 PC		27.99
489833	DARLING ACE HARDWARE	CONNECTOR QUICK FEMALE, SHEAR HEDGE, HO		90.96
489648	DARLING ACE HARDWARE	CONNECTOR QUICK FEMALE, CONN BRS MALE		11.58
489635	DARLING ACE HARDWARE	OSCILLATING SPRINKLER, GRAIN SCOOP		72.97
063016	DAVID BROWN'S AUTO CO	2016 FORD F-250 REPAIR #114		504.02
INV27633	DORNBOS SIGN INC	RIB SET - 48" ROLL UP SIGN		58.74
33241	ELECTION SOURCE	OPTECH INSIGHT CODING FOR 08/02/16 PRIM		760.00
797418	ENVIRONMENTAL RESOURC	LAB QUALITY SUPPLIES		293.73
90999	ERIC DALE HEATING & A	SERVICE CALL		276.00
S101876832.001	ETNA SUPPLY	RPR CLAMP		67.53
MIMA16678-01	FASTENAL COMPANY	SUPPLIES		111.46
MIMA167096	FASTENAL COMPANY	MAINTENANCE SUPPLIES		58.92
1160	FIELDS ELECTRIC LLC	SERVICE CALL AT MH		80.00
995913	FIRST ADVANTAGE	JUNE SERVICES		123.75
9537	FURNITURE LEISURE, IN	PATIO TABLE AND UMBRELLA FOR CITY HALL	2016.333	1,044.85
1049	GRAHAM OUTDOOR SERVIC	2016 LAWN MOWING CONTRACT	2016.262	570.00
1371337	GRIFFIN PEST SOLUTION	CITY HALL		33.00
20160386	GRP ENGINEERING INC	ENGINEERING SERVICES FOR BREWER ST 06/0	2016.161	18,000.00
20160387	GRP ENGINEERING INC	ENGINEERING SERVICES FOR JULY 2015- JUN	2016.031	10,506.79
6306	GUTTERS R US LLC	FERTILIZER AT MRLEC		360.40
100243-0616	HERITAGE CLEANERS	LAUNDRY SERVICES - JUNE		345.10
75881	HERMANS MARSHALL HARD	CAULK GUN		10.78
75848	HERMANS MARSHALL HARD	SUMP PUMP		99.99
75855	HERMANS MARSHALL HARD	BRUSHES, PAINT TAPE, MEDIUM GRAY		26.75
75864	HERMANS MARSHALL HARD	PEST KILLER		5.99
75886	HERMANS MARSHALL HARD	D BATTERIES		9.99
75883	HERMANS MARSHALL HARD	PAINT, TRAYS		13.57
75849	HERMANS MARSHALL HARD	WINDOW REPAIR		11.49
75847	HERMANS MARSHALL HARD	GLASS		24.88
75870	HERMANS MARSHALL HARD	ASPHALT PATCH		38.97
75743	HERMANS MARSHALL HARD	KEYPAD		43.49
75691	HERMANS MARSHALL HARD	THREAD TAPE, BALL VALVE, NIPPLE		15.17
75686	HERMANS MARSHALL HARD	CUPS		23.37
76165	HERMANS MARSHALL HARD	BATTERIES		19.58
75742	HERMANS MARSHALL HARD	KEYS, SCREWS, BITS, PK SHARP		22.29
75894	HERMANS MARSHALL HARD	FILTERS		12.87
75862	HERMANS MARSHALL HARD	9V BATTERIES		18.99
75672	HERMANS MARSHALL HARD	PAINT BRUSH		31.18
75659	HERMANS MARSHALL HARD	HOSE CLAMP, TRIMMER LINE		14.78
75877	HERMANS MARSHALL HARD	CAUTION TAPE		10.99
75905	HERMANS MARSHALL HARD	HOOKS, CHAIN		7.15
MN0000006139	INTERACT PUBLIC SAFET	SEPT 2016 ONLINE RMS SUBSCRIPTION		1,200.00
MN0000005539	INTERACT PUBLIC SAFET	JULY 2016 ONLINE RMS SUBSCRIPTION		1,200.00
20956	IRRIGATOR, INC.	SPRING START UP, REPAIR LEAK		261.37
1-610729	IRVIN'S HARDWARE	SPARK PLG, CLEANERS & SHOP SUPPLIES, LA		24.24
418904	ITRON INC	MVRS HARDWARE MAINT 08/01/16 TO 10/31/1		878.57
103311	J & K PLUMBING SUPPLY	PVC ELBOW, TRAP		2.43
103222	J & K PLUMBING SUPPLY	TAPE, PRIMER, CEMENT, SAND CLOTH, ADAPT		19.46
102446	J & K PLUMBING SUPPLY	SUPPLIES		30.51
W67642	JACK DOHENY SUPPLIES	VACTOR REPAIR	2017.011	14,714.24
A95013	JACK DOHENY SUPPLIES	PNEUMATIC SLND VALVE		155.71
A94660	JACK DOHENY SUPPLIES	VALVE BOX INSERT		700.00
063016	JIMMY'S JOHNS	COMPOST CENTER SERVICES		97.50
063016-FM	JIMMY'S JOHNS	FARMERS MARKET SERVICES		95.00
120	JOHN D BRUNDAGE & JOH	MARCH THROUGH MAY 31, 2016		9,283.00
6407	JS BUXTON	BULK LIME	2016.005	1,206.60
305424	JUSTICE FENCE	TEMPORARY REPAIRS TO FENCE/GATE		850.00
608061	KAR LABORATORIES INC	CYANIDE ANALYSIS		100.00
8113	KELLOGG'S REPAIR	BRACKET-S		49.25
8114	KELLOGG'S REPAIR	PTO BELTS		32.50
570863	KENNEDY INDUSTRIES IN	REPAIR BROOKS PARK LS PUMP	2017.005	4,982.00
570865	KENNEDY INDUSTRIES IN	PARTS FOR RAS PUMP	2017.006	1,217.37
29988	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		53.56
201574.00-2160642	LAWSON-FISHER ASSOCIA	GENERAL DAM SAFETY CONSULTING		166.39
1039749	LEGG LUMBER	MORTAR MIX		29.94
1040005	LEGG LUMBER	GRAVEL MIX		8.98
1040089	LEGG LUMBER	MORTAR MIX, CEMENT 94#		23.12
1039987	LEGG LUMBER	AC PLYWOOD		33.99
11645	LEWEY'S SHOE REPAIR	REPLACE CLIPS ON LINEMAN CHAPS		20.00
329111	MARSHALL FEED & GRAIN	TWINE FOR BANNERS		28.80
200280	MARSHALL LANES	TWO GAMES & SHOES		286.00
20684	MARSHALL TIRE CITY	EVACUATE & RECHARGE A/C SYSTEM		142.21
20316	MARSHALL TIRE CITY	4 TIRES - 2016 EXPLORER		1,231.52

APPROVAL LIST FOR CITY OF MARSHALL

EXP CHECK RUN DATES 07/30/2016 - 08/31/2016
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
20569	MARSHALL TIRE CITY	4 NEW TIRES		267.96
S3989752.001	MEDLER ELECTRIC COMPA	SUPPLIES		21.78
S3983530.001	MEDLER ELECTRIC COMPA	SPLICE/ELECTRIC TAPE		113.02
S3983530.002	MEDLER ELECTRIC COMPA	ELECTRIC TAPE		532.47
S3983530.004	MEDLER ELECTRIC COMPA	SPLICE TAPE		35.95
S3983530.003	MEDLER ELECTRIC COMPA	SPLICE TAPE		287.59
S3977344.001	MEDLER ELECTRIC COMPA	FLUOR LAMP BULBS		84.74
300001055	MICHIGAN ASSOCIATION	MEMBERSHIP ACTIVE - SCOTT MCDONALD		100.00
86760906	MSC INDUSTRIAL SUPPLY	RIGHT-TO-KNOW BINDERS		236.25
91393746	MSC INDUSTRIAL SUPPLY	BLUE MARKING PAINT		151.92
C91393766	MSC INDUSTRIAL SUPPLY	VESTS, HARD HAT		42.00
494	MUNFAKH & ASSOCIATES,	PREPARE RFP FOR DAM REMOVAL/ MEETING WI	2017.016	2,000.00
INV70684	MUNICIPAL SUPPLY CO.	WATER DEPT INVENTORY- PER INVOICE #INV7	2017.019	2,028.74
448024	NAPA OF MARSHALL	SS HOLD DOWN NUTS		5.80
18897MI	NATIONAL ASSOC OF SCH	REBECCA IVEY'S OFFICER COURSES		790.00
305192	NEFF, BRITTNEY	UNIT # 115		300.00
564495	NYE UNIFORM COMPANY	CAP		111.24
564888	NYE UNIFORM COMPANY	SHIRTS		142.50
564822	NYE UNIFORM COMPANY	SHIRTS, CLIP ON TIE		228.25
560368	NYE UNIFORM COMPANY	MOURNING BANDS		10.45
560373	NYE UNIFORM COMPANY	PANTS		230.48
74443	O'LEARY WATER CONDITI	WATER DELIVERED		54.00
74444	O'LEARY WATER CONDITI	COOLER RENTAL, WATER DELIVERED		79.00
4788-139428	O'REILLY AUTO PARTS	TRAND FLD		37.14
688285	OFFICE 360	INKCARTS, FOLDERS		102.96
684761	OFFICE 360	LABELS, TONER		333.06
685606	OFFICE 360	PAPER		15.21
679451B1	OFFICE 360	DESK PAD		3.59
678517	OFFICE 360	COPY PAPER		65.80
679451	OFFICE 360	STAMP, PAPER, HOLE PUNCH		104.78
677298B1	OFFICE 360	PLOTTER TONER		439.98
677298	OFFICE 360	STAPLER, PENS, RUBBER BANDS		18.14
678584	OFFICE 360	PAPER		263.20
678733	OFFICE 360	BULLETIN BRD, CLPBRD, PAPER		113.83
56046478	POWER LINE SUPPLY	INSULINK 4-4		27.37
56044572	POWER LINE SUPPLY	WR379 CONNECTORS		65.82
56044570	POWER LINE SUPPLY	WR189 CONNECTOR		40.11
56049039	POWER LINE SUPPLY	MED PG CLAMP		65.32
56042727	POWER LINE SUPPLY	WR399 CONNECTORS		54.26
56042724	POWER LINE SUPPLY	WR279 CONNECTOR		45.71
56044573	POWER LINE SUPPLY	INSULINK 4-4		4.83
56044569	POWER LINE SUPPLY	T-BRACKET		386.16
56049079	POWER LINE SUPPLY	FR BIBS - KEVIN KOYL		105.00
56044566	POWER LINE SUPPLY	150W DUSK TO DAWN FIXTURE		465.73
56044565	POWER LINE SUPPLY	90 DEG ELBOW		22.88
56044564	POWER LINE SUPPLY	138KV INSULATORS FOR BREWER STREET SUBS	2016.301	3,757.92
56049040	POWER LINE SUPPLY	138KV INSULATORS FOR BREWER STREET SUBS	2016.301	8,901.43
56044571	POWER LINE SUPPLY	WR419 CONNECTORS		52.61
56044568	POWER LINE SUPPLY	5/8 X 12 M BOLT		54.63
269-781-3559-0716	QLT CLS	ACCT # 269-781-3559		13.20
9522	R-S TRUCK & DIESEL, I	A/C SERVICE #323		606.40
643585-00	RESCO	BREWER STREET SUBSTATION- CONDUCTOR PER	2016.311	32,384.00
70597929	ROSE PEST SOLUTIONS	PEST CONTROL AT MH		56.00
2015-731	SEECLICKFIX	SEECLICKFIX 2016 08/01/16--07/31/17	2017.026	3,600.00
9411171671	SHRED-IT USA LLC	SHREDDING SERVICES		65.16
279904	SOLOMON CORPORATION	TRANSFORMER GASKET		72.27
90017763	SPX TRANSFORMER SOLUT	20 MVA SUBSTATION TRANSFORMER FOR BREWE	2016.162	70,524.60
195926	STANLEY LAWN & GARDEN	.095 X 1410 FT		53.99
195949	STANLEY LAWN & GARDEN	COVER, UNIVERSAL SPEED HEAD		53.27
8039989065	STAPLES ADVANTAGE	TONER		66.99
913948123	TENNANT SALES & SERVI	TENNANT MODEL 5680 WALKBEHIND FLOOR SCR	2016.327	5,834.00
070716-1	THE TOWER CLOCK COMPA	REPAIR OF CITY HALL #15 SETH THOMAS CLO	2017.022	1,750.00
3236873	TOSHIBA AMERICA BUSIN	MRLEC COPIER CONTRACTS		22.06
3211564	TOSHIBA AMERICA BUSIN	MRLEC COPIER		59.75
3183765	TOSHIBA AMERICA BUSIN	MRLEC COPIER		163.00
997238	USA BLUEBOOK	POWDER PILLOWS, DPD 4, DPD 1		239.38
49068-B	VAN METER & ASSOCIATE	1 YEAR SUBSCRIPTION TO E-PRECINCT, 1 AD		185.00
300670	WESCO	CITY HALL LIGHTING		24.49
				273,803.55

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 07/15/2016 - 07/15/2016
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
269781981507-16	A T & T	269 781-9815 267 0		3,156.12
269789901107-16	A T & T	269 789-9011 599 1		57.72
269781444707-16	A T & T	269 781-4447 749 4		248.16
269781907007-16	A T & T	269 781-9070 573 1		69.64
91098	AD-VISOR & CHRONICLE	JUNE CHARGES		1,308.92
1228	BC SOUND & STAGE	STAGE W/ROOF, SOUND LIGHTS, TECH FOR BLU		3,500.00
07/13/2016	BOURDEAUX, RYAN	UB refund for account: 2000080038		121.23
02/07/2016	CAPITAL ONE COMMERCIAL	ACCT 6004-3004-9900-5848		68.92
315117516114084	CAPITAL ONE COMMERCIAL	TAPE, WIREGARD, ANCHOR, DRYER VENT BRUSH		166.29
07/13/2016	CASALE, MARTHA	UB refund for account: 2200580003		73.92
2551709146-0716	CHEMICAL BANK SOUTH	HSA ACCT #2551709146 COSTINE, ED		585.00
2551707561-0716	CHEMICAL BANK SOUTH	HSA ACCT #2551707561 HAWLEY, BRAD		585.00
2551707652-0716	CHEMICAL BANK SOUTH	HSA ACCT #2551707652 MCCAIN, ROB		292.50
2551707595-0716	CHEMICAL BANK SOUTH	HSA ACCT #2551707595 NASH, WILL		585.00
2551707694-0716	CHEMICAL BANK SOUTH	HSA ACCT #2551707694 RHODES, JEFF		585.00
2550998476-0716	CHEMICAL BANK SOUTH	HSA ACCT #2550998476 RAMEY, CHRISTY		585.00
07/13/2016	CUSHMAN, JAMIE	UB refund for account: 3205040019		48.77
07/13/2016	DAMRON, KIM	UB refund for account: 1901320003		47.39
07/13/2016	EATON, JENNY	UB refund for account: 1701800026		69.51
071216	FISHER, CHARLIE	MEAL		10.00
071316	FREDS, MATT	SCHOOL LUNCH		11.25
8125	FUG	T-SHIRTS FOR BLUES FEST		2,978.50
6226	GUTTERS R US LLC	2016 LAWN MOWING AT INDUSTRIAL PARK- PER	2016.280	440.00
07/13/2016	HAMILTON, JAMES	UB refund for account: 2001980013		4.10
359949	HUB INTERNATIONAL MIDW	16-17 EXCESS CRIME RENEWAL INSURANCE		663.00
359923	HUB INTERNATIONAL MIDW	1ST OF 4 GEN LIAB, AUTO, UMB, CRIME, PUB		49,430.00
359944	HUB INTERNATIONAL MIDW	16-17 BOILER & MACHINERY RENEWAL		27,977.00
071216	LEACH, DOUG	MEAL		10.00
9421-0616	MARSHALL COMMUNITY CU	9421 - SEARS		204.25
062816	MARSHALL FIRE FIGHTERS	BLUES FEST CLEANUP		300.00
EN2212282	MICHIGAN.COM	08/01/16--07/31/17 SERVICE		178.84
07/13/2016	MILLER, DANIEL	UB refund for account: 2708510003		30.12
7900044055829307071	NEOFUNDS BY NEOPOST	7900 0440 5582 9307		3,000.00
07/13/2016	PHYSIOTHERAPY ASSOC	UB refund for account: 3000461001		45.99
070816	REED, JACK	REIMBURSEMENT FOR MAYOR'S MEETING (REG &		268.19
07/13/2016	REMAX PERRETT	UB refund for account: 2300560008		12.61
071216	SUNDBERG, KIP	MEAL		10.00
07/12/16	SUNDBERG, KIP	SCHOOL LUNCH		14.23
07/13/2016	TENNANT, CASEY	UB refund for account: 800950026		16.50
9768005751	VERIZON WIRELESS	ACCT #987146080-00001		654.98
10040764-0716	WOW! INTERNET-CABLE-PH	ACCT #010040764		1,359.83
07/13/2016	WRIGHT, MARSHA	UB refund for account: 3203040009		25.35
071216	ZEBOLSKY, JOEL	SCHOOL LUNCH		14.23
				99,813.06

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EXP CHECK RUN DATES 07/22/2016 - 07/22/2016
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
Z1406436QG	AMERICAN MESSAGING	ACCT #Z1-406436		9.58
287238047810X07111	AT&T MOBILITY	ACCT #287238047810		37.72
2550995183-0716	CHEMICAL BANK SOUTH	HSA ACCT #2550995183 MCCOMB, GREG		585.00
071816	CITY OF MARSHALL	PETTY CASH REIMBURSEMENT		54.00
7018274-0716	EARTHLINK BUSINESS	ACCT #0007018274		851.73
1373050	GRIFFIN PEST SOLUTION	1201 ARMS ST		42.00
071816	JIM'S PAINTING AND PO	PAINTING BREAKROOM & BATHROOM FLOOR AT		620.00
7617-0716	MARSHALL COMMUNITY CU	7617 - RAMEY		70.95
6996-0716	MARSHALL COMMUNITY CU	6996 - BAUER		100.00
9156-0716	MARSHALL COMMUNITY CU	9156 - MILLER		1,151.86
S3988068.001	MEDLER ELECTRIC COMPA	2" CONDUIT		347.70
M 06-16	MICHIGAN SOUTH CENTRA	NATURAL GAS PURCHASES		296.26
07/14/16	MILLER, SHERYL	ENERGY OPTIMIZATION - FURNACE & A/C		315.00
071916	MMEA	CONFERENCE REGISTRATION - TOM TARKIEWIC		250.00
071816	PARKS, MATT	CASH ADVANCE FOR ARSON K9 TRAINING		400.00
071916	PATRICK, DONNA	ENERGY OPTIMIZATION - FURNACE & A/C AT		315.00
071416	SUE ANN SCHNAITMAN	ENERGY OPTIMIZATION - FURNACE & A/C		300.00
8948000000160708	TELNET WORLDWIDE	ACCT # CORP-008948		1,606.53
307382457	U.S. BANK EQUIPMENT F	LEXMARK COPIER		63.67
071416	WOELL, REBECCA	ENERGY OPTIMIZATION - WASHER		25.00
14226414-0616	WOW! BUSINESS	ACCT #014226414		84.93
13934621-0616	WOW! BUSINESS	ACCT #013934621		33.29
				7,560.22

EVENT REPORT

EVENT: Boy Scout Display

EVENT LOCATION: Former Roma's site

SPONSOR: Boy Scout Troop 373

EVENT DATE: Saturday September 10th & Sunday September 11th

EVENT TIMEFRAME: All day

MDOT PERMIT REQUIRED: YES [ ] NO [x]

MDOT PERMIT GRANTED: YES [ ] NO [x]

LANE CLOSURE TIMEFRAME: None

EVENT STREETS AFFECTED: None

DETOUR DETAIL: None

EVENT DETAIL: Boy Scout Troop 373 and others will demonstrate their skills, have a mock camp site, have refreshments for our visitors, and have informational items.

COUNCIL NOTIFICATION DATE: August 1, 2016

Boy Scout Troop 373
721 Old U.S. 27 North
Marshall, Michigan 49068
www.troop373marshall.scoutlander.com

City of Marshall
City Clerk's Office, Mr. Tom Tarkiewicz
323 W. Michigan Ave.
Marshall, Michigan 49068

Dear Tom~

Good morning. I represent the W.D. Boyce Community Leadership Awards Committee. I, along with Ray Davis, Dave DeGraw, Matt Davis, Dr. Phil Glotflety, Andrew Yost, David Farley, Steve Seifert, and Judge John Hallacy will once again be honoring several individuals for outstanding service to youth in our community area this year. They will be Harry Bonner, Sal Konkle, Rob Beam, and the Jim Hazel Family. We will honor these individuals at a breakfast at Schuler's on September 8th, 2016. In connection with that we would also like to spotlight the contributions of Scouting and its role in our community. We would like to connect it to the Home Tour Week end.

I am writing you to formally request the use of the property at 228 W. Michigan Ave. (formerly the Roma Cafe) during the time of the Marshall Home Tour on September 10th and Sept 11th.

Specifically we would like to:
1- Set up a canopy and picnic tables that would allow visitors a place to sit and rest as they come to visit our community.
2- Set up a mock camp site, complete with tents, and have Scouts there to demonstrate skills and interact with our guests.
3- We plan to have some free give-a-ways to the youth. It is our intention to attract some new youth and adults to the Scouting program.
4- We would like to be able to provide some water and snacks to visitors, for a donation only, to help raise money for future summer camps.
5- The Southern Shores Field Service Council will also provide some free literature on Scouting, Venturing and Sea Scouts.

***Marshall Troops 373, 337, Sea Scout Ship I, and Albion Troop 158 will be participating in this effort to showcase Scouting in our Community.**

In Scouting

Clif Conklin

Clif Conklin/Scoutmaster-Troop 373
269. 274. 4312
boyscout 373 @yahoo.com.

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
AUGUST 1, 2016 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Ed Rice, Director of Electric Utilities
Tom Tarkiewicz, City Manager

SUBJECT: Comcast Video Service Local Franchise Agreement

BACKGROUND: An application from Comcast of California/Connecticut/Michigan (Comcast), per their letter dated July 6, 2016, has been received by the City requesting a 10 year franchise agreement for Comcast to provide video and cable services within the Marshall City limits. The application complies with the requirements of the 2006 State of Michigan Public Act 480 (the Act) which stipulates the requirements and process for a Uniform Video Local Franchise Agreement filing. The franchise agreement grants authority to Comcast to use and occupy the City's public right-of-way in the delivery of video and cable services. A 5% annual fee of Comcast's annual gross revenue derived by Comcast for providing the video and cable services within the City will be paid to the City.

The City has 30 days after the submission date of the application to approve the agreement. The City is also obligated by the Act to allow Comcast to attach to the City's utility poles but a subsequent pole license agreement will be necessary which includes an annual pole rental fee.

This administrative report and recommendation was presented to the City Council at its regular meeting held on July 18, 2016. The recommendation was tabled with the direction for city staff to meet with representatives from Comcast to clarify the application and to discuss the City's planned Fiber to the Premise project. The meeting occurred on July 25, 2016 with Comcast indicating they planned to proceed with the due diligence for their project.

RECOMMENDATON: It is recommended by staff that the City Council approve entering into a 10 year franchise agreement with Comcast for them to use the city's public right-of-way to provide video service within the Marshall City boundaries and to authorize the City Clerk to sign the agreement.

FISCAL EFFECTS: A 5% annual fee of Comcast's annual gross revenues derived from the video service will be treated as revenue to the General Fund.

ALTERNATIVES: Suggestions by City Council

CITY GOAL CLASSIFICATON: GOAL AREA II -- QUALITY OF LIFE
Goal Statement: To achieve and sustain a concentrated effort to promote a vibrant community atmosphere in the Marshal area.

Respectfully Submitted,

Edward E. Rice, P.E.
Electric Utilities Director

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

COMCAST

Sent Via UPS

July 6, 2016

Trisha Nelson, Clerk
City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

Re: Michigan Uniform Video Service Local Franchise Agreement

Dear Ms. Nelson:

In accordance with the instructions set forth by the Michigan Public Service Commission in its provision of the Uniform Video Service Local Franchise Agreement, enclosed please find two completed Uniform Video Service Local Franchise Agreements along with the necessary Attachment 1s thereto filed on behalf of Comcast of California/Connecticut/Michigan. Kindly return one executed copy of the Agreement to me in the self addressed stamped envelope.

If you have any questions, please contact me directly at 616-575-0479 or Leslie Brogan, Senior Director of Government Affairs, at 517-334-5890. We look forward to continuing to be the company that your residents look to first for the communication products and services that connect them to what's important in their lives.

Sincerely,

Jeffrey Snyder
Manager of External Affairs
Comcast, Heartland Region
3500 Patterson Rd., SE
Grand Rapids, MI 49512

Enclosure

INSTRUCTIONS FOR
UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

Pursuant to 2006 Public Act 480, MCL 484.3301 *et seq*, any Video Service Provider seeking to provide video service in one or more service areas in the state of Michigan after January 30, 2007, shall file an application for a Uniform Video Service Local Franchise Agreement with the Local Unit of Government ("Franchising Entity") that the Provider wishes to service. Pursuant to Section 2(2) of 2006 PA 480, "Except as otherwise provided by this Act, a person shall not provide video services in any local unit of government without first obtaining a uniform video service local franchise as provided under Section 3." Procedures applicable to incumbent video service providers are set forth below.

As of the effective date (January 1, 2007) of the Act, no existing franchise agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the agreement. The incumbent video Provider, at its option, may continue to provide video services to the Franchising Entity by electing to do one of the following:

1. Terminate the existing franchise agreement before the expiration date of the agreement and enter into a new franchise under a uniform video service local franchise agreement.

2. Continue under the existing franchise agreement amended to include only those provisions required under a uniform video service local franchise.

3. Continue to operate under the terms of an expired franchise until a uniform video service local franchise agreement takes effect. An incumbent video Provider with an expired franchise on the effective date has 120 days after the effective date of the Act to file for a uniform video service local franchise agreement.

On the effective date (January 1, 2007) of the Act, any provisions of an existing Franchise that are inconsistent with or in addition to the provisions of a uniform video service local Franchise Agreement are unreasonable and unenforceable by the Franchising Entity.

If, at a subsequent date, the Provider would like to provide video service to an additional Local Unit of Government, the Provider must file an additional application with that Local Unit of Government.

The forms shall meet the following requirements:

- The Provider must complete both the "Uniform Video Service Local Franchise Agreement" and "Attachment 1 - Uniform Video Service Local Franchise Agreement" forms if they are seeking a new/renewed Franchise Agreement, and send the forms by mail (certified, registered, first-class, return receipt requested, or by a nationally recognized overnight delivery service) to the appropriate Franchising Entity. Until otherwise officially notified by the Franchising Entity, the forms shall be sent to the Clerk or any official with the responsibilities or functions of the Clerk in the Franchising Entity. **"Attachment 2 - Uniform Video Service Local Franchise Agreement" is not required to be filed at this time *unless* it is being used regarding amendments, terminations, or transfers pertaining to an existing Uniform Video Service Local Franchise Agreement. (Refer to Sections X to XII of the Agreement, as well as Section 3(4-6) of the Act.)**

- Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.

    1. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:

        "[insert PROVIDER'S NAME]
        [CONFIDENTIAL INFORMATION]"

    2. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a

FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

3. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

- Responses to all questions must be provided and must be amended appropriately when changes occur.
- All responses must be printed out, typed, signed/dated (where appropriate), and mailed (certified, registered, first class, return receipt requested, or by a national recognized overnight delivery service) to the appropriate party.
- The Agreement and Attachments are templates. Tab through the documents and fill in as appropriate, use the appropriate "dropdown box" (City/Village/Township) when indicated.
- For sections that need explanation, if the Provider runs out of space, the Provider should then submit the application with typed attachments that are clearly identified.
- The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by this Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the franchise agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
- A Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under this subsection, the franchise agreement shall be considered complete and the Franchise Agreement approved. The Provider shall notify both the Franchising Entity and the Michigan Public Service Commission of such an approved and completed Agreement by completing **Attachment 3 - Uniform Video Service Local Franchise Agreement**.
- For changes to an existing Uniform Video Service Local Franchise Agreement (amendments, transfers, or terminations), the Provider must complete the "**Attachment 2 - Uniform Video Service Local Franchising Entity**" form, and send the form to the appropriate Franchising Entity.
- For information that is to be submitted to the Michigan Public Service Commission, please use the following address:

Michigan Public Service Commission
Attn: Video Franchising
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Fax: (517) 241-6217

Questions should be directed to the Telecommunications Division, Michigan Public Service Commission at (517) 241-6200.

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq*, (the "Act") by and between the City of Marshall, a Michigan municipal corporation (the "Franchising Entity"), and Comcast of California/Connecticut/Michigan, a Colorado General Partnership doing business as Comcast.

I. Definitions

For purposes of this Agreement, the following terms shall have the following meanings as defined in the Act:

- **A.** "Cable Operator" means that terms as defined in 47 USC 522(5).
- **B.** "Cable Service" means that terms as defined in 47 USC 522(6).
- **C.** "Cable System" means that term as defined in 47 USC 522(7).
- **D.** "Commission" means the Michigan Public Service Commission.
- **E.** "Franchising Entity" means the local unit of government in which a provider offers video services through a franchise.
- **F.** "FCC" means the Federal Communications Commission.
- **G.** "Gross Revenue" means that term as described in Section 6(4) of the Act and in Section VI(D) of the Agreement.
- **H.** "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- **I.** "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.
- **J.** "IPTV" means internet protocol television.
- **K.** "Local unit of government" means a city, village, or township.
- **L.** "Low-income household" means a household with an average annual household income of less than $35,000.00 as determined by the most recent decennial census.
- **M.** "METRO Act" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 *et seq.*
- **N.** "Open video system" or "OVS" means that term as defined in 47 USC 573.
- **O.** "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- **P.** "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- **Q.** "Term" means the period of time provided for in Section V of this Agreement.
- **R.** "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.
- **S.** "Video programming" means that term as defined in 47 USC 522(20).
- **T.** "Video service" means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- **U.** "Video service provider" or "Provider" means a person authorized under the Act to provide video service.
- **V.** "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

II. Requirements of the Provider

A. An unfranchised Provider will not provide video services in any local unit of government without first obtaining a uniform video service local franchise agreement as provided under **Section 3 of the Act** (except as otherwise provided by the Act).

B. The Provider shall file in a timely manner with the Federal Communications Commission all forms required by that agency in advance of offering video service in Michigan.

C. The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.

D. The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the Franchising Entity.

E. The Provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of federal, state, and local emergency messages over the emergency alert system applicable to cable operators.

F. The Provider shall comply with the public, education, and government programming requirements of Section 4 of the Act.

G. The Provider shall comply with all customer service rules of the Federal Communications Commission under 47 CFR 76.309 (c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.

i. Including but not limited to: MCL 445.902; MCL 445.903 (1)(a) through 445.903(1)(cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.911; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.

H. The Provider agrees to comply with in-home wiring and consumer premises wiring rules of the Federal Communications Commission applicable to cable operators.

I. The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.

J. If the Provider is an incumbent video provider, it shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the Franchising Entity entered before the effective date of the Act.

K. The Provider agrees that before offering video services within the boundaries of a local unit of government, the video Provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.

L. The Provider understands that as the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.

M. The Provider provides an exact description of the video service area footprint to be served, pursuant to **Section 2(3)(e) of the Act**. If the Provider is not an incumbent video Provider, the date on which the Provider expects to provide video services in the area identified under **Section 2(3)(e) of the Act** must be noted. The Provider will provide this information in Attachment 1 - Uniform Video Service Local Franchise Agreement.

N. The Provider is required to pay the Provider fees pursuant to **Section 6 of the Act**.

III. Provider Providing Access

A. The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.

B. It is a defense to an alleged violation of Paragraph A if the Provider has met either of the following conditions:

i. Within 3 years of the date it began providing video service under the Act and the Agreement; at least 25% of households with access to the Provider's video service are low-income households.

ii. Within 5 years of the date it began providing video service under the Act and Agreement and from that point forward, at least 30% of the households with access to the Provider's video service are low-income households.

C. [**If the Provider is using telecommunication facilities**] to provide video services and has more than 1,000,000 telecommunication access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least 25% of the households in the provider's telecommunication

service area in Michigan within 3 years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within 6 years. **The video service Provider is not required to meet the 50% requirement in this paragraph until 2 years after at least 30% of the households with access to the Provider's video service subscribe to the service for 6 consecutive months.**

D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:

i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.

ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.

iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.

iv. Natural disasters

v. Factors beyond the control of the Provider

E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.

F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.

G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

IV. Responsibility of the Franchising Entity

A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.

B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.

C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."

D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.

i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.

E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.

F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:

i. The authorization or placement of a video service or communications network in public right-of-way.

ii. Access to a building owned by a governmental entity.

iii. A municipal utility pole attachment.

G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the

permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.

I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.

J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

V. Term

A. This Franchise Agreement shall be for a period of 10 years from the date it is issued. The date it is issued shall be calculated either by **(a)** the date the Franchising Entity approved the Agreement, provided it did so within 30 days after the submission of a complete franchise agreement, or **(b)** the date the Agreement is deemed approved pursuant to **Section 3(3) of the Act**, if the Franchising Entity either fails to notify the Provider regarding the completeness of the Agreement or approve the Agreement within the time periods required under that subsection.

B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act.**

VI. Fees

A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:

i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.

ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of _____% (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers

B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.

D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.

1. **Gross revenues shall include all of the following:**

   i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.

   ii. Any franchise fee imposed on the Provider that is passed on to subscribers.

   iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.

   iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.

   v. All revenue derived from compensation arrangements for advertising to the local franchise area.

   vi. Any advertising commissions paid to an affiliated third party for video service advertising.

2. **Gross revenues do not include any of the following:**

   i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.

   ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.

   iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services,

capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.

iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.

v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.

vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.

vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barters, services, or other items of value shall be included in gross revenue.

viii. Sales of capital assets or surplus equipment.

ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.

x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.

E. In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

F. Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.

G. The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.

H. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

I. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.

J. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.

K. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

VII. Public, Education, and Government (PEG) Channels

A. The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.

B. Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.

C. The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider *shall not* exercise any editorial control over any programming on any channel designed for public, education, or government use.

E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.

F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.

G. A PEG channel shall only be used for noncommercial purposes.

VIII. PEG Fees

A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:

1. If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount ____) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;
2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is __-----__% of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);
3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is _------__% of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and
4. An amount agreed to by the Franchising Entity and the video service Provider.

B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.

C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.

F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.

G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

IX. Audits

A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.

B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

X. Termination and Modification

This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under **Section 9 of the Act**, by the Provider by submitting notice to the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XI. Transferability

This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer. The Provider will use Attachment 2, when notifying the Franchising Entity. The successor in interest will assume the rights and responsibilities of the original provider and will also be required to complete their portion of the Transfer Agreement located within Attachment 2.

XII. Change of Information

If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XIII. Confidentiality

Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.

A. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:

"[insert PROVIDER'S NAME]
[CONFIDENTIAL INFORMATION]"

B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

XIV. Complaints/Customer Service

A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.

B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.

C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.

D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.

E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.

F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.

G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(l) in the Act**.

XV. Notices

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

If to the Franchising Entity:
(must provide street address)

City of Marshall:

Attn:

Fax No.:

If to the Provider:
(must provide street address)

1.
41112 Concept Dr.
Plymouth, MI 48170
Attn: VP of Government Affairs
Fax No.: 248-233-4719

2.
600 Galleria Pkwy
Atlanta, GA 30339
Attn: Sen. Vice President, Government Relations

3.
One Comcast Center
Philadelphia, PA 19103
Attn: Government Affairs Department

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

XVI. Miscellaneous

- **A.** Governing Law. This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.
- **B.** The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.
- **C.** Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute on and the same agreement.
- **D.** Power to Enter. Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- **E.** The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

City of Marshall, a Michigan Municipal Corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Comcast of California/Connecticut/Michigan, a Colorado General Partnership doing business as Comcast

By
Timothy P. Collins

Print Name
Regional Senior Vice President

Title
41112 Concept Drive

Address
Plymouth, MI 48170

City, State, Zip
734-254-1525

Phone
248-233-4719

Fax
Tim_Collins@cable.comcast.com

Email

FRANCHISE AGREEMENT *(Franchising Entity to Complete)*

Date submitted:

Date completed and approved:

ATTACHMENT 1

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT
(Pursuant To 2006 Public Act 480)

(Form must be typed)

Date: June 30, 2016
Applicant's Name: Comcast of Muskegon
Address 1: 41112 Concept Dr.
Address 2 | Phone: 248-233-4700
City: Plymouth | State: MI | Zip: 48170
Federal I.D. No. (FEIN): 84-1140664

Company executive officers:

Name(s): Timothy P. Collins
Title(s): Regional Senior Vice President

Person(s) authorized to represent the company before the Franchising Entity and the Commission:

Name: Jeff Snyder
Title: Manager, External Affairs
Address: 3500 Patterson Ave, SE, Grand Rapids, MI 49512
Phone: 616-575-0479 | Fax: | Email: Jeffrey_Snyder@comcast.com

Name: Leslie A. Brogan
Title: Senior Director, Government Affairs
Address: 1401 E. Miller Rd., Lansing, MI 48911
Phone: 517-334-5890 | Fax: 517-334-1880 | Email: Leslie_Brogan@cable.comcast.com

Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)

Comcast intends to serve, in accordance with the standards set forth in PA 480 of 2006, the present territorial corporate limits of the City and any area henceforth annexed to or otherwise added to the City during the term of this franchise.

[**Option A**: for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[**Option B:** for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on entire wire centers or exchanges located in the Franchising Entity]

[**Option C**: for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).

Date:

For All Applications:

Verification
(Provider)

I, Timothy P. Collins, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Name and Title (printed): Timothy P. Collins, Regional Senior Vice President	
Signature: T P. Collins	*Date:* 6-30-2016

(Franchising Entity)

City of Marshall, a Michigan municipal corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Date

ATTACHMENT 1

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT

August 1, 2016 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
Mike Hackworth, Street Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: 2016-2017 Pavement Marking – City Wide

BACKGROUND: The City of Marshall receives ACT 51 (Gas Tax) Funds for maintenance of City Major and Local Streets. One item to be maintained is traffic markings, these include crosswalks, stop bars, arrows, centerlines, RR crossings, and other special markings.

Bids for this work were requested and are as follows, only one bid was received:

PK Contracting, Inc Troy, MI	2016:	$ 41,482.28 (For all special mkgs, centerlines, edge lines etc.)
	2017:	$ 4,771.65 (For all centerlines and edge lines)

The current bid requested all special markings to be Cold Plastic. While cold plastic is initially more expensive the average life of these markings is six years. This will minimize the need for replacement of these markings for many years due to the increased durability and visibility of these markings. Since 2011 only a minimal amount of crosswalks and special markings have been painted around the schools areas.

RECOMMENDATION: It is recommended that the City Council approve the bid from PK Contracting of Troy, MI for a not to exceed amount of $42,000 for 2016 and a not to exceed award for $5,000 for 2017. Bids were reviewed against other similar bids and it was found that the costs for this unit price items were below the average costs from other recent contracts. PK Contracting is a well-known and respected contractor, throughout the state, with which we have worked with in the past. It is also recommended that City Council approve a budget amendment in the amount of $46,500 from Major Streets-Capital Outlay (202-900-970.00) to Major Streets-Contracted Maintenance (202-474-939.00) as outlined in the Fiscal Effects.

FISCAL EFFECTS: To authorize a professional services contract in the amount of $42,000 for calendar 2016 work and $5,000 for 2017 work. Funds will be dispersed from the Traffic Services – Contracted Maintenance 202-474-939.00. The original FY17 budget for engineering work on the S. Marshall Ave. bridge project was $50,000 and it is now determined to be $40,000 for a savings of $10,000. The original FY17 budget for the S. Marshall Ave. bridge replacement construction was $126,500 and it is now determined to be $90,000 for a savings of $36,500 (for a total saving of $46,500).

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Kristin Bauer
Director of Public Services

Mike Hackworth
Streets Superintendent

Tom Tarkiewicz
City Manager