

MARSHALL CITY PLANNING COMMISSION
Wednesday, September 14, 2022 at 7:00 p.m.
City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI

Call to Order

Roll Call

Approval of Agenda

Regular Meeting of the Planning Commission, September 14, 2022

Approval of Minutes

Minutes from the Regular Meeting of May 11, 2022

Public Comments on Agenda Items

Public Hearings

New Business

1. Schedule Public Hearing to amend the Zoning Ordinance to create I-3 Zoning District and update other affected sections

Old Business

1. Schedule Training

Public Comment on Non-Agenda Items

Reports

Adjournment

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, MAY 11, 2022**

In a regular session, Wednesday, May 11, 2022 at 7:00 p.m. at City Hall, Council Chambers, 323 West Michigan Avenue, Marshall, Michigan, the Marshall Planning Commission was called to order by Chair Banfield.

ROLL CALL

Members Present: Commissioners Banfield, Burke Smith, Fitzgerald, McNiff, Reed, Zuck, C Zuzga and Council Liaison Wolfersberger

Members Absent: Commissioner Hall, Longyear, and Zuck

Staff Present: Trisha Nelson, Planning & Zoning Administrator

AGENDA

MOTION by Reed, supported by Zuzga, to accept the agenda for the Wednesday, May 11, 2022 as submitted. On voice vote; **MOTION CARRIED.**

MINUTES

MOTION by Fitzgerald, supported by Zuzga, to accept the minutes from the Wednesday, March 2, 2022 special meeting and the Wednesday, March 9, 2022 regular meeting. On voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

NEW BUSINESS

Cody Newman, of Driven Design, prepared the site plan and the project as a whole. He stated that the building at 107 N Park had been used as a bank and would continue to be used as a bank. He stated that the footprint of the building would remain the same. He further stated that 5 parking spots would be removed to make room for a dumpster enclosure and an additional 4 spots would be removed to create a pass-through lane for the ITM. He stated that the vehicles that were used as models in the site plan were scaled to a full size pick up truck and that there is enough room for 5 vehicles to wait. He stated that the 2 storm drains and all exterior lighting will remain, as well as the current asphalt footprint with new striping to reflect the described changes.

Zuzga questioned where the dumpster enclosure was being proposed. Newman stated that it was being placed in the southeast corner. Zuzga questioned if it would meet setback requirements. Nelson stated that the only requirement is that it be fenced. Reed questioned if the ITM would be placed further down than on the building. Mike Miller, VP of operations at Kellogg Community Credit Union, stated that the slab that

is currently on site will be removed and a new one placed to allow drive up and walk up traffic. He further stated that the ITM will allow people to speak with a Teller if there needs expand beyond those of a basic ATM. Banfield questioned if there was a canopy over the ITM. Newman stated that there is a canopy that is 8' off the ground and sticks out 2'. Wolfersberger questioned if there would be hours of operations for the teller portion of the ITM. Miller stated that it would be available from 9am-6pm. Banfield questioned if there was space for someone to leave the line. Nelson stated that the ordinance requires it and that was why the 4 parking spots would be turned into a pass through.

Banfield questioned if there are other ITMs like the proposed one. Miller stated that this will be the first ITM, but that they have had several other island style ATMs. Banfield stated that while it is nice to have the ITM covered, 8' seemed short for the canopy height. Miller stated that there will be a block that won't allow you to hit the ITM and the height is actually 9'. Wolfersberger questioned if the ITM signage and display would be lit 24/7. Miller stated that there is lighting on the ITM that will be on at all times, but it is more of a glow than a bright light.

Banfield stated that with removing the parking space, the lot would need to be either resurfaced or restriped and he suggested that there be placed markings for the bypass lane and a one way arrow put in when that is done. He further stated that the height of the ITM canopy should be no less than 9' and that the dumpster have sides to block the view of it. Newman stated that all four sides of the dumpster will have a 6' high fence with a gate on side. Wolfersberger stated that the residences near there are going to be over looking the dumpster. Zuzga suggested the possibility of some tall grasses to block the view as well. Banfield stated that approval should be conditional on the dumpster meeting the ordinance for setback.

MOTION by Reed, supported by Burke Smith to receive Site Plan application #SP22.01 for Kellogg Credit Union at 107 N Park Ave. On a voice vote; **MOTION CARRIED.**

MOTION by Zuzga, supported by Reed to approve Site Plan application #SP22.01 for Kellogg Credit Union at 107 N Park Ave with the following conditions:

1. There are pavement markings to show the bypass lane and a one-way arrow.
2. The dumpster follows the ordinance for setbacks.

On a voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS NOT ON AGENDA

REPORTS

Wolfersberger stated that the only thing City Council recently dealt with was cleaning up the parking ordinances.

Nelson stated that there are no stated setbacks for dumpsters but that she would talk with them about moving it out some to allow for someone to clean behind the enclosure.

Banfield questioned when training would be occurring. Nelson stated that there may be a vacancy on the board soon and once she has a definitive answer from that board member, training will move forward with the board at that point. Zuzga stated that she will do some basic training for those new to the process, but that the RRC certification the city has requires that training be done yearly for all board members and that the city keep records of the trainings.

ADJOURN

Planning Commission adjourned at 7:38 p.m.

Submitted by,

Michelle Eubank

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2022-___

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 3.0 ZONING DISTRICTS, SECTION 1.13.1 I-3 INDUSTRIAL PARK DISTRICT, CHAPTER 3.0 SECTION 20.1 I-3 DEVELOPMENT REQUIREMENT, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS.

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, is hereby amended to amend Section 3.1 “Districts Established” by adding:

13-1 I-3 Industrial District

Section 2. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, is hereby amended to add Section 3.1.13.1 **as follows:**

- A. Intent- The I-3 Industrial Business district is intended to provide locations for larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and community utilities and may include multiple supporting ancillary services such as storage, daycare, cafeteria, gym, or other supportive amenities. This district may be established in areas; a) that are served by major highways, rail or air service, or secondary road improved to state standards; b) that are either served by public water and sewer, and c) that are clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development. Buffering zones may be required by the Zoning Administrator to mask industry operations from adjacent non-industrial zoned districts.
- B. Principal Permitted Uses-
 - i. Light manufacturing and equipment servicing
 - ii. Assembly and packaging of products
 - iii. Manufacture or treatment of goods
 - iv. Compounding, manufacturing, and processing or treatment of materials or products, when not adjacent to a residential zone district (P)
 - v. Electroplating, heat-treating, metal plating, stamping, pressing, casing, buffing, and polishing
 - vi. Laboratories for research and testing
 - vii. Experimental product development facilities
 - viii. Machine shops
 - ix. Printing, lithographic, blueprinting, and similar processes
 - x. Canning factories and chemical plants
 - xi. Assembly, fabrication, manufacture, or treatment of goods
 - xii. Recycling collection facilities
 - xiii. Recycling processing facilities, as part of an industrial process
 - xiv. Wireless communication facilities

- xv. Solar energy systems, large (SLU)
- xvi. Solar energy systems, medium (P)
- xvii. Solar energy systems, small (P)
- xviii. Power plants or central stations
- xix. Electronics production and assembly, including semiconductors and batteries
- xx. Steel fabrication plants
- xxi. 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)
- xxii. Electric vehicle charging stations, Levels 1, 2, and 3
- xxiii. Retail establishments, banks, and convenience stores meant to serve users of the industrial park
- xxiv. Gas station (excluding service stations)
- xxv. Mobile food vending
- xxvi. Recreation areas or centers, private non-commercial
- xxvii. Open space, wetlands, woodlands, drains, and greenbelt areas dedicated to the public, and publicly owned or operated pedestrian malls, parks, trails, playgrounds, and playfields
- xxviii. Accessory restaurants, cafeteria facilities, medical centers, health clubs, recreational facilities, adult day care and childcare centers
- xxix. Accessory structures and uses
- xxx. Indoor warehousing as an accessory use customarily incidental to the above permitted uses
- xxxi. Worker mobility accommodations, including bus shelters, bus stations, carpooling area, and parking structures

C. Special Land Uses

- i. Accessory off-street, off-site parking facilities
- ii. Airports or heliports, public or privately owned or operated
- iii. Breweries, distilleries, wineries, bottling works, and microbreweries
- iv. Compounding, manufacturing, and processing or treatment of materials or products, when adjacent to a residential zone district
- v. Trade schools, regional educational facilities, vocational education facilities, intermediate career centers, and similar technological or vocational training facilities
- vi. Wind energy conversion systems
- vii. Retail establishments, banks, and convenience stores meant to serve users of the industrial park with accessory drive throughs

D. Development Standards

- A. Lot Size
 - 1. Minimum Lot area- None specified
 - 2. Minimum Lot Width- 200 feet
- B. Lot Coverage
 - 1. Maximum Lot Coverage- 60%

- C. Setbacks
 - 1. Minimum front yard setback- 50 feet
 - 2. Minimum rear yard setback- 30 feet
 - 3. Minimum side yard setback- 30 feet
- D. Building Height
 - 1. Maximum building height- 200 ft by right, w/proportionate setback for structures over 60
- E. Floor Area
 - 1. Minimum floor area per unit- None specified

Section 3. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, is hereby amended to add I-3 to the table in Section 3.11 and add the following notes **as follows:**

- A. Add 3.11.2.K- Ancillary uses, including retail sales, warehousing of non-production related materials, and other similar uses contained within the building shall not exceed 10% of the useable building square footage. Ancillary outdoor storage shall be screened and not exceed 20% of the lot or lots in common ownership. The same lot coverage requirement shall also apply to ground-level solar facilities; the two in combination shall not exceed 20%.
- B. In the table on Applicability of Notes to District Standards make the following notes applicable to I-3: A, B, D, I, K

Section 4. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, is hereby amended to add Section 3.20.1 **as follows:**

3.20.1 I-3 DEVELOPMENT REQUIREMENT

To ensure compatibility with the intent and purpose of the I-3 (Industrial Park) district, all uses and principal and accessory buildings and structures in the district shall be subject to the following development requirements. The requirements of this Section may be reduced or waived by the Planning Commission in accordance with Special Land Use standards.

- 1. Lot Coverage. Maximum allowable lot coverage may be increased up to 70% with the submittal of a LEED checklist and proof of registration that demonstrates the intent to apply for LEED building certification with the U.S. Green Building Council, facilities that are Zero Net Carbon (ZNC), Zero Net Energy (ZNE), or other generally recognized building certification.
- 2. Setbacks. To protect the public health, safety, comfort, and welfare and minimize land use conflicts, it may be required that intensive uses which pose a potential nuisance as determined by the Zoning Administrator or Planning Commission in its review of matters addressed under the impact assessment of Section 3.20.1.(9), shall be set back a minimum of 500 feet from any residential district or use.
- 3. Height. The maximum allowable height is 200 feet.
 - A. Structures greater than 60 feet in height shall have setbacks circumscribed by the minimum front, side, and rear setbacks plus one additional foot of setback for each foot of height above 60 feet. Setback requirements associated with this provision may be

reduced or waived by the Planning Commission in accordance with Special Land Use standards.

- B. The applicant must submit certification that proposed building height meets the ability of local fire and rescue teams to serve the facility. Certification in the form of a letter signed by the fire inspector shall be provided. If the building cannot be certified, then on-site fire control provisions must be provided.
- 4. Materials. All walls exposed to public view from a street, or an adjacent residential area, shall be constructed of not less than 20 percent brick, face brick, stone, or cast stone. Metal siding or paneling may be used, provided it is not higher than 24 gauge and any change in profile shall be non-corrugated with a minimum rib depth of 1-inch.
- 5. Windows. A minimum of 10 percent of building walls that face a street shall have windows. Windows may be clustered. Glass block shall be allowed in non-office locations of the building.
- 6. Façade Variation. For every 75 feet of horizontal distance, building walls facing a street shall have articulation or architectural variations so that the building is not monotonous in appearance. Acceptable variations include, but are not limited to:
 - A. Recess and projections along the building façade that are a minimum of 18 inches in depth.
 - B. Architectural details or features.
 - C. Enhanced ornamentation around building entranceways.
 - D. Variations in building height.
- 7. Screening. All uses shall be screened from street rights-of-way and abutting residential districts or uses using one of the landscape buffer methods described in [Section 5.15.8](#). A buffer shall be provided of at least 150 feet in side and rear yards for intensive uses that require an impact assessment.
- 8. 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.
- 9. 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.
- 10. Impacts. Due to the intensive nature of many uses allowed in the I-3 zone district, measures to evaluate potential impacts and thresholds to determine potential harm are provided. The following are general requirements of this zone district, regardless of the existence of an impact assessment, and may be used for enforcement purposes.
 - A. Water. The assessment shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
 - B. Odors. No use shall be operated to produce the emission of hazardous, objectionable or offensive odors in such concentration as to be readily perceptible at or beyond the lot line of the property on which the use is located.
 - C. Noise and Vibration. Depending on the use, if noise and/or vibration impacts are expected then a study shall be conducted. All measurements to determine compliance shall be made from the use's nearest parcel boundary to the primary building or structure of an affected use to understand any potential adverse effects based on the following measures:

1. Impact noises generated by sources that operate at a frequency greater than 1 minute in any 1-hour period are regulated as a continuous noise and shall not exceed 80 dbA between industrial uses. If a residential use is proximate and in a residentially zoned district, then continuous noise shall not exceed 65 dbA. Impact noises generated by sources that have intermittent operations, no more than 1 minute in any 1-hour period, are permissible up to a level of 10 dbA in excess of the maximum limits except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. where an adjacent lot is residentially zoned.
 2. Sound level meters designed to verify compliance shall use an A-weighted filter constructed in accordance with the specification of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.
 3. Vibration. Vibration levels in a steady state (continuous or vibrating in discrete pulses more than 60 pulses per minute) shall not exceed 0.02 inches/second. Acceptable levels of maximum peak particle velocity for impact vibrations (less than 60 pulses per minute) shall not exceed 0.04 inches/second.
- D. Electromagnetic Interference No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception beyond the lot line of the property on which the use is located.
- E. Glare and Light. and Light. The direct light of outdoor lighting fixtures which are reflective, directional, or non-diffused type (glare) shall not be visible at the property line. In addition:
1. Diffused or nondirectional light and the combination of all light shall not exceed 0.5 footcandles at the lot line if the adjoining property is residentially zoned.
 2. Exposed bulbs, LED displays, or other bright lights that may be used as advertising to draw attention to a site shall be prohibited.
- F. If the proposed use may have significant impacts upon the environment (odor, noise, vibration, glare, resource pollution, smoke, particulate emissions, or degraded natural features), traffic, infrastructure, or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district then the applicant shall submit an impact assessment describing the expected potential impacts associated with the use. The assessment shall include proposed mitigation measures to be employed and shall be subject to Planning Commission approval.
- G. 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.

Section 5. That **Chapter 4.0, Use Standards** of the Marshall City Zoning Code, is hereby amended to add Section 3.1.13.1 “I-3 Industrial Park District”, as **follows**:

Section 4.20 Retail Establishments

In the I-1, I-2, and I-3 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.

Section 4.33 Adult and Childcare Centers

In the B-3, I-1, I-2, and I-3 districts, adult and childcare centers are permitted as a special land use, subject to the following:

Section 4.35 Laboratories for Research and Testing, and Experimental Produce Development Facilities

In the I-1, I-2, and I-3 districts, laboratories for research and testing, and experimental product development facilities are permitted uses when enclosed entirely within a building.

Section 4.38 Machine Shops

In the I-1, I-2, and I-3 districts, machine shops are a permitted use, provided no vibration from the operations shall be perceptible beyond the boundaries of the zoning lot.

Section 4.39 Printing, Lithographic, Blueprinting, and Similar Processes

In the I-1, I-2, and I-3 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.

Section 4.40 Restaurants, Cafeteria Facilities, Medical Facilities, Health Clubs, and Recreation Facilities

In the I-1, I-2, and I-3 districts, accessory restaurants, cafeteria facilities, medical facilities, health clubs, 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.

Section 4.41 Electroplating, Heat-Treating, Metal Plating, Stamping, Pressing, Casing, Buffing, and Polishing

In the I-1, I-2, and I-3 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.

Section 4.43 Outdoor Storage Yards, General

In the I-1, I-2, I-3, 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. Area. Outdoor storage shall not comprise more than 20% of the area of a lot or lots in common ownership in the I-3 district.

4. 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.

Section 4.45 Compounding, Manufacturing, Packaging, or Treatment of Goods

In the I-1, I-2, and I-3 districts, 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 devices, 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.

Section 4.46 Assembly, Fabrication, Manufacturing, or Treatment of Products from Previously Prepared Materials

In the I-2 and I-3 districts, 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.

Section 4.50 Electrical 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, except in the I-3 district one (1) EV charging station shall be required for every 40 cars or fraction thereof.

Section 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, I-3, POSD, and PSP districts on private property that is vacant or used for non-residential purposes, subject to the following:

Section 4.52 Recycling and Related Uses

2. Recycling Collection Facilities. Recycling collection facilities are permitted in the I-1, I-2, and I-3 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, I-2, and I-3 districts, subject to the following standards:
 - J. Recycling processing facilities may include recycling collection facilities, subject to the standards of [Section 4.52.2](#).

Section 4.53 Solar Energy Systems

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, I-3, and PSP districts, provided the systems meet setback and other standards, as provided in this Section. ...
3. Large Solar Energy Systems. Large solar energy systems are permitted as a special land use in the I-1, I-2, and I-3 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, I-2, and I-3 zone 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 in the I-1 and I-2 districts, provided that all setbacks and other standards of Section 4.55.2 are met. No more than 20% of a lot or lots in common ownership may be used for a solar collection system on the ground in the I-3 district.
 - b. There is no maximum coverage for building roofs.
 - c. 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.

Section 4.54 Wind Energy System

A small residential system supplying not more than 5 kw is exempt from this chapter. Small wind energy residential systems must meet accessory structure requirements for the district. Wind energy conversion systems shall be permitted as a special land use in the POSD, FS, I-1, I-2, and I-3 districts, subject to the following:

Section 3. That **Chapter 5.0 Site Standards** of the Marshall City Zoning Code, Section 5.1 “Signs”, is hereby amended **as follows**:

3.G. Add I-3

iii. Billboard (I-1 and I-2 Only)

4. Specific Sign Regulations.

- A. Awning Signs. Awning signs are permitted in the B-2, B-3, B-4, POSD, I-1, I-2, and I-3 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.
- 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, I-3, and HCHSD districts and the HCOD overlay district.
- N. Marquee Signs. Marquee signs are permitted in the MFRD, MHPD, POSD, B-2, B-3, B-4, I-1, I-2, I-3, and HCHSD districts, subject to the following:
 - a. Wall Signs. Wall signs are permitted in the MFRD, MHPD, B-2, B-3, B-4, POSD, FS, I-1, I-2, I-3, 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:
 - 1. Shall not be greater than the maximum sign area permitted for the property;

2. 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.
3. 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.
4. 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, I-3, 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.

Add I-3 to the I-1 and I-2 category on Table 5.1.4.N

P. Window Signs. Window signs are permitted in the B-2, B-3, B-4, POSD, FS, I-1, I-2, I-3 and HCHSD districts, subject to the following:

Section 6. That **Chapter 5.0 Site Standards** of the Marshall City Zoning Code, Section 5.14 "Parking, Loading, and Access Management", is hereby amended **as follows:**

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. Amend 5.14.2 to the following: Scope. With the exception of areas designated on the official zoning map as being parking exempt and the I-3 Industrial Park district, 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. Where parking is constructed, the design requirements of this Section shall apply.
3. Add 5.14.13 as follows: Temporary Surface Parking Lots. Temporary surface parking lots are permitted in the I-3 Industrial Park district pending the construction of a development project, subject to the following requirements and conditions.
 - A. Zoning Approval. Evidence of a zoning approval under the provisions of this Chapter for a new development shall be submitted with the temporary use permit.
 - B. Site Plan. A site plan shall be submitted that includes site dimensions, existing public improvements, and proposed site layout of the temporary parking lot. Except as noted in 3., below, interior parking lot landscape, pedestrian circulation requirements shall not be applicable to temporary surface parking lots.

- C. Screening. Minimum parking lot screening requirements of Section 5.15. shall apply if the parking lot will be used for longer than six (6) months, including any approved extension.
- D. Phasing Description. A description of the various phases of the development project with anticipated dates of completion shall be submitted as part of the request.
- E. Extension. The permitted duration of this use may be renewed for up to one (1) additional year, upon approval of a written request submitted to the Zoning Administrator at least thirty (30) days prior to the expiration of the temporary use permit.
- F. Removal. If the project for which the temporary parking lot fails to be initiated and substantially completed, the Zoning Administrator may require the immediate removal of the parking area. A performance guarantee shall be submitted following approval of the temporary parking lot in an amount sufficient to remove the parking area and restore the site.

Section 7. That **Chapter 5.0 Site Standards** of the Marshall City Zoning Code, Section 5.15 “Landscaping and Screening Standards”, Section 5.15.8 is hereby amended **as follows:**

- 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 and buffering 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:
 - 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, except as described in Section 3.20.1.(7) for intensive industrial uses in the I-3 district.
 - ii. A minimum 3-foot-high berm is provided in the setback area. The berm shall be heavily planted with a 4-season vegetative screen that includes a mixture of coniferous and deciduous trees. 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 site plan shall be provided that illustrates the location of windows or other viewing areas of the residential property. Landscaping shall be planted in response to residential viewsheds.
 - v. Irrigation shall be provided within the buffer area to ensure survivability of trees and plants.
 - vi. A mixture of the following species or alternatives approved by the Planning Commission shall be incorporated into the evergreen screen or buffer strip:

Section 8. That **Chapter 5.0 Site Standards** of the Marshall City Zoning Code, Section 5.16 “Sidewalks”, Section 5.16.4 is hereby amended **as follows**:

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. Paved walkways shall be provided for safe access in each surface parking area that has fifty (50) or more parking spaces, or has any parking spaces more than three hundred fifty (350) feet from the main entry door associated with the parking area
 - D. Walkways shall be either dedicated sidewalks raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with striping and tactile alerts, and may use alternative materials, such as pavers. Pedestrian accessways may be included in the calculation of open space required by this Ordinance.
 - E. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize pedestrian access and safety.
 - F. 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.
 - G. Walkways shall be a minimum of five (5) feet in width and installed in accordance with the City’s engineering design standards. Required walkways shall not be within the driving aisle, and, where possible, shall be within a landscaped island running perpendicular to the building entry. If parking spaces are adjacent to the sidewalk, the sidewalk must be at least seven (7) feet to allow for vehicular overhang.
 - H. 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.
 - I. Pedestrian access points at property edges and to adjacent parcels shall be coordinated with existing development to provide pedestrian circulation between developments, where feasible.

Section 9. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance.

Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 10. This Ordinance shall be published in 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 11. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this _____ day of _____, 2020.

Joe Caron, 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 _____, 2020, 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