

CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN

An Ordinance to Amend the City of Marshall Zoning Ordinance

Ordinance No. _____

An ordinance to amend the City of Marshall Zoning Ordinance to add definitions and establish a new Hospital Campus Overlay District.

THE CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN, ORDAINS:

Section 1.

Amend Section 156.003 Definitions to add the following:

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.

Section 2.

Add a HOSPITAL CAMPUS OVERLAY DISTRICT as follows:

Section 156.184 HCO HOSPITAL CAMPUS OVERLAY DISTRICT

(A) PURPOSE

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; and to adopt procedures by which properties identified by the Marshall City Council as appropriate for future Hospital growth may be utilized in a manner consistent with this ordinance. 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.

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.

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) HCO District Definitions

NON-RESIDENTIALLY USED LOT. A lot with a land use other than residential.

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.

(C) INCLUSION OF ADDITIONAL PROPERTIES TO HCO DISTRICT

(1) The owner of any parcel identified on the City of Marshall's Zoning Map as an "area appropriate for future Hospital growth" may apply to the City Council for one or more of those parcels to obtain the benefits of the uses permitted within the HCO District. Each such application shall include the following information:

(a) A legal description and street address of the subject property, a tax parcel identification number, and a 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) A written description of the current use of the subject property and the proposed use of the subject property.

(d) A statement of the square footage of any building currently on the subject property and of any building proposed to be built on the subject property.

(e) A timeline indicating when any physical alterations to the subject property would take place.

(2) City Council consideration and further action. The City Council will act upon the request by granting approval, disapproval, or referral to the Planning Commission for additional study. If City Council approval is granted then the subject property shall be considered to be in the HCO District. The applicant shall, within 28 days of approval by the City Council, apply to the City's Planning Commission for Site Plan Review under §156.380 and following.

(3) The owner of any parcel not identified as an "area appropriate for future Hospital growth" who desires to have such property included within the Hospital Campus Overlay District may apply for an amendment of the City of Marshall's Zoning Map according to the provisions of §156.030.

(D) 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, ~~home medical equipment facilities, sleep centers,~~ 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.

(E) PERMITTED ACCESSORY USES

Accessory structures and 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.

(F) USES PERMITTED IN DESIGNATED AREA

Any parcel along High Street between Mansion Street and Prospect Street and identified on the City of Marshall's Zoning Map as an "area appropriate for future hospital growth" may be used for any of the Principal Permitted Uses in the HCO District, or for any Permitted Accessory Uses identified in Paragraphs "D" and "E", above, other than off-street parking. Provided, however, that any use allowed under this paragraph shall be allowed only so long as the exterior of any structure located thereon is maintained by the Hospital consistent with the historical and residential use of such structure, subject to accessibility requirements created by state or federal law.

(G) 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 §§ 156.340 et seq.

~~1. Pharmacies~~

2. 1. Pharmacies

2. Home health services,

3. Home medical equipment facilities

(H) DIMENSIONAL REQUIREMENTS

Dimensional requirement shall be regulated by the underlying district as specified in Sections 156.180 through 156.182; provided, however, that the following requirements shall apply to development within the HCO District:

1. Surface Parking Setbacks

Lots abutting residentially used property:

Minimum yard setbacks

Front: Ten (10) feet

Side: Ten (10) feet

Rear: Ten (10) feet

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Lots abutting non-residentially used property:
Minimum yard setbacks

Front: 0 feet
Side: 0 feet
Rear: 0 feet

See Section 156.184(J) 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:

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:

Front 0 feet
Side 0 feet
Rear 0 feet

3. Building Height

Building Height and Grade are defined by §156.003.

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.

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.

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.

4. Maximum Lot Coverage

Maximum lot coverage shall be regulated by application of required minimum setbacks, not by a specified percentage.

(I) 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.

(J) DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY

1. DEFINITION NOTE: For the purpose of this subsection 156.184 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 non-residential use abuts a residentially used lot that is not in the HCO District.
- (1) 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.
 - (2) Site amenities and landscape features shall be designed to be compatible with abutting neighborhood character.
 - (3) Landscaping shall provide tree canopy shading of paved surfaces in accordance with subsection 156.307, 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 156.305.

- (4) A tiered height screening approach shall be provided on the side of a lot within the HCO District facing residential property located outside of the HCO District. 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 156.184,(J)2.(b) shall be met.
 - (5) 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 (1) 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.
 - (6) 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.
 - (7) 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.
 - (8) 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 non-residential use is located across the street from a residentially used lot that is not in the HCO District. See Section 156.304 Method of Screening for minimum city street right-of-way screening requirements.
- (1) 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.

- (2) Site amenities and landscape features shall be designed to be compatible with adjacent neighborhood character.
- (3) 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.
- (4) 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.
- (5) Landscaping and signage are encouraged at HCO District entrances to provide visual emphasis and ease of identification for both drivers and pedestrians.
- (6) Parking lots and vehicular circulation areas shall be screened by a hedgerow, decorative fence or decorative wall per Section 156.304. 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 156.307 (B) (1), should be strategically placed within the parking lot to 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.

- (1) The objective of the transitional edge is to allow for minimally screened HCO District structures and parking.
- (2) 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.
- (3) 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.

- (4) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304. 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 156.306 for minimum interior landscaping requirements and Section 156.307 for minimum parking lot landscaping requirements.
- (1) The objective of the interior edge is to provide clear sight lines to publicly accessible spaces in a safe environment.
 - (2) Low shrubs and pruned trees shall be utilized to provide high visibility and accessibility near sidewalks, public entrances into buildings and parking areas.
 - (3) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304.
 - (4) 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.
 - (5) 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.
 - (6) 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.

Section 3.
REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City Of Marshall City Code shall remain in full force and effect, amended only as specified above.

Section 4.
SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision

declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5.

SAVINGS

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6.

EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2013, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2013, the original of which is on file in my office.

Adopted:

Published: