

AGENDA
JOINT PLANNING COMMISSION
Marshall Township Hall – 13551 Myron Avery Drive
Tuesday – December 10, 2019 - 7:00 p.m.

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF AGENDA

AUDIENCE PARTICIPATION

Items on the agenda-- Citizens who wish to speak on a matter on the agenda may do so when called upon by the Chairman. Those people addressing the Board are required to give their name and address for the record and shall be limited to speaking for a maximum of five (5) minutes on a given matter. Rebuttals shall be limited to one (1) minute when called upon by the Chairman.

PUBLIC HEARINGS

Zoning Amendment for #JPCRZ19.01 FOR 15325 W. Michigan Avenue, parcel #16-270-018-03 owned by the Michael-Samuel Corporation to rezone from the Township Zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District.

OLD BUSINESS

None

NEW BUSINESS

1. Discuss and give recommendation on case #JPCRZ19.01 Zoning Amendment for 15325 W. Michigan Avenue from the Township Zoning of HS – Highway Service to the City Zoning of I-1 Research & Technical District
2. 2020 Meeting Schedule

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA – Citizens who wish to address the Board on items not on the agenda may do so at this time. When called upon by the Chairman, please state your name and address for the record. Members of the public shall be limited to speaking for a maximum of two (2) minutes.

REPORTS

ADJOURN

JOINT PLANNING COMMISSION

Staff Report

Report To: Joint Planning Commission Members

From: Trisha Nelson, Planning & Zoning Administrator

Re: # JPCRZ19.01 –Rezoning of 15325 W. Michigan Avenue (Backroads Saloon) from Township Zoning Highway Service to City Zoning I-1 Research & Technical District

Date: December 10, 2019

Owners of the former Backroads Saloon property at 15325 W. Michigan Avenue, parcel #16-270-018-03, requested to bring the parcel into the City through a 425 Agreement and the request was granted by both the township and city. Subsequently, city staff received a zoning amendment application on November 19, 2019. Through discussions between staff and the property owner regarding the desired use of the property, it was decided that I-1 Research & Technical District would be the most appropriate.

The City's Zoning Ordinance provides the following used in the I-1 district:

B. PRINCIPAL PERMITTED USES

- i. Light manufacturing and equipment servicing
- ii. Assembly and packaging of products
- iii. **Compounding, manufacturing, and processing of materials or products, when not adjacent to a residential district** § 4.43
- 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** § 4.52.1
- xvi. **Medium solar energy systems** § 4.52.2
- 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, health clubs, and recreational facilities** § 4.40
- xxii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15
- xxiii. **Any use allowed in such district as provided in the City Medical Marijuana Ordinance**

JOINT PLANNING COMMISSION

Staff Report

The JPC must decide whether all of the uses listed above would be appropriate in this area. The Master Plan does not provide guidance as the property west of I-69 is not considered in the future land use map.

The JPC is being asked to consider the I-1 zone for this property. A recommendation should be made to the City Council for consideration at the December 16, 2019 and January 6, 2020 Council meetings.

ZONING DISTRICT AMENDMENT APPLICATION
For Changing Zoning District Designation
Fee: \$200

PROPERTY OWNER NAME (Last, First): Daniel J. Stulberg, President
Michael-Samuel Corporation

ADDRESS: 508 Orchard Road
Marshall, MI 49068-8210

PHONE: 269.274.2543 (Dan's cell)

EMAIL: dstulb@gmail.com

I would like to rezone my property from Marshall Township's Highway Service Commercial to City Industrial.

LEGAL DESCRIPTION (See attachment)

ADDRESS OF SUBJECT PROPERTY: 15325 W. Michigan Ave., Marshall, MI 49068

EXISTING AND PROPOSED USE OF PROPERTY: Property was developed in 1995 in what was vacant, somewhat-wooded land. From 1996 it served as a Recreation & Banquet Center under the name Marshall Activity Center. Mid 2014 it became a Dance Hall/Bar/Concert Venue called Backroads Saloon. Mid 2018 it ceased to operate as a Music/Dance venue, but continues to be used 1-2 times a week as a rental facility. I have two interested parties that would like to purchase the property for the purpose of doing marijuana operations.

NAME, ADDRESS & PHONE NUMBER OF ALL OTHER PERSONS, FIRMS, etc. HAVING A LEGAL CONNECTION TO THE SUBJECT PROPERTY. (See attachment)

OWNER'S SIGNATURE: Daniel V. Stulberg DATE: 11-19-2019

ZONING DISTRICT AMENDMENT APPLICATION ATTACHMENT

(p.1 of 2)

For: MICHAEL-SAMUEL CORPORATION (MSC)

Dated: 11-19-2019

NARRATIVE THAT EXPLAINS THE PROPERTY AND REASONS FOR THIS ZONING REQUEST.

This property has been in the family for decades. It was in my father's trust (Morris Stulberg Trust) in the mid-90s when Morris and son, Dan, formed the Michael-Samuel Corporation (MSC) to build and operate a recreation/banquet center that had the DBA Marshall Activity Center. In the late 90s/early 2000s, Morris began gifting his shares of ownership to his 3 living sons and their spouses. See below for ownership names and information.

Marshall Activity Center, LLC (owned by Dan & Nancy Stulberg) operated from 1996 to 2014, when it became Backroads Saloon, LLC (BRS). BRS was owned by Dan and 4 non-family partners originally and BRS leased the property from MSC in the operation of a Dance Hall/Bar/Concert Venue from 2014-2018. The facility was a popular venue the first year, but then had to add a 6-figure Fire Sprinkler System to the facility at a time when conversion funding was used up. When ownership was unable to begin the sprinkler system in a timely manner, the occupancy was reduced to 100pp and business fell way off during the six months it took to fully install the system.

Since late 2015, when the occupancy was reduced and business suffered, Dan has sought major investors or Buyers for the property. Backroads continued to operate until mid 2018 when all staff was laid off. The building has continued to be open one or two nights a week on a rental basis, mainly to a dance instructor team. The property was listed nationally for 12 months from 2018 to 2019, with the list price eventually dropping below appraised value. During that time about a dozen parties toured the facility but it received only 3 verbal offers, all seeking land contracts and a sale price of about 60% appraised value.

In September of this year I received two verbal offers that approximated appraised value, both of which desired to get licensed for marijuana uses. Both wanted access to parallel high speed internet and the potential to receive water service at a future date. In speaking to City and Township officials I learned the only possible route to making that happen was via a 425 Conditional Land Transfer Agreement. Both municipalities have approved the 425 transfer, effective 1/01/2020. The last contingency needing to be met in order to make the sale happen is for the zoning to be made Industrial.

Due to the extended falling of the business, the loan is in default and the clock is ticking on MSC's period to successfully pay of the loan. A winter auction of the property will be scheduled if the sale is not consummated very soon. We're told an auction is likely to only bring 60%-65% of the appraised value and that will be devastating financially for my wife and I, and a huge loss for my brothers and their spouses.

I've diligently followed every legal requirement to make a legitimate sale that would keep us from financial ruin, and I believe this will also financially benefit both municipalities. These are the reasons I'm seeking the zoning change.

P.2 (MSC) ZONING DISTRICT AMENDMENT APPLICATION ATTACHMENT

LEGAL DESCRIPTION of Property

ADDRESS: 15325 W. Michigan Ave., Marshall, MI 49068 PROP.#: 16-270-018-03

MARSHALL TWP T2S-R5W SEC 27 COMM AT THE N 1/4 PST OF SEC 27 TH S ODEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TO THE POB. TH S ODEG 31'41" E 687.59 FT TH S 87DEG 01'11" W 250.23 FT TH S ODEG 31'41" E 400 FT TO NLY ROW LI OF W MICH AVE. TH S 87DEG 01'11" W ALONG ROW LI 150.14 FT TH N 1109.62' TH E 400.03' TO POB ALSO COMM AT THE N 1/4 PST TH S 1332.66' TH N89DEG 49'36" W 915.14' TH S 687.59' TO BEG TH S 164.50' TH S 87 DEG 01'11"W 240' TH N 235.95' TH E TO BEG.
TH E TO BEG. {ALSO: COMM AT THE N 1/4 PST OF SEC 27 TH S ODEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TH S ODEG 31'41" E 852.09 FT TO POB. TH S ODEG 31'41" E 234.18 FT TO NLY ROW LI OF W MICH AVE TH WLY 60.82 FT ALONG ROW LI AND ARC OF A CURVE TO THE RIGHT, RADIUS 1399.36 FT CHORD S 85DEG 46'28" W , 60.82 FT. TH S 87DEG 01'11" W ALONG NLY ROW LI 151.48 FT TH N 07 DEG 16'52" W 235.95' TH N 87DEG 01'11" E FT TO POB, COMBINED 4/04/2017 }

NAME, ADDRESS & PHONE NUMBER OF ALL OTHER PERSONS, FIRMS, etc. HAVING A LEGAL CONNECTION TO THE SUBJECT PROPERTY.

The property is owned by Michael-Samuel Corp.(MSC) Ownership of MSC is as follows:

- 33.1125% Daniel J. Stulberg, 508 Orchard Rd., Marshall, MI 49068 269.274.2543
- 14.4442% Nancy A. Stulberg, 508 Orchard Rd., Marshall, MI 49068 269.274.2574
- 13.1108% Alan J. Stulberg, 153 W. Hamilton Ln., Battle Creek, MI 49015 269.245.7597
- 13.1108% Sue Ann Stulberg, 153 W. Hamilton Ln., Battle Creek, MI 49015 269.967.3999
- 13.1108% Irving Ian Stulberg, 4467 Sunnycrest Dr., Los Angeles, CA 90065 323.356.5085
- 13.1108% Robert J. Berman, 4467 Sunnycrest Dr., Los Angeles, CA 90065 323.528.9338

City of Marshall



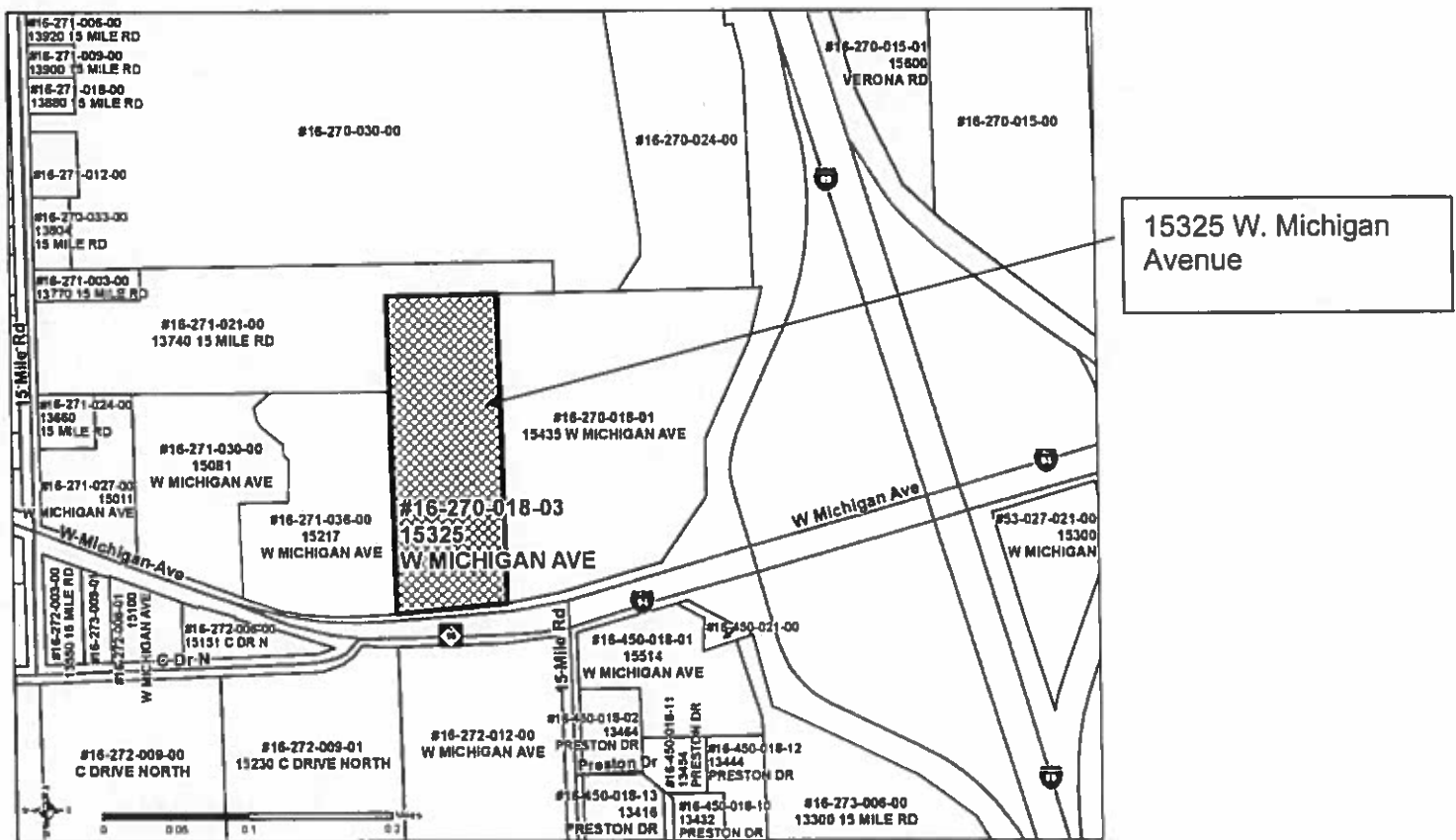
323 West Michigan Avenue - Marshall, MI 49068-1578
Phone (269) 781-5183 - FAX (269) 781-3835

Marshall Town Hall ca. 1857

Dear Property Owner:

The City & Township of Marshall Joint Planning Commission will hold a public hearing on **Tuesday – December 10, 2019 at 7:00 p.m. AT THE MARSHALL TOWNSHIP HALL**, located at 13551 Myron Avery Drive, Marshall, MI 49068 to hear public comments regarding:

Zoning Amendment request #JPCRZ19.01 for 15325 W. Michigan Avenue, parcel #16-270-018-03 owned by the Michael-Samuel Corporation to rezone from the Township Zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District.



The documents may be viewed at City Hall, 2nd Floor, 323 W. Michigan Ave. between the hours of 8:00 am and 5:00 pm, Monday through Friday or by emailing: TNelson@cityofmarshall.com. Those wishing to comment may do so in person at the meeting or may send written comments to the attention of the Planning & Zoning Administrator, Trisha Nelson, City of Marshall, 323 W. Michigan Ave., Marshall, Michigan 49068.

notices mailed 11/21/19

RE: MICHAEL-SAMUEL CORPORATION REQUEST for INDUSTRIAL ZONING

PETITIONER's REASONING – Submitted by Dan Stulberg, Michael-Samuel Corp. President

When I completed an application to rezone our property being transferred from Marshall Township to the City of Marshall, I was asked to include a narrative that explains the property and the reasons for our request. That narrative was part of the initial package mailed to members of the Joint Planning Commission (JPC) on 11/19/19. I've had long scheduled plans to be on the west coast near daughters and grandkids for the months of December and January, so I was told to write a letter and have a personal representative attend the meeting. I've asked one of my brothers, Alan (a one-third silent owner of Michael-Samuel Corporation), and a close friend, Genie Rogstad, who's done work on Fredonia's Planning Commission, to attend.

Here are my thoughts on my family's request to change the zoning to Industrial.

In the narrative that I submitted 11/19/19 for the initial Zoning Amendment Application, I explained that our family tried unsuccessfully for over two years to sell this property with only 3 informal offers that were about 60% of the appraised value and requesting land contract terms that the bank wouldn't even consider. In September, with the bank threatening foreclosure action, I was approached by two parties seeking a property to conduct cannabis operations. I received two offers very close to appraised value, but both offers required that the property was properly zoned to allow their cannabis operations. In speaking to Township and City officials I learned the only way that could happen was to have the property transferred into the City via the 425 Land Transfer Agreement, and then to request an Industrial zoning amendment that would allow cannabis operations under City Zoning Ordinances. That is why our family sought the 425 transfer, which both municipalities have approved, and why we now seek the zoning amendment.

The maps I'm sure you're provided, will show the property is amongst other commercial or industrial type entities along Michigan Avenue or south on 15 Mile Road, that would not be negatively impacted by the indoor growing or processing operation that either of these Buyers would conduct. City officials have told me that if the amended zoning is approved, our property would meet the other requirements listed in their ordinance that allows for cannabis operations.

For me and my family, this is the only viable option we've been presented with that allows us to meet our financial obligation to the bank, but I know that's not the concern of the Planning Commission, nor should it be. Your concern is that the property's physical layout and proposed use meet the requirements and precedents that the zoning ordinances require and that it will likely be a positive addition to the community.

I know that most municipalities approving cannabis operations believe it will enhance the economic well-being of their community, providing increased tax revenue and respectable paying employment opportunities. In discussing a sale price, one of my prospective buyers said "Dan, I need to budget \$1M to purchase your property and another \$1M to adapt the property for our processes." And this did not involve any building expansion that might occur in future years. If I'm unable to secure such a sale very soon, the bank is sure to force an auction of the property and my realtor has told me to expect such a sale to likely go for 50-60% of appraised value. So allowing a cannabis operation could mean a fairly quick major increase of the current tax revenue, where a forced auction could cut current tax revenues 40-50%.

I know the Township has currently banned cannabis operations, some wanting to take a "wait and see" position to see how it plays out in other communities that have approved it. When I speak to people involved in the industry, I always ask how this industry can support the huge throng of entrepreneurs getting into it. They all agree that in 3-5yrs the smaller ones will fail or be bought by the large operators. This makes me think those municipalities who take very long to assess the full impact aren't likely to reap the large financial benefits. Scott Fleming will tell you the number of inquiries he gets now has fallen way off from what it was last year.

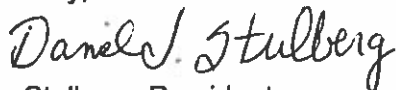
From what I read, the greatest fears of negative social impact are focused on the sale of the product, and the City cannabis ordinance does NOT allow dispensary or retail licenses. I believe that approving this property for cannabis could be a perfect way for the Township to take a "wait and see" approach. It's in a location that Township officials would drive by every day, allowing them to constantly monitor it, and yet they wouldn't have any enforcement responsibilities. That would fall to City officials who are just as concerned about these new operations toeing the line of all the State AND Local regulations. The Township would be able to see how these businesses operate right away without changing any of its current ordinances toward the industry. This could speed up the review process for the Township, which may beneficially hasten their decision to approve the industry or strengthen their resolve not to get involved.

The State's regulations of this industry, particularly regarding security planning and enforcement, is greater than any other of our area's industries. One of my prospective buyers said they utilize security cameras and equipment in their operations as much or more than casinos do, and it includes drug screening all employees. This Buyer is not only opening operations around Michigan but has been operating in other states and has told me they'd be happy to do a presentation on their operations if invited.

I very much appreciate the JPC's consideration of this request and I'm personally grateful to all who volunteer to serve on public boards like this. I know it's typically a thankless job, but a very important one and so I thank you.

If you feel this is a reasonable and legal request for this property, and that it shows potential to make a positive contribution to the City and Township, I hope you'll vote to recommend the zoning amendment to City Council.

Sincerely,



Dan Stulberg, President
Michael-Samuel Corporation

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.

Zoning Amendment request #JPCRZ19.01 for 15325 W. Michigan Avenue, parcel #16-270-018-03, to rezone from the Township Zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District.

Recommendation:

There should be some caution in consideration of this request. In the I-1 District, there are permitted uses that the Township would not want at this property (attached uses) the Township would be opposed to some use, but one in particular, that would be a recycling facility.

The owner's request is based on the possible sale to a "marijuana operation." The request is a speculation on the owner's part without a purchase agreement that this body can see. By allowing the Zoning change based on this assumption, it could potentially allow uses that would be negative uses for the area.

In the City's ordinance, there is a provision, Section 3.6 Zoning of Annexed Areas. That states that "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." The Township zoning designation is "HS" Highway Service Commercial this area would allow for similar use to the city's I-1 designation, but it would not allow for some of the uses the Township would not like to see at this property.

I would recommend that the Zoning District be changed to B-4 under Section 3.6 of the City Ordinance. This would reflect a similar use to the Townships use in this area. This would allow for the 425 agreement. I know that this does not reflect the property owner's request for I-1. In the property owner's own narrative, he is requesting the change because of two "interested parties." For marijuana use, but there is nothing solid.

Because the sale is speculative without a purchase agreement and the City Zoning can't be specific enough to limit uses that would be negative to the area, I would recommend denial.

Paul Anderson
Marshall Township Zoning Administrator

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 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, health clubs, and recreational facilities** § 4.40
- xxii. **Accessory structures and uses** customarily incidental to the above permitted uses § 4.15
- xxiii. **Any use allowed in such district as provided in the City Medical Marijuana Ordinance**

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 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.

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^(a) 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 collocation 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.



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 and FS districts 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, HEALTH CLUBS, AND RECREATIONAL FACILITIES

In the I-1 and I-2 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.



- 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.

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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 SYSTEMS⁶²

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.



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.



Marshall IWP via.
 -current uses for
 Highway Service.

4

Commercial and Industrial Districts

Section 4-1 Intent and Purpose

This article outlines the Commercial and Industrial Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

- A. *Community Service Commercial (CS)*. The CS District is established to accommodate smaller retail commercial businesses, office uses, and residential use where natural transition to commercial is occurring. Uses are typically located in a neighborhood commercial center that has expanded onto former residential lots.
- B. *Highway Service Commercial (HS)*. The HS District is established to accommodate various retail and service activities which cater primarily to the traveling public. The intent of this district is to permit and encourage the development of service centers which are typically located along highways, near the intersections of major routes, and adjacent to highway interchanges and which provide the necessary goods and services for private and commercial traffic.
- C. *Light Industrial District (LI)*. The LI District is established to accommodate light manufacturing and other limited industrial use. The uses allowed in this district have a higher potential to affect more sensitive uses and properties. This district has been located within the township to permit the development of these industrial uses to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.
- D. *Industrial Park District (IP)*. The IP District is designed to provide the location and space for industrial uses requiring a substantial parcel size, based upon manufacturing or research, employment needs, and distribution needs, or for industrial storage/warehouse facilities. It is the intent of this district to allow for the development of certain activities while protecting any abutting agricultural or residential properties from incompatible industrial activities. This district shall require the development of an open space perimeter adjacent to those properties where residential development exists or is designated within the Marshall Township Master Plan. Internally, within the industrial park area, there shall be an emphasis on open space and landscaping, when coupled with the open space perimeter, to achieve a campus-like setting. While certain uses are excluded which would function more effectively in other districts, the range of industrial uses is quite broad based upon the ability to provide separation and avoid interference with the operation of the uses permitted in this district.

Section 4-2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in the ordinance. Land and/or buildings in the districts indicated at the top of Table 4.2 may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (S)*. Land and/or buildings are subject to review and permitting in accordance with Article 13.
- C. *Not Permitted*. Blank cells indicate that a use is not permitted.

Table 4.2 Schedule of Uses: Commercial and Industrial Districts					
Use	CS	HS	LI	IP	Other
Accessory Uses					
Accessory buildings	S/P	S/P	S/P	S/P	8-2
Amateur radio and over-the-air reception devices	P/S	P/S	P/S	P/S	8-3
Garage and yard sales	P				8-12
Home based business	S				8-13

Table 4.2 Schedule of Uses: Commercial and Industrial Districts					
Use	CS	HS	LI	IP	Other
Home occupation, class one	P				8-14
Home occupation, class two	S				8-14
Mobile food unit	P	P	P	P	8-21
Outdoor display and sales, not including vehicle and equipment sales		S			8-23
Outdoor donation collection facility	S	S	S	S	8-24
Outdoor storage related to a principal use	P/S	P/S	P/S	P/S	8-23
Solar energy collector, building-mounted	P	P	P	P	8-31
Solar energy collector, ground-mounted	S	S	S	S	8-31
Accommodations, Hospitality, Entertainment					
Banquet hall	P				
Bed and breakfast	P				8-6
Distillery, small	S	P			
Hotel/motel		P			
Micro-brewery	S	P			
Recreation facility, campground	S	P			8-25
Recreation facility, commercial indoor		P	P		
Recreation facility, commercial outdoor		S			
Restaurant	P	P	S		
Restaurant with drive-through	S	P			8-26
Restaurant with micro-brewery or small winery	S	P			
Restaurant with outdoor dining or service	P	P			
Tavern		S			
Theater, indoor		S			
Theater, outdoor		S			
Winery, small	S	P			
Agricultural					
Agribusiness					
Agritourism, ancillary uses and activities					
Commercial stable					
Farms and farm operations				P	8-11
Farmers market					
Greenhouses and nursery, accessory landscape business					
Roadside stand					
Industrial					
Manufacturing, processing and packaging, light			P	P	8-15
Manufacturing, processing and packaging, heavy				S	8-15
Salvage and impound operation			S	S	8-27
Warehousing			P	P	
Wholesale and distribution		S	P	P	
Mini-warehouse/self-storage		S	P		8-20
Infrastructure, Transportation, Communications					
Airstrip			S	S	
Commercial solar energy system			S	S	8-31
Essential services	P	P	P	P	8-10
Helicopter landing pad			S	S	
Infrastructure and utilities, regional		P	P	P	
Parking facility, public or commercial	S	P	P		
Waste management facility			P	P	

Table 4.2 Schedule of Uses: Commercial and Industrial Districts					
Use	CS	HS	LI	IP	Other
Wind energy conversion systems (WECS), large turbine systems					8-35
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (meeting setback and height requirements for principal buildings in applicable district)	P	P	P	P	8-35
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (exceeding height requirements for principal buildings in applicable district)	S	S	S	S	8-35
Wireless communications		P	P		8-36
Wireless communications, collocation	P	P	P	P	8-36
Institutional/Civic					
Community oriented cultural facility	P				
Community public safety	P	P	P	P	
Governmental facility	P	P	P	P	
Meeting facility	P				
Parks, playgrounds, outdoor recreation	P				
Place of worship	P				
Recreation facility, community-based	P				
School, college or university	P	P			
School, private	P	P			
School, specialized/training		S	S		8-28
Offices and Services					
Animal services, animal clinic/hospital, kennel, rescue or shelter	S	P	P		8-4
Body branding, piercing and tattoo facility		P	P		
Child care center	P	P			
Crematorium			P	P	
General offices and services	P	P			
General offices and services with a drive through facility	S	P			
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, contractors' office.		S	P		
Medical services, clinics and medical offices	P	P			
Medical services, hospital	S	P			
Vehicle repair, major			S		8-33
Vehicle repair, minor		S	P		8-33
Vehicle wash		S	P		
Vehicle wash, trucks and heavy equipment			P	P	
Residential					
Day care, adult day care home	S				
Day care, family day care (children)	S				
Day care, group day care home (children)	S				
Dwelling, accessory	S				8-7
Dwelling, multi-family/single-family attached					8-22
Dwelling, multi-family/single-family attached, over commercial or office use	S				
Dwelling, single-family	S				8-8
Dwelling, temporary	S				8-9
Dwelling, two-family	S				

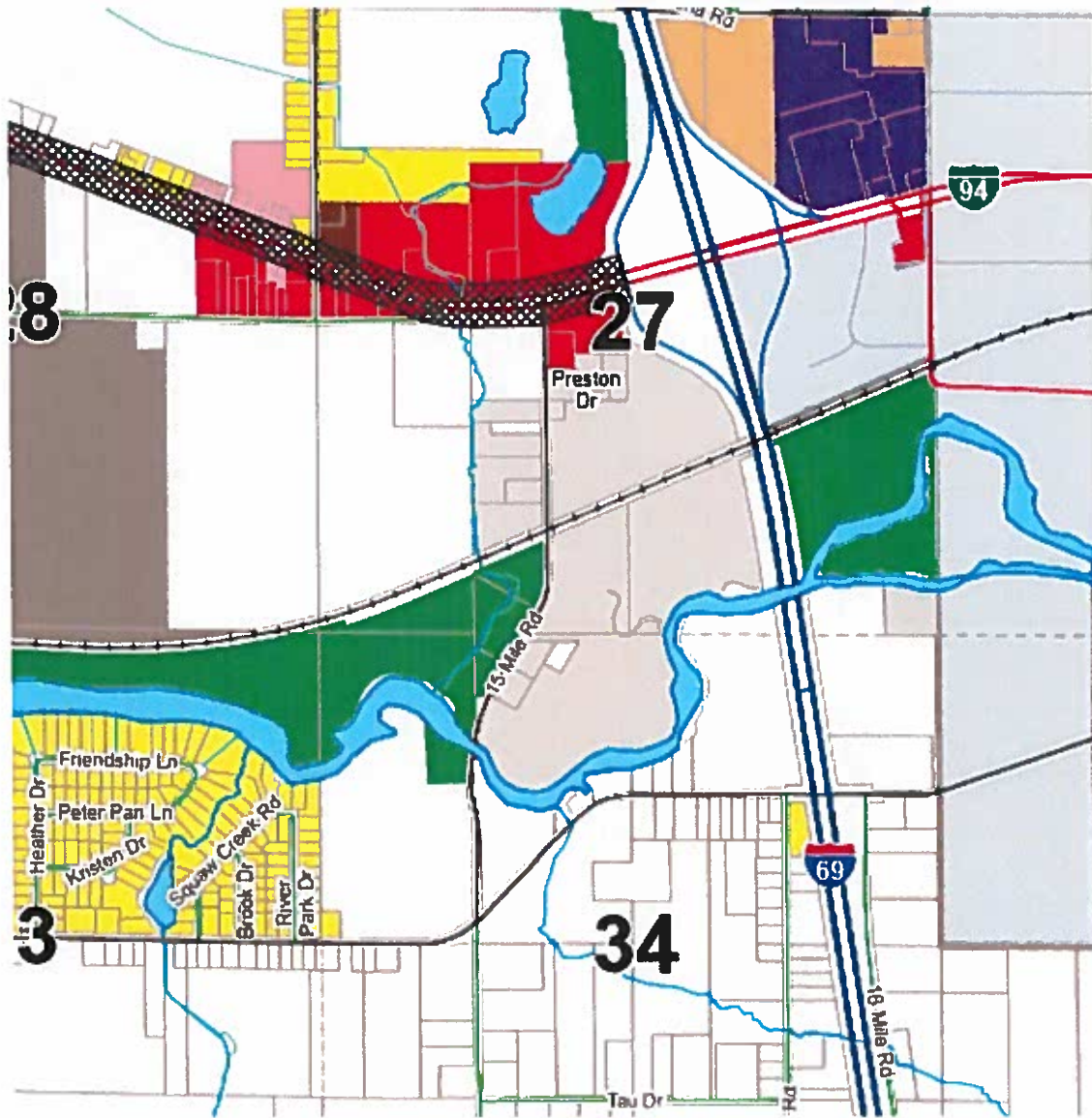
Use	CS	HS	LI	IP	Other
Foster care, adult foster care family home	S				
Foster care, adult foster care group home	S				
Foster care, foster family home (children)	S				
Foster care, foster family group home (children)	S				
Housing, independent and assisted living	S				
Home, convalescent or nursing	S				
Retail					
General retail (indoor)	P	P			
General retail (outdoor)		S	S		
General retail with a drive through facility	S	P			
Liquefied petroleum gas (LPG) sales			S		8-17
Service station	S	S	S		8-29
Vehicle sales and rental: automobiles, light trucks, boats	S	S			8-34
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes	S	S	P		8-34
Other					
Mineral extraction	S	S	S	S	8-19
Sexually oriented business			S		8-30
Similar uses	P/S	P/S	P/S	P/S	2-4
Temporary office			S	S	8-32

Section 4-3 Spatial Requirements

All lots shall meet the minimum area and width requirements of *Table 4.3*. New lots shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table 4.3*.

ZONING DISTRICTS

Marshall Township
Calhoun County, Michigan



Zoning

OC - Open Space Waterbody	MF - Multiple Family Residence	Interstate	Railroads
AB - Agricultural Business	CS - Community Service Commercial	Ramp	Drains
AR - Agricultural	HS - Highway Service Commercial	Business Route	Rivers
RA - Low Density Residential	LI - Light Industrial	State Route	Lakes
RB - Medium Density Residential	IP - Industrial Park	County Primary	Sections
MHP - Manufactured Home Park	P.A. 425 Agreement	County Local Hard Surface	City Of Marshall
Additional Setback Corridor		County Local Gravel	Municipal Boundaries
		City/Private	



PUBLIC NOTICE

The Joint Planning Commission (City of Marshall and Township of Marshall) will meet at 7:00 p.m. at Marshall City Hall, 323 W. Michigan Avenue, Marshall, MI in the year 2020 on the 2nd Tuesday of the month on an as needed basis.

If the Joint Planning Commission has no business, the meetings will be cancelled. If business is required of the Joint Planning Commission between their regularly scheduled meetings, a special meeting will be scheduled.