

CITY OF MARSHALL

ORDINANCE NO. 2023-0-02

AN ORDINANCE AMENDING APPENDIX A. ZONING.
ARTICLE X. STANDARDS FOR SPECIAL USES. SECTION 10-2. SPECIAL USE
PERMIT PROCEDURES

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall,
Clark County, Illinois, this 9 day of January, 2023.

ORDINANCE NO. 2023-0- 42

AN ORDINANCE AMENDING APPENDIX A. ZONING.
ARTICLE X. STANDARDS FOR SPECIAL USES. SECTION 10-2. SPECIAL USE
PERMIT PROCEDURES

BE IT ORDAINED by the City Council of the City of Marshall,
Illinois:

Section 1. That Appendix A. Zoning. Article X. Standards for
Special Uses. Section 10-2. Special Use Permit Procedures of the
Code of Ordinances, City of Marshall, Illinois is hereby amended
to read as follows, with strikeouts indicating deletions in text
and underscores indicating additions to text:

Section 10-2. Special use permit procedures.

The standards and procedures for the consideration of mobile home
parks are specified in the city's ~~manufactured homes code (Chapter~~
52) Chapter 53 - Mobile Homes Code. All other special uses
designated in Table One of this article are subject to the
procedures and standards stipulated herein.

The zoning officer shall not issue a special use permit unless and
until the following procedure has been completed: A written
application for a special use permit shall be submitted to the
zoning officer by the owners of record of the property involved.
The application shall demonstrate:

- (1) That the establishment, maintenance or operation of the
special use will not be detrimental to or endanger the
public health, safety, morals, comfort, or general
welfare.
- (2) That the special use will not be injurious to the use and
enjoyment of other property in the immediate vicinity for
the purposes already permitted, or substantially diminish
and impair property values within the neighborhood.

- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide access so designed as to minimize traffic congestions in the public street.
- (6) That the establishment, maintenance and operation of the special use will be in conformance with the purpose to the regulations of the district in which the special use is to be located, except as such regulations may, in each instance, be modified by the city council pursuant to the recommendations of the zoning commission.

After an application for a permit has been made the zoning commission shall hold a duly advertised public hearing as prescribed by statute and make a recommendation to grant or deny the special use within sixty (60) days of filing of the complete application. The notice of hearing shall contain the address or location of the property for which the special use is requested as well as the nature of the special use. A nonrefundable one hundred fifty dollars (\$150.00) fee shall be paid to partially defer the cost of the of the public hearing involving the special use. The applicant shall pay the sum to the city treasurer at the time of filing for the permit.

The zoning commission recommendation must be based on a finding of fact determined from the evidence presented at the hearing. In making its recommendation, the zoning commission may also recommend such additional conditions and requirements as are appropriate or necessary to protect the public health, safety, and welfare and to carry out the purpose of this ordinance. Recommendations including but not limited to the following:

- (1) Regulate the location, extent, and intensity of such uses;
- (2) Require adherence to an approved site plan;
- (3) Require landscaping and the screening of such uses by means of fences, walls, or vegetation;

- (4) Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;
- (5) Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
- (6) Require conformance to health, safety, and sanitation requirements, as necessary;
- (7) Regulate signs and outdoor lighting; and
- (8) Any other conditions deemed necessary to effect the purposes of this ordinance.

The city council shall, by ordinance, make the decision to grant or deny a special use permit within sixty (60) days of receiving the zoning commission recommendation. The city council may impose any conditions or requirements, including but not limited to those recommended by the zoning commission, which it deems appropriate or necessary to protect the public health, safety, and welfare and to carry out the purpose of this ordinance. In addition, any proposed special use which fails to receive the positive approval of the zoning commission shall not be approved by the city council except by a two-thirds (2/3) vote of the city council members then holding office.

A special use authorized by a special use permit is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other regulations are specifically stated in the special use permit. Special uses are also subject to applicable development regulations specified in Table One: Table of Additional Conditions for Specific Special Uses.

Unless otherwise specifically provided in the terms of the special use permit, the permit shall be valid for a period of one (1) year from the date of its issuance. A valid special use permit is required in order to apply for a building permit, or for a certificate of occupancy if no building permits is required to establish a use; once established, however, the special use may continue indefinitely beyond the expiration of the permit allowing it, unless otherwise specifically provided in the terms of the permit.

Violation of the terms and conditions of the special use permit shall be deemed a violation of this ordinance. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the special use permit may be approved only by the city council; any such extension or change which is not so authorized shall be deemed a violation of this ordinance.

(Ord. No. 05-16, § 2, 7-11-05; Ord. No. 10-3, §§ 1, 15, 3-26-10)

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Michael Smitley	✓		
Warren J. Le Fever	✓		✓
Vickie Wallace			
Jarod Green	✓		
Josh Sanders	✓		
Robert Nelson	✓		
Foster Propst	✓		
Rob Knott	✓		

PASSED this 9 day of January, 2023.

APPROVED this 9 day of January, 2023.


MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 9 day of January, 2023.



CITY CLERK

(SEAL)