

CITY OF MARSHALL

ORDINANCE NO. 2023-0- 07

AN ORDINANCE AMENDING APPENDIX A. ZONING.  
ARTICLE XXI. SITE PLAN REVIEW. SECTION 21-3. PROCEDURE

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.

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AN ORDINANCE AMENDING APPENDIX A. ZONING.  
ARTICLE XXI. SITE PLAN REVIEW. SECTION 21-3. PROCEDURE

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

Section 1. That Appendix A. Zoning. Article XXI. Site Plan Review. Section 21-3. Procedure 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 21-3. Procedure.

- (1) *Level of review:* The type of proposed construction or exterior modification to the building, structure or site shall be classified as falling within one (1) of following four (4) levels for purposes of determining the appropriate level of review. Should an application propose changes that are classified into more than one (1) level, the overall application shall be classified according to the highest (most intensive) review level indicated. The review levels shall consist of the following:
  - (a) *Level 1 changes:* Change in use without exterior building or site modifications. No change shall be made without a change or use permit:
    1. *Purpose:* To ensure that the proposed change of use complies with the provisions of this ordinance, the comprehensive plan and other adopted plans and to ensure that affected agencies may review the proposed change of use.
    2. *Applicability:* No land shall be occupied or used, and neither the use of land nor the use of buildings thereon shall be changed, altered or occupied, or used in whole or in part for any purpose, until a change of use permit is issued by the zoning

officer. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this ordinance.

- (b) *Level 2 changes:* Minor modifications to the exterior of an existing building including but not limited to: painting, installation of awnings, signs and shutters, ~~and in the B-4 downtown business district and historic preservation districts the replacement of existing windows, doors, roofing, plant materials, paving, coping, gutters, downspouts, to trim carpentry with like materials and to perform repairs and general maintenance.~~
  - (c) *Level 3 changes:* Major modifications to the exterior of an existing building include: ~~and in the B-4 downtown business district and historic preservation districts~~ the construction of new, or removal or modification of existing, window or door openings, the application of different surface materials to existing buildings or structures (except for surfacing materials on existing flat roofs), the removal of plant materials, paving, coping, gutters, downspouts and to trim carpentry, the installation of lighting, fencing, heating, ventilation and air conditioning equipment, garbage or recycling containers and associated screening.
  - (d) *Level 4 changes:* Construction of new buildings or structures and additions to existing buildings or structures, ~~and in the B-4 downtown business district and historic preservation districts the demolition of existing buildings or structures.~~
- (2) *Applications:* Applications for site plan review shall be submitted to the zoning officer and forwarded to the zoning commission for review.
- ~~(a) If the application is for a property located in the B-4 downtown business district or located in a historic preservation district the application shall also comply with the Marshall design guidelines. Where there are any conflicts between the applicable zoning requirements and the Marshall design guidelines the more restrictive shall control.~~

~~(b)~~ (a) For level 1 applications:

1. A completed application, on such form as may, from time to time, be prepared by the zoning department.

~~(e)~~ (b) For level 2, level 3 and 4 applications:

1. A completed application, on such form as may, from time to time, be prepared by the zoning department.
2. Samples of building materials, if requested by the zoning department; and
3. Exterior elevation drawings and photographs of existing and proposed structures on the subject property, in color, showing the height of buildings.

~~(d)~~ (c) For all level 3, level 4 applications, and for level 2 applications to the extent that the exhibit is necessary to depict the proposed changes:

1. Lot: Dimensions, area and easements; property lines, rights-of-way, streets and setbacks;
2. Locations of existing and proposed buildings, structures and improvements on the subject property, and the proposed uses of said buildings on the subject property;
3. Types and locations of existing and proposed: Utilities, fire hydrants, and lighting facilities;
4. Location and description of all machinery, garbage handling equipment, or other materials to be maintained or stored on the property exterior to any building;
5. Existing and proposed topography, drainage patterns, and retention or detention facilities;
6. Existing landscaping on the subject property, and existing and proposed landscaping and screening, identified by type and height;
7. Existing and proposed off-street parking and

loading facilities and sidewalks, points of ingress and egress to and from public streets, and location of any parking spaces proposed to be credited toward the off-street parking requirements; and

8. Drawings or photographs of all existing and proposed signs.

(3) *Authority and process:*

- (a) *Preapplication meeting:* Prior to submitting an application for site plan review approval, the applicant is strongly encouraged to schedule a preapplication meeting with the zoning officer and other city staff, as appropriate, to discuss the proposed work and to become more familiar with all applicable requirements and approval procedures of the city, including other provisions of the zoning, historic preservation and public works codes.
- (b) *Action by the zoning officer:* Prior to issuance of a sign permit, building permit, or permit allowing development of a site, the zoning officer shall review all complete applications, to determine compliance with all applicable zoning requirements. The zoning officer shall determine whether the proposed change is a level 1, level 2, level 3 or level 4 change.
- (c) *Level 1, 2, 3 changes:* For a level 1 change, the zoning officer shall approve applications that are in compliance with the zoning ordinance schedule of uses and a building permit may then be issued, provided that all other requirements of all other applicable city codes and ordinances are satisfied. All other applications shall be forwarded to the zoning commission for review.
1. Level 2 and 3 changes: The ~~historic preservation commission~~ Zoning Officer may approve, approve with conditions, or deny the application. If the ~~commission~~ Zoning Officer approves the application, a building permit may then be issued, provided that all other requirements of all other applicable city codes and ordinances are satisfied. An appeal shall be filed within

fifteen (15) days of the issuance of the historic preservation commission's decision, which appeal shall be heard by the zoning commission. (Moved from (d) 1.c.i)

2. After a level ~~1~~4 application for a site plan review has been submitted to the zoning commission, the zoning commission shall hold a duly advertised public hearing as prescribed by statute and make a decision to grant or deny the site plan within 60 days of filing of the complete application. The zoning commission decision must be based on the standards listed in section 21.4 and any additional standards of this ordinance. The zoning commission may impose any conditions or requirements which it deems appropriate or necessary to accomplish the purpose of this ordinance. If the zoning commission approves a site plan application, a building permit may then be issued, provided that all other requirements of all other applicable city codes and ordinances are satisfied.

3. The city council shall make the decision to grant or deny a site plan application within 60 days of receiving an appeal of the zoning commission decision, based on the standards listed in section 21.4 and any additional standards of this ordinance. 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 accomplish the purpose of this ordinance. If the city council approves a site plan application, a building permit may then be issued, provided that all other requirements of all other applicable city codes and ordinances are satisfied.

(d) *Level 2, level 3 and level 4 changes:* The historic preservation commission shall first consider applications for level 2, level 3 and level 4 changes for properties located in ~~the B-4 downtown business district or located in a historic preservation district.~~

All other level 2, level 3 and level 4 applications shall be forwarded to the zoning commission for consideration.

(1) *Historic preservation commission review:*

a. A meeting to review the application shall be held before the historic preservation commission within sixty (60) days of receiving the application. The applicant shall be notified of the meeting at least seventy-two (72) hours in advance. All decisions or recommendations of the historic preservation commission shall be upon a concurring vote of the majority of a quorum. All decisions or recommendations and any conditions shall be issued in writing.

b. Criteria: In considering applications, the historic preservation commission shall consider the following factors:

i. The degree to which the proposed development or change complies with the Marshall design guidelines;

ii. Compatibility of the proposed development with neighboring properties;

iii. Whether strict adherence to the guidelines is reasonable and/or achievable for the application in question; and/or

iv. Whether, although not in full compliance with the Marshall design guidelines, the application as proposed will substantially improve the appearance and function of the building and/or site and will enhance the character of the downtown business district and/or historic preservation district.

c. Approval; denial; recommendations;

- i. Level 3 and level 4 changes: If the application is for a structure considered a Marshall Landmark, the historic preservation commission may make a recommendation to grant or deny the application, which application shall then be forwarded to the zoning commission for consideration, along with the historic preservation commission's recommendation.
- (2) *Zoning commission review:* On applications and appeals submitted to the zoning commission, the zoning commission shall hold a duly advertised public hearing as prescribed by statute and, upon a concurring vote of a majority of a quorum, make a decision to grant or deny the application within sixty (60) days of receipt of the complete application or appeal. The zoning commission recommendation must be based on the standards listed in section 21.4 and compliance with any additional standards of this ordinance. In making its decision, the zoning commission may impose 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. If the zoning commission approves a site plan, a building permit may then be issued, providing that all other requirements of all other applicable city codes and ordinances are satisfied. The decision or recommendation of the zoning commission and any condition shall be issued in writing. An appeal shall be filed within fifteen (15) days of the issuance of the zoning commission decision, which appeal shall be heard by the city council.
- (3) *City council review:* The city council shall make the decision to grant or deny a site plan application within sixty (60) days of receipt



of the appeal of the zoning commission decision, based on the standards listed in section 21.4 and any additional standards of this ordinance. The city council may impose additional conditions or requirements, including but not limited to, those imposed 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. If the city council approves a site plan, a building permit may then be issued, provided that all other requirements of all other applicable city codes and ordinances are satisfied.

- (a) *Continuances and delays:* Any of the aforementioned scheduling periods may be extended in the event that the applicant requests a delay or continuance in the consideration, or if the reviewing city authorities require an extension for good cause, including the cancellation or postponement of a meeting due to lack of a quorum, the failure of the applicant to submit requested additional or revised information, documentation or exhibits in a timely manner for consideration, or an emergency requiring the time and attention of the city authorities involved in the process.
  
- (4) Once a site plan application is approved, a building permit must be applied for and issued within six (6) months of the date of the approval of the site plan application. If a building permit is not applied for and issued within the six (6) months, then a new site plan application must be made before a building permit can be issued.

(Ord. No. 05-16, § 4, 7-11-05; Ord. No. 10-3, §§ 1, 33, 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)