

CITY OF MARSHALL

ORDINANCE NO. 2025-O- 04

AN ORDINANCE AMENDING APPENDIX A. ZONING.  
ARTICLE XI. BUSINESS DISTRICTS. SECTION 6-13. SAME-SCHEDULE OF  
REGULATIONS

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  
28 day of April, 2025.

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

Section 1. That Appendix A. Zoning. Article XI. Business Districts. Section 6-13. Same-Schedule of Regulations 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 6-13. Same- Schedule of Regulations.

- (1) For regulations pertaining to allowable building height, size, density or area, refer to article IX.
- (2) Dwelling units shall not be permitted below the second floor of any building or structure. This provision does not apply to those properties that are wholly residential properties and in existence on April 1, 2010.
- (3) All business establishments shall be retail, professional or service establishments dealing directly with consumers. All goods produced on the premises be sold at retail on the premises where produced, wholesale as an accessory use shall be permitted if subordinate to listed permitted use in this district.
- (4) All business shall be conducted within completely enclosed buildings except for off-street parking or loading. The normal services and sales offered at eating and drinking establishments are excluded from this provision. The city may waive this provision by designating certain days on which business establishments may conduct their businesses outside the building or structure. Access to a business shall be from a named or numbered street or parking lot adjacent to the building. Direct access to a business is forbidden from the alley.
- (5) All exterior lighting of the facility shall be directed away from surrounding properties. Such lighting shall be directed immediately downward at no less than ninety-degree angle from the light pole and shall fully comply with specifications and approvals by the site plan review regulations.

- (6) Use of public sidewalks for outdoor eating cafes. The purpose of this subparagraph is to further the city's efforts to increase the economic vitality of its downtown business district. The outdoor cafes will simulate additional pedestrian traffic and provide a service that will compliment the existing commercial uses within the district. The use of public sidewalks for outdoor eating cafes shall be permitted uses subject to the following:
- (a) An application for permit must be submitted to the zoning officer for review. An administrative review shall be conducted and a compliance determination made by economic development director and zoning officer, within thirty (30) days of receipt of the application;
  - (b) The use of public sidewalks for restaurant tables shall only be permitted incidental to the operation of a restaurant with on-site food preparation on private contiguous property and only along the frontage of said restaurant where that restaurant has a zero front setback from the public walk;
  - (c) In no event shall the operation of the sidewalk café reduce the open portion of the public sidewalk to less than five (5) feet clear of all obstructions (i.e. street lighting, benches, trees, trash receptacles, etc.);
  - (d) All tables, chairs and other appurtenances shall be constructed in such manner that they can be easily, and shall be, removed each night and shall be removed during winter months and at other times required by the city. Any and all barrier designs to be used or constructed shall be subject to receiving the City of Marshall's zoning officer's approval;
  - (e) No permit shall be issued until the applicant submits to the city evidence of general liability insurance, including the city as an additional insured and insuring the city against any liability resulting from the uses permitted. Minimum coverage shall be one million dollars (\$1,000,000.00) for general liability insurance and shall be issued by an insurance company having no less than an "A" rating by the most recent AM Best Insurance; Rating Guide;
  - (f) The sale and consumption of alcoholic beverages in the outdoor café shall be strictly prohibited, except in those instances where a meal or other food is being purchased with the alcoholic beverage;
  - (g) The outdoor café shall not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity;
  - (h) All outdoor cafes shall be permitted between the hours of 6:00 a.m. and 11:00 p.m.;
  - (i) The operation of outdoor cafes shall be permitted between the hours of 6:00 a.m. and 11:00 p.m.;

- (j) Loud music shall be prohibited;
- (k) All maintenance and upkeep of the public right-of-way associated with the operation of the outdoor café shall be the responsibility of the owner of such café (upkeep includes but is not limited to the replacement of damaged public property, i.e. brick pavers, washing of the sidewalk with soap and water as needed, picking up trash, and the like);
- (l) The proprietor shall be required to provide additional outdoor trash receptacles for the café as required by the city;
- (m) All outdoor café permits shall be subject to an annual review and such permits may be revoked at any time on five (5) days notice;
- (n) A nonrefundable annual permit fee of fifteen dollars (\$15.00) shall be required;
- (o) All outdoor café establishments shall comply with state, county and city health code and other applicable regulations;
- (p) The following design criteria shall be applied to all sidewalk cafes:
  - 1. Awnings that are attached to a building will be permitted when in conformance with the applicable regulations outlined in the city's zoning code;
  - 2. All outdoor furnishings shall be designed to withstand a wind pressure of not less than thirty (3) pounds per square foot;
  - 3. Outdoor furnishings materials and other color shall be selected for continuous harmony and aesthetic quality with the adjoining buildings and streetscape. Materials shall be of durable quality such as wrought iron; light gauge materials like aluminum and plastic shall be generally discouraged. Weather resistant wood is allowed only as a secondary accent material;
  - 4. Colors should be harmonious; brilliant or bright colors shall be used only for accent;
  - 5. Tables to be placed within the city's rights-of-way shall not have a surface area greater than eight (8) square feet, be easily removable and in no way impede safe pedestrian movement;
  - 6. Materials and finishes shall be selected for their durability and wear as well as for their beauty. The table surface shall be smooth and easily cleanable. Proper measures shall be taken to correct damage or decline to the elements, neglect or abuse;

7. Devices incorporated to separate eating areas from pedestrian pathways such as fencing or planters, must conform to above standards of design and shall be installed as directed by the city.

(Ord. No. 10-3, § 1, 11, 3-26-10; Ord. No. 14-22, § 1, 9-22-14; Ord. No. 17-20, § 1, 7-24-17; Ord. No. 17-25, § 1, 10-23-17


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	✓		
Robert Nelson	✓		
Foster Propst	✓		
Rob Knott	✓		
Greg King	✓		

PASSED this 28 day of April, 2025.

APPROVED this 28 day of April, 2025.

  
MAYOR

ATTESTED, filed in my office,  
and published in pamphlet form  
this 28 day of April, 2025.

  
CITY CLERK

(SEAL)