

ARTICLE B

General Provisions

(Revised Ord. 2010-04, May 11, 2010)

SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Marshall.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations. It shall be the responsibility of all persons who make such changes to comply with any and all provisions of this Zoning Code.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **One Principal Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building on one (1) lot, unless otherwise approved by the Village Board (see Section 13-1-12(b)).

SEC. 13-1-11 USE REGULATIONS.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring for their authorization: review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.

- (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - (5) Limited conditional uses authorized by the Village Board shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (d) **Special Permitted Uses.** (Rev. 4/98)
- (1) Special uses are a category of land use subject to certain additional controls that apply to the land uses permitted by right, while avoiding the public hearing process required of land uses permitted as conditional uses.
 - (2) Land uses listed as special uses are permitted subject to all of the general zoning requirements applicable to land uses permitted by right, plus certain additional requirements applicable to that particular land use as specified in the Zoning Code and as approved by the Plan Commission.
 - (3) If a proposed land use, listed as a special use, cannot meet the special use or deed restriction requirements for reasons directly related to the nature of the subject property, the applicant for said land use may request the Village Board review and approval as a conditional use, per the requirements of Article E. No more than one (1) special use requirement shall be waived in this manner for any given land use or property.
 - (4) Special uses shall be approved by the Village Plan Commission per the procedures set forth in Section 13-1-73, Special Use Permits.
- (e) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after approval in accordance with Article E of this Chapter.

SEC. 13-1-12 SITE REGULATIONS.

- (a) **Street Frontage.** All lots shall abut a public street or other officially approved means of access, and each cul-de-sac lot or pre-existing lot shall have a minimum frontage of fifty (50) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures. In considering and/or approving an exception to the requirement of one principal structure per zoning lot, the Village Board may require such surveys, plot and building plans as it deems necessary to insure compatibility with the master plan, the applicable zoning district and the purposes of the Zoning Code.

- (c) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Lots Abutting More Restrictive Districts.** (Rev. 12/97,11/98) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line.
- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission and Village Board, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than three (3) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks (both attached and detached) and porches shall be considered a part of a building or structure.
- (h) **Building Grades.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on vacant land between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit concentrated runoff of surface water that will cause damage to adjoining properties. Grades shall be approved by the Village Engineer.
- (i) **Ground Water.** The lowest finished floor elevation which includes the crawl space or basement floor shall be a minimum of two (2) feet higher than the highest ground water elevation as determined by a process approved by the Village Plan Commission.

- (j) **Two Unit -- Water Laterals.** All two-unit residences shall be served by two (2) water laterals.

SEC. 13-1-13 HEIGHTS AND EXCEPTIONS TO HEIGHT, YARD AND SOUND REQUIREMENTS.

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
- (1) Architectural Projections. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
 - (2) Special Structure Height Limitations. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.
 - (3) Essential Services Height Limitations. Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Chapter.
 - (4) Communications Structures Height Restrictions. Communications structures such as radio and television transmission and relay towers, aerial and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
 - (5) Agricultural Structures Height Restrictions. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
 - (6) Public Facilities Height Restrictions. Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
- (1) Uncovered Stair Restrictions. Uncovered stairs, including disabled access ramps, landings and fire escapes may project into any yard, but not to exceed six (6) feet from the building and not closer than three (3) feet to any lot line.
 - (2) Architectural Projection Restrictions. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.
 - (3) Cul-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet provided the width at the building setback line is at least eighty (80) feet and the street frontage is not less than fifty (50) feet.
 - (4) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
 - (5) Street Yard Restrictions. The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business

district, unless otherwise specified in the district's street yard requirements (see Article C).

- (c) **Area Exceptions.** The regulations contained herein relating to the size of yards and other open spaces shall be subject to the following exceptions:
- (1) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with.
 - (2) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Code, such lot may be occupied by one (1) family.
 - (3) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than two (2) feet.

SEC. 13-1-14 REDUCTION OR JOINT USE.

No lot, yard, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, building area or other space required for a structure or use shall be used for any other structure or use.

SEC. 13-1-15 APPROVAL OF PLATS.

No proposed plat of a new subdivision shall hereafter be approved by either the Village Board or the Village Plan Commission unless the lots within such plat equal or exceed all applicable regulations adopted by the Village Board.

SEC. 13-1-16 BUILDING PERMIT.

It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure, or new use or change in the use of land, water and air without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until such application has been submitted in accordance with the provisions of this Chapter, showing that the construction proposed is in compliance with the provisions of this Chapter and other regulations of the Village (see Titles 14 and 15.)

SEC. 13-1-17 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.