

**CITY OF MARSHALL
ORDINANCE 25-014**

**AN ORDINANCE AMENDING CHAPTER 86, ARTICLE VI, DIVISION 1,
SECTION 86-161 HEIGHT MODIFICATIONS AND 86-162 YARD MODIFICATIONS**

The Common Council of the City of Marshall do ordain:

SECTION 1: **AMENDMENT** “Section 86-161 Height Modifications” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-161 Height Modifications

- (a) Building hHeight limitations set forth elsewhere in this chapter may be increased by 100 percent when applied to the following:
 - (1) Church spires and belfries which do not contain usable spaces.
 - (2) Monuments.
 - (3) Water towers.
 - (4) Chimneys or smokestacks.
 - (5) Cooling towers.
 - (6) Commercial silos.
 - (7) Industrial equipment
- (b) Building hHeight limitations set forth elsewhere in this chapter may be increased by 25 percent when applied to the following:
 - (1) Elevator and mechanical penthouses, stair enclosures, and church domes.
 - (2) Clearstories, skylights, and other above roof structures with a footprint less than ten percent of the roof area.
 - (3) Light poles~~Commercial silos.~~
 - ~~(4) Industrial equipment.~~
- (c) Sign and flag height limitations are determined by Sign Ordinance Division 86-VI-2.

(Code 1976, § 11.19(4)(A); Ord. No. 466, § 2, 10-15-2001; Ord. No. 750 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

SECTION 2: **AMENDMENT** “Section 86-162 Yard Modifications” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-162 Yard Modifications

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (a) Cornices, awnings, marquees, eaves, pergolas, chimneys not wider than six feet, and balconies may extend into the required front yard a distance not exceeding four feet, and the required side yard distance not exceeding two feet.
- (b) Fire escapes in existing buildings may extend into the required front and side yards a distance not exceeding five feet. Basement egress window wells projecting no more than three feet from the building may extend 20 feet into required front and three feet into required side yards ~~a distance not to exceed three feet~~.
- (c) A landing or deck may extend into the required front yard to a distance not exceeding eight feet, if they have the floor no higher than the main floor of the building, except a landing installed at the main entrance of existing residential structure and projecting no more than four feet from the structure may extend 15 feet into required front yard. A four-foot square landing, not including stair, or a five-foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing. An open railing no higher than three feet may be placed around such structures.
- (d) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard and two feet into required side yard.
- (e) The architectural features listed in paragraphs (a~~1~~) through (d~~4~~) may also extend into the required rear yard to the same extent as permitted for extension into the required front yard. If an easement coincides with, or is wider than, a required yard, architectural features listed in paragraphs (a~~1~~) and (b~~2~~) may extend into such easement not more than two feet with written approval of the city engineer.
- (f) Retaining walls, fences, and other similar structures located in any yard shall not exceed seven feet in height in any of the classes of residential and business districts, unless required by a condition for a variance adjustment, or conditional or interim use permit granted for an unrelated issue. Barbed wire or electrical fencing materials are prohibited in these locations.
- (g) Retaining walls, fences or any other structures, both permanent and temporary, except pylon signs, located in the front yards ~~of a corner lot at the intersection of streets~~, ~~except pylon signs~~, shall not exceed three feet in height as measured above the curb if placed within a 25-foot visibility triangle of the property corner for corner lots at street ~~such~~ intersection and within a ten-foot visibility triangle adjacent to alleys and driveways for all properties.
- (h) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets. On curved portions of cul-de-sac lot frontages, the required front yard may be reduced to 15 feet.
- (i) In determining the depth of a rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.

- (j) Any structure, including fences, built in the rear or side yard that opens into an alley, must not be placed less than three feet from the property line defining this alley. Any garage with overhead door facing, and having a direct vehicle access from, an alley must not be placed less than 18 feet from the alley.
- (k) No front, side or rear yard shall be required in the downtown district, except for one and two-single-family dwelling~~houses and duplexes~~.
- (l) On a corner lot fronting two intersecting streets, either yard opposite the street may be designated as the rear yard; in case of a triangular corner lot, the yard not adjacent to streets shall be deemed~~designated~~ the rear yard but shall meet the setback requirements of a side yard. On a corner lot fronting three streets, the yard opposite the front yard located between two other front yards shall be deemed~~designated~~ the rear yard but shall meet the setback requirements of a side yard.
- (m) On a flag lot, the lot side, which faces the street that this lot has an access from, shall be designated as the front yard. For such lots, the lot depth calculations shall not include the length of the narrow access portion of the lot.
- (n) On a lot that faces, and is exclusively accessed from, a public roadway easement or recorded access easement providing access to at least one other property beyond said lot, the lot side facing the easement shall be designated as the front yard.
- (o) On an interior triangular lot, no rear yard shall be required.

(Code 1976, § 11.19(4)(B); Ord. No. 374 2nd series, § 1, 8-4-1997; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 725 2nd series, § 1, 1-23-2018; Ord. No. 750 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

SECTION 3: EFFECTIVE DATE This Ordinance shall take effect after its passage and publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall