

VILLAGE OF MARSHALL

ORDINANCE 2025-04

**AN ORDINANCE TO AMEND TITLE 13, CHAPTER 1 OF THE MUNICIPAL CODE (ZONING CODE), ADJUSTING AND DESCRIBING PERMITTED AND CONDITIONAL LAND USES, ESTABLISHING PERFORMANCE STANDARDS FOR CERTAIN USES, ADJUSTING CONDITIONAL USE PERMIT AND SITE PLAN PROCEDURES AND STANDARDS, ADJUSTING GENERAL PERFORMANCE AND DESIGN STANDARDS, AND ADJUSTING NONCONFORMING USE AND STRUCTURE REQUIREMENTS**

Ordinance amendment introduced by: Plan Commission

Purpose of ordinance amendment: The amendment overhauls several articles and sections of the Village's Zoning Code to implement the 2023 Comprehensive Plan and modernize, correct, and simplify the Code. The Code amendments include those to: (a) adjust permitted and conditional land uses across the Village's zoning districts; (b) include descriptions for all listed land uses and performance standards for certain land uses; (c) adjust procedures, submittals, and criteria for conditional use permit and site plan and design reviews; (d) adjust building, site, landscape, and lighting design standards for new and expanded development; and (e) adjust standards for nonconforming uses, structures, and lots to meet State law requirements.

The Village Board of the Village of Marshall, Dane County, Wisconsin ordains that Title 13, Chapter 1, of the Municipal Code shall be amended as follows:

Section 1: Sections 13-1-11 (d) and (e) are repealed.

Section 2: Sections 13-1-12 (a) and (b) shall be amended to read as follows:

- (a) **Street Frontage.** All lots shall abut a public street or other officially approved means of access, as prescribed in Section 14-1-73(c) of the Code.
- (b) **Principal Structures.** All principal structures shall be located on a lot. More than one principal building is allowed on any one lot, except that more than one principal building on any lot within one of the R-1 districts shall require a conditional use permit unless within an approved condominium or planned unit development.

Section 3: Sections 13-1-13, 13-1-14, and 13-1-15 are repealed, and Section 13-1-16 is renumbered as the new Section 13-1-13.

Section 4: Article C, "Zoning Districts", is repealed and recreated in the manner indicated in Exhibit 1, attached hereto.

Section 5: Article E, "Conditional Uses", is repealed and recreated in the manner indicated in Exhibit 2, attached hereto.

Section 6: Article F, "Nonconforming Uses, Structures and Lots", is repealed and recreated in the manner indicated in Exhibit 3, attached hereto.

Section 7: Section 13-1-92 (e) shall be amended to read as follows:

- (e) **Landscaping Requirements.** Parking lot landscaping shall meet requirements in Section 13-1-129(c)(2).

Section 8: Sections 13-1-92 (f) (2) shall be amended to read as follows:

- (f) **Lighting.** Any lighting used to illuminate off-street parking areas shall meet the requirements of Section 13-1-130.

Section 9: Article I, formerly "Performance Standards" shall be renamed as "Performance and Design Standards", and is repealed and recreated in the manner indicated in Exhibit 4, attached hereto.

Section 10: The title of Article 1-J shall be amended from "Signal Receiving Antennas; Wind Energy Systems" to "Signal Receiving Antennas."

Section 11: Sections 13-1-131, 13-1-132, 13-1-133, and 13-1-134 are repealed.

Section 12: Article M, Section 13-1-174, formerly "Site Plan Approval and Design Review" shall be renamed "Site Plan and Design Review", and is repealed and recreated in the manner indicated in Exhibit 5, attached hereto.

Section 13: Section 13-1-140 shall be repealed and recreated to read as follows:

**SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.**

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided in this section or in Section 13-1-24 including the figures in that section.
- (b) **Quantitative and Placement Restrictions.**
  - (1) Number of Accessory Buildings. In the R-1S, R-1L, R-1W, and R-2 districts, a maximum of one garage per dwelling unit (either detached or attached to the principal building but not both), plus one additional accessory building per unit is permitted.
  - (2) Detached Accessory Building Dimensional Restrictions. Per Section 13-1-24 including the figures in that section.
  - (3) Attached Structures. All structures attached to the principal building shall comply with the yard/setback requirements of the principal building. The overhead door serving the third garage stall of any three-car attached garage in the R-1S district shall be set back at least two (2) feet from the other overhead door(s), except where one or more overhead garage doors faces a street side yard instead of the front yard.
- (c) **Use Restrictions Residential District.** Accessory buildings in residential districts shall not involve the conduct of any business, trade, or industry except for home occupations as defined and authorized herein, and shall not be occupied as a dwelling unit.
- (d) **Temporary Accessory Structures.** Temporary accessory structures, such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator for a limited term.

- (e) **Retaining Walls.** Retaining walls may be permitted anywhere on a lot, except not closer than three (3) from any public right-of-way line. No individual retaining wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.

Section 14: Section 13-1-142 (g) and (h) shall be amended to read as follows:

- (g) **Location.** Per Section 13-1-24 including the figures in that section.  
(h) **Height.** Per Section 13-1-24 including the figures in that section.

Section 15: Section 13-1-183 is repealed.

Section 16: Article P, "Definitions", is amended in the manner indicated in Exhibit 6, attached hereto.

This ordinance was duly considered and adopted by the Village Board of the Village of Marshall on this 8<sup>th</sup> day of July, 2025.



  
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John Schuepbach, Village President

  
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Michael Wetzels, Village Clerk

