

**ORDINANCE NO. 687, SECOND SERIES**

**AN ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 86  
RELATING TO ZONING**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 86, Article VI, Division 4, Secs. 86-246 to 86-275 are hereby amended in their entirety as follows:

**CHAPTER 86 - ZONING  
ARTICLE VI. – SUPPLEMENTAL REGULATIONS  
DIVISION 4. PERFORMANCE STANDARDS**

**Sec. 86-246. - Generally.**

It is the intent of this division to provide that in all classes of zoning districts, business, industry and all daily activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the items described in this division.

**Sec. 86-247. - Landscaping.**

- (1) In all classes of residential and business districts, all exposed ground areas surrounding a principal and accessory use, including street boulevards and easements, and which are not devoted to parking, drives, walks, patios, designated retail display areas or other such uses shall be landscaped except vegetation areas left in a natural state during initial construction may remain if properly maintained. Downtown district is exempted from the landscaping requirements.
  1. Fences, bushes, shrubs, and any other landscape elements placed upon easements are subject to removal at owner's expense if required for maintenance or improvement of the utility. The City shall not be required to pay compensation for the items to be removed from a utility easement.
  2. Trees and any other vegetation shall be planted in such a manner that, when fully grown, no projection into the public right-of-way or easements occurs below 9 feet above ground. Trees shall not be planted within public right-of-way, on the boulevards, or within 5 feet of any public sidewalk.
  3. All landscaped areas shall be kept neat, clean, uncluttered and be properly maintained. Landscaped area shall not be used for the recurring parking of vehicles (except as provided for in Section 86-230 for overflow parking) or the storage or display of materials, supplies, and merchandise.

4. Vegetation within 25 feet of the property corner at street intersections shall not be taller than three feet measured from the top of the street curb except one deciduous tree may be planted within that area.
  5. Vegetable gardens are allowed in R-1 and R-2 residence districts but shall not be located in the front yard and shall not occupy more than 25 percent of the area of a rear yard; larger gardens may be allowed by a conditional use permit. Vegetable gardens must not be placed on a lot where there is no permitted use main building except when such lot is adjacent to the lot where a permitted use main building is located and both lots have the same owner(s), in which case the vegetable garden can occupy 20 percent of the area of a rear yard calculated for these two lots combined. Community gardens may be allowed in all zoning districts by a conditional use permit only; conditional use permit is not required in agricultural district.
- (2) Landscape area shall occupy not less than 30 percent of the exposed ground area of the lot. Landscape area shall include not less than 50 percent live materials (vegetation) with the balance being permeable landscaping decorative materials such as landscape rock or mulch.
1. The areas under and one foot beyond building roof overhangs and eaves shall not be landscaped with grass unless a gutter is provided.
  2. Grade slope over one foot in three feet is prohibited unless existing site grading is unique and special measures are taken to prevent erosion.
  3. The trees shall be planted at a rate of at least one tree per 4,000 S.F. of exposed ground area or one tree per 50 feet of lot street frontage, whichever is greater; existing trees protected during construction may be counted toward the total number of trees required. If more than five trees are required, at least two species shall be used. The minimum number of required trees shall be maintained.
  4. All landscape areas must be irrigated or have access to an exterior building water spigot in locations adequate for providing landscape maintenance. All vegetation required under this Section shall be properly maintained. Overgrown vegetation and sizable broken limbs shall be trimmed; dead or severely damaged trees shall be replaced if required to maintain a minimum prescribed number of trees. Infected trees shall be treated in accordance with Chapter 88 of this Ordinance.
  5. The minimum size of planted trees shall be two inches caliper for deciduous trees and six feet in height for coniferous trees except in R-1 one-family residence district. Elms, ash, and box elder trees shall not be used unless disease resistant species are utilized.
- (3) In all business and industrial zoning districts yards adjoining any of the classes of residence districts or public parks shall be landscaped with buffer planting screens unless an adjacent residence district property contains a non-residential use. In R-3 and R-4 multiple family residence districts, yards adjoining lower classes of residence districts shall be landscaped

with buffer planting screens unless a multiple family residence district property contains exclusively one- to four-family residences.

1. Buffer planting screens shall be at least 80 percent opaque year round and six feet high. Planting screens shall be planted in such manner that, when fully grown, they remain entirely within the property boundaries. A maintenance-free opaque fence or other means deemed comparable to planting screens by the City staff may be used to substitute for the required buffer planting screens provided requirements of subsection (2) of this section are met.

(4) No permanent Certificate of Occupancy may be issued for a new building unless landscaping ordinance requirements as described in this Section are satisfied. All new site work performed on existing occupied sites shall comply with the landscaping requirements.

1. Building enlargement and expansions over 50% of existing building footprint area, changes of use resulting in need of at least 10 additional parking spaces, and new building construction on a site with existing building shall cause a landscaping review by the City staff and may require new buffer planting screens and other landscaping. Landscaping coverage requirements for building additions and change of use shall be proportional to building expansion or to parking expansion relative to existing respectively.

#### **Sec. 86-248. - Storage.**

(1) In all residential districts, open storage of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in any required front, and side yards. Unless prohibited elsewhere in the Ordinance, any other outside storage, including outdoor storage tanks but excluding retail merchandise intended for sale or rent and open to public and displayed in designated areas, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with Section 86-247. In all business districts, the storage area shall be paved to control dust and erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to one week prior to construction and is exempt from the above requirements provided a valid building permit is displayed on site.

(2) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all business and industrial zoning districts. In all business districts the display area, except live plants sales area, shall be so designated and paved to control dust and erosion and facilitate moving of displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front yard. Outdoor display area shall be adequately lighted.

- (3) Outdoor display and sale during garage sale only shall be allowed in all residential zoning districts and residential properties within other zoning districts. The display area shall be located entirely within the pertinent residential property. The following conditions shall be complied with unless a conditional use permit for home occupation is obtained.
1. Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
  2. There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7 a.m. or after 8 p.m.
- (4) Building enlargement and expansions over 50% of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review.
- (5) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by Section 50-23 of this Ordinance. In R-1 and R-2 residence districts trash cans shall not be stored in the front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. Similar items intended for disposal may be piled together for temporary storage no longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.
1. In all multiple-family and business zoning districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building.
  2. Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is displayed on site. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (6) Storage containers (including, but not limited to, trailers, semi-trailers, cargo and shipping containers, PODS, and dumpsters) are not allowed as permanent storage structures in all

classes of residential or business zoning districts. Utilization of these types of containers for temporary use is allowed in accordance with Section 86-163 Accessory Buildings. The above limitations do not apply to temporary construction dumpsters as regulated in Item (5) of this Section.

- (7) In all residential districts, a licensed boat, trailer, camper, motor-home, or recreational vehicle but no more than three units may be stored outside on the property as regulated in Section 74-131 of this Ordinance. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year.

### **Sec. 86-257. - Hazard.**

Every operation shall be carried on with reasonable precautions against fire and explosion hazards. Construction sites for projects over \$500,000 in value or projected to last over six months shall be enclosed with a fence at least four feet tall; industrial district lots not adjacent to residential or business districts are exempt from this requirement.

### **Section 86-260. Exterior appearance standards**

The following provisions shall apply to any building construction and exterior remodeling in all residence districts except R-5 manufactured home park district and in all business districts. Buildings located within Central Heritage District shall comply with Sections 86-281 through 86-286.

#### *(1) General building design requirements.*

1. Any building façade exceeding 50 feet, or 30 feet if no doors or windows are present, in length shall be designed with multiple planes offset at least two inches, multiple sections of coordinating materials or textures, or other architectural elements, to add visual interest every 30 feet.
2. The ground level of any four-story or taller structure shall be visually distinct from the upper stories by means of multiple planes offset at least twelve inches, multiple sections of coordinating materials or textures, or other architectural features.
3. Any building façade exceeding 30 feet in height shall be designed with multiple planes offset at least two inches, multiple sections of coordinating materials or textures, or other architectural elements, to add visual interest every 20 feet in vertical direction.
4. Any building roof visible from the ground and exceeding 50 feet in length shall be designed with multiple planes offset at least twelve inches, multiple sections of coordinating materials, or other architectural elements, to add visual interest every 50 feet.
5. Multiple colors of the same materials shall not be used in the same plane of the building in order to satisfy the requirements of the subsections 1 through 4 above.

6. Garish, bright, and fluorescent colors shall be used as accents only and comprise not more than 10 percent of the building façade area. Unless a part of the architectural design, multiple colors shall not be used on pitched roofs.

(2) *Exterior building elements requirements.*

1. *Canopies and awnings.* The design of these building elements shall be coordinated with the overall building design in terms of location, size (scale), form and color. Exterior building surface materials requirements shall not be applicable.
2. *Accessory buildings.* Accessory buildings surface materials and colors shall match those of the main building located on site and shall also conform to material coverage requirements of this Section except the required highest quality material coverage may be reduced by half. Surface materials on accessory buildings not protruding into front yard may match only one of the materials utilized on the main building. In R-1 and R-2 residence districts, pre-manufactured accessory buildings less than 300 square feet shall match main building in colors only.

3. *Exterior building surface materials.*

- a. Exterior building materials shall be attractive in appearance, durable, low-maintenance, and compatible with adjacent structures and consistent with the city's standards for the district in which it is located.
- b. Exterior vertical surface materials of a newly constructed building and an addition or renovation to a building built in compliance with this Section or after June, 2014 shall be subject to the following requirements:

A. *Classes of materials.* Exterior building materials shall be divided into Class I, Class II, Class III, and Class IV categories as follows:

Class I

- Clay-based masonry units; brick (integrally colored)
- Natural and architectural manufactured stone (provided it replicates the appearance of natural stone, not concrete block)
- Glass/spandrel glass
- Prefinished metal panels
- Specialty concrete block such as textured, burnished or rock faced block
- Other comparable or superior materials (as approved by the Planning Commission)

Class II

- Exterior Insulation and Finish Systems (EIFS)
- Masonry stucco
- Architectural precast textured concrete panels
- Cement-based architectural panel products
- Architectural thin panel product resembling other Class I or II materials (e.g. brick, stone, or stucco)

- Other comparable or superior materials (as approved by the Planning Commission)

#### Class III

- Smooth scored concrete block
- Smooth concrete tip up panels
- Glass block
- Cedar, redwood, metal, or cement based siding and shakes
- Other comparable or superior materials (as approved by the Planning Commission)

#### Class IV

- Vinyl siding
- Smooth concrete block
- Wood except cedar and redwood siding
- Other comparable or superior materials (as approved by the Planning Commission).

B. *Material coverage.* Buildings shall incorporate the classes of materials as follows (percentage of coverage listed is per each building façade):

(a) Residential buildings within R-1 residence districts shall not utilize metal panels with exposed fasteners or any Class IV materials except vinyl siding.

(b) Residential buildings within R-2 residence districts must be finished with at least 30 percent Class I or II materials and shall not utilize metal panels with exposed fasteners and any Class IV materials except vinyl siding.

(c) Buildings within R-3 and R-4 residence districts and non-residential buildings within R-1 and R-2 residence districts must be finished with at least 50 percent Class I or II materials, not less than 30 percent Class III materials on the remainder of the building, and shall not utilize metal panels with exposed fasteners and any Class IV materials except vinyl siding.

(d) Buildings within B-1, B-2 (outside of the Heritage District), B-3, and B-4 business districts must be finished with at least 70 percent Class I or II materials and shall not utilize any Class IV materials.

(e) The rear and side building façades not facing the public right-of-way may have the required highest quality material coverage reduced by half or replaced by the next lower class of materials.

(f) Unless more stringent requirements are prescribed by the zoning district in which a building is located, all building elevations facing a thoroughfare must be finished with at least 30 percent Class I or II materials and shall not utilize any Class IV materials except vinyl siding on the remainder of the visible elevations.

(g) Replacement of the lower class of materials with the higher class is always permitted.

c. *Roofs.* Except in R-1 residence districts, exterior roof surface materials visible from the ground shall not utilize any kind of membrane, roll, and spray type roofing.

d. *Expansion or enlargement.* In the event any existing, nonconforming building is enlarged or expanded, and the expansion main floor area is less than 50 percent of the existing nonconforming building footprint, the expansion or addition shall utilize exterior materials and colors matching existing, nonconforming structure or use other materials allowed by this Section in that zoning district. In the event any existing, nonconforming building is enlarged or expanded, and the expansion main floor area is more than 50 percent of the existing nonconforming building footprint, the expansion or addition shall conform to the requirements of this section for new buildings. In no case the exterior materials utilized for expansion or addition may be of a Class of Material lower than the existing materials.

(3) *Exterior remodeling requirements.*

1. *Design requirements:* In the event any existing, nonconforming building is undergoing exterior renovation or remodeling, and the area of work is less than 50 percent of the exterior surface of the building elevation, the new materials shall be matching exterior materials and colors of the existing building elevations or be of a Class of Material allowed by this Section in that zoning district. In the event any existing, nonconforming building is undergoing exterior renovation or remodeling, and the area of work is over 50 percent of the exterior surface of the building elevation, all materials used in exterior remodeling shall comply with the requirements of this Section. In no case the exterior material replacement may be of a Class of Material lower than the existing materials.

2. *Time frame requirements:* All exterior remodeling projects shall be completed within six months of commencing the work unless an extension is requested in writing and granted by the Zoning Administrator for due reason.

(4) *Mechanical equipment.*

1. All rooftop mechanical equipment units exceeding two feet in height and three feet in horizontal dimension shall be screened from the ground level view within 200 feet of the building unless not visible from any of the adjacent properties or

public streets. Screening may include parapet walls, penthouses, dormers, or other architectural elements in harmony with the building forms and materials.

2. All exterior ground mounted mechanical equipment units exceeding four feet in height and three feet in horizontal dimension shall be fully concealed on all sides unless not visible from any of the adjacent properties or public streets. The screen shall be fully opaque and finished with materials matching exterior of, and architecturally integrated with, the building served by the equipment; alternatively, buffer planting screens with at least 80 percent opacity year round shall be permitted.

3. On existing buildings, if any exterior mechanical equipment is replaced or new equipment is added and all new and replaced equipment combined constitute 50 percent or more of existing equipment capacity, the screens shall be installed as required for new mechanical equipment.

### Section 86-261. Unsanitary conditions

Trash, garbage, junk, debris, dead organic matter, and similar materials shall not accumulate on the property unless properly collected in accordance with the Section 86-248, subsection (3) nor shall aforementioned objects be allowed to disseminate to adjacent properties in any quantities. Stagnant water shall not accumulate on site.

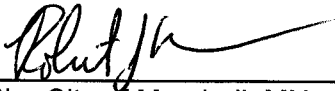
### Secs. 86-262—86-275. – Reserved.

Section 2: This ordinance shall take effect from and after its passage and publication.

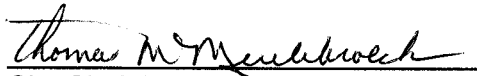
Passed and adopted by the Common Council this 10<sup>th</sup> day of June, 2014.

THE COMMON COUNCIL

ATTEST:



\_\_\_\_\_  
Mayor of the City of Marshall, MN



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City Clerk/Financial Director

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Final Passage on: June 10, 2014

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