

CITY OF MARSHALL, MINNESOTA
ORDINANCE NO. 749, 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, Sections 86-247 Landscaping and 86-248 Storage are hereby amended.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 749, Second Series.

It is hereby directed that only the above Title and Summary of Ordinance No. 749, Second Series be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 1501 State Street, Social Science Building, Room 213, Marshall, Minnesota 56258.

Section 3: These Ordinances shall take effect after their passage and summary publication.

Passed and adopted by the Common Council this 23rd day of June, 2020.

THE COMMON COUNCIL

ATTEST:



Mayor of the City of Marshall, MN



City Clerk

Introduced on: May 26, 2020
Final Passage on: June 23, 2020
Published in the Marshall Independent: June 29, 2020

Sec. 86-247. - Landscaping.

- (a) 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. Retaining walls shall not be placed upon easements.
 - (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 nine feet above ground.~~ Trees planted within, or adjacent to, public right-of-way shall comply with the city tree policy.
 - (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 a 25-foot visibility triangle of the property corner at street intersections and within a 10-foot visibility triangle adjacent to alleys and driveways ~~25 feet of the property corner at street intersections~~ shall not be taller than three feet measured from the top of the street curb. All vegetation upon, and adjacent to, boulevards shall comply with the City Tree Policy ~~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 or side yards and shall not occupy more than 25 percent of the area of a rear yard; larger gardens may be allowed by an interim 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 other zoning districts by an interim conditional use permit, only; except interim conditional use permit is not required in agricultural district.
- (b) Landscape area shall occupy not less than 25 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) Grade slope over one-foot in three feet is prohibited unless existing site grading is unique and special measures are taken to prevent erosion.
 - (2) The trees shall be planted at a rate of at least one tree per 5,000 square feet of landscaped 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.
 - (3) Overgrown vegetation and sizable broken limbs shall be trimmed; dead or severely damaged trees shall be replaced. Infected trees shall be treated in accordance with chapter 828 Vegetation.
 - (4) Elms, ash, and box elder trees shall not be used unless disease resistant species are utilized.
- (c) In all classes of 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 (b) are met.

(d) Building enlargement and expansions over 50 percent of existing building footprint area or construction of additional main use buildings on site shall cause an entire site landscaping review by city staff for Ordinance compliance.

- (ed) All requirements of this section shall be satisfied within one year of receiving a temporary certificate of occupancy. All new site work performed on existing occupied sites shall comply with the landscaping requirements.

(Code 1976, § 11.19(3)(A)(1); Ord. No. 687, § 1, 6-10-2014; Ord. No. 727 2nd series, § 1, 4-24-2018)

Sec. 86-248. - Outside sStorage.

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the any required front, and side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance ~~[this chapter]~~, 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 Landscaping. In all classes of 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.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial zoning districts. In all classes of 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 and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247 Landscaping. Outdoor display area shall be adequately lighted.
- (c) Outdoor display and sale ~~during garage sale only~~ shall be allowed in all classes of residential zoning districts and residential properties within other zoning districts during garage and yard sales only. 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