



**CITY OF MARSHALL**  
**Legislative and Ordinance Committee**  
**A g e n d a**  
**Tuesday, April 04, 2023 at 12:45 PM**  
**344 W. Main St., City Hall**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) Consider Approval of the Minutes

**NEW BUSINESS**

- [2.](#) Consider Amendment to Sec. 74-122 Regarding Snow Emergency Declaration
- [3.](#) 86-230 Required Number of Spaces
- [4.](#) 86-247 Landscaping
- [5.](#) 86-248 Outside Storage

**ADJOURN**

**Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.**

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Chair
<b>Meeting Date:</b>	Tuesday, April 4, 2023
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes
<b>Background Information:</b>	Enclosed are the minutes from the previous meeting.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the meeting held on November 22, 2022, be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL**  
**LEGISLATIVE & ORDINANCE COMMITTEE**  
**M I N U T E S**  
**Tuesday, November 22, 2022**

<u>MEMBERS PRESENT:</u>	John DeCramer, James Lozinski, and Steve Meister (via zoom)
<u>MEMBERS ABSENT:</u>	None
<u>STAFF PRESENT:</u>	Sharon Hanson, City Administrator; Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner; Amanda Beckler, Community Education Coordinator; and Steven Anderson, City Clerk.

At 12:30 PM Chairman DeCramer called the meeting to order. Member Meister arrived at 12:34 via zoom. Member Meister left via zoom at 1:45pm.

**Consider Approval of the Minutes**

Chairman DeCramer asked to have member Meister moved from Absent to Present in the minutes from October 11 and called for approval of the minutes from the October 11, 2022, meeting with the noted change. Motion by Lozinski, Seconded by DeCramer to approve the minutes. All voted in favor.

**Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property**

Ilya Gutman talked about the revisions being requested regarding grass and weeds. The intent is to slowly introduce areas for pollinator habitats without causing too much disruption to residential areas. Amanda Becker, Community Education Coordinator also spoke about the initiatives the city has taken towards the Minnesota GreenStep Cities program and this ordinance change is the next achievement being worked on. Discussion was had amongst members regarding areas to begin pollinator habitats and the idea of no mow May being spread in the city. Staff brought up they mostly wanted to focus on less populated and less residential areas to gradually get citizens used to the idea. Motion by Lozinski, Seconded by Meister to bring the recommended changes to city council. All voted in favor.

**Board, Commissions, and Authorities Non-Resident Restriction Amendment**

Steven Anderson and member DeCramer communicated that this change was brought up by city council during a commission interview and wanted it reviewed by the L&O committee. Members discussed the pros and cons of limiting membership to Marshall residents only for some of the boards. Motion made by Lozinski, Seconded by Meister to restrict membership residing outside of city limits to twenty-five percent (25%) of the members and to round up to the nearest whole number. All voted in favor.

**CVB Member Revisions**

Cassi Weiss from Visit Marshall/Convention and Visitors Bureau told members that the CVB met and brought up suggestions that they believe would be more beneficial than the current member positions. The current board of 3 hotels, 1 chamber and 5 at large would be changed to 3 hotels, 1 SMSU, 1 food and beverage and reduce at large to 4. A question was brought up on why the loss of the chamber position. Weiss indicated that Visit Marshall sits on the Downtown Business Association board and having that position would be redundant. Motion by Lozinski, Seconded by Meister to approve the new suggested membership make-up. All voted in favor.

**Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances**

Jason Anderson stated that his ordinance amendment had previously been approved on August 23, 2022 but after further review the Minnesota Department of Natural Resources advised some language in the ordinance can be considered optional. The extra language complicated land use decision making in the community and makes it more difficult for citizens, developers, and staff to understand development limitations in our community. Staff recommends to simplify the ordinance and change the board of adjustment to City Council instead of the planning commission. Motion by Lozinski, Seconded by Meister to approve the ordinance changes as presented. All voted in favor.

**Ordinance amending Chapter 66 Subdivisions, Article 66-II Plat approval, Division 66-II-2 Preliminary Plat, Section 66-55 Procedures**

The current ordinance requires mailing notice prior to the planning commission meeting; however, the meeting is not a public hearing nor is it required by statute. To simplify and better streamline the process of plat approval staff is suggesting changing the mailing to be more in line with other public hearing processes. Motion by Lozinski, Seconded by DeCramer. All voted in favor.

**Sign Ordinance Amendment- Chapter 86, Division 86-VI-2-Signs, Sec. 86-180 through 86-187**

Ilya Gutman briefly went over the changes that were suggested from the last time the ordinance was brought up. Discussion was had amongst members about the various changes that were requested. The ordinance was found to be less restrictive than comparable cities. Motion by Decramer, Seconded by Lozinski to recommend the ordinance be brought to city council. All voted in favor.

**Rental Ordinance**

Ilya and Jason talked about the meetings that were held with landlords and the feedback that was received. After feedback staff revised the ordinance to become a registration program only. Mandatory registration with a nominal one-time fee and no mandatory regular inspections will reduce owner's expenses. The registration process will require property owners to sign a statement that their properties meet current Housing Code. Only valid concerns about Housing Code and have been brought to the attention of the owner/manager will be investigated by staff. The inspection will review the entire unit not just the point of concern. The license term is proposed to be two years. Members suggested possibly having the Minnesota Attorney General Landlords and Tenants: Rights and Responsibilities pamphlet or website information available. Members also wanted to strike language regarding tenant modifications. Information on the city website will be available to landowners and tenants, but not necessarily a list of registered properties. Discussion was also had about the location of the certificate that must be posted that provides information on who to contact regarding the unit/building. Talks led to the certificate being posted in a "conspicuous" location. Motion made by DeCramer, Seconded by Lozinski to move forward with the rental ordinance to have the public hearing held during the last meeting in January. All voted in favor.

Respectfully Submitted,

Steven Anderson  
City Clerk



**CITY OF MARSHALL  
LEGISLATIVE & ORDINANCE COMMITTEE  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, April 4, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Amendment to Sec. 74-122 regarding Snow Emergency Declaration
<b>Background Information:</b>	Please see attached proposed amendments Sec. 74-122, Item 2, relating to snow emergency declaration.
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the L&O Committee recommend to City Council the introduction of the attached ordinance amending Sec. 74-122 of the City Code of Ordinances.

ORDINANCE NO. 23-\_\_\_\_\_

ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 74, ARTICLE 74-V  
SECTION 74-122 RELATING TO WEATHER EMERGENCY, SNOW EMERGENCY,  
STREET REPAIR AND STREET CLEANING

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

Section 1: City Code of Ordinances, Chapter 74-Traffic and Vehicles, Article 74-V Stopping, Standing and Parking, is hereby amended in Section 74-122, Item 2 as follows:

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**Section 74-122 Weather Emergency, Snow Emergency, Street Repair And Street Cleaning**

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Designated official* shall be the director of public works, street superintendent, or director of public safety.

*Emergency* means a condition created on city streets because of the presence of snow, freezing rain, sleet, ice or snow drifts thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic when such emergency has been duly declared by a designated official.

2. *Snow removal.* After or during the fall of snow on any day between November 1 and April 1, a designated official is authorized to declare in writing a snow removal emergency which shall be announced by radio broadcast as soon as possible on the local radio stations. Thereafter, at 12:00 midnight 12:01 p.m. following such broadcast, all vehicles shall be removed from all city streets or streets in the city so designated in such declaration. Such snow removal emergency shall end at the expiration of a 48-hour period unless the emergency shall be renewed and be announced by a designated official.

3. *Unlawful acts.*

1. It is unlawful for any person to park a vehicle or permit a vehicle to remain parked in violation of subsection (b).
2. It is unlawful for any person to park a vehicle or permit a vehicle to remain parked on any street at such times as any other emergency may exist or during such times as street cleaning or street repair operations are taking place, provided that a designated official shall have caused appropriate signs to be placed on such streets at least 12 hours prior to the time of such cleaning or repairing operations.
3. The act of parking or permitting a vehicle to remain parked on any street contrary to the prohibitions of this section constitutes the violation notwithstanding the progress of street maintenance operations.

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

THE COMMON COUNCIL

ATTEST:

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

\_\_\_\_\_  
City Clerk

Ordinance Introduced on: \_\_\_\_\_

Final Passage on: \_\_\_\_\_

Ordinance Published in the Marshall Independent: \_\_\_\_\_

**CITY OF MARSHALL  
LEGISLATIVE & ORDINANCE COMMITTEE  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, April 4, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	86-230 Required number of spaces
<b>Background Information:</b>	These are minimal changes to the parking spaces table. One change was the result of analyzing a specific request for parking to significantly exceed current requirements. We also remove the limit to the maximum number of spaces to let businesses be more in control of their parking. These changes were presented at the Planning Commission in December and were recommended for approval.
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-96 Agricultural district and Section 86-230 Required number of spaces.



## **Section 86-230 Required Number Of Spaces**

Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided for each use. For mixed use buildings, the required number of parking spaces shall be calculated separately for each area use and then added up. Unless otherwise noted, required off-street parking noted as a S.F. (square foot) ratio is to be applied to the gross building area for each use. The minimum number of off-street parking spaces for each use is listed in table 86-230. ~~The number of provided parking spaces shall not exceed the minimum number by more than ten percent.~~

Apartment (more than 4 units)	1/ efficiency or one bedroom unit plus 2/ two or more bedroom unit plus 1/ 4 units for visitors
Assisted and congregate living facility	0.5/ unit plus 1
Art gallery, museum	1/ 500 S.F.
Assembly or auditorium with fixed seats, theatre	1/ 4 seats
Assembly without fixed seats not listed anywhere else, arcade	1/ 100 S.F.
Auction house	1/ 100 S.F. or 1/ 4 fixed seats, whichever is greater
Bank	1/ 300 S.F.
Baseball, soccer, football field, arena or stadium	1/ 4 seats plus 20/ field (court, rink, etc.) plus 1 oversize space/field (court, field, etc.)
Beauty salon, barber shop, massage or tattoo parlor, tanning salons	2/ service station or bed
Bed and breakfast	1/ guest bedroom plus 2
Boarding or lodging house	1/ rented bed plus 2
Boat, ATV, RV sales and service	1/ 1,000 S.F. plus as required for outside sales lot
Bowling alley	4/ alley plus 2
Car wash	2
Church	1/ 5 seats in largest auditorium
Clinic, medical, dental, etc., doctor or chiropractic office	1/ 250 S.F.
Convenience store	1/ 200 S.F. plus 1 plus 1 oversize space plus as required for fuel station if applicable
Corrections facility, jail	1/ 10 beds plus 1/ employee
Court, tennis or racquetball, without fixed seating	2/ court plus 1
Dance hall	1/ 50 S.F.
Day care	1/ classroom plus 1/ 10 participants

Dwellings, one to four units	2/ dwelling plus one for each roomer or boarder <u>or each tenant beyond four for units not rented to a single family</u>
Drinking or dining establishment, sit down or buffet restaurant, bar	1/ 50 S.F. of seating area , plus 1/ 100 S.F. of kitchen and storage area
Dining establishment: fast food restaurant	1/ 75 S.F. of seating area , plus 1/ 100 S.F. of kitchen and storage area
Farm implement, industrial equipment, and truck sales and service	1/ 1,000 S.F. plus 50% of required for outside sales lot
Fraternity or sorority house, dorm	1 / bedroom plus 1/ 4 bedrooms for visitors
Funeral home	1/ 100 S.F. or 1/ 4 fixed seats in largest parlor, whichever is greater
Furniture, large appliances, spas, building materials, garden supplies sales, retail greenhouse	1/ 500 S.F. for area less than 20,000 S.F. plus 1/ 1,000 S.F. for area over 20,000 S.F.
Golf course	4/ green plus 1/ 200 S.F. of clubhouse
Grocery, food, and beverage sales	1/ 200 S.F. plus 1 oversize space/ 30,000 S.F.
Golf, miniature course	2/ hole plus 1
Golf, driving range	2/ tee plus 1
Hospital	1/ 2 beds plus 1/ employee
Kennel	1/ 10 kennels plus 1/ employee
Library	1/ 500 S.F. plus 1/ employee
Manufactured home park	2/ home plus as required for office building
Manufacturing, fabricating, processing or printing plants	1/ 800 S.F.
Motor vehicle fuel station	1 plus as required for convenience store if applicable
Motor vehicle sales	1/ 500 S.F. plus as required for outside sales lot
Motor vehicle repair	<del>3</del> 4/ service stall plus <del>1</del> 2
Motor vehicle garage (commercial)	1/ stall plus 1
Motel or hotel	2 plus 1/ room plus 1 oversize space/ 30 rooms
Nursing or rest home, memory care	1/ 6 beds plus 1/ employee
Office: business (data processing center, call center, radio and TV station, etc.)	1/ 200 S.F.
Office: professional (insurance, accountant, travel agent, etc.), public (city, county) or industrial/contractor	1/ 300 S.F.
Outside sales lot	1/ 5,000 S.F. for area less than 20,000 S.F. plus 1/ 10,000 S.F. for area over 20,000 S.F.
Park	4/ acre plus 2/ playground plus 5/ shelter plus 20/sports field
Recreation: fitness club, gymnasium, dance martial arts studio, without fixed seating	1/ 200 S.F.

Residential facility, group home	0.5/ bedroom plus 2
Retail store: general, department, hardware, discount, drug; shopping center; pawn shop; wireless store	1/ 200 S.F. for area less than 2,000 S.F. plus 1/ 300 SF for area over 2,000 S.F. but less than 100,000 S.F. plus 1/ 1,000 S.F. for area over 100,000 S.F.
Retail store: specialized, boutique	1 plus 1/ 500 S.F.
Service establishment: laundry, repair, dry-cleaning, rental, phot studio, etc.	1/ 500 S.F. plus 1
Service establishment (labor intensive): glazing shop, take out only restaurant, bridal shop, etc.	1/ 500 S.F. plus 3
School: Elementary or junior high, private or public	1.5/ classroom or 1/ 20 students or 1/ 4 seats in the largest auditorium, whichever is greater
School: Senior high, public or private	10/ classroom or 1/ 3 students or 1/ 4 seats in the largest auditorium or gymnasium, whichever is greater
School: post-secondary, professional or business (educational buildings)	15/ classroom
Short-term rental	1/ bedroom minus 1, but not fewer than 2
Skating rink	25
Swimming pool	1/ 200 S.F. of lap pool area plus 1/ 500 S.F. of kids pool area plus 1/ employee
Terminal, passenger-bus, train, airline	1/ 200 S.F.
Veterinary clinic	1/ 500 S.F.
Rental storage units	1/ 4 units plus 1 plus as required for office if applicable
Wholesale sales and warehouse	1/ 2,000 S.F.

Table footnotes:

- (a) Continuous benches and pews shall be assumed to allow one person per 22 inches of length.
- (b) Rental storage units parking spaces located in front of storage units do not require painted line identification and independent access.
- (c) When parking requirements are determined by employee counts, such calculation shall be based on the maximum number of employees on the premises at any one time; when parking requirements are determined by student or participant count, such calculations shall be based on the maximum design or licensed capacity.
- (d) Parking spaces for all outside sales lots and other outside uses shall be calculated separately based on this table in addition to building parking requirements.
- (e) The number of required parking spaces for parks, sports fields, churches, and stadiums may be reduced by 20 percent if gravel or grassy overflow space, adequate to compensate for reduced parking, is provided and all landscaping section requirements are met without considering overflow space.
- (f) In all industrial zoning districts, the city may allow a reduction in the number of required parking spaces for industrial uses when the owner can demonstrate, in documented form, a required need less than prescribed by the ordinance . The city may require the additional land that

necessary to meet the required parking standard to be placed in reserve for parking development should the use change or parking provided be determined inadequate. If at any time the city determines parking to be inadequate, the city may require construction of any or all of the additional parking held in reserve.

- (g) Buildings or building areas where an accessory storage constitutes more than 30 percent of the use area shall be considered mixed uses and parking calculations shall be based on mixed use requirements.
- (h) Buildings where an auxiliary use serving the main use constitutes more than 20 percent of building human occupancy or building area and people not using the rest of the facility are allowed to be present shall be considered mixed use buildings and parking calculations shall be based on mixed use requirements except only 90 percent of parking spaces required for auxiliary uses shall be provided.
- (i) If calculated number of parking spaces is less than five, an accessible space shall be provided in addition to those spaces.

(Ord. No. 686, § 1, 6-10-2014)



**CITY OF MARSHALL  
LEGISLATIVE & ORDINANCE COMMITTEE  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, April 4, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	86-247 Landscaping
<b>Background Information:</b>	<p>This section adds a concept of pollinator gardens that has been recently approved by the Council. It limits these gardens to rear yards only in low density residential district, just like vegetable gardens. It must be noted that at the moment pollinator gardens will still not be allowed in those districts by Section 82-1 regulating vegetation in the City.</p> <p>This change has not been presented at the Planning Commission yet.</p>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None Recommended
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-247 Landscaping.

## **Section 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 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 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.
  - (5) Vegetable and pollinator 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 use permit. Such ~~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 use permit, except interim 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 82, Vegetation.
  - (4) Elms, ash, and box elder trees shall not be used unless disease resistant species are utilized.

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.
- (e) 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; Ord. No. 749 2nd series, § 1, 6-23-2020)

**CITY OF MARSHALL  
LEGISLATIVE & ORDINANCE COMMITTEE  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, April 4, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	86-248 Outside Storage
<b>Background Information:</b>	<p>This section was amended several years ago to allow a single shipping container in a general business district as an interim use permit. This change was a result of a specific request since prior to that shipping containers were not permitted in business districts. However, after some conversations – internal and external – staff came to the conclusion that a limitation of just one shipping container may be relaxed because the ordinance requires a fencing around to mask them from public right of way anyway, and, on the other hand, also allows open storage behind fences.</p> <p>The proposed change will limit the total area of containers rather than the number of them, with suggested number being an equivalent of three 40' x 8' containers; a limitation of the area as a percentage of the building area on site will allow avoiding multiple containers placed next to smaller buildings, which would look disproportionate. This will also encourage owners to build an addition if a larger storage area is desired. Additionally, the change will allow storage units other than standard shipping containers, again, due to the reason they will be fenced off anyway and will not be visible. These changes have not been presented at the Planning Commission yet.</p>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None recommended
<b>Recommendations:</b>	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-248 Outside storage.



## **Section 86-248 Outside Storage**

- (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 required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, 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 classes of business districts, the storage area shall be paved or graveled to control 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 two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (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 districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate access to, and 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. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, outdoor display and sale shall be allowed during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
  - (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 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent 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 by city staff for ordinance compliance.
- (e) 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. In R-1 and R-2 residence districts trash cans shall not be stored in the required 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. In all classes of business and industrial districts, 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 classes of multiple-family and business 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. Enclosure requirement does not apply in the Downtown district.
  - (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 obtained. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, and PODS, are not allowed as permanent storage units in all classes of residential or business districts. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, storage units~~shipping containers~~ totaling less than 1,000~~340~~ square feet or ten percent of the main building area, whichever is less, may be permitted by an interim use permit in a B-3 general business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side or rear yard.
  - (2) The containers shall be located so as not to be visible from ~~adjacent~~ public right-of-way, public parks, or any lot ~~within 500 feet~~ in any of the classes of business or residence districts within 500 feet. It may be screened by fencing or landscaping means compliant with section 86-247; if taller fence is required to block the view, it may be permitted.
  - (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
  - (4) The interim use permit shall expire when the property changes ownership or earlier.
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. 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. No storage or accumulation of any materials in trailers is permitted.

(Code 1976, § 11.19(3)(A)(2); Ord. No. 687, § 1, 6-10-2014; Ord. No. 749 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

**Editor's note(s)-**Ord. No. 687, § 1, adopted June 10, 2014, amended the title of § 86-248 to read as set out herein. Previously § 86-248 was titled storage of materials.

#### HISTORY

Amended by Ord. 22-005 on 5/10/2022