

**AGENDA**  
**MEETING OF THE MARSHALL PLANNING COMMISSION**  
**WEDNESDAY, OCTOBER 11, 2023**  
**COUNCIL CHAMBERS – CITY HALL**  
**5:30 P.M.**

- 1) *Call to Order*
- 2) *Consider the approval of the minutes of the September 13, 2023, regular meeting of the Marshall Planning Commission.*
- 3) *Consider Ordinance amending Section 86-30 Amendments*
- 4) *Consider Ordinance amending Section 86-247 Landscaping and relevant definitions in Section 86-1 Definitions*
- 5) *Consider Ordinance amending Section 86-248 Outside Storage*
- 6) *Other Business*
- 7) *Adjourn*

**--UNAPPROVED --**

**MINUTES OF THE  
MARSHALL PLANNING COMMISSION MEETING  
September 13, 2023**

**MEMBERS PRESENT:** Lee, Pieper, Stoneberg, Muchlinski, Doom, Adboola,  
**MEMBERS ABSENT:** Deutz  
**OTHERS PRESENT:** Jason Anderson, Amanda Schroeder, Ilya Gutman

1. The meeting was called to order by Chairperson Lee. Lee asked for the approval of the minutes of the August 9, 2023, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY MUCHLINSKI, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Gutman gave the Zoning Ordinance review presentation.
3. Since there was no other business, A MOTION WAS MADE BY STONEBERG, SECOND BY PIEPER to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Lee declared the meeting adjourned.

Respectfully submitted,  
Karla Ellis, Recording Secretary



**CITY OF MARSHALL**  
**AGENDA ITEM REPORT**  
**PC 10/11/23**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, October 11, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	86-30 Amendments
<b>Background Information:</b>	<p>Suggested changes will make more uniform the most common procedures that involve the Planning Commission and require public hearings. Currently, rezoning, variances and conditional use permits go to the Planning Commission meeting for public hearings; however, plats and changes to zoning ordinance text have public hearings at the Council meetings. This inconsistency sometimes causes confusion. The proposed changes will move public hearings for platting and zoning ordinance amendments to the Planning Commission meetings making everything more consistent. Procedures requiring two council meetings will still have them, except the second one will not be a public hearing.</p> <p>City attorney has reviewed these changes.</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 86-30 Amendments in order to move all public hearings to the Planning Commission meeting.

## **Section 86-30 Amendments**

- (a) *Intent.* This chapter and the boundary maps adopted pursuant to this chapter may be amended whenever the public necessity and convenience and the general welfare require.
- (b) *Who may apply.* Amendments to this chapter, including rezoning, may be initiated by:
  - (1) The city council;
  - (2) The planning commission;
  - (3) The city staff acting on behalf of the city council; or
  - (4) The affected property owner.

For the purpose of this section, the words "affected property owner" shall mean the actual owner of the property which is proposed to be rezoned or is directly controlled by the chapter regulation proposed to be changed.

- (c) *Application forms.* All amendment requests, including rRezoning requests, may be applied for only on the forms prepared by the city zoning administrator. All rezoning applications shall be accompanied by a list of names and addresses of the owners of lands within 350 feet of the property described on the application as the same appear on the records of the county.
- (d) *Application fee.* The council may, by resolution, establish a fee for the filing of applications for amendments, including rezoning, by the affected property owners. The fee shall be paid before the application shall be considered, and shall not be refundable. In case of public property being rezoned, the fee may be waived by the zoning administrator.
- (e) *Application requirements.* All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed, proposed buildings and uses, and all lands within 350 feet of the boundaries of the property proposed to be rezoned. Application for rezoning shall be made to the planning commission.
- (f) *Procedure.* The planning commission may hold such hearings on the amendment or rezoning as it may consider necessary. Before any amendment or rezoning is adopted, the planning commission shall hold a public hearing pursuant to Minn. Stat. § 462.357, subd. 3. Following the hearing, the planning commission shall make a report upon the proposal to the council and shall recommend to the council whatever action it deems advisable.
- (g) *City council proceedings.* Upon the receipt of the report of the planning commission, the council may hold whatever hearings it deems advisable and shall make a decision on the request for amendment or rezoning. When the council is making this decision, it is acting as a board of zoning adjustments and appeals. If planning commission meetings are cancelled due to lack of quorum and recommendations are not presented to the council within 60 days of the day of submitting application to the planning commission, the council may proceed

without receiving a planning commission report. Unless a public hearing ~~for~~ **rezoning** is held at the planning commission meeting, at least one public hearing shall be held by City Council pursuant to Minn. Stat. § 462.357, subd. 3. Unless state law otherwise requires a two-thirds vote, ~~t~~The amendment or rezoning shall be effective only if a majority of all the members of the council concur in its passage.

- (h) *Appeal*. Any person aggrieved by a decision of the council shall have a right to appeal such decision to the state district court located in the county. Such appeal shall be filed within 30 days of the date of the council's decision.

(Code 1976, § 11.24; Ord. No. 656 2nd series, § 1, 5-22-2012; Ord. No. 680 2nd series, § 1, 9-24-2013)

**State law reference(s)**—Amendments, Minn. Stat. § 462.357, subds. 2, 3.



**CITY OF MARSHALL**  
**AGENDA ITEM REPORT**  
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<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, October 11, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	86-247 Landscaping, 86-1 Definitions
<b>Background Information:</b>	This section adds a concept of pollinator gardens that has been recently approved by the Council. To be consistent with general structure of the Zoning Ordinance, the pollinator garden definition is added to Section 86-1 Definitions of the Zoning Ordinance (this definition was created in cooperation with Amanda Beckler from the Community Services department). The Ordinance treats vegetable, flower, and pollinator gardens in a similar manner, removing practically all limitations on their placements, including allowing them in front yards with no limitation on their sizes. To help alleviate neighbors' concerns, a minimal setback from property lines is required for all gardens.
<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.

*Lot, flag*, means a lot with narrow or no frontage on the public right-of-way where vehicular access is provided to the lot by means of a narrow portion of a lot or an access easement.

*Lot, interior*, means a lot other than a corner lot.

*Lot lines* means the lines bounding a lot and separating it from other lots or public right-of-ways.

*Lot line, front*, means a lot line abutting a dedicated public right-of-way except alleys or any other access way that provides the only site access.

*Lot line, side*, means any lot line other than a front or rear lot line.

*Lot line, rear*, means a lot line which is usually directly opposite the front lot line. A lot may have only one rear lot line.

*Lot, substandard*, means any lot which does not meet the minimum lot area, length, depth, width or other dimensional standards of the section.

*Lot width* means the distance between side lot lines measured along the front lot line.

*Lot width, average*, means the distance between side lot lines measured at a point halfway between front and rear lot lines.

*Manufactured home* means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. A recreational vehicle or trailer is not a manufactured home.

*Manufactured home park* means any site, lot, field or tract of land upon which two or more occupied, manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such manufactured home park.

*Marquee* means a flat roofed structure that is wholly supported by the building to which it is attached.

*Nonconforming* means a use or a structure lawfully in existence on April 6, 1964, or on the effective date of amendments to this chapter, and not conforming to the current regulations for the district in which it is situated.

*Outlot* means a tract of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

*Patio* means a structure made of concrete, brick, wood, or other building materials, with a height of six inches or less from ground level from any point of the structure, and not attached to a building.

*Pollinator gardens, or natural landscapes*, means intentionally designed and managed gardens that contain non-native plants or native species that are listed as pollinator-friendly plants by the State of Minnesota Board of Water and Soil Resources (MNBWSR) or one of MNBWSR's partner organizations; pollinator gardens may not include any noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state, and shall be maintained to remove all unintended vegetation and cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches.

## **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, including vegetable, flower, and pollinator gardens, 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) Private vVegetable, flower and pollinator gardens are allowed in ~~all R-1 and R-2~~ residence districts and, except vegetable gardens, in all business 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. 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. All such gardens shall not be placed on the right-of-way or closer than five feet to all property lines and buildings.
    - a. As an exception, for lots where there are no permitted use principal buildings, flower and pollinator gardens are permitted but shall not be placed closer than fifteen feet to all property lines.
  - (6) Community vegetable gardens may be allowed in all ~~business~~other zoning districts by an interim use permit, except interim use permit is not required in agricultural district. Such gardens shall not be located in the required yards or closer than ten feet to any building.
- (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, including flower and pollinator gardens) 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.

(c) In all classes of business and industrial 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.

(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  
AGENDA ITEM REPORT  
PC 10/11/23**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Wednesday, October 11, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	86-248 Outside storage: shipping containers
<b>Background Information:</b>	This section had been amended multiple times in the past, first to allow a single shipping container in a general business district with an interim use permit, and then several times more to make it less and less restrictive. At the Council meeting in August, City staff asked for confirmation of City Council support for the City Ordinance as it was written and confirmation of City Council support for City staff's function regarding Code enforcement. At that meeting, the Council directed staff to review this section again. The proposed change will now allow a single storage unit – still with an interim use permit - without a fence around, provided it is painted to match the building.
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	Keep section as is and do not amend.
<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 units are not allowed as permanent storage in all classes of residential or business districts. Storage units include motor vehicle trailers, including semi-trailers, designed to carry cargo; cargo or shipping containers constructed out of prefabricated metal and designed for overseas shipping or mounting on rail cars or truck trailers; or steel framed, weatherproof moving containers, commonly known as PODS. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; in Business districts, the 30 days limit may be extended ~~for longer up to 180 days~~ by an interim use permit, provided such unit is painted to match the building, has no signage, lettering, or advertising of any sort, and is not placed in the front yard or required side or rear yards. 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 totaling less than 1,000 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 the public right-of-way, public parks, or any lot in any of the classes of business or residence districts within 500 feet of the containers. It may be screened by fencing or landscaping means compliant with section 86-247. If a fence taller than otherwise permitted by the Ordinance is required for screening by an interim use permit condition, a variance for such fence construction shall not be required.
  - (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 as approved by the council.
- (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.

**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*

*Amended by Ord. [23-009](#) on 5/9/2023*