



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 5/14/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, May 14, 2024
<b>Category:</b>	INFORMATION ONLY
<b>Type:</b>	INFO
<b>Subject:</b>	Zoning Ordinance application beyond city limits
<b>Background Information:</b>	<p>There are several Orderly Annexation areas around the City of Marshall where the City has a legal authority to enforce its zoning ordinance based on the Statutes and agreements with townships around. Additionally, Statute 462.357 Subdivision 1 seems to give the City additional authority to enforce Zoning Ordinance within two miles of the city limits, but this should be verified. The intent of the Statutes is to allow cities to control surrounding areas for future growth to prevent multiple non-conforming uses within city limits when areas are annexed and also to generally follow their comprehensive plans. This expansion of city power beyond its borders applies to Zoning regulations only, not Building Code or any other City ordinance.</p> <p>Historically, the City never used this authority in the past. Enforcing zoning ordinance within two miles requires a special Council resolution on one hand, and cooperation from the County, on the other hand. But even applying zoning requirements to orderly annexation areas would be relatively complicated and require County’s help. As a result, development right outside of city limits has not been in line with the City Comprehensive Plan and chaotic in nature. In fact, the only location outside of the City limits that has been rezoned from Agricultural (a district assigned to all orderly annexation areas and all newly annexed areas) is a small area located north of Diversion Channel and west of Highway 68 North.</p> <p>There has been a new urgency lately to consider expanding zoning ordinance regulations outside of the city limits: Wind towers. They have been built everywhere lately but they can also be a source of reduced quality of life for people living around them due to noise, appearance, bird deaths, and potentially other problems. The City may be interested in keeping them away from the City and its vicinities. Combined with adding commercial wind towers to prohibited uses in Section 86-31, this expansion of Zoning regulations beyond City limits may be a change to be considered by the L&amp;O to start the process.</p>
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	Discussion only