

Sec. 86-161. - Height modifications.

- (a) Height limitations set forth elsewhere in this chapter may be increased by 100 percent when applied to the following:
- (1) Church spires and, belfries ~~or domes~~ which do not contain usable spaces.
 - (2) Monuments.
 - (3) Water towers.
 - ~~(4) Flagpoles.~~
 - ~~(45)~~ Chimneys or smokestacks.
 - ~~(56)~~ Cooling towers.
- (b) Height limitations set forth elsewhere in this chapter may be increased by 25 percent when applied to the following:
- (1) Elevator and mechanical penthouses, stair enclosures, and church domes.
 - (2) Clearstories, skylights, and other above roof structures with a footprint less than ten percent of the roof area.
 - (3) Commercial silos.
 - (4) Industrial equipment.

(Code 1976, § 11.19(4)(A); Ord. No. 466, § 2, 10-15-2001; Ord. No. 750 2nd series, § 1, 6-23-2020)

Sec. 86-162. - Yard modifications.

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (1) Cornices, awnings, marquees, ~~or eaves,~~ pergolas, and balconies may extend into the required front yard a distance not exceeding four feet, ~~six inches,~~ and the required side yard distance not exceeding two feet.
- (2) Fire escapes may extend into the required front yard a distance not exceeding ~~five~~ four feet, ~~six inches.~~ Basement egress window wells may extend into required front and side yards a distance not to exceed three feet.
- (3) A landing ~~place or,~~ deck ~~or uncovered porch~~ may extend into the required front yard to a distance not exceeding eight feet, if they ~~landing place or porch~~ have ~~the~~ its floor no higher than the main entrance floor of the building, except a landing ~~place~~ installed at the main entrance of existing residential structure and projecting no more than four feet from the structure may extend 15 feet into required front yard. A four foot square landing, not including stair, or a five foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing. ~~;~~ An open railing no higher than three feet may be placed around such ~~structures~~ place.
- (4) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard.
- (5) The architectural features listed in paragraphs 1 through 4 may also extend into the required rear yard to the same extent as permitted for extension into the required front yard. If an easement coincides with, or is wider than, a required yard, architectural features listed in paragraphs 1 and 2 may extend into such easement not more than two feet with written approval of the city engineer.
- (6) Retaining walls, fences, and other similar structures located in any yard shall not exceed seven feet in height in any of the classes of residential and business districts. Barbed wire or electrical fencing materials are prohibited in these locations.
- (7) Retaining walls, fences or any other structures, both permanent and temporary, located in the front yard of a corner lot at the intersection of streets, except pilon signs, shall not exceed three feet in height as measured above the curb within a 25-foot visibility triangle of the property corner at such intersection and within a 10-foot visibility triangle adjacent to alleys and driveways.
- (8) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets.
- (9) In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.
- (10) Any structure, including fences, built in the rear or side yard that opens into an alley, must not be placed less than three feet from the property line defining this alley. Any garage with overhead door facing, and having a direct vehicle access from, an alley must not be placed less than 18 feet from the alley.
- (11) No front, side or rear yard shall be required in the downtown district, except single family houses and duplexes ~~which area shall be designated on the official zoning map.~~
- (12) On a corner lot fronting two intersecting streets, either yard opposite the street may be designated the rear yard; in case of a triangular corner lot, the yard not adjacent to streets shall be designated the rear yard but shall meet the setback requirements of a side yard. On a corner lot fronting three streets, the yard opposite the front yard located between two other front yards

Sec. 86-163. - Accessory buildings.

- (a) Purpose. These regulations governing accessory buildings are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the type, size and location of accessory buildings.
- (b) Accessory buildings shall comply with the following regulations in addition to other requirements of this chapter:
- (1) An accessory building must not be placed on a lot where there is no permitted use main building except in a case when such lot is not substandard and is adjacent to the lot where a permitted use main building is located, provided both lots have the same owner(s), and the owner(s) sign and record an agreement prohibiting the sales or transfer of individual lots unless a new main structure is built on a lot where a standalone accessory building, compliant with the city ordinance, is located or said accessory building is removed. If such accessory structure is allowed under above conditions, the city ordinance shall be applied as if two adjacent lots are combined into one.
 - (2) An accessory building must not be placed less than five feet from the main building or another accessory building.
 - (3) An accessory building must not be placed in a required front yard or side yard, or less than 12 feet to the rear property line except one accessory building less than 200 square feet in area and less than ten feet in height may be placed not less than five feet to the side or rear property line. For accessory buildings over 1,000 square feet or over ten feet in height, the distance to the rear property line shall be increased by one-foot for every 100 square feet area increase over 1,000 square feet and every one-foot height increase over ten feet until ordinance required rear yard depth is reached.
 - (4) An accessory building must not exceed 1,000 square feet in area in the R-1 one-family residence district, nor exceed 600 square feet in area per dwelling unit in residential structures in any other residential district, nor exceed 80 percent of the footprint area of the main use building when its footprint exceeds 1,200 square feet in all classes of residential and business districts, except an accessory building size may be increased 50 percent if located on lots of more than seven-tenths of an acre in the R-1 one-family residence district and the R-2 one- to four-family residence district. In all classes of residential and business districts, all accessory buildings combined must not exceed the area of the main building nor occupy more than 25 percent of the area of a rear or front yard.
 - (5) In all classes of residential and business districts an accessory building must not be more than one-story or greater than 15 feet in ~~actual~~ height. An accessory building located 25 feet or more from all property lines on a lot of seven-tenths of an acre or more must not be more than one and one-half stories, nor more than 18 feet in ~~actual~~ height. Accessory buildings must not be greater in height than the main building. Open lofts and mezzanines shall not be considered stories.
 - (6) In the R-1 one-family residence district and the R-2 one- to four-family residence district, an accessory building must not be located a lesser distance to a front property line than the main building; ~~except an open gazebo under 200 square feet in area and 12 feet in height may be placed in front of the main building on lots of more than seven-tenths of an acre, provided the house front yard depth is at least two times greater than the required front yard. On double frontage lots one accessory building may be permitted on the side opposite to the lot access point provided it meets applicable front yard requirements and matches the main structure in appearance. In all classes of residential and business districts, accessory buildings located in the front yard shall be finished to match the main use building.~~

(a) On lots of more than seven-tenth of an acre with a front yard depth at least two times greater than the required front yard, an open gazebo under 200 square feet in area and 12 feet in height may be placed in front of the main building.

(b) On lots of more than seven-tenth of an acre with a front yard depth at least two times greater than the required front yard, a detached garage may project up to 10 feet past the nearest main building front wall, provided it is located less than 10 feet away from such main building and projection is less than half of garage's full depth.

(c) In all classes of residential and business districts, accessory buildings located in, or protruding into, the front yard shall be finished to match the main use building.

- (7) In the R-1 one-family residence district and the R-2 one- to four-family residence district there must not be more than two accessory buildings placed on a lot of less than seven-tenths of an acre, nor more than three accessory buildings placed on a lot of more than seven-tenths of an acre. An open gazebo under 200 square feet in area and 12 feet in height may be built in addition to the number of accessory building limitations indicated above.
- (8) All accessory buildings must be constructed to comply with all requirements of the building code including structural requirements.
- (9) No accessory building shall be used, permanently or temporarily, for human habitation; any building containing provisions for human habitation shall be considered a main use. In the R-1 one-family residence district and the R-2 one- to four-family residence district, one travel trailer, camper, motor-home or recreational vehicle may be used as a temporary guest residence for no more than ten days per calendar year. If placed in the front yard, it shall not project into public right-of-way or visibility triangles. The ten days limit may be extended to 30 days by an interim use permit.
- (10) Trailers, semi-trailers, and storage containers (including, but not limited to, cargo and shipping container and PODS or any structures made of the above components) ~~shall must~~ not be ~~considered or~~ used as accessory buildings ~~in all classes of residential or business districts. A single unit as described above may be utilized for temporary storage for no more than 30 consecutive days in a calendar year. The 30 days limit may be extended to 180 days by applying for an interim use permit and complying with all requirements of the city and building codes.~~
- (11) Any accessory building exceeding 300 square feet, capable of storing street legal motorized vehicles, shall be provided with a street access in a form of a driveway that shall be paved from the street through the required front yard. No driveway shall be required for secondary garages, provided a minimum double garage is attached to the house; however, if such driveway is installed, it shall be paved within the public right-of-way.
- (12) Accessory buildings must not be located within any utility easements. Overhangs and eaves may extend into such easement not more than two feet with written approval of the city engineer.
- (13) In all classes of residential and business districts accessory buildings, including carports but excluding temporary structures installed for less than 90 days, must not use cloth, canvas, plastic sheathing, tarps, or similar materials as finish building materials.
- (14) Temporary family health care dwellings are not permitted, pursuant to authority granted by Minn. Stat. § 462.3593, subd. 9.

(Code 1976, § 11.19(4)(C); Ord. No. 574, § 1, 6-4-2007; Ord. No. 614, § 1, 10-13-2009; Ord. No. 681 2nd series, § 1, 9-24-2013; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 711 2nd series, § 1 8-8-2016; Ord. No. 750 2nd series, § 1, 6-23-2020)

Sec. 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 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 ~~two~~ ~~one~~ weeks prior to construction and is exempt from the above requirements provided a valid building permit is ~~obtained~~ ~~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 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. Outdoor display area shall be adequately lighted.
- (c) Outdoor display and sale shall be allowed in all classes of residential 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.
 - (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.

- (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.
- (f) Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, PODS, and dumpsters, are not allowed as permanent storage ~~units structures~~ in all classes of residential or business districts, except a single shipping container may be allowed in a B-3 General business district by a conditional use permit. Utilization of a single unit ~~these types of containers for temporary use~~ is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended to 180 days by an interim use permit in accordance with section 86-163. The above limitations do not apply to temporary construction dumpsters as regulated in subsection (e). When allowed by a conditional use permit in a B-3 General business district, the unit shall meet, at a minimum, the following conditions:
- (1) The unit shall not be placed in any required yard or any front yard.
 - (2) The unit 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 residence districts. The screening may be achieved by fencing or landscaping means compliant with section 86-247.
 - (3) The unit shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising.
 - (4) The unit shall be maintained in original shape at all times.
- (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 ~~open~~-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)

Editor's note— 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.

Sec. 86-164. - Accessory equipment.

- (a) In all the classes of residential districts, accessory equipment shall be subject to the following qualifications:
- (1) Accessory equipment, except a single basketball hoop, shall not be located in any required front yard, side yard, or be located within 12 feet of any rear lot line, ~~except~~ Accessory equipment cumulatively less than 200 square feet in area and less than eight feet in height and sport courts shall not ~~may~~ be placed ~~not~~ less than five feet to the side or rear property line. Residential type AC units are permitted within required side or rear yards.
 - (2) Accessory equipment shall not exceed 12 feet in height when measured from the lowest point of the finished surface of the ground within five feet of the support structure to the top of the equipment. Equipment mounted on the roof of the building shall not project beyond the highest portion of the pitched roof structure of the building nor exceed four feet above the flat roof structure.
 - (3) When the accessory equipment is attached structurally and not just electrically to the main building, it shall comply in all respects with the requirements of this chapter as applicable to the main building and also to the requirements of the building code.
 - (4) Accessory equipment ~~shall~~ must not be placed on a lot where there is no permitted use main building except in a case when such lot is not substandard and is adjacent to the lot where a permitted use main building is located, provided both lots have the same owner(s), and the owner(s) sign and record an agreement prohibiting the sales or transfer of individual lots unless a new main structure is built on a lot where accessory equipment, compliant with the city ordinance, is located or said accessory equipment is removed. If such accessory equipment is allowed under above conditions, the city ordinance shall be applied as if two adjacent lots are combined into one, except a sports court may be located at a lesser distance to a front property line than the main building.
 - (5) In the R-1 one-family residence district and the R-2 one- to four-family residence district accessory equipment ~~shall~~ must not be located a lesser distance to ~~the~~ front property line than the main building except residential type AC units ~~accessory equipment less than six square feet in area and less than four feet in height~~ or unless fully screened from public right-of-way by solid fence. On double frontage lots accessory equipment may be permitted on the side opposite to the lot access point provided it meets applicable front yard requirements.
 - (6) Accessory equipment, including any projections, ~~shall~~ must not be located within any utility easements.
- (b) In all the classes of business districts, accessory equipment shall be subject to subsections (a)(1), (2), (3) and (6).
- (c) In all the classes of industrial districts, accessory equipment shall be subject to subsections (a)(1), (3) and (6).

(Code 1976, § 11.19(4)(D); Ord. No. 681 2nd series, § 1, 9-24-2013; Ord. No. 750 2nd series, § 1, 6-23-2020)

ORDINANCE NO. _____, SECOND SERIES

**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, 86-161 Height modifications, 86-162 Yard modifications, 86-163 Accessory buildings, 86-164 Accessory equipment, and 86-248 Outside 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. _____, Second Series.

It is hereby directed that only the above Title and Summary of Ordinance No. _____, 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 27th day of April 2021.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Introduced on: April 13, 2021

Final Passage on: April 27, 2021

Published in the Marshall Independent: _____