



CITY OF MARSHALL

AGENDA ITEM REPORT

COUNCIL 5/27/25

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 27, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider the request for an Interim Use Permit to have a reduced setback for a garden in an R-1 Low Density Residence district at four adjacent lots.
Background Information:	<p>This is a request for an interim use permit to allow a rain/pollinator garden to extend to the property line in an R-1 Low density residence district. The proposed garden will be 12 feet wide and will be centered along the rear property line between four adjacent lots.</p> <p>Section 86-247 (a) (5) requires that all vegetable, flower, and pollinator gardens are located at least five feet from the property lines, and this distance is increased to 15 feet on lots with no principal use. Out of four lots an IUP is asked for, two have houses and two are vacant. The land is naturally low along the rear east-west property line, so both owners want to have a pollinator garden there since this area is frequently flooded and cannot be used in any other way.</p> <p>Section 86-46 (b) allows issuing Interim Use Permits for “any use that is seasonal or temporary in nature,” which any garden clearly is. Interim use permits allow setting an expiration term, and staff recommendation is to set an expiration for each parcel when it is sold or otherwise changes the ownership.</p> <p>Please see Findings of Fact for more information. An aerial photo and sketches are attached.</p> <p>The Planning Commission conducted a public hearing on May 14, 2025, and unanimously recommended approval.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	None recommended
Recommendations:	<p>Planning Commission and staff recommend a motion to approve the request for an Interim Use Permit for a zero setback for a rain/pollinator garden for all four parcels, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The garden will not exceed overall width of 12 feet. 2. The garden will be maintained in accordance with the Zoning Ordinance. 3. A minimum five-foot setback from the east and west property lines will be kept. 4. For each individual lot, this Interim use permit expires when the property is sold or changes ownership in any way.