

**ORDINANCE 23-\_\_\_\_\_**

**ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES  
CHAPTER 86 AND CHAPTER 82**

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

Section 1: City Code of Ordinances, Chapter 86-Zoning, Article 86-VI Supplemental Regulations, and Chapter 82-Vegetation, Article 82-I In General are hereby amended as follows:

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**MARSHALL CITY CODE OF ORDINANCES  
CHAPTER 86-ZONING  
ARTICLE 86-I IN GENERAL**

**Section 86-1 Definitions**

*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.

**MARSHALL CITY CODE OF ORDINANCES  
CHAPTER 86-ZONING  
ARTICLE 86-VI SUPPLEMENTAL REGULATIONS  
DIVISION 86-VI-4 PERFORMANCE STANDARDS**

**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 vegetable, flower and pollinator gardens are allowed in all residence districts and, except vegetable gardens, in all business districts. . All such gardens shall not be placed on the right-of-way or closer than five feet to all property lines and buildings and shall not occupy more than 25 percent of the front yard.
    - 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 zoning districts by an interim use permit. 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)

**MARSHALL CITY CODE OF ORDINANCES**  
**CHAPTER 82 VEGETATION**  
**ARTICLE 82-I IN GENERAL**

**Section 82-1 Grass And Weeds On Private Property**

- (a) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city, to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than eight inches, unless such grass brome grass or alfalfa, which is cut, baled and removed from the premises according to normal farming practices.
  - (1) The provision of subparagraph (a) does not apply to any area within Industrial and Agricultural zoning district, as defined in Chapter 86 Zoning, provided that the area with grass exceeding 8 inches in height is located at least 200 feet from the nearest occupiable building and 100 feet from such building on the same lot; and at least 50 feet from the public right of way, a sidewalk, bike path, parking lot, or any other site feature reasonably expected to be visited by the general public on a regular basis.
  - (2) The provision of subparagraph (a) does not apply, with the approval of the City Engineer, in all zoning districts within 15 feet of the top of the slope of any permanent body of water such as a pond or a river.
  - (3) The provision of subparagraph (a) does not apply to City owned agriculturally zoned land and other areas maintained as pollinator gardens as defined and regulated in Chapter 86 Zoning Ordinance of this Code.

(b) If any such owner, occupant or agent fails to comply with this height limitation and, after notice given by the city clerk, has not within seven days of such notice complied, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The finance director shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

(Code 1976, § 10.25; Ord. No. 723 2nd Series, § 1, 8-8-2017)

**State law reference(s)**—Minnesota Noxious Weed Law, Minn. Stat. § 18.75 et seq.; special assessment authorized, Minn. Stat. § 429.101.

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

Passed and adopted by the Common Council this 14h day of November 2023.

THE COMMON COUNCIL

ATTEST:

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Mayor of the City of Marshall, MN

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City Clerk

Summary Ordinance Introduced on: October 24, 2023

Ordinance Introduced on: October 24, 2023

Final Passage on: November 14, 2023

Summary Ordinance Published in the Marshall Independent: