

SECTION 1:**AMENDMENT** “Section 86-247 Landscaping” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-247 Landscaping

- (a) In all classes of residential and business districts, all exposed ground areas surrounding a principal and accessory use buildings, 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 areas shall not be used for the recurring parking of vehicles, except as allowed~~provided for~~ in section 86-230 for overflow parking, or temporary~~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 residential~~residence~~ and, except vegetable gardens, in all business districts. All such gardens shall not be placed on the right-of-way or closer than five (5) feet to all property lines or buildings.
 - a. As an exception, for residential lots where there is no permitted use principal building, flower and pollinator gardens are permitted but shall not be placed closer than fifteen (15) 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) Where required, ~~the~~ landscaped area shall occupy not less than 25 percent of the ~~exposed ground~~ area of the lot not covered by buildings. 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 or dead limbs shall be trimmed; and 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. Residential lots containing more than eight dwelling units shall be separated from adjacent residential lots containing fewer than four dwelling units~~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 enlargements and expansions over 50 percent of existing building footprint area or construction of additional principal~~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; a permanent certificate of occupancy shall not be issued until requirements of this section are met, with the exception of tree planting on residential lots containing fewer than four dwelling units. ~~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)